

Chapter 30 - ZONING⁽¹⁾

Footnotes:

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Cross reference— Buildings and building regulations, ch. 6; environment, ch. 8; floods, ch. 10; land divisions and subdivisions, ch. 12.

State Law reference— Township Zoning Act, MCL 125.271 et seq.; township planning, MCL 125.321 et seq.

ARTICLE I. - IN GENERAL

Sec. 30-1. - Statutory authority; scope.

This chapter is enacted under Public Act No. 184 of 1943 (MCL 125.271 et seq.) to establish, in unincorporated areas of the township, zoning districts in which the location of trades and industries is regulated and restricted, and to regulate the use of land in the township and the location of buildings designed for specified uses, and restrict and determine the areas within which given forms of land utilization shall be prohibited; to designate in such districts the use of land for agriculture, recreation, residence, industries, trade, soil conservation, water supply conservation, natural resources, and the uses for which buildings and structures shall or shall not be erected, altered or moved and designate the trades and industries that shall be permitted or excluded or subjected to special regulations and in each of such districts, designating and limiting the location, height, floor area, number of stories and size of dwellings, buildings and structures hereafter erected, altered or moved; to regulate and limit the use of tent and automobile trailers and trailer coaches for community dwelling purposes; to regulate and determine the area of yards, courts and other open spaces; to restrict the number of persons and families which may be housed in dwellings hereafter erected or altered, and provide for the sanitary, safety and protective measures required for such dwellings, buildings, and structures, including tents and trailer coaches; to regulate and determine the areas to be used for agriculture and recreation; to designate the use of certain state-licensed residential facilities; to provide for the acquisition by purchase, condemnation or otherwise of nonconforming property; to provide for petitions and public hearings; to provide for amendments and supplements thereto; to provide for the administration and enforcement of this chapter; and to provide penalties for the violation of its provisions and the collection of building permit fees in benefited districts and of taxes therefor, and for amendments to this chapter.

(Comp. Ords. 1988, § 15.005)

Sec. 30-2. - Purpose.

This chapter is enacted pursuant to the authority conferred by the public acts of the state in such case made and provided and for the purposes of meeting the needs of the township's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that the use of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements; and to promote public health, safety, and welfare, all in accordance with a comprehensive plan.

(Comp. Ords. 1988, § 15.010)

Sec. 30-3. - Definitions and rules of construction.

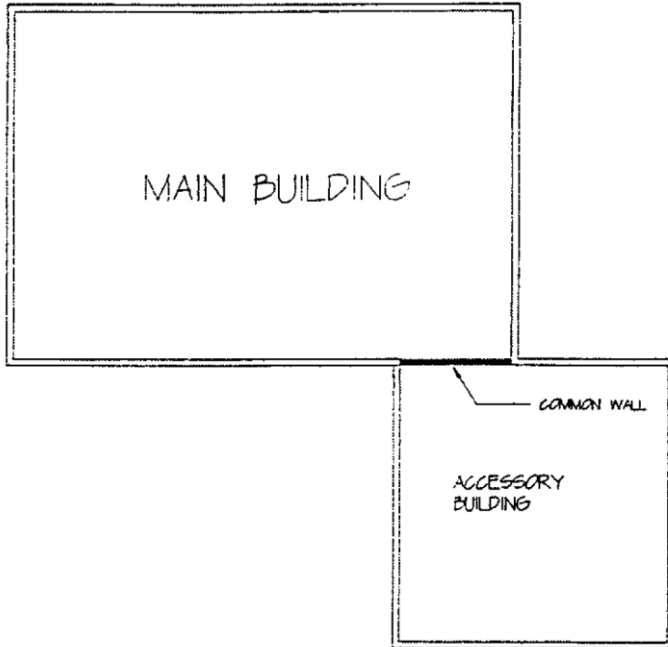
- (a) The following rules of construction apply to the text of this chapter:
- (1) The particular shall control the general.
 - (2) In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
 - (3) The term "building" or "structure" includes any part thereof.
 - (4) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
 - (5) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
 - (6) Terms not defined in this chapter shall have the meaning customarily assigned to them.
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building and *accessory structure* mean a subordinate building or structure, which may be attached to or detached from the main building, but which is located on the same lot, the use of which is clearly incidental and accessory to that of the main building.

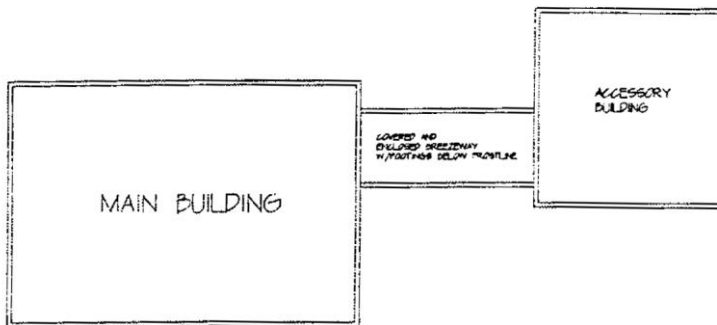
Accessory building or structure, attached. An accessory building or structure shall be considered attached to the main building or structure if it meets all of the following criteria:

- (1) It conforms to all regulations of this chapter applicable to attached accessory buildings as set forth in section 30-424.
- (2) One of the following conditions is present:
 - a. The interior space, or any portion thereof, of the accessory building or structure is separated from the interior space, or any portion thereof, of the main building by a common wall (see the illustration in example A following this definition).
 - b. The accessory building or structure does not share a common wall, but is attached to the main building by means of a covered, enclosed breezeway with footings below the frost line (see the illustration in example B following this definition).
- (3) The ground floor area of an attached accessory building or structure shall not exceed the ground floor living area of the main building.

ATTACHED ACCESSORY BUILDING EXAMPLE "A"



ATTACHED ACCESSORY BUILDING EXAMPLE "B"



Accessory building or structure, detached. An accessory building which is not attached to the main building (as defined in *Accessory building or structure, attached*) shall be considered a detached accessory building.

Accessory sign means any sign that is accessory to the principal purpose of the site relating to business, service, or products including national brand products supplied at the site.

Accessory use and accessory.

- (1) An accessory use is a use which is clearly incidental to, customarily found in connection with and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related.
- (2) When the term "accessory" is used in the text, it shall have the same meaning as accessory use.
- (3) An accessory use includes, but is not limited to, the following:
 - a. Residential accommodations for servants.
 - b. Residential accommodations for caretakers.

- c. Swimming pools for use of the occupants of a residence or their guests.
- d. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- e. Home occupations.
- f. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
- g. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- h. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- i. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- j. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- k. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
- l. Boathouses used for the accessory storage of not more than two boats on any lot or parcel.

Agriculture means farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar enterprises or uses, but no farms shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the commercial slaughtering of animals. Agriculture shall specifically exclude farms operated that utilize a flesh form of fish, fowl, or animal tissue as a feeding material.

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

Alteration (sign) means a change in size or shape of an existing sign. Copy or color change of an existing sign in conformance with the regulations of this [chapter], is not an alteration. Changing or replacing a sign face or panel in conformance with the regulations of this [chapter], is not an alteration.

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

Anemometer tower means a freestanding tower (or other structural means of mounting) containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is a temporary accessory land use to either a proposed on-site use wind energy system (windmill) or a utility grid wind energy system (wind farm).

Animal nuisance means any excessive odor, excessive noise, dust, destruction, attraction of flies or other objectionable insects, creation of objectionable and/or unhealthful effluent, or other adverse condition caused by, or made worse by an animal(s). (Also see the definition of Nuisance factor.)

Animated sign means a sign that uses movement or change of lighting, including a flashing sign, to depict action or create effect of scene.

Apartments means dwelling units in a multiple dwelling as defined as follows:

- (1) *Efficiency apartment* means a dwelling unit containing a minimum of 500 square feet of floor area, and consisting of not more than one room in addition to kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a one-room unit.

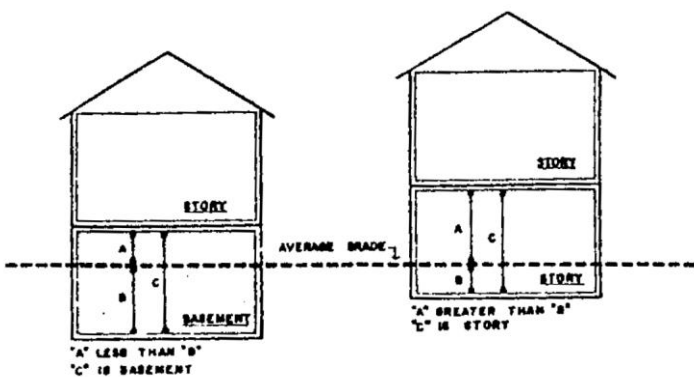
- (2) *One-bedroom unit* means a dwelling unit containing a minimum floor area of at least 600 square feet per unit, consisting of not more than two rooms in addition to kitchen, dining, and necessary sanitary facilities, and for the purposes of computing density shall be considered as a two-room unit.
- (3) *Two-bedroom unit* means a dwelling unit containing a minimum floor area of at least 800 square feet per unit, consisting of not more than three rooms in addition to kitchen, dining, and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three-room unit.
- (4) *Three- or more bedroom unit* means a dwelling unit wherein, for each room in addition to the three rooms permitted in a two-bedroom unit, there shall be provided an additional area of 300 square feet to the minimum floor area of 800 square feet. For the purpose of computing density, a three-bedroom unit shall be considered as a four-room unit and each increase in a bedroom over three shall be an increase in the room count by one over the four.

Area of sign means the area of the sign in square feet displaying lettering and imagery, including the background display. Structural components such as poles, supports, framing structure, or base shall not be included as sign area.

Auto service station means a place where gasoline, or any other vehicular engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of mobile vehicles), are retailed directly to the public on the premises, including the sale of minor accessories and the servicing of and minor repair of automobiles.

Banner means a sign that is produced on a non-rigid surface on which copy or graphics may be displayed.

Basement means that portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.



Basement and Story

Beacon means a light with one or more beams, capable of being directed in any direction.

Bed and breakfast means an establishment located in a building originally constructed as a private residence, in which an innkeeper resides and offers rooms for rent on a short-term basis consisting of 14 consecutive nights or less, and in which meals may be offered to guests renting these rooms.

Billboard means an off-site or non-accessory outdoor sign which advertises a business use or service not conducted on the premises upon which the sign is placed. Billboard structures are generally leased or rented and designed with changeable copy.

Block means subdivided property surrounded by, but not separated by, one or more of the following: streets, railroad rights-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the township.

Boardinghouse means a dwelling in which lodging, or lodging and meals, are furnished to guests for compensation.

Boathouse means a house or shed for sheltering one or more boats.

Building means a structure erected on-site, a mobile home or mobile structure, or a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

Building height means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



MANSARD ROOF



HIP ROOF



GAMBREL ROOF

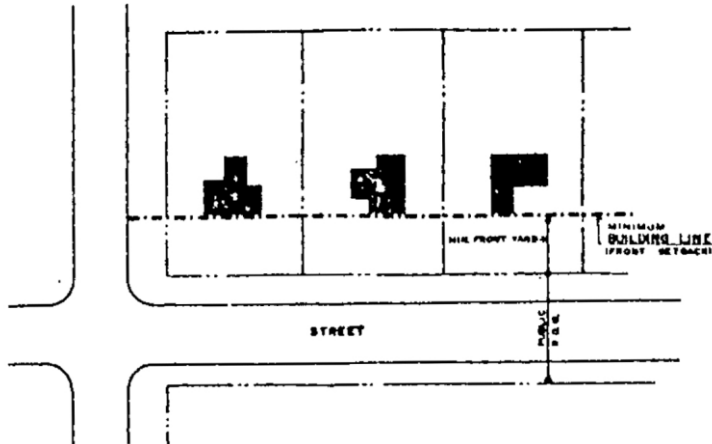


GABLE ROOF

H = HEIGHT OF BUILDING

Building Height

Building line means a line formed by the face of the building. For the purposes of this chapter, a minimum building line is the same as a front setback line.



Building Line

Changeable copy sign means a sign with a changeable message.

Child care center (also known as a *day care center*) means a facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care centers are licensed by the State of Michigan under Public Act 116 of 1973, as amended. Child care center or day care center does not include:

- (1) A Sunday School, a vacation bible school, or a religious instruction class that is conducted by a religious organization where children are in attendance for not more than three hours per day for an indefinite period, or not more than eight hours per day for a period not to exceed four weeks during any 12-month period.
- (2) A facility operated by a religious organization where children are cared for not more than three hours while parents or guardians attend religious worship services.

Clinic means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions.

Club means 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.

Communication tower means a radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. A communication tower shall not be included under the existing definition of essential services.

Condominium.

- (1) *Common elements* means the portions of the condominium other than the condominium units.
- (2) *Condominium Act* means Public Act No. 59 of 1978 (MCL 559.101 et seq.).
- (3) *Condominium subdivision* means a subdivision as defined in chapter 12, article III.

- (4) *Condominium subdivision plan* means site, survey, and utility plans, floor plans, and sections, as appropriate, showing the existing and proposed structures and improvements, including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries, and volume for each unit composed of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common elements.
- (5) *Condominium unit* means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
- (6) *Contractible condominium* means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this ordinance and the Condominium Act.
- (7) *Convertible area* means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this ordinance and the Condominium Act.
- (8) *Expandable condominium* means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with the condominium regulations of this chapter and the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.).
- (9) *Master deed* means the condominium document recording the condominium project as approved by the zoning administrator to which are attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
- (10) *General common elements* means the common elements other than the limited common elements.
- (11) *Limited common elements* means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

Condominium, site means for the purposes of this ordinance, a site condominium is a subdivision of land created and recorded pursuant to the Condominium Act (P.A. 59 of 1978, as amended), and the provisions of this ordinance, containing two or more units of land designed and intended for separate ownership and use, and which may or may not contain general and limited common elements. Except as otherwise specifically provided, a condominium unit is not a "lot" or "parcel" as those terms are used in this ordinance.

Convalescent home, home for the aged, or nursing home means a home for the care of children, or the aged, or infirm, or a place of rest for those suffering bodily disorders, and licensed or required to be licensed by the State of Michigan, but not including housing for the elderly where such persons live independently in individual apartment units.

Copy means the words, letters, numerals, figures, designs, symbols, insignia, trademarks, and background on a sign surface in either permanent or changeable form.

Development means the construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of open land for a new use.

Directional or informational sign means an on-premises sign giving directions or instructions.

District means a portion of the unincorporated area of the township within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

Double-faced sign means a sign with two faces.

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

Driveway means a driveway which provides access to a parcel or premises having the required frontage on a public street or private road which is built in accordance with generally accepted construction practices sufficient to provide passage for emergency vehicles and fire trucks. This passageway is to be of definite width, primarily for use by motor vehicles, over private property, loading from a street, other public way, or private road to a garage or parking area. A horseshoe shape drive or a "T" shape drive located within a front yard is included within this definition.

Dwelling, multiple-family, means a building, or portion thereof, containing three or more dwelling units designed exclusively for occupancy by three or more families living independently of each other and conforming in all other respects to the standards set forth under *Dwelling, single-family*.

Dwelling, single-family, means a building containing not more than one dwelling unit designed exclusively for and occupied exclusively by one family, complying with the following standards:

- (1) It shall comply with the minimum square footage requirements of this chapter for the zone in which it is located.
- (2) It shall have a minimum width across any front, side or rear elevation of 24 feet and comply in all respects with the township building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the township building code, then and in that event such federal or state standard or regulation shall apply.
- (3) It shall be firmly attached to a permanent foundation constructed on the site in accordance with the township building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. If the dwelling is a mobile home, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the state mobile home commission and shall have a perimeter wall as required in this subsection.
- (4) If a dwelling is a mobile home, the mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- (5) The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- (6) The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever shall be less.
- (7) The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, with a roof overhang of not less than 12 inches on all sides; shall have a roof pitch ratio of not less than 5:12 (five vertical to 12 horizontal); shall have not less than two exterior doors with the second one being in either the rear or side of the dwelling; and shall contain permanently installed steps connected to the exterior door areas or to permanently installed porches connected to the door areas where a difference in elevation requires such steps.
- (8) Additions may be made to dwellings which existed prior to the effective date of the ordinance from which this chapter is derived and which do not comply with some or all of the requirements in this definition relative to roof pitch, overhang, or building width, provided that the roof pitch, overhang, or building width of the proposed addition will meet or exceed that of the existing dwelling.
- (9) The dwelling shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required in this definition.
- (10) The dwelling shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing or electrical apparatus and insulation within and

connected to the mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

- (11) The standards in subsections (1) through (10) this definition shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the township pertaining to such parks.
- (12) All construction required in this definition shall be commenced only after a building permit has been obtained in accordance with the applicable township building code provisions and requirements.

Dwelling, two-family, means a building containing not more than two separate dwelling units designed exclusively for occupancy by two families living independently of each other and conforming in all other aspects to the standards set forth under *Dwelling, single-family*.

Dwelling unit means a building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

Electronic message sign means a sign with a fixed or changeable display or message composed of a series of lights or message composed of a series of lights that may be changed through electronic means.

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

Essential services means the erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, and police call boxes, traffic signals, hydrants, and similar equipment in connection therewith, but not including towers, or high pressure gas lines, or buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

Excavation means any breaking of ground, except common household gardening and ground care or operations normally associated with or incidental to farming and agriculture.

Family means one or two persons or parents, with their direct lineal descendants or dependent children (including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling, composing a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this chapter. For purposes of this chapter, six or fewer persons residing in a residential care facility licensed under Public Act No. 218 of 1979 (MCL 400.701 et seq.) shall be deemed a family.

Family (child) day care home (licensed) means a private home (dwelling) in which one but fewer than seven children are received for 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. Family day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. Family day care homes are licensed by the State of Michigan under Public Act 116 of 1973, as amended.

Farm means an establishment engaged in growing crops, sod, plants, trees, shrubs, nursery stock; an establishment engaged in dairying, the maintaining or the raising of livestock and poultry, the keeping of horses, small animals, as well as other similar enterprises or uses.

A farm includes farm buildings such as barns, greenhouses, apiaries and other similar structures.

A farm's land area includes all of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees.

Requirements for a farm by this zoning ordinance are given under section 30-122(7) and (8). Additional requirements for feedlots, chicken hatcheries, poultry farms and swineries are found under section 30-567.

Feedlot means an animal feeding operation is a concentrated animal feeding operation for the purposes of § 122.23 (Under 40 CFR 122, Appendix B) and for the purpose of defining a "feedlot" under this zoning ordinance, if either of the following criteria are met.

(1) More than the numbers of animals specified in any of the following categories are confined:

- a. 1,000 slaughter and feeder cattle,
- b. 700 mature dairy cattle (whether milked or dry cows),
- c. 2,500 swine each weighing over 25 kilograms (approx. 55 pounds),
- d. 500 horses,
- e. 10,000 sheep or lambs,
- f. 55,000 turkeys,
- g. 100,000 laying hens or broilers (if the facility has continuous overflow watering),
- h. 30,000 laying hens or broilers (if the facility has a liquid manure system),
- i. 5,000 ducks, or
- j. 1,000 animal units ¹ as a result of any combination; or

Notwithstanding the above schedule, the following schedule shall apply in cases where one of the following conditions are met:

| | |
|---|---|
| X | pollutants are discharged into navigable waters through a manmade 2 ditch, flushing system or other similar manmade device; or |
| X | pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility; or |
| X | pollutants otherwise come into direct contact with the animals confined in the operation. |

(2) More than the following number and types of animals are confined:

- a. 300 slaughter or feeder cattle,
- b. 200 mature dairy cattle (whether milked or dry cows),
- c. 750 swine each weighing over 25 kilograms (approx. 55 pounds),
- d. 150 horses,
- e. 3,000 sheep or lambs,
- f. 16,500 turkeys,

- g. 30,000 laying hens or broilers (if the facility has continuous overflow watering),
- h. 9,000 laying hens or broilers (if the facility has a liquid manure handling system),
- i. 1,500 ducks, or
- j. 300 animal units ¹ as a result of any combination:

Provided, however, that no animal feeding operation is a concentrated animal feeding operation (feedlot) as defined above under schedule b. if such animal feeding operation discharges only in the event of a 25 year, 24-hour storm event.

The term animal unit means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

Fence means a structure of definite height and location to serve as an enclosure in carrying out the requirements of this chapter.

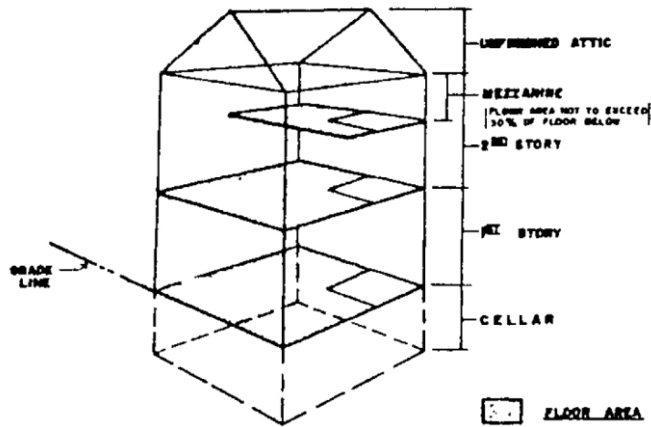
Fence, obscuring, means a structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

Festoon sign means a sign that contains an intermittent or sequential flashing light source, but does not include signs which through reflection or other means, create an illusion of flashing or intermittent light.

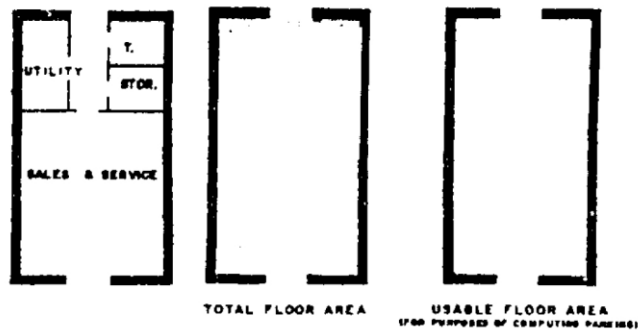
Floodplain means those areas of land adjacent to the rivers, and other water courses of the township, subject to seasonal or periodic flooding.

More particular definitions of floodplain are the 100-year or 500-year floodplains as defined and mapped, delineating the respective flood elevations and geographic areas of flooding under the U.S. Federal Emergency Management Agency's national flood insurance program.

Floor area, gross, means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior walls or from the centerline of walls separating two buildings. In particular, gross floor area includes basement space; elevator shafts or stairwells; floorspace for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches, and accessory buildings; and attic floorspace (whether or not floors have been laid) providing structural headroom of seven feet six inches. Gross floor area shall not include elevator or stair bulkheads, accessory water tanks, or cooling towers, uncovered steps, attic space less than seven feet six inches and open porches, terraces or breezeways, provided that not more than 50 percent of the perimeter of such terrace, breezeway or open porch is enclosed.



BASIC STRUCTURAL TERMS



FLOOR AREA

Floor area, residential. For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement is exclusive of areas devoted to basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor area, usable, for the purposes of computing parking, means that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Foster family home (private home) means a private residence (dwelling) in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, or a family day care home, as follows:

- (1) "Foster family home" is a private home (dwelling) in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code (MCL 710.21—710.70) are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

- (2) *"Foster family group home"* means a private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood, marriage, or who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code (MCL 710.21—710.70) are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

Garage, commercial parking, means a building or other structure which:

- (1) Is used for the storage of boats for hire or parking of motor vehicles.
- (2) Is not accessory to a use on the same or another zoning lot.

Garage, private, means an accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garage, service, means any premises used for the storage or care of motor-driven vehicles or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

Grade means the ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building, and taking the average of the total average grade.

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

Group (child) day care home means a private home (dwelling) in which more than six but not more than 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 weeks during a calendar year. Group day care homes are licensed by the State of Michigan under Public Act 116 of 1973, as amended.

Gun club means any club, organization, individual, group of individuals, or use, whether operated for profit or not, which caters to or allows the use of firearms.

Height of sign means the vertical distance as measured from the bottom of the sign base to the highest point of the sign including its framing structure.

Home occupation means an occupation that is traditionally and customarily carried on in the home, being primarily incidental to the principal residential use. (See section 30-122.)

Hotel means a building or part of a building, with a common entrance, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered:

- (1) Maid service.
- (2) Furnished linen.
- (3) Telephone, secretarial, or desk service.
- (4) Bellboy service.

Illuminated sign means a sign with an artificial light source incorporated internally or externally.

Incidental signs means a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations.

Inflatable sign means a temporary sign consisting of a bag or balloon inflated with gas or air.

Junkyard means an area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metal, paper, rags, rubber tires, and bottles. A junkyard includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk.

Kennel, commercial, means any lot or premises on which three or more dogs, cats or other household pets are either permanently or temporarily boarded for commercial purposes. The term "kennel" shall also include any lot or premises where household pets are bred or sold commercially.

Landscaping means the treatment of the ground surface with live, organic, or synthetic materials such as, but not limited to, grass, ground cover, crushed stone, trees, shrubs, vines and other growing or synthetic horticultural material. Structural features such as fountains, shadow pools, statues, garden walls, pathways, benches and the like shall also be considered elements of landscaping, but such structural features alone shall not meet the spirit and intent of landscaping requirements.

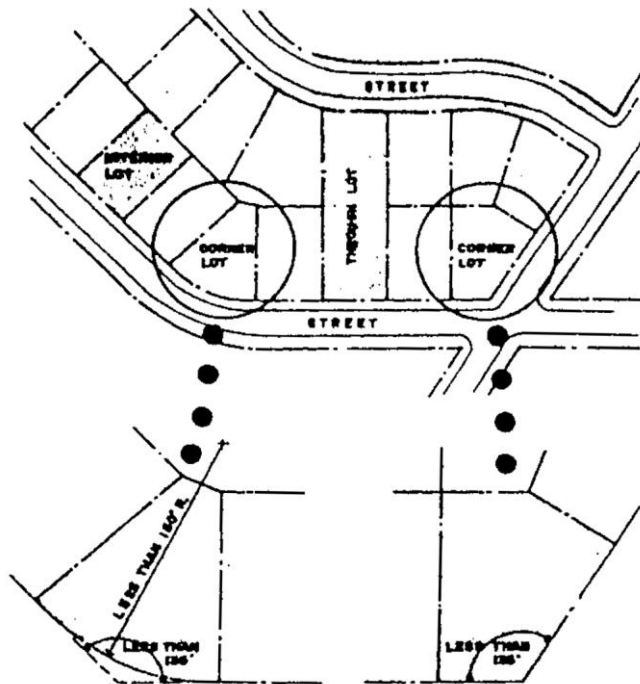
Large solar energy system means a utility-scale solar energy conversion system consisting of multiple ground-mounted solar arrays in rows, and associated control or conversion electronics, occupying more than five acres of land, and that will be used to produce utility power for off-site customers.

Livestock, large means large cattle and other bovines, horses and other equines, llamas, alpaca, hogs, and other livestock of similar size and resource intensity.

Livestock, small means sheep, goats, and other livestock of a similar size and resource intensity.

Loading space means an off-street space on the same lot with a building, or group of buildings, for the temporary parking of commercial vehicles while loading merchandise or materials.

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



Interior, Through and Corner Lots

Lot area means the total horizontal area within the lot lines of the lot.

Lot, corner, means a lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.

Lot coverage means the part or percentage of the lot occupied by buildings, including accessory buildings.

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

Lot, interior, means any lot other than a corner lot.

Lot lines means the lines defining the limits of a lot as described as follows:

- (1) *Front lot line*, in the case of an interior lot, is that line separating the lot from the street. In the case of a corner lot or double frontage lot, the front lot line is that line separating the lot from either street.
- (2) *Rear lot line* is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.
- (3) *Side lot line* is any lot line other than the front lot line 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 is an interior side lot line.

Lot of record means a parcel of land, the dimensions of which are described in a document or shown on a map on file with the county register of deeds or in common use by township or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

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

Lot width means the straight line horizontal distance between the side lot lines, measured at the two points where the minimum building line, or setback line, intersects the side lot lines.

Lot, zoning, means a single tract of land, located within a single block, which, at the time of filing of a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record, but may include it.

Main building means a building in which is conducted the principal use of the lot upon which it is situated.

Main use means the principal use to which the premises are devoted and the principal purpose for which the premises exist.

Manufactured home:

Manufactured home: A dwelling unit which is designed for long-term residential occupancy and is wholly or largely fabricated at an off-site location.

Manufactured home condominium projects: A parcel of land under joint ownership which has been planned and improved for the placement of manufactured or mobile homes for non-transient use, upon individual, separate condominium unit envelopes.

Manufactured home lot or site: A parcel of land for the placement of a single manufactured or mobile home and exclusive use of its occupants within a licensed manufactured or mobile home community (previous term "park"), a condominium project or subdivision project or development.

Manufactured home stand: That part of an individual lot which has been reserved for the placement of the manufactured or mobile home, appurtenant structures or additions.

Manufactured home subdivision: A parcel of land under single ownership which has been planned and improved for the placement of manufactured or mobile homes for non-transient use on individual lots and for the purpose of selling the lots.

Manufactured housing: A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling unit when connected to required utilities, and the plumbing, heating air conditioning and electrical systems contained within the structure.

Manufactured housing community: A parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual non-recreational basis and which are offered to the public for that purpose. A recreational vehicle park or campground is not a manufactured home community. The older term "mobile home park" is often used by individuals as an equivalent term.

Manufactured housing community license: A written license issued by the manufactured housing commission allowing a person to operate and maintain a manufactured housing community under the provisions of Michigan Public Acts 96 of 1987, as amended, and this ordinance and regulations issued hereunder.

Marginal access road means a service roadway parallel to a feeder road and which provides access to abutting properties and protection from through traffic.

Master plan means the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the township, and includes any unit or part of such plan and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the planning commission and/or the township board.

Medium solar energy system means a private on-site or utility-scale solar energy conversion system consisting of many roof panels, ground-mounted solar arrays, and associated control or conversion electronics, occupying more than one acre and no more than five acres of land, and that will be used to produce utility power for on-site or off-site uses.

Membership organizations include community service clubs, lodges, church halls, catering or rental halls, fraternal organizations, and the like.

Mezzanine means an intermediate floor in any story occupying not to exceed 30 percent of the floor area of such story.

Miniwarehouse means a building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of customers' goods or wares.

Monument sign (ground sign) means a sign that is not attached to a building or structure with a base that sits on the ground and is solid in appearance from the base to the top of the sign, with no exposed structural supports.

Motel means a series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

Motor home means a self-propelled, vehicle licensed to be operated on public roads, which vehicle is built upon a chassis (or equivalent), and is intended for recreation activities and only temporary occupancy.

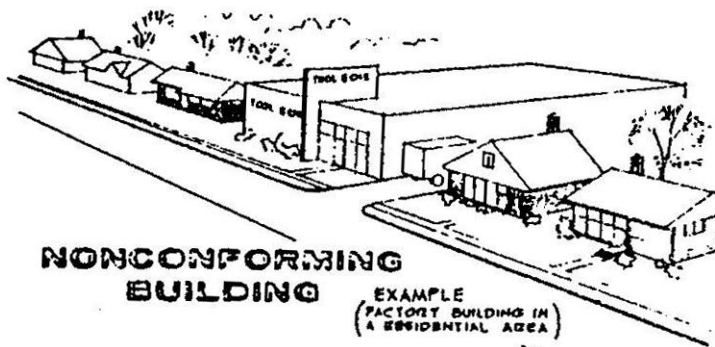
Moving sign means a sign which has any visible portion in motion, either constantly or intermittently.

Municipality means the Township of China.

Noise means sound vibrations which either annoys, injures, or endangers the comfort, repose, health, or safety of a person(s), unless the making and continuing of the noise is necessary for the protection or preservation of property or the health, safety, life or limb of a person(s).

Non-accessory sign means any sign advertising for a business, product, or activity at a different location, including billboards.

Nonconforming building means a building or portion thereof lawfully existing at the effective date of the ordinance from which this chapter is derived or at the effective date of an amendment to this chapter and that does not conform to the use regulations of the district in which it is located.

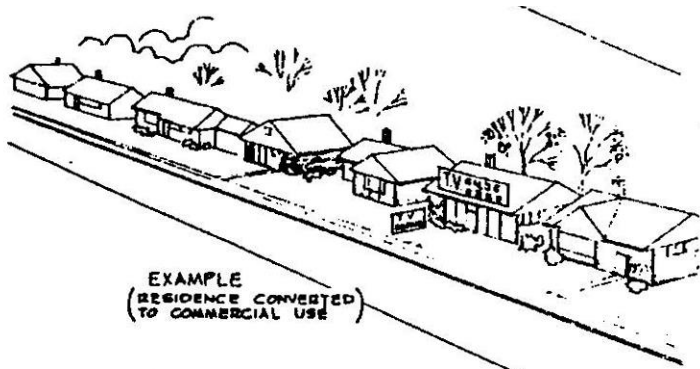


Nonconforming lot means a lot (or parcel) which exists as a legal lot of record and which existed as a legal lot of record at the effective date of this ordinance (or an amendment which bears on a lot of record) from which this chapter is derived, which lot does not conform to the lot requirements of the district in which it is located.

Nonconforming sign means a sign that was erected legally, but which does not comply with subsequently enacted ordinance changes.

Nonconforming structure means a lawful structure or portion thereof which existed at the effective date of this ordinance (or an amendment which bears on a lawful structure) from which this chapter is derived, which structure could not be built under the terms of this ordinance by means of restrictions on area, lot coverage, height, yards or other dimensional requirements of the district in which it is located.

Nonconforming use means a use which lawfully occupied a structure or land at the effective date of this ordinance (or an amendment which bears on a lawful use) from which this chapter is derived, which use does not conform to the use regulations of the district in which it is located.



NONCONFORMING USE

Nuisance factor means an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as:

- (1) Noise.
- (2) Dust.
- (3) Smoke.
- (4) Odor.
- (5) Glare.
- (6) Fumes.
- (7) Flashes.
- (8) Vibration.
- (9) Shock waves.
- (10) Heat.
- (11) Electronic or atomic radiation.
- (12) Objectionable effluent.
- (13) Noise of congregation of people, particularly at night.
- (14) Passenger traffic.
- (15) Invasion of nonabutting street frontage by traffic.

Nursery means an area for the growing of plant materials, not offered for sale on the premises.

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

Off-premise sign means a sign located off-premise and provides either a commercial or non-commercial message, including, but not limited to, billboards.

Off-street parking lot means a facility providing vehicular parking spaces. along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

On-site use wind energy system means a wind energy conversion system (windmill) which converts wind energy into electricity (or other form of usable energy) through the use of a wind turbine generator

and includes turbine, blades, and tower as well as related electrical equipment. The energy produced is intended to be primarily used on-site.

Open air business uses shall be interpreted to include the following uses:

- (1) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, and home improvement equipment such as lawn movers, fertilizer spreaders, lawn rollers, etc.
- (2) Retail sale of fruits and vegetables.
- (3) Rental or sale of bicycles, recreational vehicles, manufactured homes, trailers, motor vehicles, boats, or small hand equipment.
- (4) Outdoor display and sale of garages, swimming pools, and similar uses.

Open front store means a business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "open front store" shall not include automobile repair stations or automobile service stations.

Open space means that part of a zoning lot, including courts or yards, which:

- (1) Is open and unobstructed from its lowest level to the sky; and
- (2) Is accessible to all residents upon the zoning lot; and
- (3) Is not part of the roof of that portion of a building containing dwelling units; or
- (4) Is the roof of an attached garage if the roof is used for a swimming pool deck or recreational deck and is not higher than 23 feet above grade and is directly accessible by a passageway from the residential building.

Parapet means the extension of a building wall above the roofline.

Parking space means an area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

Pennant means a small flag, either unadorned or with graphic or verbal material, displayed from a pole, rope or other support.

Plat, recorded, means a map or chart of a subdivision of land which has been duly recorded and filed with the county register of deeds in accordance with the provisions of the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), or previously enacted state statute superseded by such act. An assessor's plat or supervisor's plat shall also be considered as a recorded plat for the purposes of this chapter.

Pond means a permanent body of water, usually smaller than a lake, artificially created by embankment or excavation, intended for any of the specific uses permitted in section 30-440.

Porch, open means a covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

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

Private road means a privately owned and maintained road or road easement allowing access to more than one parcel or premises complying with the requirements of the China Township Private Road regulations (see section 30-444), including a privately owned and maintained easement for ingress and egress, whether pre-existing or not. (Also see the definition of Street).

In the case of a "site condominium," as defined and as regulated by this ordinance, the principal means of access to abutting "units of ownership" may be provided by a private road, provided it is constructed and maintained to meet the same standard for public streets within the township, as

established by the St. Clair County Road Commission or by the township, which ever standard shall be higher.

Private use landing areas means any location, either on land or water, that is used for the takeoff or landing of aircraft, and its use is restricted to the owner or persons authorized by the owner. Commercial operations shall not be conducted on a private use landing area.

Projecting sign means a sign, other than a flat wall sign, suspended from or supported, by a building or structure and projecting therefrom, including marquees.

Public utility means a person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under governmental regulations to the public gas, steam, electricity, sewage disposal, communications, telegraph, transportation or water.

Pylon sign (pole sign) means a sign with one or more poles as its support or base that is not attached to a building.

Responsible person means the owner and/or lessee of real property upon which a sign is located or any person with an ownership, license or contractual interest in the sign itself.

Restaurant, carry-out means any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state and whose design or method of operation includes both of the following characteristics:

- (1) Foods, frozen desserts, or beverages are usually served in edible containers (e.g. ice cream cones) or paper, plastic, or other disposable containers.
- (2) The consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

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

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

Restaurant, fast-food means any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building, for the carry-out with consumption off the premises or for obtaining on a drive-through basis with consumption off the premises, and whose design or principal method of operation includes both of the following characteristics:

- (1) Foods, frozen desserts, or beverages are usually served in edible containers (e.g. ice cream cones) or in paper, plastic, or other disposable containers.
- (2) The consumption of foods, frozen desserts or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

Restaurant, standard means any establishment whose principal business is the sale of foods, frozen deserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

- (1) Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.

- (2) A cafeteria-type operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.

Roadside stand means a temporary open front stand so designed that service to the patron does not require entering the building, and used solely for the sale of farm products and for sale of the by-products of agricultural produce.

Roof sign means a sign erected over or on the roof of a building.

Room, for the purpose of determining lot area requirements and density in a multiple-family district, means a living room, dining room, and bedroom each equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. In a one-, two- or three-bedroom unit, a den, library or other extra room shall count as a bedroom for the purpose of computing density.

Sandwich sign means a double-faced sign made of wood, metal, or other durable materials, containing a hinged top and an opening at the bottom where the boards can lean against each other when placed on the ground.

Satellite dish antenna means a device incorporating a reflective surface that is solid, open mesh, or bar configuration and is in the shape of a shallow dish, parabola, cone or horn. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas which have a dimension greater than one meter (3.3 feet) in residential districts or greater than two meters (6.6 feet) in non-residential districts.

Sign means a structure and material that displays letters, words, numerals, figures, designs, symbols, trademarks, or other illumination devices or insignia.

Sign base means a structure that supports a sign and is constructed of solid material, such as brick, concrete, stone, or treated lumber, or a pole(s) that is enclosed in a structure covered with durable materials.

Small solar energy system means a single residential or small business scale solar energy conversion system consisting of roof panels, ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics, occupying no more than one acre of land, and that will be used only to produce utility power for on-site users.

Stable, public, means building or land where for remuneration or sale, horses are kept, boarded, ridden, shown, or are otherwise hired out for use.

State licensed residential facility means a structure constructed for residential purposes that is licensed by the state pursuant to Act No. 287 of the Public Acts of 1972, as amended, which provides resident services for six or less persons under 24-hour supervision or care for persons in need of that supervision or care.

Story means that part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than 50 percent, by cubic content, is below the height level of the adjoining ground.

Story, half, means an uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches. For the purposes of this chapter, the usable floor area is only that area having at least four feet clear height between floor and ceiling.

Street means a public thoroughfare, other than an alley, which affords the principal means of access to abutting property and which has been officially accepted as a public street or thoroughfare.

In the case of a "site condominium," as defined and as regulated by this ordinance, the principal means of access to abutting "units of ownership" may be provided by a public street. (Also see the definition of Private road.)

Structural alterations means any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof, or any additional floor space added to the building.

Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including earthen structures and berms.

Temporary sign means a sign not attached to a permanent supporting structure on the property on which it is located, which is displayed for a limited period of time as set forth by this [chapter].

Temporary use or building means a use or building permitted by the board of appeals to exist during a specified period of time.

Tents means a shelter of canvas or the like supported by poles and in many cases fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

Thoroughfare (major, secondary, collector) means an arterial road or street which is intended to serve as a large volume traffic-way for both an immediate township (municipal) area and a region beyond, and is designated as a thoroughfare in the China Township Thoroughfare Plan within the adopted Comprehensive Master Plan for the Charter Township of China, Michigan. A thoroughfare may also be separately known as a state highway, a highway, a county primary road, or similar terms.

Travel trailer and motor home mean a vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

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

Use, change of means a modification or deviation from the original purpose, occupancy, utilization or classification of a building, structure or parcel or tract of land. The term is inclusive of (a) a discernible increase in the intensity of use, which by ordinance imposes more restrictive parking requirements or other more restrictive characteristics of use or (b) an alteration by change of use in a building heretofore existing to a new use group, as defined in the Michigan Building Code, which imposes other special provisions of law governing building construction equipment or means of ingress/egress.

Use, increase in the intensity of means a discernible increase in the level or volume of activity generated by a change in use or an increase in floor area or an increase in land area configurations.

Uses permitted upon special approval is based upon the division of the township into districts, in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, there is a need to carefully regulate them with respect to their location for the protection of the community. These uses, due to their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

Utility grid wind energy system (wind farms) means a wind energy conversion system (windmill(s)) which converts wind energy into electricity (or other form of usable energy) through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. One or more windmills may be involved and the energy produced is intended to be primarily used off-site. Off-site wiring to connect the wind energy conversion system to the grid is not included in this definition.

Utility structure means facilities related to and necessary for the operation of: oil, gas, water pipelines, sewer pipelines, electrical transmission lines, telephone and telegraph lines, oil and gas wells and underground storage fields. Included are such facilities as pumping stations, compressor stations, transformer stations, and switching stations.

Variance means a modification of the literal provisions of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. (Also see sections 30-61—30-69.)

Vehicle sign means a sign which is painted, affixed or attached to a motor vehicle, whether licensed or not, parked or placed conspicuously upon a site primarily for advertising purposes. Signs on licensed commercial vehicles in daily off-site use, are excluded from this definition.

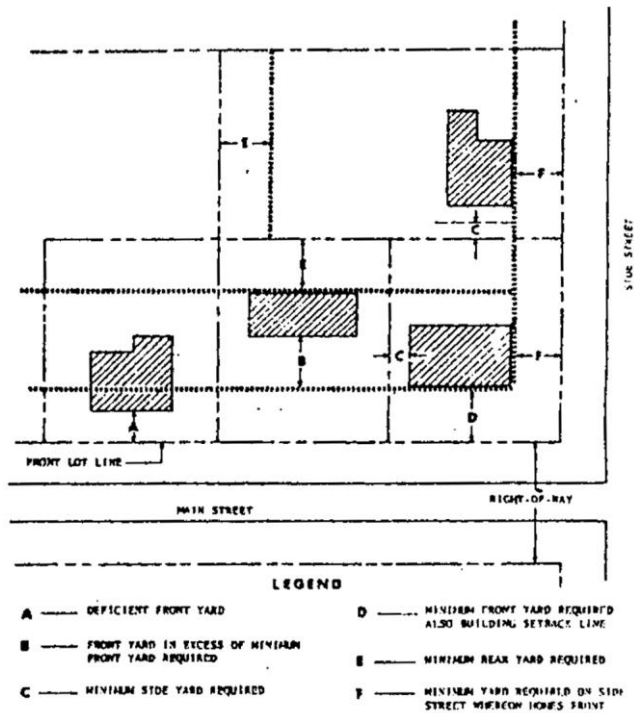
Wall sign means a sign which is attached directly to the wall of a building, and which extends not more than 12 inches from the wall, including window signs.

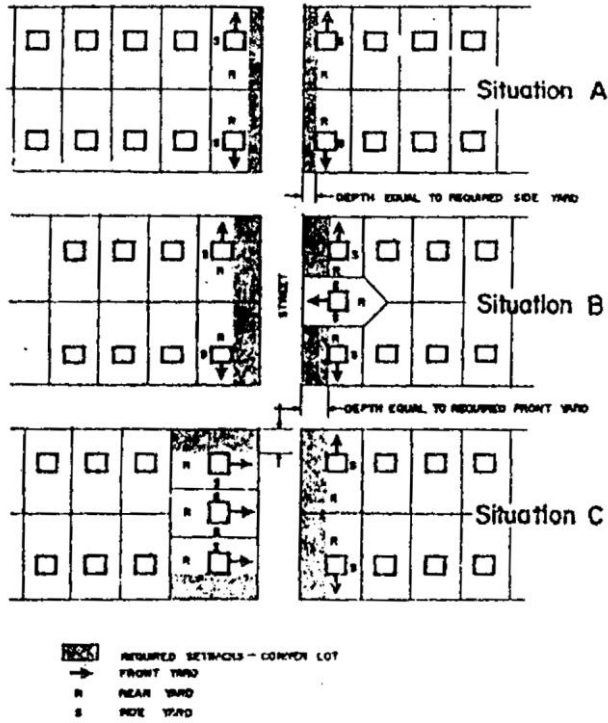
Window sign means a sign installed on a window, either on the exterior or interior of the window, with the intent to display externally.

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

- (1) *Front yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- (2) *Rear yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- (3) *Side yard* means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.
- (4) *Required yard* means that portion of a front, side, or rear yard lying between the front, side or rear lot line and the corresponding front, side or rear minimum setback line.

YARD REQUIREMENTS





SIDE YARDS ABUTTING A STREET

Zoning compliance permit means a document signed by the zoning administrator, as required in the zoning ordinance, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the township zoning ordinance or authorized variance therefrom.

(Comp. Ords. 1988, §§ 15.040, 15.041; Ord. No. 133, art. 1, 5-20-2002; Ord. No. 137, art. 1, 4-14-2003; Ord. No. 139, art. 1, 4-19-2004; Ord. No. 146, 1-21-2008; Ord. No. 148, 12-15-2008; Ord. No. 151, art. 1, 5-17-2010; Ord. No. [161](#), § 1.1, 10-17-2016; Ord. No. [163](#), §§ 1, 2, 2-19-2018; Ord. No. [164](#), § 1, 2-19-2018)

Cross reference— Definitions generally, § 1-2.

Footnotes:

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All other animal types not in schedules (1) and (2) are to be calculated as 1,000 pounds live weight equals one animal unit.

The term manmade ditch or device means constructed by man and used for the purpose of transporting wastes.

Sec. 30-4. - Interpretation.

In its interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this chapter to repeal, abrogate, annul or in any way impair or

interfere with any existing provision of law or ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; provided, however, that where this chapter imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this chapter shall control.

(Comp. Ords. 1988, § 15.785)

Sec. 30-5. - Amendments.

The township board may, upon recommendation from the planning commission, amend, supplement or change the regulations or the district boundaries of this chapter pursuant to the authority and according to the procedure set forth in Public Act No. 184 of 1943 (MCL 125.271 et seq.). Whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to his petition, and shall submit a petition for rezoning to the township clerk. Any applicant desiring to have any change made in this chapter shall, with his petition for such change, deposit the required fee as established by the township board, which fee shall be paid over to the township clerk at the time the petition is filed to cover the administrative, publication and attendant miscellaneous costs involved with the petition, and such fee shall be deposited in the general fund of the township.

(Comp. Ords. 1988, § 15.765)

Sec. 30-6. - Vested rights.

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

(Comp. Ords. 1988, § 15.805)

Secs. 30-7—30-30. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT^[3]

Footnotes:

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Cross reference— Administration, ch. 2.

DIVISION 1. - GENERALLY

Sec. 30-31. - Zoning administrator.

The office of zoning administrator is hereby established. The zoning administrator shall be appointed by the township board and shall serve at its pleasure. He shall receive such compensation as the township board may, from time to time, determine. The zoning administrator may also serve in some other capacity as an employee or appointed officer of the township. He shall administer the provisions of this chapter and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. He shall have no power to vary or waive the requirements of this chapter.

(Comp. Ords. 1988, § 15.580)

Cross reference— Officers and employees, § 2-61 et seq.

State Law reference— Officers and employees, MCL 125.275.

Sec. 30-32. - Zoning compliance permits.

- (a) No land use shall be commenced or changed and no structure shall be erected or enlarged until the person conducting such use or erecting or enlarging such structure has obtained a zoning compliance permit from the zoning administrator. The zoning administrator shall issue such permit upon the furnishing in writing, over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure or addition is in full compliance with all provisions of this chapter, a finding by the zoning administrator that such is the case and payment of a permit fee in accordance with a fee schedule as may be set from time to time by the township board.
- (b) No zoning compliance permit shall be issued where it appears that any land area required to conform to any provision of this chapter is also required as a part of any adjoining property to keep the development or use thereof in conformity with this chapter, or to keep it from becoming more nonconforming, if such land area was, at any time subsequent to the start of development or use of such adjoining property, in common ownership with such adjoining property.
- (c) Any zoning compliance permit based on any material false statement in the application or supporting documents is absolutely void ab initio and shall be revoked.
- (d) No zoning compliance permit shall remain valid if the use or structure it authorizes becomes nonconforming.

(Comp. Ords. 1988, § 15.581)

Sec. 30-33. - Certificate of occupancy.

- (a) No permanent certificate of occupancy shall be issued under the building code of the township until all requirements of this chapter have been met. A temporary certificate may be issued under circumstances where expressly permitted by this chapter.
- (b) All certificates of occupancy issued by the building inspector shall also bear the signature of the zoning administrator certifying that all requirements of this chapter have in fact been met and that he has made a field inspection to ascertain that all requirements of this chapter have been met.
- (c) In cases where certificates of occupancy are not required under the building code, the zoning administrator shall nevertheless issue a certificate of occupancy for zoning purposes certifying that the structure or use has been established or erected in compliance with the terms of the zoning compliance permit and/or approved site plan.

(Comp. Ords. 1988, § 15.582)

Sec. 30-34. - Special zoning orders book and map.

The zoning administrator shall keep in his office a book, to be known as the special zoning orders book, in which he shall list, with a brief description, all variances, conditional use permits, authorizations for planned unit developments, and designations of class A nonconformance and any terminations of any of them. Each item shall be assigned a number when entered. The zoning administrator shall also keep a map of the township, to be known as the special zoning orders map, on which he shall record the

numbers in the special zoning orders book to indicate the locations affected by the items in the book. The special zoning orders book and map shall be open to public inspection.

(Comp. Ords. 1988, § 15.583)

Sec. 30-35. - Permit for temporary placement of mobile home or construction office.

The zoning administrator may issue a permit for the temporary placement of a mobile home as a temporary residence during the actual construction of a permanent dwelling, or temporary placement of a mobile home or similar structure as a temporary construction office, subject to the following:

- (1) Any temporary structure to be used for dwelling purposes shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended, and shall bear the federal seal attesting to conformance with such standards. In addition, all dwellings shall meet or exceed all applicable roof snow loads and strength requirements. No temporary dwelling shall be occupied until the dwelling has been connected to a suitable source of potable water and sewage disposal facilities, both of which shall be approved by the county health department. The initial permit period shall not exceed 12 months and shall be concurrent with a valid building permit for a permanent structure. Not more than one extension, not to exceed three months, may be granted where substantial progress toward completion of the permanent structure is being demonstrated.
- (2) A cash or surety performance guarantee shall be deposited with the township clerk, in an amount established by resolution of the township board, to ensure removal of the temporary unit upon expiration of the temporary permit. Failure to complete construction of the permanent structure within the time limits specified in the building permit and this section shall be sufficient grounds for the township board to declare the performance guarantee forfeited and use the proceeds as necessary.
- (3) In the event of total loss of a dwelling due to fire, tornado, or similar natural disaster, the zoning administrator may approve the temporary placement of a mobile home on the owner's property for use as a residence while the dwelling is being replaced, subject to the following:
 - a. A building permit for repair or replacement of the permanent residence must be obtained prior to the placement of the temporary unit.
 - b. The initial permit period for the temporary residence shall not exceed six months and not more than two extensions of three months each may be granted by the zoning administrator.
 - c. A cash or surety performance guarantee shall be deposited with the township clerk, as required by subsection (2) of this section, and subject to the same limitations and conditions, to ensure removal of the temporary dwelling unit upon expiration of the temporary permit.

(Comp. Ords. 1988, § 15.584)

Sec. 30-36. - Site plan for one- and two-family dwellings, farm buildings and accessory structures.

- (a) All applications for building permits and zoning compliance permits as specified in subsection (b) of this section shall be accompanied by plans and specifications including a site plan, in triplicate, drawn to scale, showing the following:
 - (1) The actual shape, location, and dimensions of the lot.
 - (2) The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.

- (3) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
 - (4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being served.
- (b) This section shall apply only to those uses exempted from the provisions of section 30-38, pertaining to site plan approval requirements. For all other uses, no permits shall be issued until the site plan has been approved in accordance with section 30-38.

(Comp. Ords. 1988, § 15.585)

Sec. 30-37. - Performance bonds.

- (a) To ensure compliance with this chapter and any conditions imposed thereunder, the township board, after recommendation from the township planning commission and the township engineer, may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township covering the estimated cost of improvements associated with a project for which site plan approval is sought be deposited with the township clerk to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The township may not require the deposit of the performance guarantee prior to the time when the township is prepared to issue the permit. The township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses.
- (b) This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Public Act No. 288 of 1967 (MCL 560.101 et seq.).
- (c) As used in this section, the term "improvements" means those features and actions associated with a project which are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of the township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. The term "improvements" does not include the entire project which is the subject of zoning approval.

(Comp. Ords. 1988, § 15.586)

Sec. 30-38. - Site plan review and approval.

- (a) *Intent.*
 - (1) Since zoning regulations have substantial bearing on other public and private actions, such as the provision of roads, sewers and water mains, it is necessary, prior to the development of any substantial project, for township officials to know the full extent and nature of the developer's plans. To require the submission and approval of a site plan is a means available for township officials to determine whether or not the provisions of this chapter are being complied with, whether or not the buildings can be served by sewer lines and other public utilities, how the proposed development relates to nearby land uses, whether the proposed curb cuts will have an adverse effect on the serviceability of public roads and other similar necessary information.
 - (2) The site plan approval process offers an opportunity for all public officials, utility companies and the developer to obtain a clear understanding of what is to be done before the project is started, and therefore is recognized as a sound procedure to ensure the advancement of the public interest.

- (3) All land uses shall be subject to the site plan approval requirements of this chapter except the lawful construction, alteration and occupancy of farm buildings, single- or two-family dwellings, and accessory buildings or structures except as otherwise provided by this chapter.
- (b) *Site plan required.*
- (1) No person shall commence any use or erect any building or structure without first obtaining the approval of a site plan by the planning commission as set forth in this chapter. No use shall be carried on, no building or structure shall be erected or expanded and no other improvement or construction shall be undertaken except as shown upon an approved site plan.
 - (2) No certificate of occupancy shall be granted until all improvements shown on an approved site plan have been completed in accordance therewith; provided that, upon a finding by the building inspector that certain improvements cannot be completed due to seasonal or other factors beyond the control of the developer and that temporary occupancy prior to completion will involve no health or safety hazard, he may issue a temporary certificate of occupancy bearing an expiration date, which date shall allow a reasonable time for completion.
 - (3) A performance or surety bond may be required by the planning commission under the provisions of section 30-37 to ensure completion of all required improvements.
 - (4) No action or inaction by the township in respect to any required improvement shall serve to extend the time of validity of any temporary certificate of occupancy or excuse any violation of this chapter. A temporary certificate of occupancy may, however, be extended in time, and from time to time, for good cause shown, and any such extension shall serve to extend, for the same period, the time for completion of the required site improvements.
- (c) *Form of site plan; required information.* Every site plan shall be submitted to the zoning administrator in ten identical copies and shall include the following:
- (1) A scale of not less than one inch equals 20 feet if the subject property is less than three acres and one inch equals 100 feet if three acres or more.
 - (2) The boundary lines of the area, including angles, dimensions and reference to a section corner, quarter corner or point on a recorded plat, an arrow pointing north and the lot area of the land included in the site plan.
 - (3) Existing and proposed grades and an indication of the method of handling surface drainage.
 - (4) The shape, size, location, height and floor area of all structures, the floor area and ground coverage ratios and the finished ground and basement floor grades.
 - (5) Natural features such as woodlots, streams and lakes or ponds, and manmade features such as existing roads and structures, with an indication as to which are to be retained and which removed or altered. Adjacent properties and their uses shall be identified.
 - (6) Proposed streets, driveways, parking spaces, landing spaces and sidewalks, with an indication of the direction of travel for one-way streets and drives and inside radii of all curves. The width of streets, driveways and sidewalks and the total number of parking spaces shall be shown.
 - (7) The size and location of all existing and proposed public and private utilities and required landscaping.
 - (8) A vicinity sketch showing the location of the site in relation to the surrounding street system.
 - (9) A legal description of the land, and the name, address and telephone number of the owner, developer and designer.
 - (10) Any other information necessary to establish compliance with this chapter and other ordinances or the availability of adequate utility capacity.
- (d) *Review procedure.*

- (1) Upon receipt of any site plan, the zoning administrator shall review it to determine whether it contains the required information, complies with the applicable township ordinances and demonstrates the adequacy of utility service.
 - (2) Within ten business days following submission of the site plan, the zoning administrator shall give preliminary approval or disapproval on such site plan based on the criteria stated in this section and notify the applicant of his recommendation in writing. This notification shall include any changes or modifications in the proposed site plan as are needed to achieve conformity with the standards specified in this chapter. The applicant may appeal any such denial to the planning commission.
 - (3) Upon receipt of the site plan from the zoning administrator, the planning commission shall give final approval based upon the following standards:
 - a. *Traffic and pedestrian safety.* Driveways and driveway entrances and exits shall be so located with relation to the public streets affording access to the site, and with relation to any nearby intersecting streets, alleys or private driveways affording access to adjacent properties, and with relation to principal buildings and the accessory buildings on the site, as to minimize traffic congestion and danger to safety. In applying this standard, the planning commission shall consider, among other things, safe routes for pedestrian traffic, particularly children, the general character and intensity of traffic on the public streets affording access to the site and the requirements of the county road commission and the state department of highways.
 - b. *Minimization of adverse effects upon adjacent properties.* The principal buildings and/or structures and any accessory building or structure, parking areas, driveways and service areas shall be so located with relation to adjacent properties as to minimize the possibility of adverse effects upon adjacent properties. In applying this standard, the planning commission shall consider, among other things, the existing and probably future development of adjacent properties, the minimization of such detrimental influences as noise and lighting glare, and the enclosing or shielding of garbage storage areas by means of fencing, walls or shrubbery in order to minimize detrimental effects upon such adjacent properties.
- (e) *Additions, deletion, and revisions.*
- (1) Existing or proposed developments which have received approval from the planning commission and/or township board as required in this section shall not be changed unless the proposed revisions are approved as originally required, except as provided in paragraph (2) below.
 - (2) Administrative approval of minor addition(s), deletion(s), and revision(s) under sections 30-36 and 30-38. Planning commission and/or township board review and approval may be waived and the site plan approved by the chairperson of the planning commission when, in his determination and the concurring determination of the township planner and zoning administrator, the expansion of use, change in use, or change in site characteristics will not involve changes substantial enough to warrant renewed planning commission and/or township board review. A written memorandum documenting this decision shall be prepared by the township planner and signed by the chairperson of the planning commission, zoning administrator and the township planner. A copy of the decision of administrative approval shall be provided to the planning commission and/or township board as is appropriate to the case.
 - (3) The provision shall apply to the specific improvements depicted on the approved site plan, such as but not limited to the following:
 - a. Principal and/or accessory buildings or structures, including swimming pools.
 - b. Parking lots and service drives.
 - c. Rubbish pickup areas.
- (f) *Appeals and questions of interpretation.* Any persons considering themselves aggrieved by the decision of the planning commission in granting or denying the site plan approval shall have the right to appeal the decision to the zoning board of appeals. The appeal must be filed with the township clerk

within ten days of the decision by the planning commission. Appeals of decisions of the zoning board of appeals shall be taken to the court of competent jurisdiction.

- (g) *Fees.* Reasonable fees may be established by the township board to be paid upon filing of a site plan for review. The purpose of the fees is to cover the cost of meetings, notices, consultants, staff, and other expenses associated with the review of the site plan. Unused portions of the fee shall be returned to the applicant after a reasonable time established by the township board.
- (h) *Lapse of site plan approval.* If no building permit has been issued within one year of the date of final site plan approval, the approval shall be deemed to have lapsed. In cases where preliminary or tentative approval of a site plan has been given, such approval shall lapse if final site plan approval has not been obtained within one year of the date of preliminary or tentative approval. The planning commission, upon written application and upon a showing of good cause, may grant up to two extensions of up to six months each for preliminary, tentative, or final approval, provided that application for an extension is made prior to the lapse of approval.

(Comp. Ords. 1988, § 15.587; Ord. No. 142, art. 1, 5-16-2005; Ord. No. 146, 1-21-2008)

State Law reference— Site plan, MCL 125.286.

Sec. 30-39. - Zoning board.

The township planning commission is hereby designated as the commission specified in section 11 of Public Act No. 168 of 1959 (MCL 125.331) and shall perform the zoning duties of such commission as provided in the statute in connection with the amendment of this chapter.

(Comp. Ords. 1988, § 15.675)

Cross reference— Boards and commissions, § 2-151 et seq.

Sec. 30-40. - Enforcement; penalties; additional remedies.

- (a) *Violations declared nuisance.* Any building or structure which is erected, altered or convened or any use of premises or land which is begun or changed subsequent to the time of passage of the ordinance from which this chapter is derived and in violation of any of the provisions of this chapter is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

State Law reference— Similar provisions, MCL 125.294.

- (b) *Penalty.* The owner of any building, structure or premises or part thereof where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to the penalties prescribed in section 1-7.
- (c) *Rights and remedies cumulative.* The rights and remedies provided in this section are cumulative and in addition to any other remedies provided by law.

(Comp. Ords. 1988, §§ 15.831, 15.832, 15.834)

Sec. 30-41. - Temporary uses subject to administrative approval.

Minor temporary uses of land, structures, or combination of land and structures for temporary uses, as defined in section 30-3 of this chapter, when located in an appropriately zoned area, and whose nature, scope, scale, and method of operation are unlikely to significantly impact adjacent land uses, such as, but not limited to, Christmas tree sales lots, seasonal sales, tent sales, holiday sales, on-site events or festivals of a house of worship, school, or nonprofit organization, and the like, may be approved by the zoning administrator with an annual or single-use, non-renewable permit issued, subject to the following and payment of a permit fee as may be established from time to time by the township board:

- (1) Adequate off-street parking shall be provided. There shall be no parking or activity permitted within the road right-of-way.
- (2) The applicant shall specify, in writing, the exact duration of the temporary use and its proposed hours of operation. The hours of operation shall be limited to specified hours which are consistent with the nature of the use and compatible with other activities on the site and adjacent parcels. If the applicant is not the owner of the property, the application shall also bear the signature of the owner of the property or his authorized agent.
- (3) All sanitary service, electrical lines and connections, and all other operations shall comply with all applicable township codes, ordinances and regulations, and any other applicable statutes, rules, or regulations of any governmental body having jurisdiction over the activity and any permits required shall be obtained by the applicant.
- (4) The township may require a performance guarantee, in the form of a cash deposit, to assure proper cleanup of the site.
- (5) The applicant shall provide a sketch plan illustrating the layout of the proposed temporary use, its various components on the site, and location and means of ingress and egress. The proposed plan shall be laid out so as to ensure safe vehicular and pedestrian circulation.
- (6) In addition to the above, the following conditions apply to specific temporary uses:
 - a. Christmas tree sales.
 1. Maximum duration: 45 days.
 2. Location: In nonresidential zoning districts only.
 3. Cleanup: Stumps, branches, and other debris shall be completely removed from the site.
 4. Leftover trees shall be removed within one week after Christmas.
 - b. Outdoor sale of produce, fruits, and vegetables, not otherwise permitted under section 30-509:
 1. Maximum duration: April 1 through October 31.
 2. Location: In nonresidential zoning districts only.
 3. Sale of manufactured goods shall not be permitted except for incidental "small batch" items such as: apple cider, jams, jellies, honey, pies, cakes, pastries, candies, and the like as are customarily offered in a farmer's market.
 - c. Festival sponsored by a public or bona fide nonprofit organization:
 1. Maximum duration: 14 days, including setup and dismantling and removal.
 2. Location: Shall not be located in or adjacent to any developed residential area except when located on church, school, park, or bona fide nonprofit organization property.
 - d. Seasonal sales, tent sales, holiday sales.
 1. Maximum duration: 30 days, including setup and dismantling and removal.
 2. Location: In nonresidential zoning districts only.

- e. Seasonal display and sale of lawn and garden supplies, related accessories, and flowers and plants.
 - 1. Maximum duration: April 1 through October 31, including setup, dismantling and removal.
 - 2. Location: In nonresidential zoning districts only.
- (7) For temporary uses which are authorized for administrative approval, but not specifically listed in subsection (6) above, the zoning administrator shall establish conditions which are reasonable, sufficient, and necessary to protect the public interest.
- (8) The following types of temporary uses are specifically excluded from consideration for approval under this section: concrete or asphalt batch plant, any type of temporary use involving any type of vehicle racing, off-road or all-terrain vehicle track, mud bog, and the like, and any temporary use that has unusual or peculiar characteristics that necessitate special safety considerations, or sanitary considerations, requires special crowd control measures, or involves any hazardous or dangerous materials.
- (9) Temporary uses not authorized for approval herein as minor temporary uses shall be subject to review and approval by the zoning board of appeals pursuant to section 30-65 of this chapter.

([Ord. No. 158](#) , art. 2, 2-16-2015)

Secs. 30-42—30-60. - Reserved.

DIVISION 2. - BOARD OF APPEALS⁴

Footnotes:

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Cross reference— Boards and commissions, § 2-151 et seq.

State Law reference— Board of appeals, MCL 125.288 et seq.

Sec. 30-61. - Established; membership.

- (a) *Board established; composition.* There is hereby established a board of appeals, which shall perform and exercise its powers as provided in Public Act No. 184 of 1943 (MCL 125.271 et seq.), and in such a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done. The board of appeals shall consist of the following five members appointed by the township board:
 - (1) The first member of the board of appeals shall be a member of the township planning commission.
 - (2) The remaining members of the board of appeals shall be selected from the electors of the township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the township. One member may be a member of the township board. An elected officer of the township shall not serve as chairperson of the board of appeals. An employee or contractor of the township board may not serve as a member or an employee of the township board of appeals.
 - (3) Terms shall be for three 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 the planning commission or township board respectively, and the period stated in the

resolution appointing them. When members are first appointed, the appointments may be for less than three years to provide for staggered terms. A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

- (4) The township board may appoint not more than two alternate members for the same term as regular members to the board. The alternate member(s) has the same voting rights as a regular member of the board when serving. The alternative member appointed to a case shall serve in the case until a final decision is made. An alternate member may be called to serve as a regular member of the board if;
 - a. The regular member is absent from or will be unable to attend two or more consecutive meetings of the board, or
 - b. The regular member will be unable to attend meetings for a period of more than 30 consecutive days, or
 - c. A regular member needs to abstain for reasons of conflict of interest.
- (b) *Compensation of members.* The total amount allowed the board of appeals in any one year as per diem or as expenses actually incurred in the discharge of its duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the township board.
- (c) *Removal of members.* Members of the board of appeals shall be removable by the township board for nonperformance of duty or misconduct in office upon written charges and after public hearing.
- (d) *Conflict of interest.* A member shall disqualify himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- (e) *Quorum.* The township board of appeals shall not conduct business unless a majority of the members of the board is present.

(Comp. Ords. 1988, § 15.630; Ord. No. 146, 1-21-2008)

State Law reference— Similar provisions, MCL 125.288.

Sec. 30-62. - Meetings and procedures.

- (a) Meetings of the board of appeals shall be held at the call of the chairperson and at such other times as the board in its rules of procedure may specify. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board of appeals shall be open to the public. The board shall maintain a record of its proceedings, which shall be filed in the office of the township clerk and shall be a public record.
- (b) The board of appeals may fix rules to govern its procedures.
- (c) The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the township, county, or state.
- (d) Such appeal shall be taken within such time as shall be prescribed by the township board of appeals by general rule, by filing with the zoning administrator and with the board of appeals a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- (e) The township board of appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide the appeal within a reasonable time. At the hearing, a party may appear in person or by agent or by attorney.
- (f) The concurring vote of a majority of the members of the board of appeals shall be necessary to reverse an order, requirement, decision or determination of the zoning administrator or body from whom the

appeal was taken, or to decide in favor of the applicant, any matter upon which it is required to pass or to effect any variation in this chapter.

- (g) The zoning board of appeals shall state in writing the grounds of each determination.
- (h) An appeal stays all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the township board of appeals after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of appeals or by the circuit court, on application, on notice to the zoning administrator and on due cause shown.

(Comp. Ords. 1988, § 15.631)

State Law reference— Similar provisions, MCL 125.289—125.293.

Sec. 30-63. - Powers and jurisdiction.

The board of appeals shall have the following powers and areas of jurisdiction:

- (1) It shall hear and decide appeals from and review any order, requirements, decisions, or determination made by any administrative official or body charged with enforcement of this chapter.
- (2) It shall hear and decide all matters referred to it or upon which it is required to pass pursuant to this chapter.
- (3) With regard to special land use and planned unit development decisions, no appeal may be taken to the board of appeals except as otherwise provided in this chapter.
- (4) The township board of appeals shall act upon all questions as they may arise in the administration of this chapter, including the interpretation of the zoning maps.
- (5) The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as in its opinion ought to be made, and to that end shall have all the powers of the zoning administrator or body from whom the appeal was taken and may issue or direct the issuance of a permit.
- (6) Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter, the board of appeals in passing upon appeals may vary or modify any of its rules or provisions so that the spirit of this chapter is observed, public safety secured, and substantial justice done.
- (7) The board of appeals may impose conditions with an affirmative decision. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - a. Be designed to protect natural resources and the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - c. Be necessary to meet the intent and purpose of this chapter.

- d. Be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

(Comp. Ords. 1988, § 15.632)

State Law reference— Similar provisions, MCL 125.290, 125.293.

Sec. 30-64. - Standards for granting variance.

- (a) No variance (see the definition in section 30-3) or modification of the provisions of this chapter shall be granted by the board of appeals unless it appears beyond a reasonable doubt that a literal enforcement of the provisions of this chapter would involve practical difficulties or unnecessary hardship and that all the following facts and conditions exist:
 - (1) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or classes of use in the same district or zone.
 - (2) Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
 - (3) The granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
 - (4) The granting of such variance will not adversely affect the purpose or objectives of the comprehensive plan of the township.
- (b) In consideration of all appeals and all proposed variations to this chapter, the board of appeals shall, before making any variations from this chapter in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the township.
- (c) Nothing contained in this section shall be construed to give or grant to the board of appeals the power or authority to alter or change this chapter or the official zoning map, such power and authority being reserved to the township board in the manner provided by law.

(Comp. Ords. 1988, § 15.633)

Sec. 30-65. - Approval of temporary uses.

The board of appeals may permit, upon proper application, temporary uses (excepting those types and classes of temporary uses for which approval authority has been granted by this chapter to the zoning administrator), which do not require the erection of any capital improvements of a structural nature, not otherwise permitted in any district, not to exceed 12 months, with the granting of 12-month extensions being permissible. The board of appeals, in granting permits for such temporary uses, shall do so under the following conditions:

- (1) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district or on the property wherein the temporary use is permitted.
- (2) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of the temporary permit.

- (3) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the township shall be made at the discretion of the board of appeals.
- (4) In classifying uses not requiring capital improvement, the board of appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments such as but not limited to golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
- (5) The use shall be in harmony with the general character of the district.
- (6) No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this chapter.

(Comp. Ords. 1988, § 15.634; [Ord. No. 158](#), art. 1, 2-16-2015)

Sec. 30-66. - Appeal to circuit court.

- (a) Decisions of the board of appeals shall be final. However, a person having an interest affected by this chapter may appeal to the circuit court. Upon appeal, the circuit court shall review the record and decision of the board of appeals to ensure that the decision:
 - (1) Complies with the constitution and laws of the state.
 - (2) Is based upon proper procedure.
 - (3) Is supported by competent material and substantial evidence on the record.
 - (4) Represents the reasonable exercise of discretion granted by law to the board of appeals.
- (b) If the court finds the record of the board of appeals inadequate to make the review required by this section, or that there is additional evidence which is material and with good reason was not presented to the board of appeals, the court shall order further proceedings before the board of appeals on conditions which the court considers proper. The board of appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decision shall be filed with the court.
- (c) As a result of the review required by this section, the court may affirm, reverse, or modify the decision of the board of appeals.

(Comp. Ords. 1988, § 15.635)

State Law reference— Similar provisions, MCL 125.293a.

Sec. 30-67. - Lapse of approval.

- (a) No order of the board of appeals permitting the erection or alteration of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. The board of appeals, upon written application and upon a showing of good cause, may grant up to two extensions of up to six months each for the starting of and/or the completion of construction, provided that application for an extension is made prior to the lapse of approval.
- (b) No order of the board of appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for the erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. The board of appeals, upon written application and upon a showing of good cause, may grant

up to two extensions of up to six months each for the establishment of such use, the starting of construction, and/or the completion of construction, provided that application for an extension is made prior to the lapse of approval.

(Comp. Ords. 1988, § 15.636; Ord. No. 142, arts. 2, 3, 5-16-2005)

Sec. 30-68. - Notice requirements.

- (a) The board of appeals shall make no recommendation except in a specific case and after a hearing conducted by the board. A written notice of the time and place of such hearing shall be mailed to the owners of all lots or parcels of land, or portion thereof, lying within 300 feet of the property in question. Such notice shall be served not less than 15 days prior to the date of the hearing.
- (b) Public notices regarding the time and place of regular and special meetings of the board of appeals shall comply with the open meetings act, Public Act No. 267 of 1976 (MCL 15.261 et seq.).

(Comp. Ords. 1988, § 15.637; Ord. No. 146, 1-21-2008)

Sec. 30-69. - Fees.

The township board may from time to time set a reasonable schedule of fees to be charged to applicants for appeals to the zoning board of appeals. A fee shall be paid to the township clerk at the time the notice of appeal is filed.

(Comp. Ords. 1988, § 15.638)

Secs. 30-70—30-90. - Reserved.

ARTICLE III. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 30-91. - Districts established.

For the purpose of this chapter, the township is hereby divided into the following districts:

| <i>Residential use districts:</i> | |
|-----------------------------------|---|
| AG | Agricultural District |
| RE | Suburban Residential Estates District |
| RS | Suburban Residential District |
| RM | Multiple-Family Residential District |
| CR | Commercial Recreation and Open Space District |

| <i>Nonresidential use districts:</i> | |
|--------------------------------------|--------------------------------|
| O-1 | Office District |
| B-1 | Neighborhood Business District |
| B-2 | General Business District |
| I-1 | Light Industrial District |
| I-2 | Heavy Industrial District |

(Comp. Ords. 1988, § 15.080; Ord. No. 137, art. 2, 4-13-2003; Ord. No. 146, 1-21-2008)

Sec. 30-92. - District boundaries established; official zoning map.

- (a) The boundaries of the districts enumerated in section 30-91 are hereby established as shown on the Zoning Map, Township of China Zoning Ordinance, which accompanies the ordinance codified in this chapter, and which map, with all notations, references, and other information shown thereon, shall be as much a part of this chapter as if fully described in this chapter.
- (b) The official zoning map shall be identified by the signature of the township supervisor attested by the township clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in section 30-92 of the Zoning Ordinance of the Township of China (include date of adoption)." If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map after the amendment has been approved by the township board together with an entry on the official zoning map as follows: "On (date), by official action of the Township Board the following changes were made (brief description with reference number to board proceedings)." Two copies of the official zoning map are to be maintained and kept up to date: one in the building inspector's office and one in the township clerk's office, accessible to the public, and shall be the final authority as to the current zoning status of land, buildings, and other structures in the township.

(Comp. Ords. 1988, §§ 15.081, 15.950; Ord. No. 122-Z, 6-15-2001; Ord. No. 132, art. 1, 5-20-2002; Ord. No. 136, art. 1, 2-17-2003; Ord. No. 138, art. 1, 10-13-2003; Ord. No. 144, art. 1, 12-19-2005; Ord. No. 146, 1-21-2008; Ord. No. 155, art. 1, 2-18-2013)

Sec. 30-93. - Interpretation of district boundaries.

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

- (1) Boundaries indicated as approximately following the right-of-way lines of streets, highways, or alleys shall be construed as following the centerlines of such streets, highways, or alley.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

- (3) Boundaries indicated as approximately following the township limits shall be construed as following the township limits.
- (4) Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline shall be construed as moving with the actual shorelines. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- (5) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (4) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- (6) Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (5) of this section, the board of appeals shall interpret the district boundaries.
- (7) Where, due to lack of scale, lack of detail, or illegibility of the zoning map, there is uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location shall be determined by the board of appeals.

(Comp. Ords. 1988, § 15.082)

Sec. 30-94. - Zoning of vacated areas.

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

(Comp. Ords. 1988, § 15.083)

Sec. 30-95. - Requirements applicable to all districts.

All buildings and uses in any district shall be subject to the provisions of articles IV and V of this chapter.

(Comp. Ords. 1988, § 15.084)

Secs. 30-96—30-120. - Reserved.

DIVISION 2. - AGRICULTURAL DISTRICT (AG)

Sec. 30-121. - Intent.

The intent of the agricultural district (AG) is to provide and protect those areas which are best suited for agricultural and rural residential uses. Densities are to be kept low due to generally poor soil characteristics for on-site sewage disposal and the fact that public sewer, water, and other services are not planned to be extended to these areas.

(Comp. Ords. 1988, § 15.120; Ord. No. 146, 1-21-2008)

Sec. 30-122. - Principal uses permitted.

In an AG district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Dwellings, single-family.
- (2) Open space preservation development (residential clustering) as provided in section 30-449.
- (3) Home occupations, as regulated in this subsection. A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. An application for a zoning compliance permit under section 30-32 shall be made. The following additional conditions and restrictions shall apply:
 - a. Such home occupation shall be carried on entirely within the dwelling and exclusively by the inhabitants thereof.
 - b. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or is provided incidental to the service or profession conducted therein.
 - c. Such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas. One non-illuminated sign shall be permitted subject to the requirements of section 30-430.
 - d. Such occupation shall not exceed the use of more than 25 percent of the total floor area of the dwelling, but in no event more than 500 square feet of floor area.
 - e. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street, and other than in the required front yard.
 - f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot on which the occupation is conducted. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference or causes fluctuations in line voltage off the premises.
 - g. Under no circumstances shall medical clinics, day care centers and nurseries, veterinarian's offices, animal hospitals, kennels, or tourist homes be permitted as home occupations.
- (4) Foster family homes (one—four children) and Foster group homes (five—six children). See definitions.
- (5) Family day care homes (one—six children). See definition.
- (6) State licensed residential facilities for six or fewer persons, subject to the notification and subject to a limit of a 1,500 foot radius spacing between facilities. See definition.
- (7) Farms (see definition) as provided under section 30-452.
- (8) Raising of livestock and farm animals (but not including feedlots, see definition) as provided under section 30-452.
- (9) Accessory keeping of animals on lots less than ten acres. See section 30-451.
- (10) Sale of agricultural products raised or grown on the farm premises, including roadside stands for such sales, as regulated by section 30-509, and sale of agricultural related items such as seeds and fertilizers when carried on entirely within the dwelling or accessory buildings and when carried on as an accessory use to a farm.
- (11) Publicly owned and operated parks, parkways, and recreational facilities and public and parochial elementary, intermediate, and secondary schools.
- (12) Garage sales, yard sales, or similar types of sales, provided such sale shall take place for a period not to exceed 14 days and no residence shall be permitted more than two such sales per year.
- (13) Accessory buildings and uses customarily incident to the uses listed in this section.

- (14) Public use facility airports, subject to the regulations and approval of the Michigan Department of Transportation, Bureau of Aeronautics.
- (15) An on-site use wind energy system (a windmill) as provided in section 30-443.

(Comp. Ords. 1988, § 15.121; Ord. No. 134, art. 1, 12-16-2002; Ord. No. 137, art. 3, 4-13-2003; Ord. No. 146, 1-21-2008; Ord. No. 148, 12-15-2008; Ord. No. 151, art. 2, 5-17-2010; Ord. No. [161](#), § 1.2, 10-17-2016)

Sec. 30-123. - Uses permitted upon special approval.

The following special land uses shall be permitted in the AG district subject to the procedures and standards of article VI of this chapter:

- (1) Utility and public service facilities and uses, excluding storage yards, when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity (see section 30-563).
- (2) Churches and public buildings (excluding public works garages and storage yards) (see section 30-546).
- (3) Golf courses, not including driving ranges or miniature golf courses (see section 30-552).
- (4) Bed and breakfast establishments (see section 30-564).
- (5) Group (child) day care home (see definition and section 30-565).
- (6) Child care centers (day care centers) (see section 30-557).
- (7) [Reserved.]
- (8) Private use landing areas (see section 30-566).
- (9) Cemeteries when located on sites of 50 acres or more (see section 30-545).
- (10) Large scale recreation (see section 554).
- (11) Kennels and animal clinics (see section 30-553).
- (12) Mining and extraction (see section 30-555).
- (13) Commercial composting facilities, provided that the location, design, and operation of such facilities comply with the conditions, regulations, and provisions set forth in chapter 24, article VI.
- (14) Feedlots (see definition and section 30-567).
- (15) Uses similar to the uses listed in this section.
- (16) Accessory buildings and uses customarily incident to the uses listed in this section.
- (17) Utility grid wind energy system (wind farms) as provided in section 30-573.

(Comp. Ords. 1988, § 15.122; Ord. No. 139, art. 3, 4-19-2004; Ord. No. 146, 1-21-2008; Ord. No. 148, 12-15-2008; Ord. No. 151, art. 2, 5-17-2010)

Sec. 30-124. - Area and bulk requirements.

For area and bulk requirements in the AG district, see the schedule of regulations in section 30-391, limiting the height and bulk of buildings, providing the minimum size of lot permitted, providing the maximum density permitted, and providing minimum yard setback requirements.

(Comp. Ords. 1988, § 15.123; Ord. No. 146, 1-21-2008)

Secs. 30-125—30-136. - Reserved.

DIVISION 2.5. - SUBURBAN RESIDENTIAL ESTATES DISTRICT (RE)

Sec. 30-137. - Intent.

The suburban residential estates district (RE) is intended to serve as a transition between higher density single family residential districts and agricultural/rural districts. These districts will tend to be located in areas which are in portions of the township planned for conversion from agricultural land uses to more residential land uses. Such suburban residential estates land uses will generally be served by paved roads, but may or may not be served by public sewer and water systems. The construction and occupancy of single-family dwellings is provided on two and one-half acre lots without public sewer and on one-half acre lots with public sewer.

(Ord. No. 146, 1-21-2008)

Sec. 30-138. - Principal uses permitted.

In a suburban residential estates district (RE) no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Dwellings, single-family.
- (2) Open space preservation developments (residential clustering) as provided in section 30-449.
- (3) Home occupations, as regulated under section 30-122.
- (4) Foster family homes (one—four children) and foster group homes (five—six children). See definitions.
- (5) Family day care homes (one—six children). See definition.
- (6) State licensed residential facilities for six or fewer persons. See definition.
- (7) Farms, as provided under section 30-452.
- (8) Raising of livestock and farm animals, (but not including feedlots, see definition) as provided under section 30-452.
- (9) Sale of agricultural products, as provided under section 30-122.
- (10) Publicly owned and operated parks, parkways, and recreational facilities and public and private elementary, intermediate and secondary schools.
- (11) Garage sales, yards sales, or similar types of sales, provided such sale shall take place for a period not to exceed 14 days and no residence shall be permitted more than two such sales per year.
- (12) Accessory buildings and uses customarily incident to the uses listed in this section.
- (13) An on-site use wind energy system (a windmill) as provided in section 30-443.

(Ord. No. 146, 1-21-2008; Ord. No. 151, art. 2, 5-17-2010; Ord. No. [161](#), § 1.3, 10-17-2016)

Sec. 30-139. - Uses permitted upon special approval.

The following special land uses shall be permitted in the RE district subject to the procedures and standards of article VI of this chapter.

- (1) Utility and public service facilities and uses, excluding storage yards, when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity (see section 30-563).
- (2) Churches and public buildings (excluding public works garages and storage yards) (see section 30-546).
- (3) Public and private colleges, universities, and other such institutions of higher learning (see section 30-560).
- (4) Golf courses, not including driving ranges or miniature golf courses (see section 30-552).
- (5) Group (child) day care home (seven to 12 children) (see definition and section 30-565).
- (6) Child care centers (day care centers) (see definition and section 30-557).
- (7) An orphanage, or home for the aged, indigent or physically handicapped, a rest or convalescent home (see section 30-558).
- (8) Hospitals (see section 30-551).
- (9) Planned unit residential developments in accordance with the provisions of article IV, division 2, sections 30-471 through 30-477 of this chapter).
- (10) Uses similar to the above uses.
- (11) Accessory buildings and uses customarily incident to any of the above permitted uses.

(Ord. No. 146, 1-21-2008)

Sec. 30-140. - Area and bulk requirements.

For area and bulk requirements in the RE district, see the schedule of regulations in section 30-391, limiting the height and bulk of buildings, providing the minimum size of lot permitted, providing the maximum density permitted, and providing minimum yard setback requirements.

(Ord. No. 146, 1-21-2008)

Secs. 30-141—30-150. - Reserved.

DIVISION 3. - SUBURBAN RESIDENTIAL DISTRICT (RS)

Sec. 30-151. - Intent.

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

(Comp. Ords. 1988, § 15.160; Ord. No. 146, 1-21-2008)

Sec. 30-152. - Principal uses permitted.

In an (RS) suburban residential district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Dwellings, single-family.
- (2) Open space preservation development (residential clustering) in those areas of the RS district without public sewer and as provided in section 30-449.

- (3) Home occupations, as regulated under section 30-122.
- (4) Foster family homes (one—four children) and Foster group homes (five—six children). See definitions.
- (5) Family day care homes (one—six children). See definition.
- (6) State licensed residential care facilities for six or fewer persons. See definition.
- (7) Farms, as provided under section 30-452.
- (8) Raising of livestock and farm animals, (but not including feedlots, see definition) as provided under section 30-452.
- (9) Sale of agricultural products, as provided under section 30-122.
- (10) Publicly owned and operated parks, parkways, and recreational facilities and public and private elementary, intermediate and secondary schools.
- (11) Garage sales, yards sales, or similar types of sales, provided such sale shall take place for a period not to exceed 14 days and no residence shall be permitted more than two such sales per year.
- (12) Accessory buildings and uses customarily incident to the uses listed in this section.
- (13) An on-site use wind energy system (a windmill) as provided in section 30-443.

(Comp. Ords. 1988, § 15.161; Ord. No. 134, art. 2, 12-16-2002; Ord. No. 137, art. 4, 4-13-2003; Ord. No. 146, 1-21-2008; Ord. No. 151, art. 2, 5-17-2010; Ord. No. [161](#), § 1.4, 10-17-2016)

Sec. 30-153. - Uses permitted upon special approval.

The following special land uses shall be permitted in the RS district subject to the procedures and standards of article VI of this chapter.

- (1) Utility and public service facilities and uses, excluding storage yards, when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity (see section 30-563).
- (2) Churches and public buildings (excluding public works garages and storage yards) (see section 30-546).
- (3) Public and private colleges and universities and other such institutions of higher learning (see section 30-560).
- (4) Golf courses, not including driving ranges or miniature golf courses (see section 30-552).
- (5) Group (child) day care home (seven to 12 children) (see definition and section 30-565).
- (6) Child care centers (day care centers) (see definition and section 30-557).
- (7) An orphanage, or home for the aged, indigent or physically handicapped, a rest or convalescent home (see section 30-558).
- (8) Hospitals (see section 30-551).
- (9) Planned unit residential developments in accordance with the provisions of article IV, division 2, sections 30-471 through 30-477 of this chapter).
- (10) Uses similar to the above uses.
- (11) Accessory buildings and uses customarily incident to any of the above permitted uses.

(Comp. Ords. 1988, § 15.162; Ord. No. 146, 1-21-2008)

Sec. 30-154. - Area and bulk requirements.

For area and bulk requirements in the RS district, see the schedule of regulations in section 30-391, limiting the height and bulk of buildings, providing the minimum size of lot permitted, providing the maximum density permitted, and providing minimum yard setback requirements.

(Comp. Ords. 1988, § 15.163; Ord. No. 146, 1-21-2008)

Secs. 30-155—30-180. - Reserved.

DIVISION 4. - MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM)

Sec. 30-181. - Intent.

The multiple-family residential district (RM) is designed to permit a higher density of population and a higher intensity of land use in those areas which are served by a central water supply system and a central sanitary sewer system and which abut or are adjacent to other uses or amenities which support, compliment or serve such a density and intensity.

(Comp. Ords. 1988, § 15.200; Ord. No. 146, 1-21-2008)

Sec. 30-182. - Principal uses permitted.

In the RM multiple-family residential district, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Multiple-family dwellings.
- (2) Community garages serving the principal residential building(s), containing space for no more than two passenger vehicles for each dwelling unit.
- (3) Maintenance and management building(s) to serve multiple-family dwellings.
- (4) Private swimming pool designed and operated only for occupants of the principal building and their personal guests.
- (5) Orphanages, convalescent or rest homes, and homes for the aged, indigent or handicapped, licensed by the state and subject to the conditions of section 30-558.
- (6) Dwellings, single-family and dwellings, two-family.
- (7) Open space preservation developments (residential clustering) in those portions of the RM district without public sewer and as provided in section 30-449.
- (8) Home occupations, as regulated under section 30-122.
- (9) Foster family homes (one—four children) and foster group homes (five—six children). See definitions.
- (10) Family day care homes (one—six children). See definition.
- (11) Group day care homes (seven—12 children). See definition.
- (12) State licensed residential facilities for six or fewer persons. See definition.
- (13) Publicly owned and operated parks, parkways, and recreational facilities and public and private elementary, intermediate and secondary schools.

- (14) Garage sales, yard sales, or similar types of sales, provided such sale shall take place for a period not to exceed 14 days and no residence shall be permitted more than two such sales per year.
- (15) Accessory buildings and uses customarily incident to the uses listed in this section.
- (16) An on-site use wind energy system (a windmill) as provided in section 30-443.
- (17) Manufactured housing communities (see definition) subject to the requirements as established and regulated by Act 419 of the Public Acts of 1976, as amended, and subsections a., b., and c. below.
 - a. *Review and preliminary approval of manufactured housing community plans:*
 1. *Review.* Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community, or construction of any building within the community not previously approved, a plan shall be presented to the planning commission for its review and approval.
 2. *Application.* All plans submitted to the planning commission for review under this section shall contain the following information:
 - i. Every preliminary site plan submitted for review by the planning commission shall be a complete application and in accordance with the requirements of this ordinance. Fifteen copies of the preliminary site plan shall be submitted with the application.
 - ii. The name and address of the property owner and developer.
 - iii. The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, architectural, or planning firms responsible for the preparation of the site plan.
 - iv. The date, north arrow and scale. The scale shall not be less than one inch equals 50 feet for property under three acres and at least one inch equals 100 feet for those three acres or more.
 - v. All property lines are to be shown in dimension.
 - vi. The location and height of all existing structures on and within the subject property, and existing within 100 feet of the subject property.
 - vii. The typical location and typical dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, and community buildings.
 - viii. The location of all proposed open space and recreation areas with written assurance that it meets the requirements of Rule 946 of the Manufactured Housing Commission.
 - ix. The location of all proposed landscaping and buffering.
 - x. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
 - xi. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
 - xii. Location of all fire hydrants, if applicable.
 - xiii. The number of manufactured housing sites proposed.
 - xiv. The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal.

- xv. Utility and other easements.
 - xvi. Existing wetlands.
 - xvii. A description of stormwater management facilities with written assurance that surface drainage facilities will meet the requirements and standards of part of the MDEQ (Michigan Department of Environmental Quality).
 - xviii. Proposed sign locations.
 - xix. A statement of all required setbacks and separation distances.
3. *[Construction plans.]* Provided, however, that detailed construction plans shall not be required to be submitted to the township.
 4. *Fee.* Fees for the review of a manufactured housing community plan shall be established by resolution of the township board.
 5. *Decision.*
 - i. The plan shall be reviewed by the planning commission for compliance with the design standards for manufactured housing communities contained in this chapter, and the regulations of the Michigan Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the ordinance and regulations, it shall be approved.
 - ii. The plan shall be approved, approved with conditions, or denied within 60 days after received by the township, unless the applicant consents to allow a longer period of review.
 6. *[Final construction plan.]* A copy of the final construction plan shall be submitted to the township upon approval by the Michigan Department of Consumer and Industry Services.
 7. *Noncompliance.* Any substantial noncompliance with the approved preliminary site plan, shall be reported to the Manufactured Housing Division of the Michigan Department of Consumer and Industry Services for remedy along with all pertaining evidence.
- b. *Manufactured housing community requirements:* State-licensed manufactured housing communities (also previously known as mobile home parks) are a permitted use in the RM, multiple-family residential district subject to the following requirements. It is the township's intention to provide for this high density land use in a manner similar to that which other high density residential land uses are accommodated.
1. *Site size.* A 15 acre site shall be the minimum site size.
 2. *Access and roads.*
 - i. The proposed site location shall be governed by the requirements of Section 11 of the Mobile Home Commission Act and Rule 920(1)(b) of the Manufactured Housing Commission Rules.
 - ii. Two access points shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall be interpreted as satisfying this requirement.
 - iii. All internal roads shall be constructed of concrete or bituminous asphalt and be supported by a suitable sub-grade in compliance with the standards of the American Association of State Highway and Transportation Officials ("AASHTO").
 - iv. Maximum cul-de-sac length shall be 1,000 feet. A blunt-end road is prohibited. An internal road that has no exit at one end shall terminate with an adequate turning area, which is to be approved by the local fire department serving the subject location. Parking shall not be permitted within the turning area.

- v. Safe-sight distance shall be provided at intersections.
 - vi. An offset at an intersection or an intersection of more than two internal roads is prohibited.
 - vii. The following types of internal roads shall have driving surfaces that are not less than the following widths:
 - (01) One-way, no parking 16 feet
 - (02) Two-way, no parking 21 feet
 - (03) One-way, parallel parking, one side 23 feet
 - (04) One-way, parallel parking, two sides 33 feet
 - (05) Two-way, parallel parking, one side 31 feet
 - (06) Two-way, parallel parking, two sides 41 feet
 - viii. All entrances to communities that have 300 or more home sites shall be a minimum of 30 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road, and shall be constructed as follows:
 - (01) All turning lanes shall be a minimum of ten feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.
 - (02) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
 - (03) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road with a curved line that has a minimum radius of 15 feet. The intersection of the public road and the ingress and egress road shall not have squared corners.
 - (04) Entranceway structures, including but not limited to, walls, columns and gates marking the entrance to a manufactured housing community, may be permitted, and may be located in a required setback, except that required clear vision areas as provided under section 30-432 shall be maintained. Such entranceway structure(s) shall comply with the Michigan Building Code. A driveway permit shall be obtained from the St. Clair County Road Commission and must approve such proposed entranceway structures if located within the public road right-of-way.
 - ix. An orderly street name system and unit numbering system shall be established by the community owner and the plan of such system approved by the local fire department serving the subject location. Manufactured home space numbers shall be located uniformly on each space, housing unit, or identification marker, throughout the community, and street names shall be adequately marked at all internal road intersections.
 - x. Appropriate traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.
3. *Driveways.*
- i. Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials.

- ii. The minimum width of driveways shall be ten feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.
4. *Resident vehicle parking.*
- i. All home sites shall be provided with two parking spaces.
 - ii. If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:
 - (01) The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable sub-grade in compliance with the standards of AASHTO.
 - (02) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than nine feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the two parking spaces shall not be less than 18 feet and the length shall be not less than 20 feet.
 - (03) If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within 30 feet of the home site and each parking space shall have a clear parking width of nine feet and a clear length of 20 feet.
 - (04) If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of nine feet and a clear length of 20 feet.
5. *Visitor parking facilities.*
- i. A minimum of one parking space for every three home sites shall be provided for visitor parking.
 - ii. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.
 - iii. If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of nine feet and a clear length of 20 feet.
6. *Sidewalks.*
- i. Public sidewalks. Concrete sidewalks, five feet in width, shall be required along that portion of a community fronting along public road(s). Such sidewalk shall be located within the road right-of-way or easement, beginning one foot inside the right-of-way line.
 - ii. Sidewalks shall be constructed in the community and maintained for the safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. Sidewalks shall be installed along one side of all internal collector roads within the community and to the public right-of-way and to all service facilities including but not limited to central laundry, central parking, and recreation areas.
 - iii. All sidewalks shall be constructed in compliance with all of the following requirements:
 - (01) Sidewalks shall have a minimum width of four feet and shall be constructed in compliance with Act 8 of the Public Acts of 1973, being § 125.1361 et seq. of the Michigan Compiled Laws, an act which regulates sidewalks for handicappers.

(02) All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.

- iv. An individual sidewalk with a minimum width of three feet shall be constructed between at least one entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or the common sidewalk.
- v. No portion of any off-street parking area shall be considered part of the sidewalk system.

7. *Lighting.*

- i. Access points shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.
- ii. At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than 0.15 foot candle.
- iii. Internal roads, parking bays, and sidewalks shall be illuminated at not less than 0.05 foot candle.
- iv. If a community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot candles on any entry on the directory.

8. *Utilities required to be constructed by developer.*

- i. All electrical, telephone, cable television, natural gas, and other utility services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, each meter shall be located in a uniform manner on each housing site.
- ii. All manufactured housing sites and all other buildings within the community shall be connected to the water system of the township, if it is available to the community, or to another state-approved system. The community water system shall conform to Part 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards.
- iii. Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of the fire code. There shall be no more than 500 feet between hydrants as measured along adjacent roadways within the community.
- iv. All manufactured housing sites and all other buildings within the community shall be connected to the public sanitary sewage system of the township, if it is available to the community within 200 feet at the time of preliminary site plan approval. If a public sewer system is unavailable, the proposed development shall connect to a state-approved sewage system. The community's sanitary sewage system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards.
- v. All storm sewers shall be constructed in accordance with Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards. Additional requirements for a community may be established by the St. Clair County Drain Commissioner, pursuant to Section 11(3) of Public Act 96 of 1987, as amended.

9. *Individual home site size, spacing, setback, and fence requirements and pool location.*

- i. Home site area. The manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. This 5,500 square feet average may be reduced by 20 percent provided that each individual

site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code, and section 30-182(16)b.11. (open space requirements) of this chapter.

- ii. Required distances between homes and other structures.
 - (01) Home sites shall be arranged to allow for, and manufactured homes shall be located to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:
 - (A) For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes.
 - (B) For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
 - (C) Ten feet from either of the following:
 - (01.) The parking space on an adjacent home site.
 - (02.) An attached or detached structure or accessory of an adjacent home that is not used for living purposes.
 - (D) Fifty feet from permanent community-owned structures, such as either of the following:
 - (01.) Club houses.
 - (02.) Maintenance and storage facilities.
 - (E) One hundred feet from a baseball or softball field.
 - (F) Twenty-five feet from the fence of a swimming pool.
 - (02) Attached or detached structures or accessories that are not used for living space shall be a minimum of ten feet from an adjacent home or its adjacent attached or detached structures.
 - (03) Any part of an accessory structure, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures shall be set back the following minimum distances:
 - (A) Ten feet from the edge of an internal road.
 - (B) Seven feet from a parking bay off a home site.
 - (C) Seven feet from a common sidewalk.
 - (D) Twenty-five feet from a natural or manmade lake or waterway.
 - (04) A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side:
 - (A) Support pillars that are installed adjacent to the edge of an internal road shall be set back four feet or more from the edge of the internal road or two feet or more from the edge of a sidewalk.
 - (B) Roof overhangs shall be set back two feet or more from the edge of the internal road.

- (05) Steps and their attachments shall not encroach into parking areas more than three and one-half feet.
 - iii. Setbacks from property boundary lines.
 - (01) Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the community.
 - (02) If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line.
 - iv. Fences on individual home sites. Fences on individual home sites shall be uniform in height, not-to-exceed 36 inches, and shall be constructed in such a manner as to provide firefighters an access to at least two gates.
 - v. Pool location. Free standing swimming pools, spas, hot tubs and similar devices shall not be located between any home and roadway. Swimming pools, spas, hot tubs and similar devices are further regulated under section 30-439. Swimming pools, if provided, shall be in compliance with Act 368 of the Public Acts of 1978, as amended, and the rules promulgated thereunder.
10. *Screening/landscaping.* Manufactured housing communities shall provide the following screening, buffering and landscaping:
- i. If a manufactured home development abuts an existing residential development, the development shall provide screening along the boundary line abutting the adjacent development, if not in conflict with existing utilities.
 - ii. In all cases, a community shall provide screening along the boundary abutting a public right-of-way.
 - iii. The landscaping shall consist of evergreen trees or shrubs which are spaced so they provide a continuous screen at maturity.
 - iv. Landscape material shall consist of evergreen trees a minimum of four feet in height at installation and evergreen shrubs a minimum of three feet in height at maturity.
 - v. Alternative screening techniques (earth berms, fences, etc.) may be approved by the planning commission based upon a landscape plan for the site if they conceal the manufactured home development as effectively as the required landscaping described above.
 - vi. Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.
11. *Open space requirements.*
- i. A community that contains 50 or more sites shall have not less than two percent of the community's gross acreage dedicated to designated open space, but in no case less than 25,000 square feet. At least one-half of the required open space, up to two acres, shall be dedicated to community recreation uses, such as, but not limited to, picnic areas, athletic fields, playgrounds, walking trails, basketball courts, and lawn game areas.
 - ii. Required setbacks may not be used in the calculation of open space area. No part of a waste water lagoon(s) and any appurtenances thereto shall be considered a part of any required open space.
12. *Site constructed buildings, dwellings, and additions to manufactured homes.*

- i. Site constructed buildings within the community such as community buildings or laundries, but not including manufactured homes and their HUD approved accessory buildings, shall be reviewed by the township at the time of submission for a building permit under the Michigan Building Code, unless approved as part of the original plan for the community.
 - ii. The maximum height of any community or similar building shall not exceed 35 feet, or two stories in height, whichever is less. Storage or service buildings shall not exceed 15 feet, or one story in height.
 - iii. Community or service buildings shall not be located adjacent to an adjoining parcel that is either zoned or developed for single-family residential purposes, unless wall or greenbelt (sections 30-434 and 30-429) is provided for that area.
 - iv. Site-built single-family dwellings may be located in a community as follows:
 - (01) One single-family dwelling may be permitted for the exclusive use of the community owner or manager in a community of 30 acres or less.
 - (02) Two single-family dwellings may be permitted for the exclusive use of the community owner, manager, or caretaker in a community in excess of 30 acres.
 - (03) Any such single-family dwellings permitted under this section shall comply in all respects with the requirements of single-family dwellings in the RS, suburban residential district.
 - v. Any addition to a manufactured home unit that does not comply with the standards of the U.S. Department of Housing and Urban Development for manufactured homes and any site built garages or carports shall comply with the Michigan Building Code. A carport or garage shall not exceed 576 square feet.
13. *Signs.* There shall be a maximum of one sign per road frontage with an entrance which shall bear only the name of the community. The sign may be lighted, provided that the source of the light is not visible and is not of the flashing or intermittent type. One sign, not exceeding 32 square feet in area shall be permitted for the first entrance provided to the community. For multiple entrances, a 16 square foot sign shall be permitted at each entrance after the first. Signs may be doubled-faced, but each side of the sign shall have identical copy and be flush with the other side. Signs shall not exceed eight feet in height.

Signs purely for traffic regulation and direction within the manufactured housing community may be utilized as required.
14. *RV storage.* If boats, boat trailers, and utility trailers are permitted to be parked within the manufactured housing community, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this ordinance and shall be adequately locked, fenced and permanently buffered.

Such storage shall not be located adjacent to an adjoining parcel that is either zoned or developed for single-family residential purposes, unless wall or greenbelt (sections 30-434 and 30-429) is provided for that area.
15. *Compliance with regulations.* The design, layout, construction and use of a manufactured housing community shall in all other respects comply with the regulations on the design, construction and use of manufactured housing communities, the sale and leasing of manufactured housing lots and all other aspects of the construction and use of manufactured housing communities, as set forth in the rules of the Michigan Manufactured Housing Commission, as amended from time to time.

- c. *Manufactured homes within manufactured housing communities: Operation of communities.*
1. *Home size.* Manufactured homes within a community shall not contain less than 760 square feet of area, as measured by the outside dimensions, nor have an outside width of less than 13 feet.
 2. *Installation.* The installation of manufactured housing on each site within the community shall conform with the requirements of Rule 602 and Rule 602A of the Manufactured Housing Commission Rules. All utility connections to homes within the community shall be performed in accordance with the requirements of Rule 603 of the Manufactured Housing Commission Rules.
 3. *[Skirting.] Skirting shall be installed around all manufactured housing units and meet all of the following requirements:*
 - i. All skirting shall be installed prior to the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed 90 days. All skirting shall meet the requirements established by the rules of the Michigan Manufactured Housing Commission.
 - ii. Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the under-body from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.
 4. *Storage of personal property.*
 - i. Except as otherwise noted in this ordinance, no personal property, including tires, shall be stored outside or under any manufactured housing, or within carports which are open on any side. Towing mechanisms, including axles, are not subject to this provision.
 - ii. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on either a finished wooden deck, a concrete or bituminous asphalt patio or equivalent type of surface associated with the home.
 - iii. Storage sheds with a maximum area of 144 square feet may be placed upon any individual manufactured housing site for the storage of personal property.
 5. *Towing mechanisms.* Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however be stored under manufactured homes within a community.
 6. *Use.* A manufactured home shall be used only as a single family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured housing community.
 7. *Vehicle repair/inoperable vehicle storage.* No major vehicular repair, changing of oil or use of other potentially hazardous materials or procedures is permitted within the community. Further, no vehicles which are inoperable for a period of 72 consecutive hours shall be stored and/or remain in any outdoor area associated with the developed community property. Also see section 30-436.
 8. *Occupancy.* No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary, prior to building official inspection and approval.

9. *Manufactured home sales.* New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed dealer or broker, provided that manufactured housing development management permits the sale, pursuant to Section 28A of the Mobile Home Commission Act, Act 96 of 1987 as amended.
10. *Community maintenance.* The owner or operator of any community shall be responsible for all private street maintenance within the confines of the community and shall be responsible for all snow removal within the confines of the community and shall be responsible for picking up trash and garbage within the confines of the community.
11. *Storage of combustible items.* Individual fuel oil, liquid petroleum, or other fuel tanks or combustible personal property shall not be permitted to be stored in or under any home.
12. *Garbage containers.* Each home site shall be provided with approved garbage containers that meet the requirements of the manufactured housing commission. The containers shall be kept in sanitary conditions at all times. It shall be the responsibility of the community operator to ensure that all garbage containers do not overflow and to ensure that all areas within the community are maintained free from any trash or other discarded materials.
13. *Fire extinguishment equipment.* Every community shall be equipped with fire extinguishment equipment in good working order, with type, size and number so located as to be in compliance with Rule 702A of the Manufactured Housing Commission Rules. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with the regulations of the State Police Fire Marshal Division.

(Comp. Ords. 1988, § 15.201; Ord. No. 134, art. 3, 12-16-2002; Ord. No. 146, 1-21-2008; Ord. No. 151, art. 2, 5-17-2010)

Sec. 30-183. - Uses permitted upon special approval.

The following special land uses shall be permitted in the RM district subject to the procedures and standards of article VI of this chapter:

- (1) Planned unit residential developments in accordance with the provisions of article VI, division 2, sections 30-471 through 30-477 of this chapter).
- (2) Child care centers (day care centers) (see section 30-557).
- (3) Utility and public service facilities and uses, excluding storage yards, when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity (see section 30-563).
- (4) Churches and public buildings (excluding public works garages and storage yards) (see section 30-546).
- (5) Public and private colleges, universities, and other such institutions of higher learning (see section 30-560).
- (6) Golf courses, not including driving ranges or miniature golf courses (see section 30-552).
- (7) Hospitals (see section 30-551).
- (8) Uses similar to the above uses.
- (9) Accessory buildings and uses customarily incident to any of the above permitted uses.

(Comp. Ords. 1988, § 15.202; Ord. No. 146, 1-21-2008)

Sec. 30-184. - Area and bulk requirements.

For area and bulk requirements in the RM district, see the schedule of regulations in section 30-391, limiting the height and bulk of buildings, providing the minimum size of lot permitted, providing the maximum density permitted, and providing minimum yard setback requirements.

Streets within multiple family developments (not including manufactured housing communities). In multiple-family housing developments where internal streets are provided to serve attached or detached dwelling units, which have individual driveways leading to or serving as the parking area for each dwelling unit, said streets shall be designed and constructed to meet the standards set for in the St. Clair County Road Commission's "Procedures for Plat Street Development."

(Comp. Ords. 1988, § 15.203; Ord. No. 146, 1-21-2008)

Secs. 30-185—30-210. - Reserved.

DIVISION 5. - COMMERCIAL RECREATION AND OPEN SPACE DISTRICT (CR)

Sec. 30-211. - Intent.

The purpose of the commercial recreation and open space district (CR) is to preserve the natural character and beauty of areas having a high degree of environmental quality, and to protect the water quality of the Belle River by minimizing bank erosion and sedimentation. The district regulations are designed to ensure that land will be developed in a manner having the least possible impact upon natural resources.

(Comp. Ords. 1988, § 15.230; Ord. No. 146, 1-21-2008)

Sec. 30-212. - Principal uses permitted.

In a CR commercial recreation and open space district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Dwellings, single-family provided that such dwellings and accessory structures are set back at least 30 feet from the edge of any embankment identified as an escarpment or a short steep slope in the 1974 St. Clair County Soil Survey, and further provided that all structures erected comply with all applicable flood control and erosion prevention ordinances and statutes.
- (2) Open space preservation development (residential clustering) in those areas of the CR district without public sewer and as provided in section 30-449.
- (3) Home occupations, as regulated under section 30-122.
- (4) Foster family homes (one—four children) and foster group homes (five—six children). See definitions.
- (5) Family day care homes (one—six children). See definition.
- (6) State licensed residential care facilities for six or fewer persons. See definition.
- (7) Farms, as provided under section 30-452.
- (8) Raising of livestock and farm animals, (but not including feedlots, see definition) as provided under section 30-452.
- (9) Accessory keeping of animals on lots of less than ten acres. See section 30.451.
- (10) Sale of agricultural products, as provided under section 30-122.

- (11) Publicly owned and operated parks, parkways, and recreational facilities and public and private elementary, intermediate and secondary schools.
- (12) Public or private forest preserves, game refuges, and conservation areas, but not including gun or hunt clubs.
- (13) Garage sales, yards sales, or similar types of sales, provided such sale shall take place for a period not to exceed 14 days and no residence shall be permitted more than two such sales per year.
- (14) Accessory buildings and uses customarily incident to the uses listed in this section.
- (15) An on-site use wind energy system (a windmill) as provided in section 30-443.

(Comp. Ords. 1988, § 15.231; Ord. No. 134, art. 4, 12-16-2002; Ord. No. 137, art. 5, 4-13-2003; Ord. No. 146, 1-21-2008; Ord. No. 151, art. 2, 5-17-2010; Ord. No. [161](#), § 1.5, 10-17-2016)

Sec. 30-213. - Uses permitted upon special approval.

The following special land uses shall be permitted in the CR district subject to the procedures and standards of article VI of this chapter.

- (1) Large scale recreation (see section 30-554).
- (2) Cemeteries when located on a site of 50 or more acres (see section 30-545).
- (3) Kennels and animal clinics (see 30-553).
- (4) Public and private colleges and universities and other such institutions of higher learning (see section 30-560).
- (5) Golf courses, not including driving ranges or miniature golf courses (see section 30-552).
- (6) Bed and breakfast establishments (see section 30-564).
- (7) Utility and public service facilities and uses, excluding storage yards, when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity (see section 30-563).
- (8) Private use landing areas (see section 30-566).
- (9) Uses similar to the above uses.
- (10) Accessory buildings and uses customarily incident to any of the above permitted uses.
- (11) Private use landing areas (see section 30-566).

(Comp. Ords. 1988, § 15.232; Ord. No. 139, art. 4, 4-19-2004; Ord. No. 146, 1-21-2008; Ord. No. 148, 12-15-2008)

Sec. 30-214. - Area and bulk requirements.

For area and bulk requirements in the CR district, see the schedule of regulations in section 30-391, limiting the height and bulk of buildings, providing the minimum size of lot permitted, providing the maximum density permitted, and providing minimum yard setback requirements.

(Comp. Ords. 1988, § 15.233; Ord. No. 146, 1-21-2008)

Secs. 30-215—30-240. - Reserved.

DIVISION 6. - OFFICE DISTRICT (O-1)

Sec. 30-241. - Intent.

The O-1 office districts are designed to accommodate office uses, office sales uses, and certain basic personal services. These use districts, when not a part of a shopping center or other business district, are intended to serve the function of land use transition between business districts and adjacent residential districts. Office districts will normally be located along major thoroughfares.

(Comp. Ords. 1988, § 15.241; Ord. No. 146, 1-21-2008)

Sec. 30-242. - Principal permitted uses.

In the O-1 district, no land, building, structure, or premises, except as otherwise provided in this chapter, shall be erected, altered, or used except for one or more of the following uses: the parenthetical number (000000) listed by each use is taken from the North American Industry Classification System (NAICS), 1997 published by the U.S. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading. However, where it is determined by the planning commission that the effects of a listed use may tend to extend beyond the site, then special land use approval shall be required.

- (1) Business establishments which perform services on the premises, such as, but not limited to banks (522110), savings and loan companies (522120), credit unions (522130), stock brokerages (523120), insurance offices (52411, 52412).
- (2) Real estate offices, real estate developer office, and related uses (531) and lessors of non-financial intangible assets (533), but not including (532) rental and leasing services providing tangible goods (e.g. automobiles, consumer goods and appliances).
- (3) Professional, scientific, and technical services (54); including law offices (5411), accounting and related services (5412), architectural, engineering, drafting, surveying, testing labs, and related services (5413), interior design (541410), industrial design (541420), graphic design (541430), computer systems design and related services (5415), management, scientific, and technical consulting services including human resources consulting (5416), scientific research and development (5417), and advertising and related services (5418), subject to the limitations contained in section 30-244.
- (4) Office buildings for any of the following: executive, administrative, professional, management companies (55) and administrative support services (561) including writing, clerical, stenographic, and sales, subject to the limitations contained in section 30-244.
- (5) Professional services including the following: offices and clinics of doctors and osteopaths (621111), dentists (621210), and similar or allied professions, but not animal clinics.
- (6) Publicly owned buildings (9211, 922120, 922160, 922190, 923110, 923120, 923130, 924110, 924120, 925110, 925120, 926130) and public utility offices. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards, but without storage yards; and water and sewage pumping stations (221310, 221320) when operating requirements necessitate the locating of such facilities within the district in order to serve its immediate vicinity.
- (7) Other uses similar to the uses listed in this section.
- (8) Accessory structures and uses customarily incident to the permitted uses listed in this section.
- (9) An on-site use wind energy system (a windmill) as provided in section 30-443.

(Comp. Ords. 1988, § 15.242; Ord. No. 146, 1-21-2008; Ord. No. 151, art. 2, 5-17-2010)

Sec. 30-243. - Uses permitted upon special approval.

The following special land uses shall be permitted in the O-1 district subject to the conditions imposed in this division for each use and subject further to the review and approval of the site plan by the planning commission and subject to the general special approval standards and procedures provided in article VI of this chapter. The parenthetical number (000000) listed by each use is taken from the North American Industry Classification System (NAICS), 1997 published by the U.S. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading.

- (1) Business establishments when a part of a larger O-1 district which, by the nature of its size and complexity, would require or benefit from these attendant services, such as, but not limited to;
 - a. Office supplies (453210) and office service establishments (561110 and 56143).
 - b. Art shops (453920) and photographic studios (541921 and 711510) (except those defined as adult entertainment uses (see section 30-543)), and interior decorating studios (541410).
 - c. Child care centers (624410) (day care centers) (see section 30-557).
 - d. Personal service establishments which perform services on the premises, such as, but not limited to, barbershops (812111), beauty shops (812112), and health spas and fitness centers without accommodations (713940), except those defined as adult entertainment uses (see section 30-543).
- (2) An accessory use customarily related to a principal permitted use authorized by this division, such as, but not limited to, a pharmacy or apothecary shop, stores limited to corrective garments, surgical supplies or bandages, or optical service.
- (3) Any business which would conduct business or portions of business transactions outside the building, such as drive-thru service.

(Comp. Ords. 1988, § 15.243; Ord. No. 146, 1-21-2008)

Sec. 30-244. - Required conditions.

Uses in the O-1 district shall be subject to the following required conditions:

- (1) No interior display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floorspace set aside for persons observing the displayed objects, shall not exceed 25 percent of the usable floor area of the story of the structure on which the display is located.
- (2) The outdoor storage of goods or materials shall be prohibited.
- (3) Warehousing or indoor storage of materials, beyond that normally incident to the permitted uses listed in this division, shall be prohibited.
- (4) Vending machines shall only be located indoors and shall not be visible from the exterior of the building.

(Comp. Ords. 1988, § 15.244; Ord. No. 146, 1-21-2008)

Sec. 30-245. - Area and bulk requirements.

For area and bulk requirements in the O-1 district, see the schedule of regulations in section 30-391, limiting the height and bulk of buildings, providing the minimum size of lot permitted, providing the maximum density permitted, and providing minimum yard setback requirements.

(Comp. Ords. 1988, § 15.245; Ord. No. 146, 1-21-2008)

Secs. 30-246—30-270. - Reserved.

DIVISION 7. - NEIGHBORHOOD BUSINESS DISTRICT (B-1)

Sec. 30-271. - Intent.

- (a) The B-1 neighborhood business districts are designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas and to provide for a business district somewhat more restrictive than a general business district.
- (b) The regulations set forth in this division shall apply in all B-1 districts, and no building, structure or premises, except as otherwise provided in this chapter, shall be erected, altered, or used except for one or more of the uses listed in this division.

(Comp. Ords. 1988, § 15.270; Ord. No. 146, 1-21-2008)

Sec. 30-272. - Principal uses permitted.

In a B-1, neighborhood business district the parenthetical number (000000) listed by each use is taken from the North American Industry Classification System (NAICS), 1997 published by the U.S. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading. However, where it is determined by the planning commission that the effects of a listed use may tend to extend beyond the site, then special land use approval shall be required.

- (1) Hardware store (444130).
- (2) Convenience food stores (445120).
- (3) Specialty food stores (4452), including fruit and vegetable markets (445230), meats markets (445210), fish and seafood markets (445220), specialty food retail stores (including dairy product store (445299)) and candy, nut, and confectionery store (445292).
- (4) Baked goods or other foods (445291) and doughnut shops and ice cream parlors (722213).
- (5) Beer, wine, and liquor stores (445310).
- (6) Pharmacies and drug stores (446110).
- (7) Book stores (451211) and news dealers and newsstands (451212), except adult uses (see section 30-543).
- (8) General merchandise and variety and dollar stores (452990).
- (9) Florists (453110).
- (10) Stationery store (453210), not including office supplies.
- (11) Gift, novelty and souvenir shop (453220).
- (12) Art shops (453920) and photographic studios (541921 and 711510), except those defined as adult entertainment uses (see section 30-543), and interior decorating studios (541410).
- (13) Post office (491110) and similar governmental office buildings, serving persons living in the adjacent residential area.
- (14) Business establishments which perform services on the premises, such as, but not limited to banks (522110), savings and loan companies (522120), credit unions (522130), insurance offices (52411, 52412).
- (15) Professional services including the following: offices and clinics of doctors and osteopaths (621111), dentists (621210), and similar or allied professions, but not animal clinics.

- (16) Repair shops, tailor shops (811490), consumer electronic repairs and maintenance including watches, radios and televisions (811211), shoe and leather goods repair (811430).
- (17) Personal service establishments which perform services on the premises, such as, but not limited to, barbershops (812111), beauty shops (812112), and health spas and fitness centers without accommodations (713940), except those defined as adult entertainment uses (see section 30-543).
- (18) Mortuary establishments (812210), when adequate assembly area is provided for off-street parking for vehicles, to be used in funeral processions. Such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.
- (19) Dry cleaning establishments or pickup stations, dealing directly with the consumer (812320) and coin-operated laundries (812310). (Central dry cleaning plants serving more than one retail outlet and institutional or industrial launderers (812331 and 812332) shall be prohibited.)
- (20) Religious organizations (813110), including churches, mosques, temples, synagogues, etc.
- (21) Publicly owned buildings (9211, 922120, 922160, 922190, 923110, 923120, 923130, 924110, 924120, 925110, 925120, 926130) and public utility offices. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards, but without storage yards; and water and sewage pumping stations (221310, 221320) when operating requirements necessitate the locating of such facilities within the district in order to serve its immediate vicinity.
- (22) Other uses similar to the uses listed in this section.
- (23) Accessory structures and uses customarily incident to the permitted uses listed in this section.
- (24) An on-site use wind energy system (a windmill) as provided in section 30-443.

(Comp. Ords. 1988, § 15.271; Ord. No. 146, 1-21-2008; Ord. No. 151, art. 2, 5-17-2010)

Sec. 30-273. - Required conditions.

Uses in the B-1 district shall be subject to the following required conditions:

- (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- (2) All business, serving, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building except as otherwise provided in this chapter.
- (3) Vending machines shall only be located indoors and shall not be visible from the exterior of the building.

(Comp. Ords. 1988, § 15.272; Ord. No. 146, 1-21-2008)

Sec. 30-274. - Uses permitted upon special approval.

The following special approval uses may be permitted by the planning commission after public hearing and review of the proposed site plan and subject to the procedures and provisions of article VI. The parenthetical number (000000) listed by each use is taken from the North American Industry Classification System (NAICS), 1997 published by the U.S. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading.

- (1) Child care centers (624410) (day care centers) (see section 30-557).

- (2) Bed and breakfast establishments (721191) (see section 30-564).
- (3) An accessory use customarily related to a principal use authorized by this section.

(Ord. No. 139, art. 5, 4-19-2004; Ord. No. 146, 1-21-2008)

Sec. 30-275. - Area and bulk requirements.

For area and bulk requirements in the B-1 district, see the schedule of regulations in section 30-391, limiting the height and bulk of buildings, providing the minimum size of lot by permitted land use, and providing the minimum yard setback requirements.

(Comp. Ords. 1988, § 15.273; Ord. No. 146, 1-21-2008)

Secs. 30-276—30-300. - Reserved.

DIVISION 8. - GENERAL BUSINESS DISTRICT (B-2)

Sec. 30-301. - Intent.

- (a) The B-2 general business districts are designed to cater to the needs of a larger consumer population than is served by the neighborhood business districts, and are generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic. The B-2 districts are also intended to provide sites for more diversified business types and those serving passersby or vehicular traffic.
- (b) The regulations set forth in this division shall apply in all B-2 districts, and no building, structure or premises, except as otherwise provided in this chapter, shall be erected, altered, or used except for one or more of the uses listed in this division.

(Comp. Ords. 1988, § 15.310; Ord. No. 146, 1-21-2008)

Sec. 30-302. - Principal uses permitted.

In all B-2, general business districts, no building or land shall be erected or used except for one or more of the following uses; the parenthetical number (000000) listed by each use is taken from the North American Industry Classification System (NAICS), 1997 published by the U.S. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading. However, where it is determined by the planning commission that the effects of a listed use may tend to extend beyond the site, then special land use approval shall be required:

- (1) Any office, professional, or other principal uses permitted in the O-1 districts and any retail business or service establishment principal uses permitted in B-1 districts.
- (2) Automotive parts and accessories stores (44131) and tire stores (44132).
- (3) Furniture, home furnishings and equipment store (442).
- (4) Electronics and appliance stores (443) including appliance repair and maintenance (811412).
- (5) Building material and supplies dealers (4441), including home centers (444110), paint and wallpaper stores (444120), and hardware stores (444130), other building materials dealers (444190), except lumber yards and suppliers of prefabricated buildings and kits.
- (6) Lawn and garden equipment and supplies stores (4442), including outdoor power equipment stores (444210), retail nursery and garden centers (444220).

- (7) Supermarkets and other grocery stores (445110).
- (8) Health and personal care stores (446), including pharmacies and drug stores (446110), cosmetics, beauty supplies, and perfume stores (446120), optical goods stores (446130), health food supplement stores (446191), and all other health and personal care stores (446199).
- (9) Clothing and clothing accessories stores (4481), including clothing for men, women, children and infants, family, clothing accessories, and other clothing such as bridal gowns, fur apparel, hosiery, leather coats, lingerie, swimwear, and uniforms. Custom dress retailers such as bridal gown shops and custom dress makers (448190) and fashion design services (541490) are included.
- (10) Shoe stores (448210) and shoe and leather product repair shops (811430).
- (11) Jewelry, luggage, and leather goods stores (4483).
- (12) Sporting goods stores including bicycle, bowling, golf pro, camping, sporting gun, exercise equipment, sports clothing and uniform shops (451110).
- (13) Hobby, toy, and game stores (451120).
- (14) Sewing, needlework, and piece goods stores (451130).
- (15) Musical instrument and supplies stores (451140).
- (16) Pre-recorded tape, compact disc, and record stores (451220).
- (17) Office supplies and stationary stores (453210).
- (18) Used merchandise stores (453310), including antique shops, used books shops, used clothing stores, used household-type appliance stores, used merchandise thrift shops, and flea markets in accordance with section 30-303.
- (19) Pet and pet supplies stores (453910).
- (20) All other miscellaneous store retailers (45399), including art supply stores, tobacco and cigar stores, candle shops, and collectors' items.
- (21) Electronic shopping and mail-order houses (454110), only in conjunction with a retail showroom which shall be a predominant feature of the facility.
- (22) Vending machine operators (454210). This industry comprises establishments primarily engaged in retailing merchandise through vending machines at a location that they service.
- (23) Radio stations and studios (513112) and television broadcasting offices and studios (513120).
- (24) Rental and leasing services (532), including passenger car rental and leasing (53211), truck, utility trailer, and recreational vehicle (RV) rental and leasing, consumer goods rental (5322) including electronics and appliances, formal wear, home health equipment, recreational goods and general rental centers (532310), but not including commercial and industrial machinery and equipment rental and leasing (5324).
- (25) Videotape, DVD, and CD rental shop (532230), except rental of adult motion pictures permitted after special approval as provided in section 30-304(6) (see section 30-543).
- (26) Graphic design services, including commercial art studios (541430).
- (27) Educational services (611), including business and secretarial schools (611410), computer training (611420), professional and management development training (611430), technical and trade schools provided no vehicles or heavy machinery are used on site (61151), fine arts schools (611610), sports and recreation instruction (611620), and language schools (611630).
- (28) Social services (624), but not including temporary residential services.
- (29) Theatrical producers (711310) and dinner theaters (711110).
- (30) Museums and art galleries (712110).

- (31) Amusement arcades (713120), indoor tennis courts and club facilities, indoor rinks, ice and roller skating, sports club and physical fitness facilities (713940), bowling alleys and bowling centers (713950), billiard parlors and rooms, indoor archery ranges, dance halls (713990).
- (32) Eating and drinking places (722110), cafeterias (722212), drinking places (bars and taverns (722410), except drive-in, fast food, or carry out restaurants (722211), and except those adult-oriented entertainment uses permitted after special approval as provided in section 30-304(6) (see section 30-543).
- (33) Re-upholstery and furniture repair (811420).
- (34) Personal services (8121), except those adult-oriented entertainment uses permitted after special approval as provided in section 30-304(6) (see section 30-543).
- (35) Automobile parking for fee (812930).
- (36) Membership organizations (813410), including community service clubs, fraternal organizations, and lodge halls.
- (37) Temporary outdoor sales: The temporary outdoor display and sale of live plants, cut flowers, or Christmas trees, which are not part of an otherwise approved open-air business, provided such display or sale is for a period of not more than 60 days per year and is in accordance with section 30-303.
- (38) Open air business uses, except those permitted under section 30-304(3) as special approval uses, in accordance with section 30-542.
- (39) Other uses similar to the uses listed in this section.
- (40) Accessory structures and uses customarily incident to the permitted uses listed in this section.
- (41) An on-site use wind energy system (a windmill) as provided in section 30-443.

(Comp. Ords. 1988, § 15.311; Ord. No. 139, art. 2, 4-19-2004; Ord. No. 146, 1-21-2008; Ord. No. 151, art. 2, 5-17-2010)

Sec. 30-303. - Required conditions.

Uses in the B-2 district shall be subject to the following required conditions:

- (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- (2) All business, serving, or processing, except for off-street parking or loading and those open air uses indicated as being subject to special conditions in section 30-304, shall be conducted within completely enclosed buildings.
- (3) Vending machines shall only be located indoors and shall not be visible from the exterior of the building.

(Comp. Ords. 1988, § 15.312; Ord. No. 146, 1-21-2008)

Sec. 30-304. - Uses permitted subject to special approval.

The following special land uses shall be permitted in the B-2 district subject to the procedures and standards of article VI of this chapter, in addition to those standards described in this section. The parenthetical number (000000) listed by each use is taken from the North American Industry Classification System (NAICS), 1997 published by the U.S. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading.

- (1) New automobile and truck agency sales and showrooms (441110) and used automobile and truck sales (441120), recreational vehicles (441210), motorcycles (441221), boat dealers (441222) or other motor vehicle sales areas (441229) (other than homeowners' gardening equipment and related) as provided in section 30-562.
- (2) Lumber yards and suppliers of prefabricated buildings and kits (444190) as provided in section 30-568.
- (3) Automobile service stations (447) for the sale of gasoline, oil, and minor accessories only (447110), and where no repair work is done other than incidental service, but not including steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work, and such other activities whose external effects could adversely extend beyond the property line.
 - a. The curb cuts for ingress and egress to and from a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection measured from the edge of the planned road right-of-way or from adjacent AG, RM, or CR districts.
 - b. The minimum lot area shall be 15,000 square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Automobile service stations which are intended solely for the sale of gasoline, oil, and minor accessories and having no facilities for repair or servicing of automobiles (including lubrication facilities) may be permitted on lots of 10,000 square feet, subject to all other provisions required in this chapter.
 - c. All lighting shall be shielded from adjacent residential districts.

Gasoline stations with convenience stores (447110) and fueling stations without minor repair services or other product or services (44190) are included in this category.

- (4) Department stores (452110) and warehouse clubs and superstores (452910).
- (5) Open air sale of manufactured and mobile homes, parts, and equipment (453930), as provided in section 30-562.
- (6) Direct selling establishments (4543) including bottled water providers. (Excluding bulk propane and other bulk fuel providers.)
- (7) Taxi service office (485310) and limousine service office (485320).
- (8) Motion picture theaters (512131), and outdoor theaters, including drive-in theaters (512132), except adult motion picture theaters (section 30-543), as provided in section 30-559.
- (9) Veterinary and animal clinics (541940) as provided in section 30-553.
- (10) Hospitals (622).
- (11) Community housing services with overnight accommodations (62422) including temporary shelters (624221).
- (12) Sports arenas and sport stadiums (711310), amusement and theme parks (713110), commercial outdoor recreation (713120, 713940, 713950, 713990), (see section 30-547) except racing (711212).
- (13) Gambling facilities (7132) including casinos (713210) and casino hotels (721120).
- (14) Hotels, motels (721110), and health spas and fitness centers with accommodations (721110), and tourist courts, as provided in section 30-569.
- (15) Drive-in, fast food, or carry out restaurants (722211), provided in section 30-570.
- (16) Repair services not otherwise provided for as permitted uses in this district (811).
- (17) Motor vehicle repair and service facilities not previously described as permitted uses in this district (8111), as provided in section 30-571, except car washes (811192).

- (18) Motor vehicle washing, conveyor, or non-conveyor type (811192) as provided in section 30-572.
- (19) Personal services not previously described as a permitted use in this district (812199).
- (20) Outdoor storage or outdoor sales areas for uses permitted in section 30-302 or specially approved under section 30-304 as provided in sections 30-556 or 30-562.
- (21) Adult bookstores, adult motion picture theaters, massage parlors (812199) or cabarets, and escort services (812990) (see section 30-543).

(Comp. Ords. 1988, § 15.313; Ord. No. 146, 1-21-2008)

Sec. 30-305. - Area and bulk requirements.

For area and bulk requirements in the B-2 district, see the schedule of regulations in section 30-391, limiting the height and bulk of buildings, providing the minimum size of lot by permitted land use, and providing the minimum yard setback requirements.

(Comp. Ords. 1988, § 15.314; Ord. No. 146, 1-21-2008)

Secs. 30-306—30-330. - Reserved.

DIVISION 9. - LIGHT INDUSTRIAL DISTRICT (I-1)

Sec. 30-331. - Intent.

- (a) The I-1 light industrial district is designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I-1 district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material, it being the intent of this division that processing or manufacturing from raw materials not be permitted.
- (b) The general goals of this use district include, among others, the following specified purposes:
 - (1) Provide sufficient space, in appropriate locations, to meet the needs of the township's expected future economy for all types of manufacturing and related uses.
 - (2) Protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
 - (3) Encourage manufacturing development which is free from danger of fire, explosion, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke and other objectionable influences.
 - (4) Promote the most desirable use of land in accordance with a well-considered plan, and to protect the character and establish the pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the township's tax revenue.

(Comp. Ords. 1988, § 15.350; Ord. No. 146, 1-21-2008)

Sec. 30-332. - Principal uses permitted.

In an I-1 light industrial district, no land or building shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Motion picture and sound recording industries (512).
- (2) Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building (Scientific research and development services (5417) and test laboratories (541380)).
- (3) Any of the following uses when conducted wholly within a completely enclosed building, or within a designated area enclosed on all sides with a five-foot obscuring wall or earth berm. The berm or wall shall be completely obscuring on those sides where abutting or adjacent to AG, RE, RS, RM, or CR districts or an existing residential dwelling(s). Walls and berms shall comply with the provisions of sections 30-429 and 30-434.
 - a. Contractor's buildings, vehicles, equipment and supplies (23), including storage facilities for vehicles, equipment, building materials, sand, gravel, stone, and lumber provided such items are enclosed within a building or within an obscuring wall or fence on those sides abutting all residential districts, and on any yard abutting a public thoroughfare. In any I-1 district the extent of such fence or wall may be determined by the planning commission on the basis of usage. Such fence or wall shall not be less than five feet in height, and may, depending on land usage, be required to be eight feet in height. A chain-link type fence, with heavy evergreen shrubbery inside of the fence, shall be considered to be an obscuring fence.
 - b. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to, breakfast cereal (311230), candy (311320) (311330) (311340), frozen foods (31141), ice cream and frozen desserts (311520), bakery goods (commercial bakeries (311812) (311813) (311821)), snack foods (31191), coffee and tea (311920), flavoring syrups and concentrates (311930), seasoning, dressing, and sauces (311941), spice and extract (311942), and other miscellaneous food manufacturing (311999), soft drinks, bottled water and ice (31211).
 - c. The manufacture, compounding, processing, packaging, or treatment of textile products (313) (314), apparel (315), leather and applied products including footwear, luggage, purses (316).
 - d. Converted paper product manufacturing (3222), including corrugated boxes, cereal and similar paperboard boxes, paper bags, stationery, envelopes, tablets, office supply paper products.
 - e. Printing and related support activities (323) and publishing industries (511) including newspaper, periodical, book, database and directory, and other publishing.
 - f. Pharmaceutical and medicine manufacturing (3254) and cosmetic creams, lotions, and oils (325620).
 - g. Plastic products manufacturing (3261).
 - h. Pottery, ceramics, and plumbing fixture manufacturing (32711).
 - i. Cutlery and handtool manufacturing (33221).
 - j. Hardware manufacturing (332510), spring and wire product manufacturing (3326).
 - k. Machine shops (3327).
 - l. Computer and electronic product manufacturing (334), electrical equipment, appliance, and component manufacturing (335) but not including battery manufacturing (33591).
 - m. Courier's service with office, package handling facilities, truck and other vehicle docks and receiving and shipping facilities (e.g. UPS, FedEx, etc.) (492110).
 - n. Wholesale establishments (42), not including recyclable material wholesalers (421930) and not including grain elevators and livestock wholesalers (422520).
 - o. Trucking facilities (484).

- p. Warehousing establishments (493) and mini-warehouses, subject to the standards contained in section 30-556.
 - q. School and employee bus transportation and maintenance facilities (485410), charter bus industry facilities (485510).
 - r. Motor vehicle towing (488410) including both light towing and heavy motor vehicle towing and incidental services such as temporary storage of vehicles and emergency road repair services.
- (4) Electric and gas service buildings and yards; public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations; and water and gas tank holders.
 - (5) Municipal uses such as water treatment plants (221310) and reservoirs, sewage treatment plants (221320), and all other municipal buildings and uses, including outdoor storage.
 - (6) Farms and agricultural activities, as permitted in section 30-122 (7), (8), and (10).
 - (7) Auto service stations (447190), auto repair and maintenance stations (8111).
 - (8) Lumber and planing mills (321912) when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I-1 district.
 - (9) Other uses of a similar and no more objectionable character.
 - (10) Accessory buildings and uses customarily incident to any of the permitted uses listed in this section.
 - (11) An on-site use wind energy system (a windmill) as provided in section 30-443.

(Comp. Ords. 1988, § 15.351; Ord. No. 146, 1-21-2008; Ord. No. 151, art. 2, 5-17-2010)

Sec. 30-333. - Uses permitted upon special approval.

The following special land uses are permitted in the I-1 district subject to the procedures and standards in article VI of this chapter.

- (1) Heating and electric power generating plants (22111) and all necessary accessory uses, provided the such plants are fueled with natural gas, hydrogen, or other similarly clean burning gas(es). The planning commission may require an obscuring wall or earth berm on those sides where abutting or adjacent to AG, RE, RS, RM, or CR districts. Walls and berms shall comply with the provisions of sections 30-429 and 30-434.
- (2) Air transportation services (481) and support activities for air transportation (4881) (see section 30-544).
- (3) Private use landing areas (see section 30-566).
- (4) Brick and structural clay tile manufacturing (327121), ceramic wall and floor tile manufacturing (327122), other structural clay product manufacturing (327123) including clay sewer pipe, drain tile, flue lining tile, architectural terra-cotta, and other structural clay products.
- (5) Glass and glass product manufacturing (3272).
- (6) Coating, engraving, heat treating, and allied activities (3328).
- (7) Other fabricated metal product manufacturing (3329).
- (8) Machinery manufacturing (333), including agricultural, construction, and mining machinery manufacturing (3331), industrial machinery manufacturing (3332), commercial and service industry machinery manufacturing (3333), ventilation, heating, air-conditioning, and commercial refrigeration equipment manufacturing (3334), metalworking machinery manufacturing (3335), engine, turbine, and power transmission equipment manufacturing (3336), other general purpose

machinery manufacturing (3339). Commercial and industrial machinery equipment (except automotive and electronic) repair and maintenance (811310).

- (9) Battery manufacturing (33591), including storage battery manufacturing, i.e. lead acid storage batteries and rechargeable nickel cadmium batteries manufacturing (335911) and primary battery manufacturing (335912).
- (10) Transportation equipment manufacturing (336), except motor vehicle metal stamping (336370).
- (11) Furniture and related product manufacturing (337).
- (12) Miscellaneous manufacturing (339) including medical equipment manufacturing and supplies manufacturing (33911) and jewelry and silverware manufacturing (33991), sporting and athletic goods manufacturing (33992), doll, toy, and game manufacturing (33993), office supplies manufacturing (33994), sign manufacturing (33995), musical instrument manufacturing (339992).
- (13) Bulk petroleum storage (493190), including bulk propane.
- (14) Outdoor theaters (512132) (see section 30-559).
- (15) Communication towers (513322) (see section 30-548).
- (16) Mini-warehouses (531130) used to provide temporary storage needs for businesses, apartment dwellers and other individuals on a self-service basis as provided in section 30-556.
- (17) Commercial and industrial machinery and equipment rental and leasing (5324).
- (18) Racetracks (711212), including midget auto and karting tracks (see section 30-561).
- (19) Industrial launderers (812332).
- (20) Adult bookstores, adult motion picture theaters, massage parlors or cabarets (see section 30-543).
- (21) Utility grid wind energy system (wind farms) as provided in section 30-573.

(Comp. Ords. 1988, § 15.352; Ord. No. 133, art. 3, 5-20-2002; Ord. No. 146, 1-21-2008; Ord. No. 148, 12-15-2008; Ord. No. 151, art. 2, 5-17-2010)

Sec. 30-334. - Area and bulk requirements.

For area and bulk requirements in the I-1 district, see the schedule of regulations in section 30-391, limiting the height and bulk of buildings, providing the minimum size of lot permitted, and providing minimum yard setback requirements.

(Comp. Ords. 1988, § 15.353; Ord. No. 146, 1-21-2008)

Secs. 30-335—30-360. - Reserved.

DIVISION 10. - HEAVY INDUSTRIAL DISTRICT (I-2)

Sec. 30-361. - Intent.

- (a) The I-2 heavy industrial districts are designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external effects will be felt to some degree by surrounding districts. The I-2 district is so structured as to permit the manufacturing, processing and compounding of semi-finished or finished products from raw material as well as from previously prepared material.

- (b) The regulations set forth in this division shall apply in all I-2 districts, and no building, structure or premises, except as otherwise provided in this chapter, shall be erected, altered, or used, except for one or more of the uses listed in this division.

(Comp. Ords. 1988, § 15.390; Ord. No. 146, 1-21-2008)

Sec. 30-362. - Principal uses permitted.

Principal uses permitted in the I-2 district are as follows:

- (1) Any principal use permitted and as regulated in an I-1 district.
- (2) Heating and electric power generating plants (22111) including peak load generating plants, and all necessary uses, including the storage of fly ash as regulated as follows:
 - a. The disposal and storage of fly ash shall be permitted in the I-2 heavy industrial district when the fly ash is the byproduct of electric or heating generating facilities located on the same site or on immediately adjacent site(s).
 - b. All disposal and storage of fly ash shall comply with the requirements of part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.).
 - c. All fly ash storage areas shall be adequately screened from adjoining property and from public highways by use of landscaped earth berms. The maximum height, location and configuration of such berms shall be set by the township board at the same time as the site plan is approved as required under section 30-38 or as indicated on a master development plan for the site approved by the township prior to the adoption of the ordinance from which this chapter is derived. The height of the fly ash storage area may exceed the height of the screening berms up to a maximum height above grade (as measured at the base of the berm) of 75 feet, after review and approval of the planning commission, provided that this additional storage area is set back and/or screened in such a way as so not to be visible to any person standing on the ground on any adjacent public highway or adjacent property.
- (3) Cement and concrete product manufacturing (3273), lime and gypsum manufacturing (3274), and other nonmetallic mineral product manufacturing (3279) including mineral wool (i.e. fiberglass) manufacturing (327993).
- (4) Primary metal manufacturing (331), including iron and steel mills and ferroalloy manufacturing (33111), alumina and aluminum production and processing (3313), nonferrous metal (except aluminum) production and processing (3314) including that for copper.
- (5) Foundries (3315) including ferrous metal foundries (33151), nonferrous metal foundries (33152) including those for aluminum and copper.
- (6) Forging and stamping (3321) including iron and steel forging (332111).
- (7) Architectural and structural metals manufacturing (3323), boiler, tank, and shipping container manufacturing (3324).
- (8) Motor vehicle metal stamping (336370).
- (9) Junkyard and recycling operation (421930) subject to the following:
 - a. All abutting or adjacent property shall be zoned I-1 or I-2, and in no instance shall the junkyard be closer than 2,000 feet to any suburban residential (RS) district or multiple-family residential (RM) district or closer than 200 feet to any road, street, or public right-of-way.
 - b. The junkyard shall be entirely enclosed within a building or entirely enclosed within an eight-foot decorative obscuring wall of sufficient strength to serve as a retaining wall.
 - c. The junkyard shall have access only to a paved major thoroughfare of not less than 120 feet of right-of-way width.

- d. There shall be no outdoor stacking of material above the height of the wall, except that movable equipment used on the site may exceed the wall height.
- (10) Rail transportation (482) including railroad transfer and storage tracks; and freight terminals.
 - (11) Kennels (812910) and veterinary services (541940).
 - (12) Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products which by its nature shall not be injurious to the occupants of adjacent premises by reason of emission or creation of noise, vibration, smoke, dust, or particulate matter, toxic and noxious materials, odors, fire or explosion hazards, or glare or heat.
 - (13) An on-site use wind energy system (a windmill) as provided in section 30-443.

(Comp. Ords. 1988, § 15.391; Ord. No. 146, 1-21-2008; Ord. No. 151, art. 2, 5-17-2010)

Sec. 30-363. - Uses permitted upon special approval.

The following special approval uses are permitted in the I-2 district subject to the procedures and standards of article VI of this chapter:

- (1) Special land uses permitted and as regulated in an I-1 district, except as otherwise provided.
- (2) Solid waste management services including; waste collection facilities (562111), disposal areas (562212) (see section 30-549), material recovery facilities (562920), and septic tank and related services (562991).
- (3) Mining and extraction (212) except oil and gas (see section 30-555).
- (4) Adult bookstores, adult motion picture theaters, massage parlors or cabarets (see section 30-543).
- (5) Rubber manufacturing (3262), including tire manufacturing (326211) and tire retreading (326212), rubber and plastics hoses and belting manufacturing (326220), rubber product manufacturing for mechanical use (326291), all other rubber product manufacturing (326299).
- (6) Commercial composting facilities (325314) (562219), provided that the location, design, and operation of such facilities comply with the conditions, regulations, and provisions set forth in chapter 24, article VI, Commercial Composting.
- (7) Feedlots and livestock wholesalers (422520) (see definition and section 30-567).
- (8) Accessory buildings and uses customarily incident to the permitted uses listed in this section.
- (9) Uses similar to the uses listed in this section or any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products which by its nature or due to its location and/or any mitigating measures shall not be injurious to the occupants of adjacent premises by reason of emission or creation of noise, vibration, smoke, dust, or particulate matter, toxic and noxious materials, odors, fire or explosion hazards, or glare or heat.
- (10) Utility grid wind energy system (wind farms) as provided in section 30-573.

(Comp. Ords. 1988, § 15.392; Ord. No. 146, 1-21-2008; Ord. No. 151, art. 2, 5-17-2010)

Sec. 30-364. - Required conditions.

No I-2 district shall abut any O-1, B-1, AG, RE, RS, or RM district.

(Comp. Ords. 1988, § 15.393; Ord. No. 146, 1-21-2008)

Sec. 30-365. - Area and bulk requirements.

For area and bulk requirements in the heavy industrial (I-2) district, see the schedule of regulations in section 30-391, limiting the height and bulk of buildings, providing the minimum size of lot by permitted land use, and providing the minimum yard setback requirements.

(Comp. Ords. 1988, § 15.394; Ord. No. 146, 1-21-2008)

Secs. 30-366—30-390. - Reserved.

DIVISION 11. - SCHEDULE OF DISTRICT REGULATIONS

Sec. 30-391. - Schedule limiting height, bulk, density and area by zoning district.

Height, bulk, density and area limitations and requirements for the various zoning districts shall be as provided in the following schedule:

| Use Districts | Minimum Size Lot Per Unit(j) | | Maximum Height of Structures(q) | | Minimum Yard Setback (per lot in feet) | | | | Minimum Floor Area Per Unit (sq. ft.) | Maximum Percent of Lot Area Coverage by All Buildings |
|----------------------------------|------------------------------|----------------|---------------------------------|------|--|-----------|-----------|------|---------------------------------------|---|
| | Area (acres or sq. ft.) | Width (in ft.) | Stories | Feet | Front(m) | Sides | | Rear | | |
| | | | | | | Least One | Total Two | | | |
| AG agricultural | 2½ acres | 220' | 2 | 25 | 40 | 20(a) | 40 | 40 | (k) | 25% |
| RE suburban residential estates: | | | | | | | | | | |
| Without public sewer | 2½ acres | 220' | 2 | 25 | 40 | 20(a) | 40 | 40 | (k) | 25% |
| With public sewer | 19,200 sq. ft. | 110' | 2 | 25 | 40 | 10(a) | 20 | 40 | (k) | 25% |
| RS suburban residential: | | | | | | | | | | |
| Without public sewer | 2½ acres | 220' | 2 | 25 | 40 | 20(a) | 40 | 40 | (k) | 25% |

| | | | | | | | | | | |
|--------------------------------|------------------|----------|------|-------|------------|------------|------------|------------|----------|--------|
| With public sewer | 9,600(n) sq. ft. | 80' | 2 | 25 | 30 | 10(a) | 20 | 40 | | 25% |
| RM multiple-family residential | (b), (o) | (b), (o) | 2 | 25 | 30(c), (o) | 30(c), (o) | 60(c), (o) | 30(c), (o) | (l), (o) | 25%(o) |
| CR commercial recreation | 2½ acres | 330' | 2 | 25 | 40 | 20 | — | 40 | (k) | 25% |
| O-1 office | 15,000 sq. ft. | 100' | 2 | 25 | 35 | 25(p) | — | 35 | — | 30% |
| B-1 neighborhood business | — | — | 2 | 25 | 25(d) | (e) | (e) | 20(f) | — | — |
| B-2 general business | — | — | 3(g) | 40(g) | 40(d) | (e) | (e) | 20(f) | — | — |
| I-1 light industrial | — | — | 3 | 40 | 75(h) | 20(i) | 40(i) | 20(i) | — | — |
| I-2 heavy industrial | — | — | 3 | 40 | 75(h) | 20(i) | 40(i) | 20(i) | — | — |

*Where an O-1 district abuts an AG, RS, CR, or RM district, the minimum side yard shall be 40 feet. Side and rear setbacks shall be increased to 50 feet in cases where the building exceeds one story in height.

(Comp. Ords. 1988, § 15.430; Ord. No. 146, 1-21-2008; Ord. No. 148, 12-15-2008)

Sec. 30-392. - Schedule notes.

The following notes apply to the schedule in section 30-391:

- (a) *Side yards.* In the case of a rear yard abutting a side yard, or where a side yard is adjacent to a front yard across a common separating street, the side yard abutting a street shall not be less than the minimum front yard of the district in which located. (See the illustration "Side Yards Abutting a Street" following the definition of "Yards" in section 30-2.)

- (b) *Multiple-family dwelling projects-calculation: Maximum number of units.* In an RM multiple-family district, the total number of rooms of 80 square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by 1,600.

In an RM district, for the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

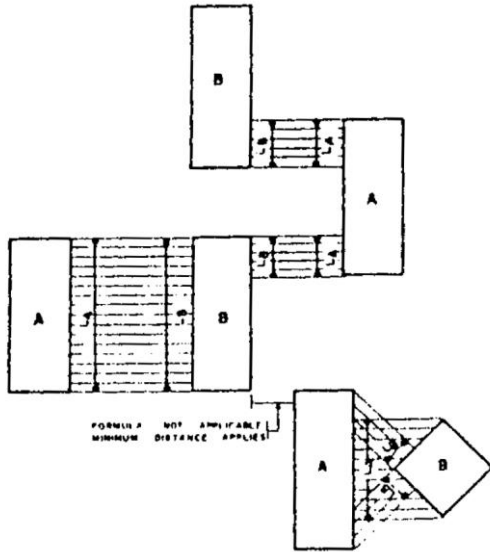
| | |
|----------------|-----------|
| Efficiency | = 1 room |
| One bedroom | = 2 rooms |
| Two bedrooms | = 3 rooms |
| Three bedrooms | = 4 rooms |
| Four bedrooms | = 5 rooms |

Plans presented showing one-, two-, or three-bedroom units and including a den, library or other extra room shall count such extra room as a bedroom for the purpose of computing density.

In an RM district, the area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads.

Minimum lot sizes and setbacks for single-family homes, and manufactured homes on individually owned lots, shall be the same as provided for in the RS district.

- (c) *Multiple-family dwelling projects-calculation: Space between buildings.* In an RM district, front, side or rear yards need not refer to spacing between buildings for a planned development for two or more buildings on the same parcel. In such cases, the minimum distance between any two buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than 30 feet. (See the following formula.)



MIN. DISTANCE BETWEEN BUILDINGS

$$S = \frac{L_A + L_B + 2(H_A + H_B)}{6}$$

DISTANCE SPACING FOR MULTIPLE DWELLINGS

In an RM district, areas devoted to off-street parking, drives, or maneuvering lanes shall not cover more than 30 percent of the area of any required yard or any required minimum distance between buildings.

In an RM district, the maximum horizontal length of any one building shall be 180 feet measured along any single front, side, rear or other exterior wall elevation.

In an RM district, the formula for regulating the required minimum distance between two buildings is as follows:

| | |
|-----|--------------------------------------|
| S = | $\frac{L_A + L_B + 2(H_A + H_B)}{6}$ |
|-----|--------------------------------------|

Where:

| | | |
|----------------|---|--|
| S | = | Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either. |
| L _A | = | Total length of building A. |

| | | |
|----------------|---|--|
| | | The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B. |
| L _B | = | Total length of building B. |
| | | The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, lines drawn perpendicular to building B will intersect any wall of building A. |
| H _A | = | Height of building A. |
| | | The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building. |
| H _B | = | Height of building B. |
| | | The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building. |

- (d) *Business uses—Parking in front yard (conditions).* Off-street parking shall be permitted to occupy a required front yard after approval of the parking plan layout and points of ingress and egress by the planning commission, provided that there shall be maintained a minimum unobstructed and landscaped setback of ten feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way as indicated on the major thoroughfare plan.
- (e) *Business uses—No side yards (conditions).* No side yards are required along the interior side lot lines of the district, except as otherwise specified in the building code, provided that if walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten feet shall be provided.
- On a corner lot or on an exterior side yard, abutting a residential district, there shall be provided a setback of 20 feet on the side of residential street.
- (f) *Business uses—Off-street loading required.* Off-street loading space shall be provided in the rear yard in the ratio of at least one space per establishment and shall be provided in addition to any

required off-street parking area. Off-street loading space shall further meet the requirements of article IV of this chapter.

- (g) *Large commercial development—One owner: Planning commission approval required.* Planned commercial development involving five acres or more under one ownership shall be subject to the review and recommendation of the planning commission after public hearing, regarding modifications with respect to height regulations, subject further to review by the township board and approval thereof. In approving an increase in structure height the planning commission shall require that all yards shall at least be equal in their depth to the height of the structure.
- (h) *Individual uses—Parking in front yard (conditions).* Off-street parking may be permitted in a portion of the required front yard provided that such off-street parking is not located within 50 feet of the front lot line. Any portion of a required front yard not used for off-street parking shall be planted in lawn and landscaping and shall be maintained in a healthy growing condition.
- (i) *Industrial uses—Additional conditions.* No building shall be located closer than 50 feet to the outer perimeter (property line) of such district when the property line abuts any residential district. Required side or rear yards may be used for off-street parking or loading and unloading, provided that in such instances the planning commission shall review and approve the proposed parking and site plan to determine that sufficient access to the rear of the building is provided for firefighting or other emergency type equipment. A heavily planted, completely obscuring, year-round greenbelt not less than 20 feet wide, an obscuring wall, or a landscaped earth berm (as approved by the planning commission) shall be provided on those sides of the property used or planned for open storage, parking or service drives, loading, unloading, or servicing and abutting land zoned AG, RE, RS, RM or CR. The extent of such greenbelt, wall, or berm may be determined by the planning commission on the basis of usage. Such wall shall not be less than five feet in height and may, depending upon land usage, be required to be eight feet in height, and the greenbelt, wall, or berm shall be subject further to the requirements of article IV of this chapter and section 30-434.
- (j) *Two-family dwelling—Lot area, width and setbacks.* Where two-family dwelling units are permitted, minimum lot area and minimum lot width shall be determined as follows:

Multiple-family residential district (RM):

| | | |
|--------------------|-------------------|-------------------|
| With public sewer: | | |
| | Minimum lot width | 80 feet |
| | Minimum lot area | 9,600 square feet |

All setbacks shall be the same as are required in the RS district.

- (k) *One- and two-family dwellings—Minimum floor areas.* Minimum floor areas per unit for one- and two-family dwellings and manufactured homes located outside of manufactured housing communities are as follows:

| | |
|----------------------|-----------------|
| One-bedroom dwelling | 750 square feet |
| Two-bedroom dwelling | 870 square feet |

| | |
|---|-------------------|
| Three-bedroom dwelling | 1,000 square feet |
| Four-bedroom dwelling | 1,200 square feet |
| Plus 120 square feet for each additional bedroom over four. | |

- (l) *Multiple-family dwellings—Minimum floor area.* The minimum floor area per dwelling unit in square feet for multiple-family dwellings is as follows:

| | |
|--------------------|-------------------|
| Efficiency unit | 500 square feet |
| One-bedroom unit | 600 square feet |
| Two-bedroom unit | 800 square feet |
| Three-bedroom unit | 1,000 square feet |
| Four-bedroom unit | 1,200 square feet |

- (m) *Front setback measuring procedure.* Front setback shall be measured from the edge of the planned right-of-way as described in the official township thoroughfare plan. The centerline of the planned right-of-way shall be assumed to be the same as the centerline of the existing right-of-way, unless there are existing documents which indicate otherwise.
- (n) *Flexibility allowances.* See section 30-393 and 30-394.
- (o) *Manufactured housing communities.* Manufactured housing communities (also referred to as mobile home parks) and manufactured housing condominium developments are subject to the requirements as established and regulated by Act 419 of the Public Acts of 1976, as amended, and township regulations (section 30-182(16)a., b. and c.).
- (p) *O-1 district abutting residential districts.* Where an O-1 district abuts an AG, RE, RS, CR, or RM district, the minimum side yard shall be 40 feet. Side and rear setbacks shall be increased to 50 feet in cases where the building exceeds one story in height.
- (q) Airport hazard areas are established for public use facility airports by the Michigan Bureau of Aeronautics, MDOT. Approved approach plan(s) are on file with the township clerk. The State of Michigan regulates certain height and land use limitations in these areas which may affect land uses allowed, characteristics of use and/or airport operations or use. (Provided for informational purposes only.)

(Comp. Ords. 1988, § 15.431; Ord. No. 146, 1-21-2008; Ord. No. 148, 12-15-2008)

Sec. 30-393. - Averaged lot sizes.

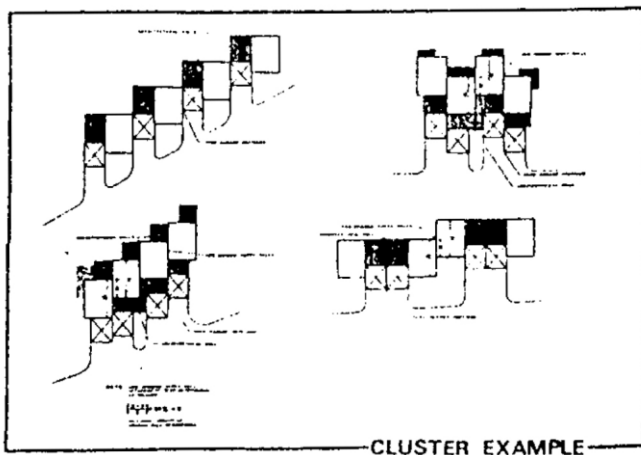
The intent of this section is to permit the subdivider or developer to vary his lot sizes and lot widths so as to average the minimum size of lot per unit as required in the schedule of regulations in section 30-391, in the RE and RS districts. If this option is selected, the following conditions shall be met:

- (1) In meeting the average minimum lot size, the subdivision shall be so designed as not to create lots having an area or width greater than ten percent below that area or width required in the schedule of regulations, and shall not create an attendant increase in the number of lots. In determining the maximum number of lots permitted, all calculations shall be predicated upon the RE district having a gross density (including roads) of 2.0 dwelling units per acre with public sewer, or 0.4 units per acre without public sewer and upon the RS district having a gross density (including roads) of 3.4 dwelling units per acre with public sewer, or 0.4 units per acre without public sewer.
- (2) The technique of averaging minimum lot size shall be acceptable only in those instances wherein the entire preliminary plat, which has received township board approval, is carried through a final plat and is then recorded in its totality. Recording of portions of a preliminary plat shall not be acceptable under this option.
- (3) All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat. The computations shall include the dimensions and area of each lot proposed on the preliminary plat, the total square foot lot area in all proposed lots, and the resultant average square foot area per lot. The average square foot area per lot shall not be less than the minimum lot size area as required in the schedule of regulations for the district in which the subdivision is located.
- (4) Minimum yard requirements of the district in which the subdivision is located shall be provided.

(Comp. Ords. 1988, § 15.432; Ord. No. 146, 1-21-2008)

Sec. 30-394. - One-family residential clustering option.

The intent of this section is to permit the development of attached and detached one-family residential patterns which, through design innovation, will include design flexibility so as to provide for the sound physical handling of site plans in situations where the normal subdivision approach would otherwise be restrictive. To accomplish this, the following modifications to the one-family residential standards as outlined in the schedule of regulations in section 30-391 shall be permitted subject to the conditions imposed in this section:



- (1) *Areas where permitted.* In all RS districts, one-family clustering shall be permitted in those areas having the following characteristics:

- a. An area generally parallel to, and not to exceed 360 feet in depth, on those unsubdivided parcels of land having frontage on existing or proposed major thoroughfares of at least 120 feet so as to provide transition between the major thoroughfare and adjacent one-family detached housing. The density may equal 5.0 dwelling units per acre (including all residential roads). The maximum depth permitted in this subsection may be increased by the planning commission where it is found that the remaining portion of the parcel is of insufficient area or restricted by dimension to be suitably developed under a normal subdivision approach. In such instance the density on that area increased beyond the initial 360 feet shall not exceed that specified in subsection (1)b of this section.
 - b. Those unsubdivided parcels of land abutting an existing or proposed collector street of at least 86 feet which, in the opinion of the planning commission, would be impractical to develop under a normal subdivision approach due to topographic conditions, unusual parcel shape, and/or restrictive property dimensions. The density may equal the following units per acre (including all residential roads):

RS: 4.1 dwelling units per acre.
 - c. Unsubdivided acreage consisting of less than 100 acres bounded on at least three sides by an industrial district and/or an existing public or semipublic development and fronting on a state trunkline road or a major thoroughfare of at least a 120-foot right-of-way. The density of this development may be equal to that permitted in under subsection (1)b of this section.
- (2) *Manner of attachment of units; maximum number of units per cluster.* Under this section, the attaching of one-family homes shall be permitted when the homes are attached through a common party wall which does not have over 50 percent of its area in common with an abutting dwelling wall, by means of an architectural wall detail which does not form interior room space, or through a common party wall in the garage portion of the structures. There shall be no other common party wall relationship permitted through any other portion of the residential unit. The maximum number of units attached in this manner shall not exceed four in a cluster.
 - (3) *Yard requirements.* Yards shall be provided as follows:
 - a. Front yards on that side of a cluster dwelling adjacent to a dedicated street shall be equal to at least 25 feet.
 - b. All other setbacks shall be at least 30 feet between the property line and the building line.
 - c. Spacing between groups of clustered dwellings or freestanding cluster units shall be equal to at least 25 feet measured between the nearest point of the two structures.
 - d. One yard of the cluster may be provided in the form of common open space.
 - e. A one-family cluster development when abutting a front yard of an existing recorded subdivision, which is not a part of the comprehensive site plan submitted under this section, shall cause all dwelling units facing such subdivision to relate through its front or entrance facade and shall treat such site of the cluster as a front yard.
 - (4) *Parking requirements.* Off-street parking shall be provided in accordance with section 30-425 and section 30-426. All parking shall be provided within completely enclosed garages attached to the principal use it is to serve.
 - (5) *Minimum floor area.* The minimum floor area for each residence shall be equal to the minimum floor area per unit as set forth in the schedule of regulations in section 30-391 for the district in which located.
 - (6) *Height limitation.* The height of any individual dwelling unit in a cluster shall conform to limitations of the schedule of regulations in section 30-391.
 - (7) *Maximum lot coverage.* The maximum lot coverage permitted shall conform to the schedule of regulations in section 30-391.

- (8) *Additional requirements.* In reviewing the plans and approving the application of this section to a particular site, the planning commission shall require the following:
- a. *Landscaped berm.* A landscaped berm at least five feet in height, with slopes conforming to the requirements of sections 30-429 and 30-434, shall be provided along the entire property line abutting a major thoroughfare or collector street. This berm may be included within a required yard setback.
 - b. *Access.* All access to the site shall be from a major thoroughfare of 120 feet right-of-way, or a collector street of 86 feet right-of-way, as set forth in the township thoroughfare plan.
 - c. *Approval of improvements.* All improvements, including private roads and utilities, shall be approved by the township engineer.
- (9) *Required information and plans.* The sponsor, in submitting a proposed layout under this section for review by the planning commission, shall include all information and data required by the planning commission in its rules for site plan review and, in addition, typical building elevators and floor plans, topography drawn at two-foot contour intervals, main floor grade elevations relative to the existing topography, if the parcel is located abutting a major thoroughfare, and such other details as the sponsor deems necessary to assist in review of the proposed plan by planning commission.
- (10) *Expiration of approval.* Approval of a site plan under this section shall be effective for a period of one year. If the development of roads and utilities is not undertaken in this period of time and the construction of residences is not continued with regularity in each building season and completed in three years, the development shall be considered as abandoned and authorization shall expire requiring that any proposed development thereafter shall be reviewed and approved by the planning commission. Any proposed change in the site plan, after approval is had, shall require review and approval by the planning commission prior to effecting such change. Building plan changes that do not affect the site plan may be approved by the building inspector.
- (11) *Site plan review.* Site plan review by the planning commission, as provided in section 30-38, shall be made insofar as such review required therein is not inconsistent with the provisions provided in this section.
- (12) *Detached or freestanding units.* Under subsections (1)a and (1)b of this section, one-family homes may be constructed as detached or freestanding units so that the proposed development may be platted under Public Act No. 288 of 1967 (MCL 560.101 et seq.). These detached units shall be clustered in groups of no less than three and no more than four units each, and under either of the development patterns the density shall not exceed the densities permitted under subsections (1)a and (1)b of this section, as the case may apply to the site in question. Further, the following conditions shall be met:
- a. Front yards on that side of the cluster adjacent to a dedicated or private street shall be equal to at least 25 feet.
 - b. Exterior yards of any cluster grouping shall be equal to at least 30 feet, measured between the nearest point of a unit and the boundary property line.
 - c. Spacing between groups of clusters shall be equal to at least 25 feet, measured between the nearest point of two groupings. Spacing between units within a cluster grouping shall be no less than six feet and no greater than ten feet, measured between the nearest point of adjacent units.
 - d. Units in a cluster grouping shall be varied relative to their minimum front yard setback so as to create a stepped effect, placing any one unit at least 15 feet forward or to the rear of the front building line of the immediately adjacent unit.
 - e. So as to accomplish a unified appearance, the units in each cluster grouping shall be constructed of similar materials and shall have one architectural style applied. The building facades, in their overall treatment, shall be so varied so as not to give the appearance of

repetition. All off-street parking shall be provided within a fully enclosed garage space which shall be attached to the living space which it serves through a common wall party.

- f. All units in any one cluster grouping shall be under construction at the same time. It shall be expressly prohibited in meeting the requirements of this section to construct one unit at a time in any one cluster grouping.
- g. Units within a cluster grouping shall be attached by means of an architectural wall or similar feature approved by the planning commission. This attachment shall be accomplished along those building facades adjacent to or nearest the access street. A lot property line can intersect these architectural features.
- h. Approval under this subsection shall require the submittal of a site plan including one of the following approaches:
 - 1. A fully dimensioned and detailed site plan showing the exact location of all structures, with proposed grading indicated at a contour interval no greater than one foot, drawn to a scale of one inch equals 100 feet. All floor plans shall be tied into the proposed grading plan showing elevations of each floor.
 - 2. The preliminary site plan may be submitted with rectangular areas designated on the plan within which each structure shall be later located, with proposed grading indicated at a contour interval of no greater than one foot, drawn to a scale of one inch equals 100 feet. In this instance, a building permit will not be issued until the final building plan is submitted and is drawn in the rectangular area shown in the site plan. Proposed grading shall be superimposed on this site plan, drawn to a scale of one inch equals 20 feet.
- i. The overall site plan shall have a proposed subdivision pattern superimposed, showing all road rights-of-way, individual lot lines, and all common areas to be shared by the individual owners. This subdivision shall be recorded as required under chapter 12, article III.
- j. All common areas designated on the plan shall be recorded as easements for the specific purpose for which intended. The maintenance of these areas shall be provided through a homeowners' association specifically ensuring the upkeep and the overall continuity of building material, color, and those items that will ensure the continued comprehensive appearance first created in the original development plan of the cluster groupings. The documents required under this subsection shall receive approval of the township board prior to their recordation and prior to the issuance of a building permit.
- k. All other standards of this section as applied to all locations qualifying under the requirements set forth in subsections (1)a and (1)b and subsection (5) of this section as related to minimum floor areas, subsection (6) as related to building height and subsections (7) through (11) shall be met. Where a conflict may appear between standards set forth in one of the indicated subsections and those standards set forth in this subsection (12), the most restrictive standard shall be the controlling standard.

(13) *Public hearing required.* Prior to taking action on a proposed one-family residential cluster option, the planning commission shall hold a public hearing in accordance with section 30-542.

(Comp. Ords. 1988, § 15.433)

Secs. 30-395—30-420. - Reserved.

ARTICLE IV. - SUPPLEMENTARY REGULATIONS

DIVISION 1. - GENERALLY

Sec. 30-421. - Conflicting regulations.

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

(Comp. Ords. 1988, § 15.470)

Sec. 30-422. - Compliance.

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

(Comp. Ords. 1988, § 15.471)

Sec. 30-423. - Nonconforming lots, nonconforming uses of land, and nonconforming structures.

- (a) *Work under construction.* To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the construction or designated use of any structure or land on which work of a substantial nature in the form of physical construction was lawfully begun prior to the effective date of the ordinance from which this chapter is derived and, where there is likelihood that such lawful construction will be completed 12 months after such effective date.
- (b) *Lawfully existing nonconforming lots.*
- (1) The intent of this subsection is to allow reasonable development of lawfully existing nonconforming lots.
 - (2) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of the ordinance from which this chapter is derived or the effective date of an amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the board of appeals. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of the ordinance from which this chapter is derived or the time of passage of an amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of such parcel shall be used or occupied by this chapter, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this chapter.
- (c) *Definition and classification of nonconforming uses and structures.*
- (1) Nonconforming uses and structures are those which do not conform to certain provisions or requirements of this chapter but were lawfully established prior to the time of its applicability. Class A nonconforming uses and structures are those which have been so designated by the zoning board of appeals, after application by any interested person or the zoning administrator, upon findings that the following standards are met:
 - a. The existing structure or use, while not fitting into a neat zoning pattern, does not constitute a nuisance, and, in fact, fulfills a desirable and useful function and is not incompatible with existing or planned adjacent or nearby uses.
 - b. Continuance thereof would not be contrary to the public health, safety or welfare.

- c. The use or structure does not and is not likely to depress the value of nearby properties.
 - d. No useful purpose would be served by strict application of the provisions or requirements of this chapter with which the use or structure does not conform.
 - e. The use or structure was lawful at the time of its inception.
- (2) All nonconforming uses, buildings or structures not designated as class A are class B nonconforming uses, buildings or structures.
- (d) *Procedure for obtaining class A designation; conditions.*
- (1) A written application shall be filed with the zoning administrator setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains and including such other information as may be necessary to enable the zoning board of appeals to make a determination of the matter. The zoning board of appeals may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the zoning board of appeals shall be the same as in the case of an application for a variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based.
 - (2) Reasonable conditions may be attached, including any time limit, where necessary, to ensure that the use, building or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this chapter. Any such conditions imposed shall:
 - a. Provide protection of natural resources and the welfare of the users of the land use and the community as a whole.
 - b. Be related to a valid use of the police power.
 - c. Be related to purposes affected by the land use.
 - d. Be necessary to meet the purpose of this chapter.
 - (3) A record of conditions imposed must be maintained. The conditions must remain unchanged except upon the mutual consent of the landowner and the zoning board of appeals.
 - (4) No vested interest shall arise out of a class A designation.
- (e) *Revocation of class A designation.* Any class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for class A designation.
- (f) *Regulations pertaining to class A nonconforming uses and structures.*
- (1) No class A nonconforming use of land, a building or a structure shall be resumed if it has been for any reason discontinued for a continuous period of at least 12 months or if it has been changed to a conforming use for any period.
 - (2) A class A use or structure may be used, altered or enlarged provided that it does not violate any condition imposed by the board of appeals at the time of its designation.
- (g) *Regulations pertaining to class B nonconforming uses and structures.*
- (1) It is the purpose of this chapter to eliminate class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation.
 - (2) No class B nonconforming use shall be resumed if it has been discontinued for a continuous period of at least 12 months, or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such structure.
 - (3) No class B nonconforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reproduction or repair exceeds 50 percent of the reproduction cost of such structure.

- (4) A class B nonconforming use in a building or structure may, upon application to and approval by the zoning administrator, be changed to another nonconforming use provided the existing nonconforming conditions are the same or are made less nonconforming and no structural changes are proposed to be made. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a nonconforming use.

Upon application to and approval by the zoning administrator, any nonconforming characteristic of use may be upgraded in the direction of greater conformity.

- (5) In the case of mineral removal operations, sites in existence may be worked in the usual and ordinary manner where the deposits dictate. When a site within its enlarged area no longer yields, the use is consummated. Existing sites may be expanded in area or depth as the location of minerals dictates, but no virgin areas may thus be exploited.
 - (6) No class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.
 - (7) No class B nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of the ordinance from which this chapter is derived or the effective date of an amendment of this chapter.
 - (8) If a class B nonconforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
 - (9) Ordinary repair and maintenance work may be done on any class B nonconforming structure, including repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding the state equalized value of the structure, provided that the cubic content of the building as it existed at the time of adoption of the ordinance from which this chapter is derived shall not be increased.
- (h) *Repairs and maintenance.* Nothing in this chapter shall be deemed to prevent the strengthening or restoring to safe condition of any nonconforming structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- (i) *Change of tenancy or ownership.* There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.
- (j) *Public acquisition and removal of nonconforming use, building or structure.*
- (1) The planning commission may, from time to time, recommend to the township board the acquisition of such private property as does not conform in use or structure to the regulations and restrictions of the various districts defined in this chapter and the subsequent removal of such use or structure.
 - (2) The planning commission shall submit its reasons and estimates of cost and expenses of such acquisition and of the removal of the nonconforming use, building or structure, and of the probable resale of the property to be acquired after removal of the nonconforming use, building or structure as obtained from the appropriate township department, board, or commission. The planning commission shall recommend that portion of the difference between the estimated cost of acquisition and removal of the nonconforming use, building or structure and the probable resale price which in its opinion should be assessed against a benefitted district. The cost and expense in acquiring and removing the nonconforming use may also be paid from general funds.
 - (3) Whenever the township has under advisement the acquisition by purchase, condemnation or otherwise as provided by law of any such nonconforming building, structure or use, a preliminary public hearing thereon shall be held before that body, provided that no less than 15 days' notice of time, place, and purpose of such public hearing shall first be published in a paper of circulation in the township, and that the township clerk shall send by mail, addressed to the respective owners of any such properties at the addresses given in the last assessment roll, a written notice

of the time, place and purpose of such hearing. If the cost and expense or any portion thereof is to be assessed to a special district, the township assessor shall be directed to furnish the township board with a tentative special assessment district and the tentative plan of assessment, the names of the respective owners of the property in such district, and the addresses thereof in the last assessment roll, and the township clerk shall also send such notice to the respective owners in the tentative assessment district.

- (4) Whenever the township board, after such public hearing, shall declare by resolution that proceedings be instituted for the acquisition of any nonconforming building, structure or use in accordance with the laws of the state and ordinances of the township, the township clerk shall send by registered mail a certified copy of such resolution to the prospective owners of the properties and to the owners of the properties in any special assessment district, at the addresses given in the last assessment roll.
- (5) Upon the passing of title in the private property so acquired to the township, the township board shall cause the discontinuance or removal or demolition or remodeling of the nonconforming structure. The township board shall thereafter order such property sold or otherwise disposed of, but only for a conforming use, except that the property shall not be used for public housing. The township board shall confirm the cost and expense of such project and report any assessable cost to the township assessor, who shall then prepare an assessment roll in the manner provided by law. Such an assessment roll may, in the discretion of the township board, be in one or more but not to exceed ten annual installments.

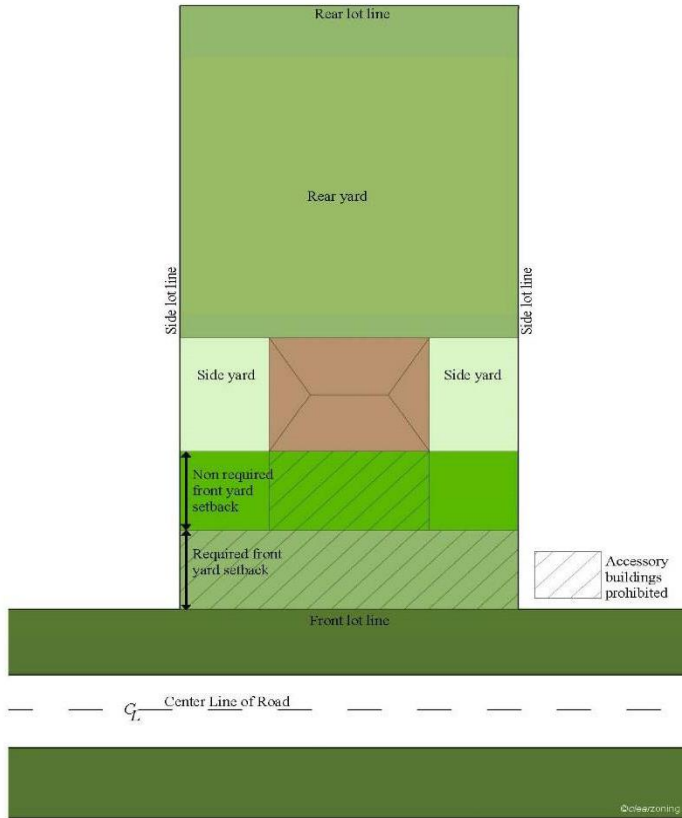
(Comp. Ords. 1988, § 15.472; Ord. No. 146, 1-21-2008)

State Law reference— Nonconforming uses, MCL 125.286.

Sec. 30-424. - Accessory buildings in residential districts.

In AG, RS, RM, and CR districts, accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

- (1) *Attached accessory buildings.* Where the accessory building is structurally attached to the main building, as defined in section 30-3, it shall conform to the following:
 - a. It shall be subject to and must conform to all regulations of this chapter applicable to main buildings.
 - b. It shall be designed and constructed of the same or similar material as that of the main building so as to be, in the opinion of the zoning administrator, aesthetically compatible with the main building.
 - c. It shall have a permanent foundation which extends to or below the frost line in the same manner as required for main buildings.
- (2) *Location.* Accessory buildings shall not be erected in any required yard, except in a rear yard. However, when located on a parcel of land having an area of at least five acres, they may be located in any non-required yard provided that they meet all required setbacks from property lines, structures, wells, septic tanks and fields, and ponds, provided further that, when located in a non-required front yard, a 360-foot setback is maintained from the centerline of any abutting road. In addition, when an accessory building is located in a non-required front yard as permitted in this subsection, in no instance shall the accessory building be placed within that portion of the front yard lying between lines formed by the projected side walls of the main building.



- (3) *Maximum rear yard coverage.* An accessory building may occupy not more than 25 percent of a required rear yard, plus 40 percent of any non-required rear yard.
- (4) *Distance from main building and side and rear lot lines.*
- a. No detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than:
 1. Six feet to any side or rear lot line when located in an RS or RM district; or
 2. In accordance with the following table when located in an AG or CR district:

| Accessory Structure Total Area | Required Minimum Setback |
|--------------------------------|--------------------------|
| ≤ 720 sq. ft. | 15 feet |
| > 720 sq. ft. | 25 feet |

- b. Any detached accessory building located within 25 feet of the main building must conform to standards set forth in subsections (1)b and (1)c of this section regarding construction materials, aesthetic compatibility with the main building, and type of foundation.
- (5) Maximum length and width; maximum ground floor area. In order to ensure that accessory buildings will be of a scale and scope compatible with the residential character of the district, while providing for reasonable accommodation of those lawful storage needs that are clearly incidental

to and customarily found in connection with the principal residential dwelling usage of a lot or parcel (including lawful home occupation), the following limitations on the size, area and height of accessory buildings shall apply:

- a. The maximum length or width of an accessory building shall not exceed 90 feet.
- b. The combined ground floor area of all detached accessory buildings on a lot or parcel shall not exceed the limits set forth in the following table:

| Lot or Parcel Size | Ground Floor Area |
|---|-------------------|
| Less than 1.25 acre | 1,800 square feet |
| At least 1.25 but less than 2.5 acres | 2,250 square feet |
| At least 2.5 but less than 5.0 acres | 2,700 square feet |
| At least 5.0 acres but less than 10 acres | 3,600 square feet |
| At least 10 acres but less than 15 acres | 4,500 square feet |
| At least 15 acres | 5,400 square feet |

- c. The limits in subsections (5)b. and c. of this section on the floor area (individual or combined) of accessory buildings shall not apply in the case of a bona fide farm in the AG district when located on a parcel of land of 30 acres or more or in the case when the accessory buildings are part of a lawfully permitted non-residential use and are shown on an approved site plan. Additional exceptions for farm buildings are provided in subsection 30-425(10), below.

(6) *Maximum height.*

- a. A detached accessory building shall not exceed one story or 22 feet in height. (See the definition of "building height" in section 30-3 together with accompanying illustrations for definition and means of determining building height.)
- b. On lots or parcels within the boundaries of a recorded plat, the height shall not exceed 14 feet, except that the 22-foot limit shall be retained for lots containing five acres or more within the boundaries of an assessor's or supervisor's plat recorded prior to the adoption of the ordinance from which this chapter is derived.

(7) *Corner lots.* When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, the building shall not project beyond the front yard line required on the lot in the rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, such building shall not project beyond the side yard line of the lot in the rear of such corner lot.

(8) *Permitted uses.* Accessory buildings are to be used solely for the purpose of accommodating lawful accessory uses as defined and permitted in the district in which the accessory buildings are located.

- (9) *Accessory parking or storage of manufactured homes (incl. mobile homes) prohibited.* The parking of a manufactured home (including mobile home) on lands not approved for manufactured housing community or for manufactured home sales shall be prohibited. (Temporary storage of a manufactured home in transit shall only be allowed in an industrial district. See I-1 permitted use (2)a. Warehousing and wholesale establishments and trucking facilities.)
- (10) *Building permit not to be issued until construction of principal building has commenced; exception.* By definition, an accessory building is clearly incidental to the principal building housing the main use, therefore, the building inspector shall not issue a building permit for an accessory building until rough framing inspection approval has been given for the main or principal building. However, accessory buildings may be constructed in the AG agricultural district prior to the construction of the main or principal building where the subject parcel is a bona fide farm, as determined by the zoning administrator, provided that a site plan for the farm building is submitted and approved pursuant to the requirements of section 30-36.
- (11) *Farm buildings.* All accessory farm buildings intended for legitimate agricultural and farm uses as defined in the definition of "agriculture" and the definition of "farm" in section 30-3, and for uses other than those usually incidental to the dwelling, shall be located not less than 100 feet from any dwelling and not less than 25 feet from any lot line or property boundary, with the exception that the main farm building shall not be less than 150 feet from the front property line. This requirement shall not apply to the alteration of or addition to an existing barn or other farm building, except dwellings, which are located closer to the road and which existed prior to the adoption of the ordinance from which this chapter is derived.

(Comp. Ords. 1988, § 15.473; Ord. No. 140, arts. 1, 2, 7-19-2004; Ord. No. 146, 1-21-2008; Ord. No. [162](#), §§ 1.1—1.4, 10-17-2016)

Sec. 30-425. - Off-street parking requirements; required number of parking spaces.

There shall be provided in all districts, at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy, as prescribed in this section.

- (1) *Location of parking spaces in yards.* Required off-street parking space may be located within any non-required yard and within the required rear yard unless otherwise provided in this chapter. Off-street parking shall not be permitted in a required front or side yard setback unless otherwise provided in this chapter, except that uncovered parking space may be located within a required side yard. Uncovered parking shall not be located within a required side yard when such yard is less than ten feet wide.
- (2) *Location of parking areas for nonresidential uses.* Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant.
- (3) *Residential parking spaces.* Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and shall be subject to the provisions of section 30-424, pertaining to accessory buildings.
- (4) *Change of use of parking area.* Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere, and shown on an amended site plan, which shall be reviewed and acted upon by the planning commission and township board in accordance with section 30-38.
- (5) *Reduction of parking area.* Off-street parking existing at the effective date of the ordinance from which this chapter is derived in connection with the operation of an existing building or use shall

not be reduced to an amount less than required in this section for a similar new building or new use.

- (6) *Collective parking facilities.* Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- (7) *Dual function parking areas.* In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the board of appeals may grant an exception.
- (8) *Storage or repairs in parking area.* The storage of merchandise, motor vehicles for sale, or trucks, or the repair of vehicles, is prohibited within an area which has been designated to fulfill the prescribed off-street parking requirements.
- (9) *Requirements for uses not specifically mentioned.* For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the planning commission considers is similar in type.
- (10) *Calculations resulting in fractional space.* When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- (11) *Definition of usable floor area.* For the purpose of computing the number of parking spaces required, the definition of usable floor area in section 30-3 shall govern.
- (12) *Minimum number of parking spaces.* The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

| | Use | Number of Minimum Parking Spaces per Unit of Measure |
|----|--|--|
| a. | <i>Residential uses.</i> | |
| 1. | Residential, one-family and two-family | 2 for each dwelling unit. |
| 2. | Residential, multiple-family | 2 for each dwelling unit. |
| 3. | Housing for the elderly | 1¼ for each dwelling unit (¾ space per unit for dependent living) and 1 for each employee. Should units revert to general occupancy, then 2 spaces per unit shall be provided. |
| b. | <i>Institutional uses.</i> | |
| 1. | Churches or temples | 1 for each 3 seats or 6 feet of pews in the main unit of worship. |
| 2. | Hospitals | 1 for each 1 bed. |

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| 3. | Homes for the aged and convalescent homes | 1 for each 4 beds. |
| 4. | Elementary and junior high schools | 1 for each 1 teacher, employee or administrator, in addition to the requirements of the auditorium. |
| 5. | Senior high schools | 1 for each 1 teacher, employee, or administrator and 1 for each 10 students, in addition to the requirements of the auditorium. |
| 6. | Private clubs or lodge halls | 1 for each 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes. |
| 7. | Private golf clubs, swimming pool clubs, tennis clubs or other similar uses | 1 for each 2 member families or individuals, plus spaces required for each accessory use such as a restaurant or bar. |
| 8. | Golf courses open to the general public except miniature or par-3 courses | 6 for each 1 golf hole and 1 for each 1 employee plus spaces required for each accessory use such as a restaurant or bar. |
| 9. | Fraternity or sorority | 1 for each 5 permitted active members, or 1 for each 2 beds, whichever is greater. |
| 10. | Stadium, sports arena, or similar place of outdoor assembly | 1 for each 3 seats or 6 feet of benches. |
| 11. | Theaters and auditoriums | 1 for each 3 seats plus 1 for each 2 employees. |
| 12. | Nursery schools, day nurseries or child care centers | 1 for each 350 square feet of usable floor area. |
| c. | <i>Business and commercial uses.</i> | |
| 1. | Planned commercial or shopping center located in any B district | 1 for each 100 square feet of usable floor area. |
| 2. | Auto wash (automatic) | 1 for each 1 employee. In addition, adequate waiting space for autos equal in number to 5 times the maximum capacity of the auto wash shall be provided. Maximum |

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| | | capacity of the auto wash for the purpose of determining the required waiting space shall mean the greatest number of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20. |
| 3. | Auto wash (self-service) | 3 for each washing stall in addition to the stall itself. |
| 4. | Beauty parlor or barbershop | 3 spaces for each of the first 2 beauty or barber chairs, and 1½ spaces for each additional chair. |
| 5. | Bowling alleys | 5 spaces for each 1 bowling lane. |
| 6. | Dancehalls, pool or billiard parlors, roller rinks, exhibition halls, and assembly halls without fixed seats | 1 for each 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes. |
| 7. | Establishments for sale and consumption, on the premises, of beverages, food, or refreshments | 1 for each 50 square feet of usable floorspace or 1 for each 2 persons allowed within the maximum occupancy load established by the fire code. |
| 8. | Drive-in restaurants | For the patron self-service area there shall be provided 1 space for each 2 persons allowed within the maximum load as established by the fire code. For the dining area there shall be provided 1 space for each 50 square feet of usable floor area, or 1 for each 2 persons allowed within the maximum occupancy load established by the fire code. |
| 9. | Fast food carryout | 1 for each 2 persons allowed within the maximum load of the patron service area as established by the fire code. |
| 10. | Furniture and appliances, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses | 1 for each 800 square feet of usable floor area. For that floor area used in processing, 1 additional space shall be provided for each 2 persons employed therein. |

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| 11. | Automobile service stations | 2 for each lubrication stall, rack, or pit, and 1 for each gasoline pump. |
| 12. | Laundromats and coin-operated dry cleaners | 1 for each 2 machines. |
| 13. | Miniature or par-3 golf courses | 3 for each 1 hole plus 1 for each 1 employee. |
| 14. | Mortuary establishments | 1 for each 50 square feet of assembly room usable floorspace, parlors and slumber rooms. |
| 15. | Motels, hotels, or other commercial lodging establishments | 1 for each 1 occupancy unit plus 1 for each 1 employee. |
| 16. | Motor vehicle sales and service establishments | 1 for each 200 square feet of usable floorspace of sales room and 1 for each 1 auto service stall in the service room. |
| 17. | Retail stores except as otherwise specified | 1 for each 150 square feet of usable floorspace. |
| d. | <i>Offices.</i> | |
| 1. | Banks | 1 for each 100 square feet of usable floorspace. |
| 2. | Business offices or professional offices except as indicated in the following item 3 | 1 for each 200 square feet of usable floorspace. |
| 3. | Professional offices of doctors, dentists or similar professions | 1 for each 15 square feet of usable floor area in waiting rooms, and 1 for each examining room, dental chair or similar use area. |
| e. | <i>Industrial uses.</i> | |
| 1. | Industrial or research establishments | 5, plus 1 for every 1½ employees in the largest working shift, or 1 for every 550 square feet of usable floorspace, whichever is determined to be the greater. Space on-site |

| | | | |
|----|--------------------------|--|---|
| | | | shall also be provided for all construction workers during periods of plant construction. |
| 2. | Wholesale establishments | | 5, plus 1 for every 1 employee in the largest working shift, or 1 for every 1,700 square feet of usable floorspace, whichever is greater. |

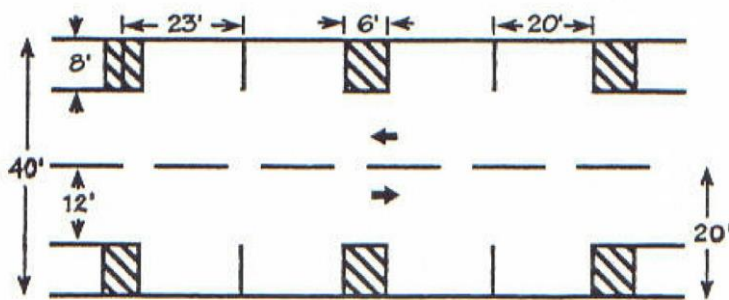
(Comp. Ords. 1988, § 15.474; Ord. No. 146, 1-21-2008)

Cross reference— Traffic and vehicles, ch. 26.

Sec. 30-426. - Off-street parking lot layout, standards, construction and maintenance.

Whenever the off-street parking requirements in section 30-425 require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- (1) *Permit for construction.* No parking lot shall be constructed unless and until a permit therefor is issued by the zoning administrator. Applications for a permit shall be submitted to the zoning administrator in such form as may be determined by the zoning administrator and shall be accompanied with two sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
- (2) *Dimensions of parking spaces and maneuvering lanes.* Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements, except that the dimension of spaces for the handicapped shall be as set forth by the Michigan Building Code.



Parking Layouts

- (3) *Access.* All spaces shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited except for one- and two-family residential uses. Adequate ingress and egress to and from the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to and from a parking lot lying in an area zoned for other than one-family residential use shall not be across land zoned for one-family residential use.

- (4) *Direction of traffic movement.* All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
- (5) *Location of entrances, exits, and possible access connection.* Each entrance and exit to and from any off-street parking lot located in any O-1, B-1, B-2, I-1 or I-2 district shall be at least 25 feet distant from adjacent property located in any RS, RE, AG, RM, or CR district. The planning commission may require an access easement to be provided for vehicle access to adjacent property drive(s) and/or parking lot(s) to minimize the need for driveways to each facility and to reduce traffic access to and turning movements to and from public streets, thereby decreasing hazards to vehicular traffic. Such access easements may be for immediate connections or to provide for future possible connections.

Such proposed entrance(s) and exit(s) shall be in accordance with the installation specifications and procedures of the St. Clair County Road Commission or Michigan Department of Transportation (MDOT), whichever has jurisdiction. Any single-family or two-family residential use or farm use accessing a private road shall meet standards equivalent to those of the county road commission and shall be approved by the township engineer.

- (6) *Obscuring wall or berm.* The off-street parking area shall be provided with a continuous, decorative obscuring wall or earth berm not less than four feet six inches in height measured from the surface of the parking area. This wall (or berm, combination of berm and wall) shall be provided on any and all sides where an O-1, B-1, B-2, I-1, or I-2 district is adjacent to an RS, RE, AG, RM, or CR district, or abuts a public street.
- (7) *Surfacing and drainage.*
 - a. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with a concrete or asphaltic surface approved by the township engineer. The parking area shall be surfaced prior to the issuance of a certificate of occupancy (section 30-33), or upon provision of an adequate performance bond (section 30-37). In the case of a performance bond, the parking area shall be surfaced within one year of the date that the certificate of occupancy is issued for the principal use. Time extensions due to earth settlement problems may be approved by the board of appeals.
 - b. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
- (8) *Off-street waiting area for drive-through facilities.* On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their vehicles by means of a service window, washing bay, or similar arrangement, there shall be provided six off-street waiting spaces for each service window or service bay, not blocking parking spaces, drives, or sidewalks. This requirement is in addition to the parking space requirements for each land use. Each waiting space shall be 23 feet long by ten feet wide.
- (9) *Lighting.* All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
- (10) *Walls extending to alley.* In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
- (11) *Modification of berm or wall requirements.* The board of appeals, following a recommendation by the planning commission and upon application by the property owner of the off-street parking area, may modify the berm or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.
- (12) *Parking—Side by side.* All parking areas shall offer side-by-side or parallel parking, except for individual driveways serving a residential dwelling where tandem parking, meaning vehicles parked bumper to bumper, shall be permitted.

(Comp. Ords. 1988, § 15.475; Ord. No. 146, 1-21-2008)

Sec. 30-427. - Off-street loading and unloading facilities.

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

- (1) All spaces shall be provided as required in the schedule of regulations in section 30-391 under "Minimum Rear Yards" (see notes in section 30-392), except as provided in this section for I districts.
- (2) All spaces shall be laid out in the dimensions of at least ten by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with a concrete or asphaltic surface approved by the township engineer. All spaces in I districts shall be provided in the following ratio of spaces to floor area:

| Gross Floor Area (square feet) | Loading and Unloading Space Required in Terms of Square Feet of Usable Floor Area |
|--------------------------------|---|
| 0—1,400 | None |
| 1,401—20,000 | 1 space |
| 20,001—100,000 | 1 space plus 1 space for each 20,000 square feet in excess of 20,001 square feet |
| 100,000 and over | 5 spaces |

All loading and unloading in the I-1 and I-2 districts shall be provided off-street in the rear yard or interior side yard, and in no instance shall loading and unloading be permitted in the front yard except as follows:

- a. *I-1 districts.* Permit off-street loading and unloading as a front facade truck entrance to a structure and in the front yard, when the front facade of the industrial operation portion of the structure is set back at least 65 feet from the front property line, and provided further that the office portion of the structure shall be constructed forward of the industrial operation so as to be situated between the minimum front yard setback line of 50 feet and the industrial operation.
- b. *I-2 districts.* Permit off-street loading and unloading as a front facade if set back sufficiently to permit truck maneuvering on the property behind a greenbelt screen planting, berm, or wall at least 40 feet from the front lot line and so constructed as to totally obscure the loading and unloading operation. Such greenbelt, berm or wall shall meet the minimum requirements set forth in sections 30-429 and 30-434.

(Comp. Ords. 1988, § 15.476)

Sec. 30-428. - Manufactured housing outside of manufactured housing communities.

Manufactured houses which do not conform to the definition of a "dwelling, single-family" (section 30-3) shall not be used for dwelling purposes within the township unless located within a manufactured housing community or a manufactured housing plat zoned for such uses, or unless used for a temporary residence purpose as provided in section 30-35.

(Comp. Ords. 1988, § 15.477; Ord. No. 146, 1-21-2008)

Sec. 30-429. - Plant material and greenbelts.

Whenever in this chapter a greenbelt or planting is required, it shall be planted within six months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

(1) *Plant material spacing.*

- a. Plant materials shall not be placed closer than four feet to the fence line or property line.
- b. Where plant materials are planted in two or more rows, plantings shall be staggered in rows.
- c. Evergreen trees shall be planted not more than 30 feet on centers.
- d. Narrow evergreens shall be planted not more than three feet on centers.
- e. Deciduous trees shall be planted not more than 30 feet on centers.
- f. Tree-like shrubs shall be planted not more than ten feet on centers.
- g. Large deciduous shrubs shall be planted not more than four feet on centers.

(2) *Suggested plant materials.* Suggested plant materials are as follows:

| Plant Materials | | Minimum Size |
|-----------------|---------------------------|------------------|
| a. | Evergreen trees | 5 feet in height |
| | 1. Juniper. | |
| | 2. Hemlock. | |
| | 3. Fir. | |
| | 4. Pine. | |
| | 5. Spruce. | |
| | 6. Douglas Fir. | |
| b. | Narrow evergreens | 5 feet in height |
| | 1. Column Honoki Cypress. | |

| | | | |
|-----------------|------------------------|--------------------------------|------------------|
| | 2. | Blue Columnar Chinese Juniper. | |
| | 3. | Pyramidal Red-Cedar. | |
| | 4. | Swiss Stone Pine. | |
| | 5. | Pyramidal White Pine. | |
| Plant Materials | | | |
| | 6. | Irish Yew. | |
| | 7. | Douglas Arbor-Vitae. | |
| | 8. | Columnar Giant Arbor-Vitae. | |
| c. | Tree-like shrubs | | |
| | 1. | Flowering Crabs. | |
| | 2. | Russian Olives. | |
| | 3. | Mountain Ash. | |
| | 4. | Dogwood. | |
| | 5. | Redbud. | |
| | 6. | Rose of Sharon. | |
| | 7. | Hornbeam. | |
| | 8. | Hawthorn. | |
| | 9. | Magnolia. | |
| d. | Large deciduous shrubs | | 6 feet in height |
| | 1. | Honeysuckle. | |

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| | 2. | Viburnum. | |
| | 3. | Mock-Orange. | |
| | 4. | Forsythia. | |
| | 5. | Ninebark. | |
| | 6. | Lilac. | |
| | 7. | Cotoneaster. | |
| | 8. | Hazelnuts. | |
| | 9. | Euonymus. | |
| | 10. | Privet. | |
| | 11. | Buckthorn. | |
| | 12. | Sumac. | |
| e. | Large deciduous trees | | |
| | 1. | Oaks. | |
| | 2. | Hard maples. | |
| | 3. | Hackberry. | |
| | 4. | Planetree (Sycamore). | |
| | 5. | Birch. | |
| | 6. | Beech. | |
| | 7. | Ginkgo. | |
| | 8. | Honeylocust. | |

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| | 9. | Sweet-Gum. |
| | 10. | Hop Hornbeam. |
| | 11. | Linden. |

(3) *Trees not permitted.* The following trees are not permitted:

- a. Box Elder.
- b. Soft maples (Red-Silver).
- c. Elms.
- d. Poplars.
- e. Willows.
- f. Horse Chestnut (nut bearing).
- g. Tree of Heaven.
- h. Catalpa.

(4) *Site plan.* Whenever a greenbelt or planting screen is required under the provisions of this chapter, a site plan of the parcel to be developed, together with a detailed planting plan of the greenbelt, shall be submitted to the planning commission for approval prior to the issuance of a zoning compliance permit. The site plan shall indicate, to scale, the proposed location and height of buildings and other structures, the location of public walks, roadways and utilities, and the proposed location of off-street parking, loading, service, and outside storage areas and points of ingress-egress to the site. The planting plan shall indicate, to scale, the location, spacing, starting size, and description for each unit of plant material proposed for use within the required greenbelt area, together with the finished grade elevations proposed therein. The planning commission shall review the planting relative to:

- a. The proper spacing, placement and location of plant materials relative to the length and width of greenbelt so as to ensure that the required horizontal and vertical obscuring effect of proposed land uses will be achieved.
- b. The choice and selection of plant materials so as to ensure that root systems will not interfere with public utilities and that fruit and other debris (other than leaves) will not constitute a nuisance within public rights-of-way, or to abutting property owners.
- c. The proposed relationship between deciduous and evergreen plant materials so as to ensure that a maximum obscuring effect will be maintained throughout the various seasonal periods.
- d. The size of plant material (both starting and ultimate) to ensure adequate maturity and optimum screening effect of proposed plant materials.

(Comp. Ords. 1988, § 15.478)

Sec. 30-430. - Signs.

(a) *Purpose and intent.* These regulations establish rules and standards for the construction, location, maintenance and removal of all signs except those exempted from regulation by this article.

Directional, emergency, or traffic-related signs owned by the township, county, state or federal government agencies are not regulated by this section. The execution of these regulations recognizes that the purpose of this chapter is to protect the interest of public health, safety and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for adequate identification and communication. In order that such purposes can be achieved, the following objectives shall be applied for this chapter and any future additions, deletions and amendments:

- (1) *General.* Ensure that signs are located, designed, constructed, installed and maintained in a way that protects life, health, morals, property and the public welfare.
 - (2) *Public safety.* Protect public safety by prohibiting signs that are structurally unsafe or poorly maintained; cause unsafe traffic conditions because they unreasonably distract motorists, have similarities to official traffic signs or hinder vision; and impede safe movement of pedestrians or safe ingress and egress from buildings or sites.
 - (3) *Protect aesthetic quality of districts and neighborhoods.* Prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views. Prevent proliferation of signs in residential areas and eliminate abandoned signs and sign structures on unused properties. Also, avoid glare, light trespass, and sky glow through selection of proper fixture type(s) and location, lighting technology, and control of light levels.
 - (4) *Free speech.* Ensure that the constitutionally guaranteed right of free speech is protected and allow signs as a means of communication.
 - (5) *Reduce conflict.* Reduce conflict among signs and light and between public and private information systems.
 - (6) *Information dissemination.* Allow for adequate signage for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to, public safety information and notification as may be required by law.
 - (7) *Foster economic development.* Ensure that signs are located in a manner that does not cause visual clutter, blight, and distraction, but rather promotes identification and communication necessary for sustaining and expanding economic development in the city.
 - (8) *Recognize unique areas.* Acknowledge the unique character of certain districts, and establish special time, place and manner regulations that reflect the unique aesthetic, historical, and/or cultural characteristics of these areas.
- (b) *General requirements that apply to all signs.*
- (1) A permit shall be required for the erection, construction, or alteration of any sign, and all new signs shall require approval by the building inspector, except as provided herein.
 - (2) There shall be no flashing, oscillating, or intermittent type of illuminated sign or display; nor shall there be any streamers, windblown devices, spinners, temporary or portable signs, pennants or flags other than those permitted by this [section].
 - (3) No sign, except those established and maintained by the township, county, state or federal government, shall be located in, project into, or overhang a public right-of-way, or dedicated public easement.
 - (4) All directional traffic signs required for the purpose of orientation, when established by China Township, the St. Clair County Road Commission, the Michigan Department of Transportation, or the Federal government, shall be permitted in all zoning districts.
 - (5) Non-accessory and/or off-site signs (such as billboards) shall be prohibited except in I-1 light industrial and I-2 heavy industrial districts.
 - (6) All illuminated signs shall be internally lit unless the lighting equipment is designed as an integral part of the display. This means that the lights themselves are part of the sign structure and will in no way interfere with driver visibility or project onto adjoining property.

- (7) No signs, unless provided otherwise in this chapter, shall be located closer than 25 feet from any side or rear property line.
 - (8) No sign shall be constructed in a manner as to impair the vision of pedestrians and/or vehicles.
 - (9) No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which it is located, as referenced in section 30-391.
 - (10) Signs may be located in the required front yard except as otherwise provided in this chapter.
- (c) *Prohibited signs.* All signs not expressly permitted under this section are prohibited by the township. Such prohibited signs include, but are not limited to, the following:
- (1) Beacons.
 - (2) Pennants, including tear drop or blade style.
 - (3) Vehicle signs, when the vehicle upon which the sign is painted or attached, is parked or placed upon the premises for advertising purposes.
 - (4) Roof signs.
 - (5) Inflatable signs and tethered balloons.
 - (6) Animated signs, except those giving date, time, and temperature.
 - (7) Signs affixed to trees, rocks, shrubs or natural features, except authorized by the township which denote a site of historic significance.
 - (8) Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices.
 - (9) Permanent signs (other than those erected by a public agency) which are located or overhang the public right-of-way or other public property.
 - (10) Any strobe, flashing, or oscillating lights, either from the interior or exterior of the building.
 - (11) Moving signs.
 - (12) Abandoned signs.
 - (13) Signs which emit audible sound, odor, or visible matter.
 - (14) Any sign erected on a tree, utility pole or other pole used for another purpose.
 - (15) Any sign that displays obscenities (including words, pictures, figures, or other depictions).
- (d) *Signs exempt from permit requirements.* The following signs shall be exempt from the permit requirement of this section and shall conform to the following regulations:
- (1) Incidental signs, which shall not exceed two square feet in area per side and three feet in height. The maximum number of incidental signs on a property shall be two.
 - (2) Signs erected for traffic safety purposes by public road agencies.
 - (3) Federal, state, county or local required signs on private property.
 - (4) Flags bearing the official design of a nation, state, municipality, educational institution, church or fraternal organization. Flags bearing the official seal or emblem of a company or corporation including related slogans, messages or graphics. Each zone lot shall be limited to not more than four of the above flags.
 - (5) Changing of a message on a theater marquee or similar approved signs which are specifically designed for the use of replaceable copy.
 - (6) Painting, repainting, cleaning, and other normal maintenance and repair of a sign or any sign structure unless a structural change is made.
 - (7) Temporary signs not exceeding a total of nine square feet in area per side and three feet in height in residential districts, and 36 square feet in area per side and four feet in height in non-

residential districts. Each temporary sign shall be limited in duration to 60 days, at which time the sign(s) shall be removed for a period of no less than 30 days. Electrical permits are required if illuminated. The maximum area for all temporary signs shall be limited to 18 square feet in residential areas, and 72 square feet in area in a non-residential district.

- (e) *Additional signage regulations by zoning district.* In addition to subsections (a) through (c) of this section, the following requirements apply to signs located in various zoning districts:

| Use District | Requirements |
|------------------------------|--|
| AG, CR, RE, and RS districts | One monument sign is allowed for each approved non-residential building site. All signs shall not exceed a total area of 24 square feet and a height of 8 feet. |
| RM district | One monument sign is allowed for each residential development exceeding 6 dwelling units. All signs shall not exceed a total area of 24 square feet and a height of 8 feet. |
| B-1 and B-2 districts | One freestanding monument type ground sign shall be permitted per street frontage. The area per sign face shall not exceed 24 square feet. The height for monument signs shall not exceed 8 feet. For a development which contains more than 1 office or business, the combined area for all sign faces shall not exceed 40 square feet and the height of the sign shall not exceed 10 feet. No wall sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than 12 inches, and signs shall not project above or beyond the highest point of the roof or parapet. |
| O-1 district | One monument type ground sign shall be permitted per street frontage. The area per sign face shall not exceed 24 square feet. The height for monument signs shall not exceed 8 feet. For a development which contains more than 1 office or business, the combined area for all sign faces shall not exceed 40 square feet and the height of the sign shall not exceed 10 feet. One wall or canopy sign per development not to exceed 90 square feet, except that, in the case of multiple occupants, 1 wall sign shall be permitted per occupant provided that each wall sign does not exceed 20 square feet each and the total area of all wall signs does not exceed 10 percent of the area of the facade including door openings and fenestration. Where a building is oriented such that it is not parallel to the roadway and more than 1 side of the building can be seen from the roadway, 1 additional wall or canopy sign no greater than 60 percent of the maximum allowed sign area may be permitted at the discretion of the planning commission. |
| I-1 and I-2 districts | One pylon or monument sign, not to exceed 100 square feet in is allowed on each development parcel in the I-1 district. Monument signs shall not exceed a height of 12 feet. One pylon or monument sign, not exceeding 350 square feet in area is allowed on each development parcel in the I-2 district. Monument signs shall not exceed a height of 12 feet. For buildings in either the I-1 or I-2 districts, 1 wall or canopy sign per development not to exceed 90 square feet, except that, in the case of multiple |

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| occupants, 1 wall sign shall be permitted per occupant provided that each wall sign does not exceed 20 square feet each and the total area of all wall signs does not exceed 10 percent of the area of the facade including door openings and fenestration. Where a building is oriented such that it is not parallel to the roadway and more than 1 side of the building can be seen from the roadway, 1 additional wall or canopy sign no greater than 60 percent of the maximum allowed sign area may be permitted. Non-accessory signs shall be spaced no closer than 1,000 feet between non-accessory signs on the same side of the right-of-way. |
|--|

- (f) *Maintenance.* The owner of any property on which any sign is placed, and the person maintaining said sign are declared to be equally responsible for the condition of the sign and area in the vicinity thereof. Both parties shall be clearly identified on the sign by name, address, and telephone number.
- (g) *Obsolete signs.* All signs that are obsolete, due to discontinuance of the business, activity, or message depicted thereon, shall be removed within 30 days of the close of said business or activity.
- (h) *Granting and issuance of sign permit.* All new signs, which are not exempt, shall be reviewed by the building inspector. Upon receipt of the necessary application and supporting documentation, the building inspector shall review such application for conformance with this section, and either approve or disapprove the application. If the application is denied, the reasons for such denial shall be clearly delineated to the applicant.
- (i) *Substitution clause.* The owner of any sign allowed by this section may substitute non-commercial speech in lieu of any other commercial speech, or vice versa. This substitution may be made without any additional approval or permitting.

(Comp. Ords. 1988, § 15.479; Ord. No. 146, 1-21-2008; Ord. No. [163](#), § 3, 2-19-2018)

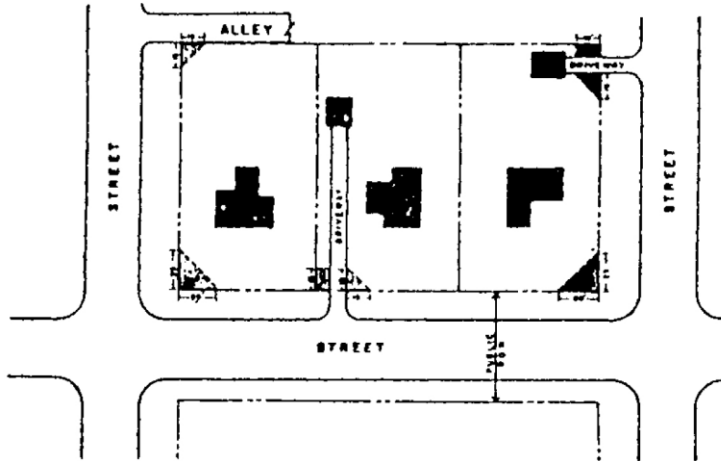
Sec. 30-431. - Exterior lighting.

All lighting for parking areas or for the external illumination of buildings or grounds shall be directed away from and shall be shielded from adjacent residential districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares. Lighting standards shall not exceed the maximum height limitations established for each use district as set forth in section 30-391.

(Comp. Ords. 1988, § 15.480)

Sec. 30-432. - Corner clearance.

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from their point of intersection, or the triangular area formed by the intersection of any street right-of-way line and any public or private driveway at a distance along each line of 15 feet from their point or intersection (see illustration).



Corner Clearance

(Comp. Ords. 1988, § 15.481)

Sec. 30-433. - Use or portion of lot in connection with other building or structure.

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

(Comp. Ords. 1988, § 15.482)

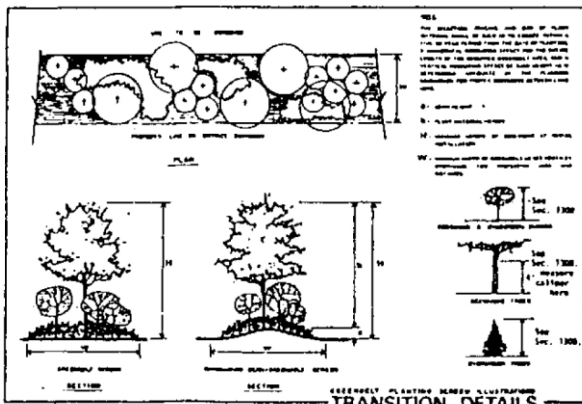
Sec. 30-434. - Walls and berms.

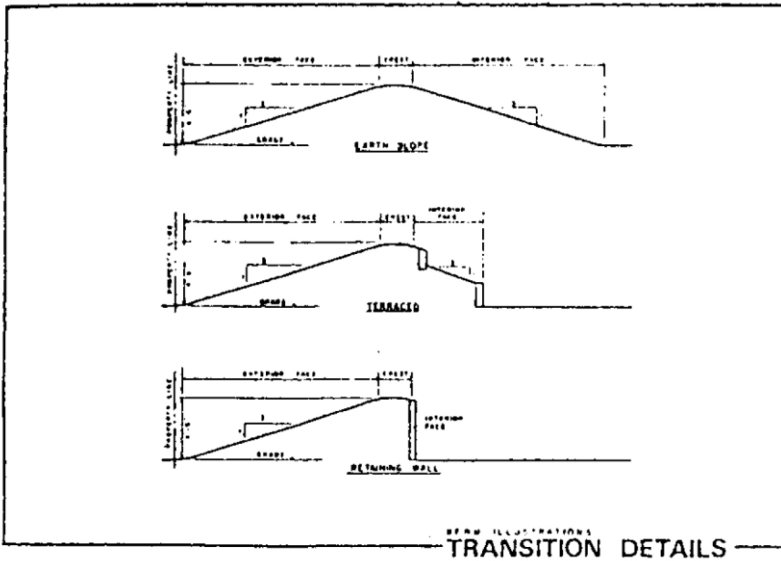
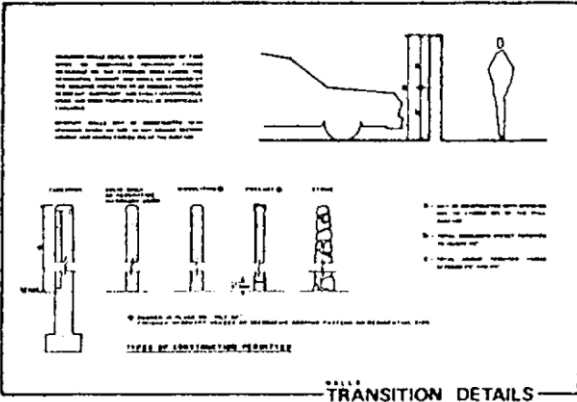
(a) *Obscuring wall or landscaped berm required for certain uses.* For the use districts and uses listed in this subsection, there shall be provided and maintained, on those sides abutting or adjacent to an AG, RE, RS, RM or CR district or an existing residentially used lot or parcel, an obscuring wall or landscaped berm as required in this subsection. The height of the wall or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall. The planning commission shall make the final determination at the time of site plan review whether the intent of this section would best be served by an obscuring wall or earth berm.

| | Use | Height Requirements |
|-----|--|---------------------|
| (1) | RM districts (on those sides adjacent to AG, RE, RS, and CR districts) | 4'6" to 6'0" high |
| (2) | Off-street parking area (excepting one- or two-family) | 4'6" high |

| | | |
|-----|---|---|
| (3) | O-1, B-1, and B-2 districts | 4'6" to 6'0" high |
| (4) | I-1 and I-2 districts, storage areas, loading and unloading areas, and service areas | 5'0" to 8'0" high (height shall provide the most complete obscuring possible). See section 30-332(2) and (4), except that in I-2 districts earth berms for screening public utility uses may exceed this limitation when indicated on a master development plan which has been submitted to and reviewed by the planning commission and approved by the township board. |
| (5) | Hospital-ambulance and delivery areas | 6'0" high |
| (6) | Utility buildings, stations, and/or substations; except that in cases where all equipment is contained within a structure constructed so as to be similar in appearance to the residential buildings in the surrounding area, the board of appeals may waive the requirement. | 6'0" high |

(b) *Extent of required wall or berm.* In the case of variable wall or berm height requirements such as in subsections (a)(1), (3), and (4) of this section, the extent of the obscuring wall or berm shall be determined by the planning commission on the basis of land usage; provided that no wall or berm shall be less than the required minimum or greater than the required maximum height.





- (c) *Location of walls.* Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with yard setback lines. Required walls may, upon approval of the board of appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the board of appeals in reviewing such request.
- (d) *Openings in walls; construction materials.*
- (1) Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except such openings as may be approved by the planning commission. All walls required in this section shall be constructed of face brick or comparable nonporous facing materials on the exterior side facing a residential district and shall be approved by the planning commission to be durable, weather resistant, rustproof and easily maintainable, and wood or wood products shall be specially excluded (see drawing).
 - (2) Masonry walls may be constructed with openings which do not in any square section (height and width) exceed 20 percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the planning commission.
- (e) *Construction of berms.*

- (1) Required berms shall be constructed as landscaped earth mounds with a crest area at least four feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope, or retained by means of a wall, terrace, or other means acceptable to the building inspector. Whenever an earthen slope is provided, it shall be constructed with an incline not to exceed one foot of vertical rise to three feet of horizontal distance.
 - (2) Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected with a straw mulch held in place by jute netting until the seed germinates and a permanent lawn is established. The straw mulch is not required if the seeded slope is protected by a net that is specifically designed to control erosion. The berm area shall be kept free from refuse and debris and shall be planted with shrubs, trees or lawn and shall be maintained in a healthy, growing condition.
 - (3) A planting plan and grading plan shall be prepared for the berm and shall be reviewed by the planning commission. Plant materials within the berm area shall be installed in accordance with the requirements for greenbelts and plant material as set forth in section 30-429 (see drawing).
- (f) *Waiver or modification of requirements.*
- (1) The board of appeals may waive or modify the requirements of this section where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall or berm be permitted to be less than four feet six inches in height except where section 30-432 applies.
 - (2) In consideration of a request to waive wall or berm requirements between AG, RE, RS, CR, or RM districts and nonresidential districts, the board shall refer the request to the planning commission for a determination as to whether or not the AG, RE, RS, RM or CR district is considered to be an area in transition and will become nonresidential in the future. In such cases as the planning commission determines the residential district to be future nonresidential area, the board may temporarily waive wall or berm requirements for an initial period not to exceed 12 months. Granting of subsequent waivers shall be permitted, provided that the planning commission shall make a determination, as described in this subsection, for each subsequent waiver prior to the granting of such waiver by the board.

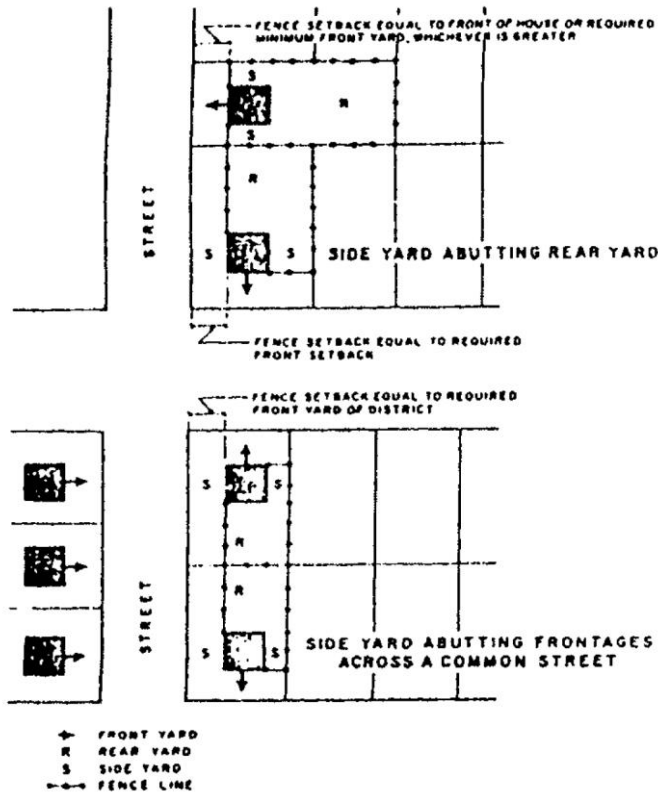
(Comp. Ords. 1988, § 15.483; Ord. No. 146, 1-21-2008)

Sec. 30-435. - Residential fences.

- (a) The term "residential fence" as employed in this section shall include any barrier constructed, planted, or otherwise erected by employing processed wood, chain link, masonry, a decorative hedge, an ornamental tree row, or other similar materials or plantings, or any combination thereof, for purposes of enclosing property and/or providing privacy to specific areas within property boundaries.
- (b) Residential fences are permitted subject to the following:
 - (1) Fences on all lots of record in all AG, RE, RS and CR districts which enclose property and/or are within a required side or rear yard shall not exceed six feet in height, measured from the surface of the ground.
 - (2) Fences on residential lots of record shall not contain barbed wire, electric current or charge of electricity.
 - (3) Fences which enclose public or institutional parks, playgrounds or public landscaped areas, situated within an area developed with recorded lots, shall not exceed eight feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than 25 percent of their total area.
 - (4) Fences are not permitted within a required front yard, except that decorative types of fences, excluding chain link, may be permitted upon review and approval of the planning commission.

Notice of the time, date, and place of the planning commission meeting shall be mailed to property owners whose property will abut (either directly or separated by a street) the location of the proposed decorative fence. The neighboring property owners and other interested persons shall be given the opportunity to speak at the meeting.

- (5) Fences on a recorded residential lot having a lot area in excess of two acres and a frontage of at least 200 feet, and acreage or parcels not included within the boundaries of a recorded plat, in all AG, CR, RE, RS, and RM districts, are excluded from the regulations in this section.



(Comp. Ords. 1988, § 15.484; Ord. No. 146, 1-21-2008)

Sec. 30-436. - Open parking or storage of junk motor vehicles, other junk, or recreational vehicles, boats and similar vehicles.

(a) *Junk motor vehicles and other junk.*

- (1) No motor vehicle shall be kept, parked, or stored in any district zoned for residential use, unless it shall be in operating condition and properly licensed, or kept inside a building. The purpose of this provision is to prevent the accumulation of junk motor vehicles, and therefore it shall not apply to any motor vehicle ordinarily used but temporarily out of running condition. If a motor vehicle is being kept for actual use, but is temporarily unlicensed, the building inspector may grant the owner a reasonable time, not to exceed six months, to procure such license.

- (2) No old, rusty, and unsightly machinery, machines, or part of machines not suitable for use upon the premises, or quantities of old and used building materials, shall be kept or stored outside a building; provided, however, that building materials fit to be used to improve the premises may be kept if they are piled off the ground so as not to become a rat and rodent harbor.

(b) *Recreational vehicles, boats and similar vehicles.* The open parking and/or storage of a recreational vehicle, boat, or similar vehicle not owned by a resident of the township for periods exceeding 24 hours

on lands not approved for such parking or storage shall be expressly prohibited, except that the zoning administrator may issue temporary permits allowing the parking of such vehicles in a rear yard on private property not to exceed a period of two weeks. All recreational vehicles and similar vehicles owned by residents of the township and stored on their individual lots shall not be stored within any front yard or any required side yard and shall further respect the requirements applicable to accessory buildings in section 30-424 insofar as distances from principal structures, lot lines, and easements are concerned. All recreational vehicles parked or stored on lands not approved for campgrounds shall not be connected to sanitary facilities and shall not be occupied.

(Comp. Ords. 1988, § 15.485)

Sec. 30-437. - Required street access.

- (a) *Generally.* Except as otherwise provided in this chapter, every lot or parcel of record created after the effective date of the ordinance from which this chapter is derived shall front upon a county road or state highway for the required width of the lot as provided in section 30-391. Lot width shall be measured as defined in the definition of "lot width" in section 30-3.
- (b) *Corner lots.* Corner lots shall maintain not less than the minimum required width on all road frontages.
- (c) *Lots served by private road.* No lot or parcel of record served exclusively by a private road shall be created after the effective date of this (amendment) ordinance, unless the private road receives final planning commission approval within 90 days of the effective date of this (amendment) ordinance, a road permit is issued under the prior terms of section 30-444 this chapter, is constructed in accordance with all township ordinance provisions governing private roads pertaining to the road permit, and the road remains in compliance with all terms and conditions of the permit.

(Comp. Ords. 1988, § 15.487; Ord. No. 147, art. 2, 4-21-2008)

Sec. 30-438. - Residential entranceway structures.

In all AG, RE, RS, CR, and RM districts, so-called entranceway structures, including but not limited to walls, columns, and gates, marking entrances to single-family subdivisions, multiple-family housing developments, or mobile home parks may be permitted and may be located in a required yard, except as provided in section 30-432, provided that such entranceway structures shall comply with all codes of the township, and shall be approved by the building inspector and a permit issued.

(Comp. Ords. 1988, § 15.488; Ord. No. 146, 1-21-2008)

Sec. 30-439. - Swimming pools.

- (a) Any private swimming pool or appurtenances thereto shall not encroach on any required front or side yard. For purposes of this chapter, all private swimming pools containing 24 inches or more of water in depth at any point shall be considered as accessory structures and subject to the provisions of section 30-424.
- (b) Notwithstanding provisions of the National Electrical Code or other township ordinance, any pools erected after the adoption of the ordinance from which this chapter is derived shall have, and maintain, an adequate enclosure either surrounding the property or pool area, sufficient to make the pool inaccessible to small children. Such enclosure, including gates therein, must not be less than four feet above the underlying ground, and all gates must be self-latching with latches made inaccessible from the outside to small children. A natural barrier, hedge, pool cover or other protective device may be used so long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, gate and latch described in this subsection.

- (c) No private swimming pool or appurtenance thereto shall encroach upon a public easement or be situated directly below an overhead utility power line. All such pools shall further comply with all provisions of the National Electrical Code currently in effect in the township.

(Comp. Ords. 1988, § 15.489; Ord. No. 146, 1-21-2008)

Sec. 30-440. - Ponds.

- (a) *Generally; zoning compliance permit.* Private ponds for fish, ducks, livestock, water, irrigation water, fire protection, recreation, or collection of surface drainage or created for the purpose of obtaining fill dirt for on-site construction purposes shall be permitted in any district subject to the provisions of this section and after first obtaining a zoning compliance permit from the zoning administrator. The zoning administrator shall make a pre-construction field inspection prior to issuance of the permit. The application for the permit shall contain:
- (1) The name of the owner of the property.
 - (2) Legal description of the property.
 - (3) A site plan prepared with drafting instruments and drawn to a scale suitable to demonstrate compliance with applicable regulations.
- (b) *State permit.* No pond shall be constructed without first obtaining a permit from the state department of environmental quality if such pond would be:
- (1) Five acres or greater in area;
 - (2) Connected to an existing lake or stream; or
 - (3) Located within 500 feet of the ordinary high water of an existing inland lake or stream.

The obtaining of a permit from the state department of environmental quality shall not relieve a person from also complying with the requirements of this section.

- (c) *Information and guidelines.* Applicants under this section are encouraged to obtain copies of publications concerning ponds from the U.S. Soil Conservation Service and the county cooperative extension service.
- (d) *Required standards.* All ponds constructed after the effective date of the ordinance from which this chapter is derived shall comply with the following regulations:
- (1) No pond shall be constructed upon a parcel of land having an area less than 2½ acres or having a lot width of less than 220 feet. The minimum lot width for ponds shall be reduced to 165 feet wide if the requirements of section 30-440(d)(16) are met and the lot is a legally established nonconforming lot of record.
 - (2) No pond shall have a width of less than 40 feet. Ponds to be used for agricultural irrigation and/or livestock watering shall be located on a contiguous parcel of land of not less than 40 acres.
 - (3) The removal, depositing or dumping of any excess topsoil, subsoil, sand, gravel, or earth or other similar materials accumulating as a result of the excavation of a pond from the lot or parcel on which the pond is constructed shall not be permitted except as approved by the zoning board of appeals together with such reasonable conditions as may be attached by the board.
 - (4) Excavations undertaken primarily for the purpose of commercial soil, gravel, or mineral removal and not primarily for the purposes set forth in this section shall not be considered as ponds, but instead shall be considered as quarries and subject to the applicable provisions of this chapter.
 - (5) The pond shall not be greater than 25 feet in depth.
 - (6) The pond may occupy up to a maximum of 20 percent of the lot or property upon which it is placed.

- (7) The pond shall be a minimum of 50 feet from any dwelling or any domestic water supply, a minimum of 100 feet from any septic tank or septic field, and a minimum of 25 feet from any accessory building.
- (8) The pond shall be set back at least 50 feet (measured from the nearest edge of the excavation) from all property lines and may not be located within a required front yard. The pond may be located within a non-required front yard provided that all [other] setbacks are maintained.
- (9) The pond shall not have a steeper slope than 1:3 on all sides (one foot vertical for each three feet horizontal) in areas where the depth of water is less than eight feet. In areas where the water depth exceeds eight feet, the slope may be increased to a maximum of 1:1 on all sides (one foot vertical for each one foot horizontal).
- (10) All of the disturbed areas around the pond shall be seeded with adapted grasses and legumes or decorative landscaping stone.
- (11) The pond shall be located so as to prevent sewage or runoff from barnyards, septic tanks or septic fields from draining into the pond.
- (12) No pond shall be located within any utility easement, whether for above-ground or underground utility lines. However, when said easement is in the form a "blanket easement" covering an entire lot or parcel or in the case where no written easement is evident, said pond shall not be located within 25 feet horizontally of any overhead electrical line, wire, or conductor, nor within 25 feet horizontally of any underground utility pipe, conduit or wire.
- (13) The use of any residential, agricultural, or farm pond by the general public for swimming, fishing, or the like shall be prohibited.
- (14) All approved ponds shall be completed within six months from the date of issuance of the permit. The zoning administrator may grant one six-month extension of the permit for just cause.
- (15) A soil erosion control permit shall be obtained from the county department of public works as set forth by the part 91 of Public Act No. 451 of 1994 (MCL 324.9101 et seq.) when the area of the excavation exceeds one acre in size, or as otherwise required by law.
- (16) Construction of a pond shall not cause an increase in runoff or drainage to abutting properties beyond that which may have occurred prior to its construction. The zoning administrator shall require that any plan submitted for a pond show an adequate method of preventing overflow, backup, or runoff of water onto adjacent properties. To accomplish this purpose, the zoning administrator may require a spillway leading to an approved drainageway or a grassed berm along one or more sides of the pond, or both. The location of all proposed ponds must be staked and inspected by the zoning administrator prior to excavation.

(Comp. Ords. 1988, § 15.490; [Ord. No. 160](#), §§ 1.1—1.4, 11-16-2015)

Sec. 30-441. - Establishment or change of grades.

In proposing to establish a new property grade or change an existing grade on a property for the purpose of any construction thereon, or any other reason, the following conditions shall control:

- (1) Independent authorities. It is to be understood by all parties that the authorities of the St. Clair County Drain Commissioner, the St. Clair County Road Commission, and the Michigan Department of Environmental Quality over their respective facilities and waterways must be respected and their approval(s) may be required as is applicable in each case.
- (2) Agricultural drainage systems. Nothing contained in this section shall be construed to prohibit or interfere with the installation or alteration of normal, proper, and generally accepted agricultural drainage methods and systems when part of a bona fide farm, provided that the proposed action will not cause any adverse effect upon adjacent properties.

- (3) No person may by action or inaction (e.g. by neglect) cause an increase or decrease in the flow of water over that which previously exists onto or from adjacent properties, except as may be regulated and conditioned under this section and section 30-442. Such an action(s) could be one that diverts, blocks or dams, hinders the flow of water, or one that causes the flow of water to be altered, diverted, blocked, dammed, or hindered. Neglect could be for example; a failure of maintenance, permitting the build up of debris, or permitting erosion which then has an altering effect. Such subject water flow, whether natural or artificial, public or private, may be by means of a drain, drainage course, ditch, tube or other conduit, watercourse, or body of water.
- (4) Where there is existing development in the area or where the adjacent lands are subdivided, the grades about the new development or construction shall be set to conform to the grades of the existing development or subdivision.
- (5) All new development shall be so accomplished as to contain all runoff on the site or direct runoff to storm facilities without crossing abutting developed or platted lands.
- (6) Grades of the site may be raised a total of 12 inches above the crown of an abutting public road if such increase in grade does not cause runoff onto abutting property. The first-floor elevation of the proposed construction shall be shown.
- (7) When a new building is constructed on a vacant parcel between two existing developed properties, the finish grades about the new development shall be set to conform to the average of the finish grades of the existing developed properties on both sides.
- (8) In special cases where unusual topographic or natural features exist, or where existing soil conditions or other constraints require the St. Clair County Health Department to establish a finished grade in excess of the above requirements, it shall be the responsibility of the property owner to utilize whatever means are necessary to contain all storm water on the premises, or to direct such stormwater to an outlet approved by the zoning administrator. Such containment and/or disposal mechanisms may include, but are not limited to the following: earthberms, containment pond(s), swales, open drains, enclosed drains, or artificial lift and discharge mechanism(s). The proposed method of drainage is subject to the review and written approval of the zoning administrator specifying the specifics of his/her approval. The method of drainage selected shall not be less than that which is required to direct runoff away from adjacent properties, and which is necessary to protect the public health, safety and welfare of the township.
- (9) Documentation required/zoning administrator approval-denial/appeal.
 - a. *Single-family dwellings, two-family dwellings and farm buildings.* Owners of proposed single-family dwellings, two-family dwellings, and farm building(s) shall submit such documentation as the zoning administrator determines necessary to determine adequate compliance with items (1) through (6) above, and may waive the provisions of this section where he/she determines them unnecessary. Such documentation shall include a written description of the proposed action, the reason for the proposed action, a plan drawn to scale showing the existing and proposed drainage patterns.

The zoning administrator shall make a site inspection and shall make a determination whether the proposed action will cause either an increase or decrease in the runoff or flow of water onto adjacent properties beyond that which would occur without the proposed action under existing conditions. The zoning administrator may seek the opinion of the township engineer or other professionals as deemed necessary. If the zoning administrator determines the proposed action will cause either an increase or decrease beyond existing conditions, the zoning administrator shall not approve the proposed change.

Upon completion of the proposed action, the zoning administrator shall make an additional visit to the site and make a determination that the proposed action was completed in accordance with the terms of the permit and, if satisfactory, shall issue a certificate of completion.

If the owner of the property wishes to pursue the proposed change further, they may seek more comprehensive review under subsection b. below.

- b. *All other uses.* For all uses, except single-family dwellings, two-family dwellings, and farm building(s), where grade on a site is in any way to be increased above existing grade, the owner of the property shall, upon application for a building permit, submit a certification signed and sealed by a civil engineer licensed to practice in the State of Michigan stating the existing and proposed grades and that the conditions set forth in items (1) through (6) above are met.

This certification shall be accompanied by a drawing which contains at least the following information:

1. A property line survey showing lot shape and dimension, drawn to a scale of at least 1 inch = 10 feet on lots 85 feet in width or less, and 1 inch = 30 feet on lots greater than 85 feet.
2. A topographic map shall be drawn (may be superimposed on item 1. above) at a contour interval of not greater than one foot. Elevations of abutting properties and the crown of abutting road pavement shall be shown.
3. Proposed changes in grade shall be shown through the use of proposed contour lines.
4. The first-floor elevation of the proposed construction shall be shown.

The zoning administrator shall seek the opinion of the township engineer. The zoning administrator shall make a site inspection and together with the documentation provided, shall make a determination whether the proposed action will cause either an increase or decrease in the runoff or flow of water onto adjacent properties beyond that which would occur without the proposed action under existing conditions. If the zoning administrator determines the proposed action will cause either an increase or decrease beyond existing conditions, the zoning administrator shall not approve the proposed change.

The proposed change, in the event of a determination of increase or decrease beyond existing conditions, shall only be approved by the zoning administrator with the concurring approval of the township engineer and after consulting with the township attorney. Agreement(s), waiver(s), drainage easement(s) and/or other legal documentation regarding affected adjoining property owner(s) may be advisable.

If the owner of the property wishes to pursue the proposed change further, they may seek a determination by the zoning board of appeals.

Upon completion of the proposed action, the zoning administrator and township engineer shall make an additional visit to the site and make a determination that the proposed action was completed in accordance with the terms of the permit and, if satisfactory, shall issue a certificate of completion.

- (10) Fees for applications made pursuant to this section shall be paid at the time of application for a permit. The amount of such fees shall be established by the township board and are intended to fully cover the costs of review(s) and inspections. In cases where it is necessary for a review to be made by the township engineer and/or other township officials or consultants, the applicant shall be required to pay the township such additional reasonable fees as are necessary to conduct and complete such reviews.

(Comp. Ords. 1988, § 15.491; Ord. No. 146, 1-21-2008; Ord. No. 149, art. 1, 7-20-2009)

Sec. 30-442. - Condominium developments.

The following regulations shall apply to all condominium developments within the township:

- (1) *Initial information.* Concurrently with the notice required to be given the township pursuant to section 71 of the Condominium Act, Public Act No. 59 of 1978 (MCL 559.171), a person intending to develop a condominium development shall provide the following information:
 - a. The name, address, and telephone number of:
 1. All persons with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 2. All engineers, attorneys, architects, or registered land surveyors associated with the project.
 3. The developer or proprietor of the condominium development.
 - b. The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.
 - c. The acreage content of the land on which the condominium development will be developed.
 - d. The purpose of the development (for example, residential, commercial, industrial, etc.).
 - e. Approximate number of condominium units to be developed on the subject parcel.
 - f. Whether or not a community water system is contemplated.
 - g. Whether or not a community septic system is contemplated.
- (2) *Information to be kept current.* The information shall be furnished to the township building official and shall be kept updated until such time as a certificate of occupancy has been issued pursuant to section 30-33.
- (3) *Site plans for new projects.* Prior to recording of the master deed required by section 72 of Public Act No. 59 of 1978 (MCL 559.172), the condominium development shall undergo site plan review and approval pursuant to section 30-38. In addition, the township shall require appropriate engineering plans and inspections prior to the issuance of any certificates of occupancy.
- (4) *Site plans for expandable or convertible projects.* Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to section 30-38.
- (5) *Master deed, restrictive covenants and as-built survey.* The condominium development developer or proprietor shall furnish the building official with the following: one copy of the recorded master deed, one copy of all restrictive covenants, and two copies of an as-built survey. The as-built survey shall be reviewed by the township engineer for compliance with township ordinances. Fees for this review shall be established by resolution of the township board.
- (6) *Monuments.* All condominium developments which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.
 - a. All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
 - b. Monuments shall be located in the ground at all angles in the boundaries of the condominium development, at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development, at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark

angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the side lines of the streets.

- c. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby, and the precise location thereof shall be clearly indicated on the plans and referenced to the true point.
 - d. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight inches.
 - e. All required monuments shall be placed flush with the ground where practicable.
 - f. All unit corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipe at least 18 inches long and one-half inch in diameter, or other approved markers.
 - g. The township board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the township clerk cash or a certified check, or an irrevocable bank letter of credit to the township, whichever the proprietor selects, in an amount to be established by the township board by resolution. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.
- (7) *Compliance with federal, state and local law.* All condominium developments shall comply with federal and state statutes and local ordinances.
- (8) *Occupancy before installation of improvements.* The building official may allow occupancy of the condominium development before all improvements required by this section are installed, provided that cash, a certified check, or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the township.
- (9) *Single-family detached condominiums.*
- a. Pursuant to authority conferred by section 141 of the Condominium Act, Public Act No. 59 of 1978 (MCL 559.241), all condominium subdivision plans must be approved by the township board following review and recommendation for approval by the planning commission. In determining whether to recommend a condominium subdivision plan for approval to the township board, the planning commission shall consult with the zoning administrator, township attorney, township engineer, and township planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, development layout, and design and compliance with all requirements of the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), and this chapter.
 - b. A single-family detached condominium development shall be subject to all of the requirements and standards of the applicable single- or multiple-family residential district or approved planned unit development (PUD) plan.
 - c. The design of a single-family detached condominium project shall be subject to the following design layout and engineering standards, except as may otherwise be provided by this section. Streets shall conform to at least all minimum requirements of the general specifications and typical cross sections as set forth in the design layout standards in chapter 12, article III, division 3, and other conditions set forth by the township board and the county road commission.
 - 1. *Location, arrangement and design of streets.*
 - i. The street layout shall provide for continuation of collector streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not

subdivided, or conform to a plan for a neighborhood unit drawn up and adopted by the commission.

- ii. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
- iii. Should a proposed condominium development border on or contain an existing or proposed major thoroughfare, the commission may require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
- iv. Should a proposed condominium development border on or contain a railroad, expressway, or other limited access highway right-of-way, the commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.
- v. Half streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the commission finds it will be practicable to require the dedication of the other half when the adjoining property is developed. Wherever there exists, adjacent to the tract to be subdivided, a dedicated or platted and recorded half street, the other half shall be platted or otherwise included in the condominium subdivision.
- vi. Should a proposed condominium development border upon or contain an existing or proposed canal, channel, or drainageway, the commission may require the location of a bridge facility suitable to permit the unimpeded flow of water and the passage of waterborne vehicles.

2. *Right-of-way and pavement widths.*

- i. Street right-of-way and pavement widths shall conform to at least the following minimum requirements:

| Street Type | Right-of-Way Width | Pavement Width |
|----------------------|--------------------|----------------|
| All types of streets | 66 feet | 24 feet |
| Culs-de-sac | 75-foot radius | 45-foot radius |

- ii. No on-street parking shall be allowed.
- iii. Minimum length for residential cul-de-sac streets shall be 140 feet. Maximum length for residential cul-de-sac streets shall be 500 feet.
- iv. Access to streets across all ditches shall be provided by the proprietor with the county road commission's specifications and procedures for driveway installation.

3. *Easements.*

- i. Location of utility line easements shall be provided as necessary for utility lines. Such easements shall be a total of not less than 12 feet wide, six feet from each parcel.
 - ii. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the proposed condominium development plan to all appropriate public utility agencies.
 - iii. Easements six feet in width, three feet from each parcel, shall be provided where needed along side condominium unit boundary lines so as to provide for streetlight dropouts. Prior to the approval of the condominium subdivision plan, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific condominium unit boundaries. A notation shall be made on the condominium subdivision plan indicating: "The side boundary lines between condominium units (indicating building envelope numbers) are subject to streetlight dropout rights granted to the (name of utility company)."
- d. *Condominium units.* Condominium units within detached condominium developments shall conform to the following standards:
 1. Condominium units situated on corners in residential subdivisions shall be at least ten feet wider than the minimum width permitted by this chapter.
 2. Excessive condominium unit depth in relation to width shall be avoided. A depth-to-width ratio of 3:1 shall be considered a maximum.
 3. Every condominium unit shall front or abut on a street.
 4. Side condominium unit lines shall be at right angles or radial to the street lines.
 5. Condominium units abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage condominium units, or with side condominium unit lines parallel to the major traffic streets.
 6. Condominium units shall have a front-to-front relationship across all streets where possible.
 7. Where condominium units border upon bodies of water, the front yard may be designated as the waterfront side of such condominium unit provided the building envelope has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side.
- e. *Blocks.*
 1. Maximum length for blocks shall not exceed 1,300 feet in length, except where, in the opinion of the planning commission, conditions may justify a greater distance.
 2. Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.
- f. *Natural features.* The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, watercourses, and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.
- g. *Walkways.* Walkways shall be installed in all single-family detached condominium developments. Such walkways shall be a minimum of five feet in width along both sides of collector and minor streets and six feet in width along all major thoroughfares. Access to all

general common areas shall be provided. Upon review of the site plan, the planning commission may approve alternate locations for the walkways or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation.

h. *Street trees and landscaping.*

1. Street trees shall be provided in the ratio of at least one per dwelling unit, shall be placed along the right-of-way, and shall not be less than eight feet in height.
2. The following trees are prohibited:
 - i. Box Elder.
 - ii. Soft maples (Red, Silver).
 - iii. Elms.
 - iv. Poplars.
 - v. Willows.
 - vi. Horse Chestnut (nut bearing).
 - vii. Tree of Heaven.
 - viii. Catalpa.
3. All unimproved surface area of the site shall be planted with grass, ground cover, shrubbery, or other suitable landscape materials, except that patios, terraces, decks, and similar site features may be allowed.

i. *Utilities.*

1. An adequate storm drainage system including necessary storm sewers, catchbasins, manholes, culverts, bridges, and other appurtenances shall be required in all developments.
2. A sewage disposal system shall be required as regulated by chapter 28, article III.
3. A water supply system shall be required as regulated by chapter 28, article II.
4. The proprietor shall make arrangements for all lines for telephone, electric, television, and other similar services distributed by wire or cable to be placed underground entirely throughout the development area, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways; provided that overhead lines may be permitted upon written recommendation of the township engineer and the approval of the planning commission at the time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design, and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the state public service commission. All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the proprietor.

- j. *Final documents to be provided.* After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish to the township a copy of the site plan on a mylar sheet of at least 13 inches by 16 inches with an image not to exceed 10½ inches by 14 inches.

(Comp. Ords. 1988, § 15.492)

Sec. 30-443. - On-site use wind systems.

Intent. An on-site use wind energy system (see section 30-3 for definition) is intended to first serve the needs of the applicant. A utility grid wind energy system (see section 30-3 for definition) is not a permitted use under this section. A utility grid wind energy system is separately provided for and regulated as a special land use (section 30-573) in the AG, I-1 and I-2 districts. An anemometer tower shall abide by the same regulations below for on-site wind systems and shall be removed before an on-site use wind system is installed.

- (a) *Small on-site windmills.* In the AG districts windmills with a power generation capacity of five kilowatts (or equivalent) or less (e.g. for live stock watering tanks) are a permitted use, subject to the following requirements. There are no limits on the number of these small windmills permitted.
 - (1) *Setbacks.* The base of tower shall be setback a distance of not less than one and one-half times the height of tower from the nearest property line. In addition, no part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the nearest property line.
 - (2) *Height.* There is no fixed height limit in this case beyond the requirements of paragraphs (1) and (5).
 - (3) *Noise.* Sound pressure levels shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
 - (4) *Safety.*
 - (i) *Vertical clearance.* The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor. Blade or rotor arc must be demonstrated to be a safe and reasonable distance from any separate building, structure, utility wire, or tree.
 - (ii) *Guy wire visibility.* If a wind energy system tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.
 - (iii) *Rotor or blade integrity protection.* An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.
 - (iv) *Lightning.* All wind energy system towers shall have lightning protection.
 - (5) *Construction codes, towers, and interconnection standards.* On-site use wind energy systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use wind energy systems, including towers, shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and any local jurisdiction airport overlay zone regulations. If an on-site use wind energy system is attached to a building or structure, the building inspector must approve it as being safe and secure and in accordance with all applicable state construction and electrical codes.
- (b) *Larger on-site windmills.* Windmills with a power generation capacity of greater than five kilowatts (or equivalent) are a permitted use, subject to the following requirements.
 - (1) Only one wind energy system is permitted per lot or premises.
 - (2) *Setbacks.* The base of tower shall be setback a distance of not less than one and one-half times the height of tower from the nearest property line. In addition, no part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the nearest property line.
 - (3) *Noise.* Sound pressure levels shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
 - (4) *Shadow flicker.* Prior to a zoning compliance permit and prior to a building permit being issued, the applicant must demonstrate to the zoning administrator that no adverse shadow flicker impact

will occur from sunrise to sunset throughout the year on any occupied buildings and lands of adjacent properties. The zoning administrator, if in doubt, may refer the matter to the planning commission. The planning commission may require that the potential of an adverse shadow flicker impact be studied by an independent consultant, knowledgeable on the subject. The study shall recommend one or more means by which the impact(s) (if any) can be avoided (including whether or not to construct) or mitigated. The applicant must deposit in advance sufficient funds with the township to pay for the study.

- (5) *Safety.*
 - (i) *Vertical clearance.* The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor. Blade or rotor arc must be demonstrated to be a safe and reasonable distance from any separate building, structure, utility wire, or tree.
 - (ii) *Guy wire visibility.* If a wind energy system tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.
 - (iii) *Rotor or blade integrity protection.* An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.
 - (iv) *Lightning.* All wind energy system towers shall have lightning protection.
- (6) *Construction codes, towers, and interconnection standards.* On-site use wind energy systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use wind energy systems, including towers, shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and any local jurisdiction airport overlay zone regulations. If an on-site use wind energy system is attached to a building or structure, the building inspector must approve it as being safe and secure and in accordance with all applicable state construction and electrical codes.
- (7) *Wiring.* All wiring between the tower and the principal building shall be underground.
- (8) *Residential districts (except AG).* When located in RE, RS, RM, and CR districts, the following additional regulations shall apply:
 - (i) An on-site use wind energy system shall be located only in a rear yard, or if attached to a building or other structure it shall be located at the rear of said building or structure.
 - (ii) The height of the tower above the average grade of the lot shall not exceed 65 feet to the top of the blade in its vertical position.
- (9) *Office and business districts.* When located in O-1, B-1 or B-2 districts, the height of the tower above the average grade of the lot shall not exceed 75 feet to the top of the blade in its vertical position.
- (10) *Agricultural and industrial districts.* When located in AG, I-1 or I-2 districts the height of the tower may exceed district height limits.
- (11) *Decommissioning.* The on-site use wind energy system (windmill) and all appurtenances thereto shall be removed from the site within one year after the windmill is no longer in use (not generating any electricity for over 12 continuous months). The owner of the land upon which the windmill is located shall be responsible for such removal. A windmill which is not so removed shall constitute a public nuisance per se.

(Ord. No. 151, art. 3, 5-17-2010)

Editor's note— Prior to reenactment by Ord. No. 151, Ord. No. 146, adopted Jan. 21, 2008, repealed § 30-443, which pertained to actions affecting drainage and derived from Comp. Ords. 1988, § 15.493.

Sec. 30-444. - Reserved.

Editor's note— Ord. No. 147, art. 1, adopted April 21, 2008, repealed § 30-444, which pertained to private roads and derived from Comp. Ords. 1988, § 15.494.

Sec. 30-445. - Landscaping.

- (a) *Intent of section.* The intent of this section is to promote the public health, safety and general welfare by minimizing noise, air and visual pollution; improving the appearance of off-street parking and other vehicular use areas; requiring buffering between incompatible land uses; regulating the appearance of property abutting public rights-of-way; protecting and preserving the appearance, character of the community; promoting the conservation of property values and natural resources; and preventing soil erosion. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values and alleviating the impact of noise, traffic and visual disruption related to intensive uses. Screening, buffers and fencing are important to protect less-intensive uses from the noise, light, traffic, litter and other impacts of nonresidential uses.
- (b) *Applicability of section.*
- (1) The requirements in this section shall apply to all uses for which site plan review is required under section 30-38. No site plan shall be approved unless the site plan shows landscaping consistent with the provisions of this section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance guarantee has been posted, in accordance with the provisions set forth in section 30-37.
 - (2) In cases where an existing building is to be structurally altered or enlarged or when the use changes to a substantially different use or an existing building is structurally altered or enlarged, all of the standards set forth in this section shall be met.
- (c) *Landscape plan required; contents.* A separate detailed landscape plan shall be required to be submitted as part of a site plan review. The landscape plan shall include, but not necessarily be limited to, the following:
- (1) The landscape plan shall be prepared by a person familiar with the principles of landscape design and locally adapted plant materials and should bear the seal of a landscape architect licensed to practice in the state. This requirement may be waived by the planning commission when, in the opinion of the commission, the size, scope or nature of the landscaping improvements are not sufficient to warrant professional design.
 - (2) Minimum scale is one inch equals 60 feet.
 - (3) Existing and proposed contours on-site and 50 feet beyond the site at intervals not to exceed two feet shall be shown.
 - (4) Location, spacing, size and root type (bare root (BR) or balled and burlapped (BB)) and descriptions for each plant type proposed for use within the required landscape area shall be indicated.
 - (5) Typical straight cross sections, including slope, height and width, of berms, and type of ground cover, or height and type of construction for all proposed walls and fences, including footings, shall be indicated.
 - (6) Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns, shall be included.
 - (7) Planting and staking details, in either text or drawing form, to ensure proper installation and establishment of proposed plant materials shall be included.

- (8) Identification of existing trees and vegetation cover to be preserved shall be included.
 - (9) Identification of grass and other ground cover and method of planting shall be included.
 - (10) Identification of a landscape maintenance program, including a statement that all diseased, damaged or dead materials shall be replaced, shall be included, in accordance with the standards of this section.
 - (11) An irrigation plan showing the design of an underground sprinkler system conforming to the requirements of subsection (o) of this section shall be included.
- (d) *Review of landscape plan.* The planning commission, upon receipt of a written report and recommendation from the zoning administrator and/or township planner, shall review the landscape plan relative to:
- (1) The proper spacing, placement and location of plant materials relative to the length, width and general configuration of the required landscape element so as to ensure that the intended landscaping effect, including the necessary horizontal and vertical obscuring of proposed land uses, will be achieved.
 - (2) The choice and selection of plant materials so as to ensure that the root system will not interfere with public utilities and that fruit and other debris will not constitute a nuisance within the public right-of-way or to abutting property owners.
 - (3) The proposed relationship between deciduous and evergreen plant materials so as to ensure that the intended landscaping effect, including maximum obscuring effect where appropriate, will be maintained throughout the various seasonal periods.
 - (4) The size of plant materials (both starting and ultimate) to ensure adequate maturity and optimum screening and/or shading effect of proposed plant materials.
- (e) *Landscape design standards.*
- (1) *Quality.* Plant material and grasses shall be of generally acceptable varieties and species, be free of insects and diseases, be hardy to the county, and conform to the current minimum standards of the American Association of Nurserymen and shall have proof of compliance with any required governmental regulations and/or inspections.
 - (2) *Composition.* A mixture of plant material, such as evergreen and deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
 - (3) *Plant material size and spacing.*
 - a. Plant materials shall not be placed closer than four feet to the fence line or property line.
 - b. Where plant materials are planted in two or more rows, planting shall be staggered in rows.
 - c. Evergreen trees shall have a starting size of at least six feet in height. When planted in informal groupings, they shall be spaced not more than 20 feet on center. When planted in rows, they shall be spaced not more than 12 feet on center.
 - d. Narrow evergreens shall have a starting size of at least five feet in height. When planted in informal groupings, they shall be spaced not more than ten feet on center. When planted in rows, they shall be spaced not more than five feet on center.
 - e. Large deciduous trees shall have a minimum starting size of 2½ caliper inches. They shall be planted not more than 30 feet on center when placed in informal groupings.
 - f. Small deciduous trees shall have a minimum starting size of at least two caliper inches. They shall not be spaced more than 15 feet on center when placed in informal groupings.

- g. Large shrubs shall have a starting size of at least 30 inches in height. They shall be placed not more than six feet on center when placed in informal groupings and not more than four feet on center when planted in rows.
 - h. Small shrubs shall have a starting size of not less than 24 inches in height or spread and shall be planted not more than four feet on center.
- (4) *Suggested plant materials.* See section 30-429(2).
- (f) *General landscaping requirements.* In addition to any interior parking lot landscaping and/or screening/buffer between land uses required by this chapter, not less than ten percent of the site area, excluding existing thoroughfare rights-of-way, shall be landscaped. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area, not to exceed five percent of the site area.
- (1) All portions of the landscaped area shall be planted with grass, ground cover, shrubbery or other suitable plant material, except that paved patios, terraces, sidewalks and similar site features may be incorporated with planning commission approval.
 - (2) A mixture of evergreen and deciduous trees shall be planted at the rate of one tree for each 3,000 square feet, or portion thereof, of required landscaped open space area.
 - (3) Required trees and shrubs may be planted at uniform intervals, at random or in groupings.
 - (4) A portion of the required landscaping, acceptable to the planning commission, shall be provided immediately adjacent to principal buildings. Such landscaping shall be of a size and extent proportionate with the building it is intended to enhance and soften. Larger and taller plant materials, such as deciduous, evergreen and ornamental trees, must compose a significant portion of the required landscaping adjacent to larger structures or monotonous expanses of a building's exterior wall. The location, width, and configuration of planting beds as well as the number, size, type and spacing of plant materials shall be subject to the review and approval of the planning commission. For buildings having a height of 14 feet or less, the average width of the planting beds shall not be less than five feet. When the height of the building exceeds 14 feet, the average minimum width of the planting beds shall be increased an additional one foot for each additional two feet of building height, up to a maximum required minimum average width of 15 feet.
 - (5) The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion of the site which is devoted to patios, terraces, sidewalks, or other site features.
- (g) *Interior parking lot landscaping.*
- (1) In off-street parking areas containing greater than 20 spaces, interior parking lot landscaping shall be provided, in accordance with the following schedule:
 - a. In an I-1 or I-2 district, one deciduous tree for each 4,000 square feet of the total of the paved driveway and parking lot surface is required.
 - b. In all other districts, one deciduous tree shall be required for each 3,000 square feet of paved driveway and parking lot surface, provided that no less than two trees shall be provided.
 - (2) Parking lot landscaping shall be no less than five feet in any single dimension and no less than 150 square feet in any single area. Landscaping shall be protected from parking areas with continuous raised reinforced concrete curbing to prevent vehicular encroachment onto landscaped areas.
 - (3) A minimum of one deciduous tree, having a clear trunk height of at least six feet, shall be planted in each landscaped area.
 - (4) A minimum of three feet shall be established between the trunk of the proposed tree and the back side of the curb or edge of the pavement for protection.

- (5) The landscape plan shall designate the sizes, quantities and types of plant material to be used in parking lot landscaping.
 - (6) All interior landscaped areas not dedicated to trees or to preservation of existing vegetation shall be landscaped with grass, ground cover, shrubs or other appropriate landscape treatment. Sand, gravel or other pavement shall not be considered appropriate landscape treatment.
 - (7) Required landscaping elsewhere on the parcel shall not be counted in meeting parking lot landscaping requirements.
 - (8) Landscaped islands within the parking area shall be designed and placed so as not to unduly interfere with or impede the removal of snow. Adequate areas shall be provided on-site for the disposition and storage of snow.
- (h) *Perimeter parking lot landscaping.* The purpose of perimeter landscaping requirements is to define parking areas, shield views of parked cars to passing motorists and pedestrians and prevent two adjacent lots from becoming one large expanse of paving. The provision of perimeter landscaping between adjacent parking lots shall not preclude the need to provide vehicular access between lots. Landscape strips shall be provided around the perimeter of lots as follows:
- (1) *Perimeter landscape strips separating parking lots and driving lanes from abutting right-of-way.*
 - a. *General requirements.* Whenever an off-street parking lot or driving lane abuts a right-of-way, public or private, a perimeter landscape strip shall be created which meets the minimum standards established in this subsection. The perimeter boundary, between the edge of the planned right-of-way and the parking lot or driving lane. Accessways from public right-of-way through required landscaped strips shall be permitted, but such accessways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required, unless such calculation would result in a violation of the spacing requirements set forth in this section.
 - b. *Specific standards.*
 1. The strip shall be landscaped and planted in one of the following approved methods:
 - i. A 15-foot-wide strip planted with one deciduous tree and ten shrubs for each 35 feet of frontage.
 - ii. A berm that is at least 2½ feet higher than the finished elevation of the parking lot, planted with one deciduous tree and five shrubs for each 35 feet of frontage.
 - iii. An eight-foot-wide landscaped strip with a minimum three-foot grade drop from the right-of-way to the parking lot, planted with one deciduous tree and five shrubs for each 35 feet of frontage.
 - iv. An eight-foot-wide buffer strip with a three-foot-high wall of brick, stone or decorative finished concrete to screen the lot with one deciduous tree for each 35 feet of frontage, planted between the wall and the right-of-way.
 2. If existing woodlands are available, the applicant may preserve a 25-foot-wide strip in lieu of the landscaping requirement.
 3. With regard to subsections (h)(1)b.1.i—iv of this subsection, two ornamental or two evergreen trees may be substituted for each required deciduous tree.
 - (2) *Other perimeter landscaping strips.* In addition to the perimeter landscaping required in subsection (h)(1) of this section, perimeter landscaping strips shall be required along the remaining boundaries of a parking lot or driving lane as follows:
 - a. A landscaped strip, at least eight feet wide, planted with one deciduous tree and three shrubs for each 35 feet of perimeter, shall be required. For small, shallow, narrow or unusually shaped lots, the planning commission may reduce the required width, modify the plantings required or waive this requirement, upon demonstration that compliance with this subsection would cause undue hardship.

- b. If existing woodlands are available, the applicant may preserve a 25-foot-wide strip in lieu of the landscaping requirement.
- (i) *Buffers between conflicting land uses.* All landscaping plans shall conform to all applicable provisions of section 30-434, pertaining to walls and berms.
- (j) *Landscaping of balance of developed site.* In addition to the minimum required landscaping elements and areas set forth in subsections (f) through (i) of this section, all developed areas of the site which are not devoted to buildings, parking lots, driveways, sidewalks, patios, terraces or other approved site features shall be planted with grass, ground cover, shrubbery or other suitable plant material and shall be maintained in a healthy, growing condition, free of weeds and debris and with a neat and orderly appearance.
- (k) *Protection of existing trees.*
 - (1) If existing plant material is labeled "To Remain" on site plans by the applicant or required by the township, protective techniques such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used, provided such techniques are approved by the township.
 - (2) If healthy trees which are used to meet the minimum requirements of this section, or those labeled to remain, are cut down, destroyed, damaged or excavated at the dripline, as determined by the township, the owner shall replace them with trees which meet ordinance requirements.
- (l) *Berms.*
 - (1) Where required or utilized under this section, berms shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion and with a rounded crest, a minimum of two feet in width at the highest point of the berm, extending the length of the berm. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm. Berms shall be designed and placed so as not to impede storm drainage.
 - (2) The berm shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
 - (3) A minimum of one deciduous or evergreen tree shall be planted for each 30 linear feet or portion of required berm.
 - (4) Eight shrubs per tree may be planted as a substitute for the trees required in subsection (l)(3) of this subsection.
 - (5) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
 - (6) For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.
- (m) *Landscaping of areas used for sight distance.* When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described in this subsection shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than 30 inches above the pavement grade at the edge of the pavement. Portions of required berms located within sight distance triangular areas shall not exceed 30 inches above the pavement grade at the edge of the pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the roadway surface. Landscaping, except grass or ground cover, shall not be located closer than three feet to the edge of a driveway. The triangular areas referred to are:
 - (1) The area formed at the corner of a public right-of-way and a driveway, two sides of the triangle area being ten feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two sides.

- (2) The area formed at the corner of two public right-of-way lines, the two sides of the triangular area being 25 feet in length measured along the abutting public right-of-way lines and the third side being a line connecting these two sides.
- (n) *Landscaping of rights-of-way and other adjacent public open space areas.* Public rights-of-way and other public open space areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts.
- (o) *Maintenance.* The owner of property required to be landscaped by this section shall maintain such landscaping in a reasonably healthy condition, free from weeds, refuse and debris. All unhealthy and dead material shall be replaced within one year of damage or death or at the next appropriate planting period, whichever comes first. If a site is required to be irrigated, all landscaped areas, including parking lot islands, shall be irrigated by means of a properly maintained and operated underground sprinkler system with automatic timing controls.
- (p) *Fencing and screening.* Unless otherwise specified or determined by the planning commission, zoning administrator or zoning board of appeals, fencing and screening is to be six feet in height. Gateposts and other superstructures over site entrances and exits may be up to 12 feet in height. Fencing and screening materials of a height greater than three feet are not to be located with a required front yard setback or side setback adjacent to a street.
- (1) *Mechanical equipment.* This subsection does not apply to single-family residential uses or any use in an industrial district, except if it abuts a residential district or use. When located outside of a building, support equipment, including air conditioning and heating devices and water and gas meters, but not including plumbing or exhaust vents or chimneys, are to be screened to the height of the particular piece of equipment, as follows:
- a. *Roof-mounted equipment.* Roof-mounted equipment shall be screened by architectural features from the view of abutting streets and parcels.
- b. *Equipment at grade.* When located on the ground adjacent to a building, mechanical equipment is to be screened by landscaping, a solid wall or fencing from the view of the street or surrounding properties.
- (2) *Outdoor storage.* Outdoor storage shall be screened on all sides by a solid wall or fence.
- (3) *Trash receptacles.* All trash collection sites utilizing dumpsters and/or four or more trash containers shall be enclosed with a six-foot-high reinforced solid decorative masonry wall with enclosed solid wood access gates with latch. Access gates constructed of chainlink fencing are not permitted. Developments located within the commercial districts which have off-street parking lots containing 250 or more parking spaces shall provide trash receptacles, of a design approved by the planning commission, at evenly dispersed locations throughout the parking area at a ratio of one receptacle per each 50 spaces for use by patrons. All trash enclosures and trash receptacles shall be kept in good repair and maintained in a clean and orderly manner.
- (4) *Materials.* Materials for fencing and screening may consist of the following: solid board fences with posts not less than four inches by four inches and solid board cover not less than one inch (nominal) thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight feet on center. The finished side of the wood shall face abutting properties. Stockade type fencing is not permitted.

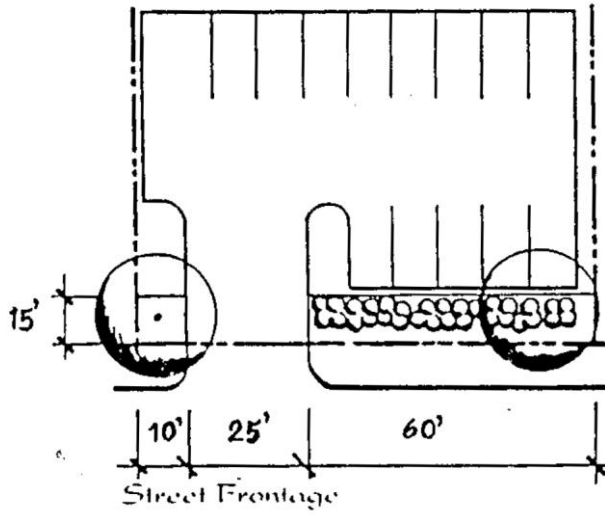


FIGURE 1. PARKING LOT LANDSCAPED STRIP, OPTION (a)

Minimum 15-foot-wide landscaped strip—planted with a minimum of one shade tree and ten shrubs per 35 linear feet of street frontage.

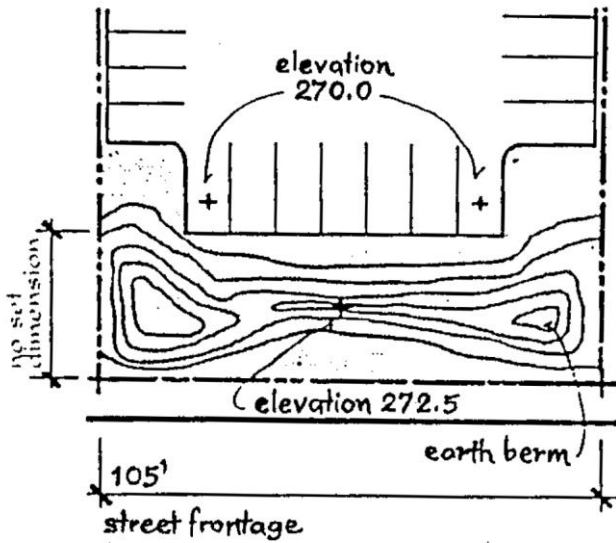


FIGURE 2. LANDSCAPED STRIP, OPTION (b)

Earth berm planted with a minimum of one shade tree and five shrubs per 35 linear feet.

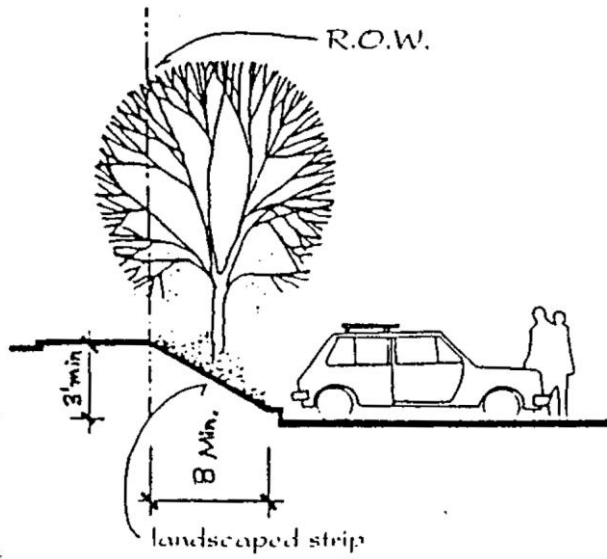


FIGURE 3. LANDSCAPED STRIP, OPTION (c)

Plant landscaped strip along street frontage with a minimum of one shade tree and five shrubs per 35 linear feet.

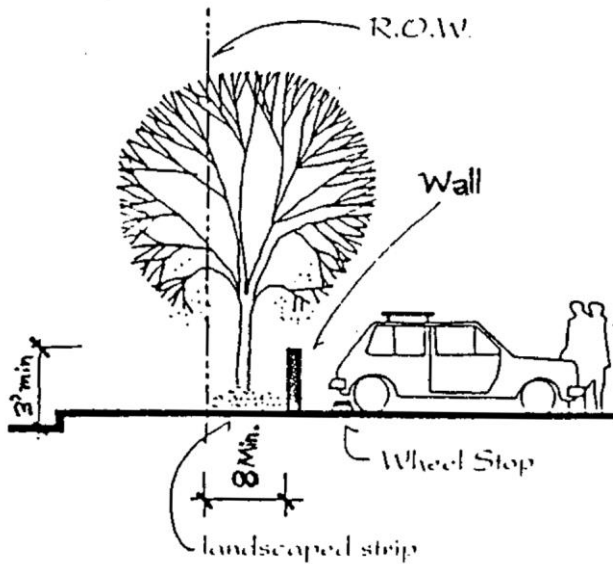


FIGURE 4. PARKING LOT LANDSCAPED STRIP, OPTION (d)

Plant landscaped strip along street frontage with a minimum of one shade tree per 35 linear feet.

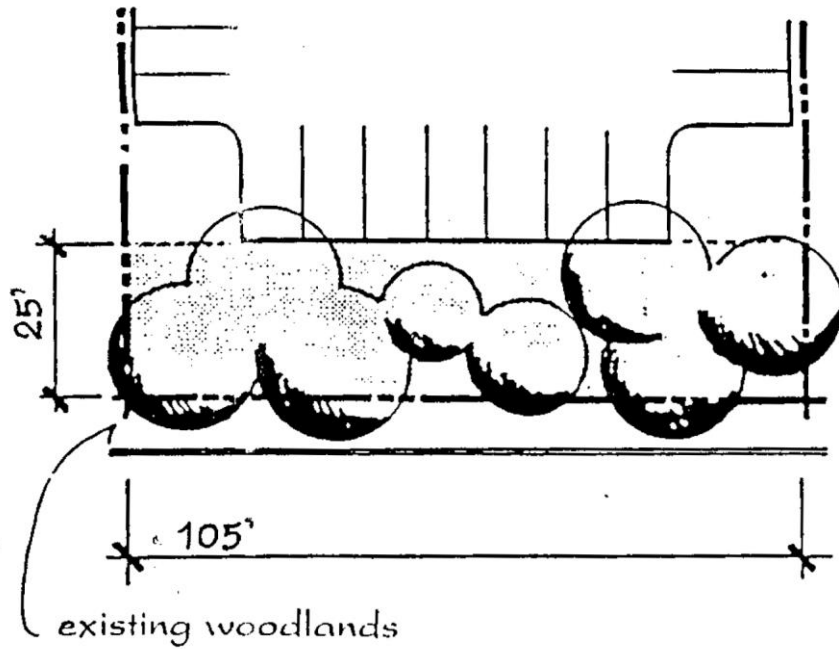


FIGURE 5. PARKING LOT LANDSCAPED STRIP, OPTION (e)

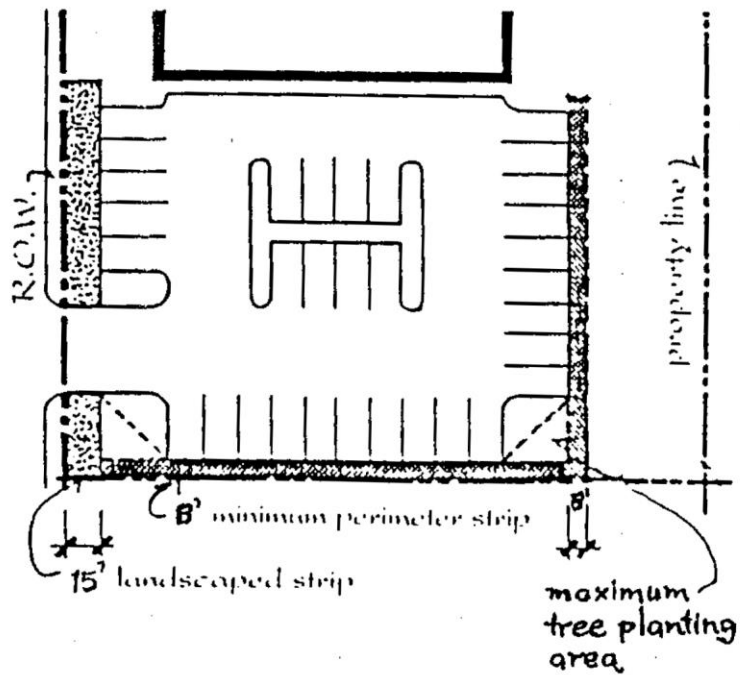


FIGURE 6. PARKING LOT PERIMETER

(Ord. No. 132, art. 1, 8-16-2001)

Sec. 30-446. - Sewage disposal system placement.

- (a) No element or part of any on-site sewage disposal system, including but not limited to septic field and tank, shall be placed within 20 feet of the edge of a planned road right-of-way as shown on the township thoroughfare plan, or within 20 feet of any side or rear lot line.
- (b) Permits for installation of on-site sewage disposal systems shall be obtained from the county or state health department, as applicable.
- (c) In cases where a township placement requirement differs from that of the state or county, the greater setback or more stringent requirement shall apply.
- (d) Lawful existing nonconforming lots of record which, due to inadequate width, depth, and/or area, cannot meet one or more of the setback standards in this section may instead comply with minimum county health department standards for side and rear setbacks. In all cases, however, the 20-foot front yard setback from the edge of the planned right-of-way shall be maintained.

(Comp. Ords. 1988, § 15.495)

Sec. 30-447. - Reserved.

Editor's note— Ord. No. 146, adopted Jan. 21, 2008, repealed § 30-447, which pertained to state-licensed residential facilities.

Sec. 30-448. - Reserved.

Editor's note— Ord. No. 146, adopted Jan. 21, 2008, repealed § 30-448, which pertained to day care homes. The user's attention is directed to §§ 30-557 and 30-565.

Sec. 30-449. - Open space preservation development (residential clustering) option.

- (a) *Statement of purpose.* The purpose of this section is to provide an optional mechanism for development of single-family residences, where permitted, which assists in meeting the following goals: Maintain the character of the area, maintain an image of open space, permanently preserve open space and natural resources, protect a portion of lands for agriculture and farming, and achieve a balance between farming, open space and residential growth. Specifically, the township recognizes:
 - (1) That the preservation of wetlands, woodlands, open space and agricultural land in the township is necessary to the conservation of local, state, and national economic resources and is necessary, not only to the maintenance of the economy of the state, but also for the assurance of desirable living conditions for present and future residents of the township;
 - (2) That the discouragement of unnecessary conversion of open space and agricultural land to urban uses is a matter of public interest and will be of benefit to the township residents overall in that it will discourage noncontiguous urban development patterns, which unnecessarily increase the costs of services to community residents;
 - (3) That development under the open space preservation development option provisions of this section is a primary goal of the township. Development under the provisions of this option is intended to provide the preferred alternative to lot splitting or conventional subdivision or site condominium development in many areas of the township;
 - (4) That single-family residential developments approved through this development method shall:
 - a. Maintain the township's open space and rural or semi-rural settings;
 - b. Allow greater flexibility and encourage a more creative approach to residential development;

- c. Preserve the township's natural resources, including woodlands, wetlands, floodplains, prime agricultural land, and similar natural assets;
 - d. Create a more desirable living environment through the preservation and conservation of the natural character of open fields, stands of trees, wetlands, brooks and streams, farmland and other similar assets;
 - e. Provide open space that directly benefits the residents of the development and the township; and
 - f. Protect the rural character of the district, retain rural vistas by requiring optimum setbacks of residential development from rural highways and improve traffic safety by prohibiting direct access from individual home sites to such highways.
- (b) *Eligibility under the Township Zoning Act (MCL 125.271 et seq.).* To utilize this development option, a site without public sewer service shall be located within a zoning district that has a one-half acre (21,280 sq. ft.) or larger minimum lot size or a site with public sewer service shall be located within a zoning district that has a one-third acre (14,420 sq. ft.) or larger minimum lot size. The open space preservation development (residential clustering) option shall be a principal use permitted in the AG, RE, RS, RM, and CR districts.
- (c) *Method of land division.* Home sites may be developed under this option as a subdivision, a site condominium, or land division.
- (d) *Open space retained.* To the greatest extent possible, all the natural features of the property such as large trees, natural groves, wetlands, floodplains, watercourses, natural drains and stream channels and similar assets that will add attractiveness and value to the property and will promote the health and welfare of the community shall be preserved. Retained open space and other protected resource areas shall be reasonably contiguous (not fragmented).
- (1) *Primary conservation areas.* This category consists of:
- a. Wetlands, lands that are generally inundated (under ponds, lakes, creeks, etc.), land within the 100-year floodplain, slopes exceeding 25 percent, and soils subject to slumping. These sensitive lands are deducted from the total parcel acreage to produce the "adjusted tract acreage," on which density shall be based (for both conventional and conservation subdivisions). (These areas are deducted because as a rule they would not be buildable lands under traditional development.)
 - b. Land that would be required for street rights-of-way (a minimum 10% of the net tract area) and land under permanent easement prohibiting future development (county drain easements, existing and planned public road ROWs, utility easements, etc.) shall also be deducted.
- (2) *Secondary conservation areas.* In addition to the primary conservation areas, at least 50 percent of the remaining land shall be designated and permanently protected. Full density credit shall be allowed for land in this category that would otherwise be buildable under local, state, and federal regulations, so that their development potential is not reduced by this designation. Such density credit may be applied to other unconstrained parts of the site. This category typically includes all or part of the following kinds of resources: mature woodlands, significant wildlife habitat areas, prime farmland, historic, archaeological, scenic views into the site from public roads. At least 25 percent of the total of the minimum required secondary conservation areas may be suitable for active recreation purposes, but no more than 50 percent shall be utilized for that purpose, in order to preserve a reasonable proportion of natural areas on the site. The purposes for which open space areas are proposed shall be documented by the applicant.
- (3) *Lots.* Protected areas shall be outside the boundaries of the proposed lots.
- (e) *Method of preservation.* The areas in open space, recreation, agriculture, or commons shall be perpetually protected from development. The open space shall be preserved using one or a combination of the following methods, subject to the review and approval of the township attorney and the township planning commission:

- (1) *Home owners association (HOA)*. Title to the open space lands and other protected resource areas may be held by a homeowner's association with required participation of all residents within the development. If an HOA is to hold title, a recognized independent conservation organization shall be granted a conservation easement covering all land areas to be protected.
- (2) *Protective covenants*. The covenants of the subdivision may include the preservation of lands within them. The exact locations of the open space and other protected resource areas shall be defined within this document. These covenants shall also state the types of uses that would be allowed in such open spaces and other protected areas. Covenants may be used with a home owners association but a recognized independent conservation organization shall be granted a conservation easement covering all land areas to be protected.
- (3) *Condominium association*. All elements that are reserved for open space and other protected resource areas shall be preserved as common elements as shown on the site plan, except those areas that may be dedicated to a unit of government. Any alteration to the open space and other protected areas under common element status shall require the submittal of a new site plan and approval by the appropriate bodies. If a condominium association is to hold title to any open space and/or other protected areas, a recognized independent conservation organization shall be granted a conservation easement covering all land areas to be protected.
- (4) *Fee simple dedication to a unit of government*. The open space lands are dedicated to a unit of government (township, village, city, school district, county, state, or federal, etc.). This dedication may have provisions within it that state that in no way shall the unit of government be obligated to any cost due to the acquisition, and that the municipality has ample access to all areas of the open space for adequate maintenance purposes should they ever be needed. There shall also be deed restrictions preventing the unit of government from selling the property or using it for development purposes. If dedication to the township or another governmental body is to be used, a recognized independent conservation organization shall be granted a conservation easement covering all land areas to be protected.
- (5) *Conservation easements*. The easement over the open space lands and other protected resource areas shall be held by a legal owner/holder, such as a conservation agency, and that owner shall have the right to enforce any aspect of the easement. The easement shall state the uses that are allowed within the open space areas and other protected resource areas and which uses are disallowed. The agreement shall be as specific as possible as to what is allowed and where it is allowed to take place. If the easement is granted to any party other than a recognized independent conservation organization, the easement shall be co-signed by a recognized independent conservation organization to ensure a checks and balance system. Whichever organization holds the legal rights to the easement, they shall visit the site a minimum of once per year to inspect and record any violations that may be occurring within the open space areas and other protected resource areas and create and file a report of what is observed.
- (6) *Public trust*. The open space lands and other protected resource areas may be dedicated to a public trust. This shall include the accompaniment of money with it to provide funds for the trust to conduct annual surveys on the land to turn into state agencies which may require these reports. The two entities shall enter into an agreement which states that the trust, whose only purpose is to protect open lands and other protected resource areas, shall protect these spaces within the development.
- (7) *Conveyance of any unused development rights*. Any unused development rights of the subject property may be conveyed to a unit of government or a conservation agency while allowing present and future owners of the open space lands to continue to maintain farming activities or open lands for their own use but permanently giving up the right to ever develop it.
- (f) *Density limit (yield plan)*. The number of dwellings permitted to be constructed shall not exceed the number that would be permitted under conventional zoning regulations as determined by gross parcel area less primary conservation areas as defined in the paragraphs under subsection (d)(1), divided by the minimum lot area set forth in the schedule of regulations for the district involved. The permitted density may be modified if a density bonus is approved by the planning commission.

(g) *Density bonus.*

(1) *Generally.* To encourage developers to utilize this development option where a large amount of open space is permanently preserved instead of conventional forms of land division where little or no usable open space remains, the planning commission may permit the number of dwelling units to be increased by up to 30 percent depending upon the physical characteristics of the site and upon a determination by the commission that the plan is well designed and that proposed development complies in all respects with the intent and purpose of this section, provided all other requirements of this section are met. Proceeds from the sale of bonus lots are to be used to provide a conservation endowment (50%) and to provide an incentive (50%) to the developer. Spending from this conservation endowment fund shall be restricted to interest from such fund and shall be used to offset continuing open space monitoring and maintenance costs.

(2) *Public access.* To encourage appropriate and desirable lands to be set aside for public access to a portion of the site, a bonus of one additional potential lot may be granted to the developer in exchange for a written and recorded easement to a unit of government for each five (5) acres of public access land provided. (Note: Land for connecting public paths or trails and adjoining buffer areas are one type of public access that may be desired. Public access to or along water bodies may be desired. Historic, archaeological, or cultural features, rare or unusual plants, or habitats are examples of other potential candidate resources for public access.) Fifty percent of the proceeds from the sale of the bonus lots shall be set aside for a public access endowment. The interest from the endowment shall be used to cover the additional public liability insurance requirements and cover other protection, maintenance, and inspection costs.

(h) *Minimum lot size.* The conventional minimum lot area and width requirements set forth in the schedule of regulations shall not apply. The minimum lot area and width shall be large enough for anticipated rural or very low density suburban household activities and shall also be determined by land area and distances required to comply with yard and setback requirements and county health department on-site sewage disposal and well requirements (including isolation distances and sufficient land area for replacement septic fields).

(i) *Frontage on internal road.* All lots shall front only upon a road which is internal to the development. No lots may be created which front upon existing public roads.

(j) *Road standards.* All internal public roads shall be designed and constructed to meet all requirements of the county road commission (SCCRC) and as may be set forth in the township subdivision regulations or the township site condominium requirements. All internal public roads shall be dedicated to the SCCRC, be accepted, and be incorporated into the SCCRC road system. All internal private roads shall be designed and constructed to meet all requirements of section 30-444.

(k) *Clustered homesites.*

(1) *General evaluation criteria.*

- a. Protects and preserves all floodplains, wetlands, and steep slopes.
- b. Preserves and maintains mature woodlands, existing fields, pastures, meadows, orchards, and creates sufficient buffer areas.
- c. If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads.
- d. Maintains or creates an upland buffer of natural native species vegetation adjacent to wetlands and surface waters.
- e. Designs around existing tree lines and hedgerows between fields or meadows, and minimizes impacts on large woodlands (greater than five acres).
- f. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares.

- g. Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
- h. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern.
- i. Designs around and preserves sites of historic, archaeological, or cultural value, their environs, and their related features (e.g. stone walls, earth-works, and burial grounds).
- j. Protects rural roadside character.
- k. Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value.
- l. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
- m. Includes a safe internal pedestrian circulation system, ideally connected to community pedestrian/bicycle system. The system must be integrated with open space, recreation, preservation areas, and provide convenient access from home sites.
- n. Provides open space that is reasonably contiguous. (Design and Management Handbook for Preservation Areas, by the Natural Land Trust is a good reference resource.)

(2) *Specific criteria.*

- a. *Location of house sites.* House sites should generally be located not closer than 100 feet from primary conservation areas, but may be situated within 50 feet of secondary conservation areas to provide buffering distances and afford enjoyable views. The building "footprint" of proposed residences may be changed in any direction by less than 50 feet without approval. Changes involving 50 feet or more may be changed with approval from the planning commission.
 - b. *Street and lot layout.* When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the primary and secondary conservation areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15 percent shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new culs-de-sac to be maintained by the county and to facilitate easy access throughout the development. Single-loaded residential access streets may maximize the number of homes with enjoyment of open space views, but may require more land to be disturbed.
 - c. *Lot lines.* These are generally drawn midway between adjacent house locations. Lots may be irregularly shaped, including L-shaped "flag-lots".
- (l) *Setbacks.* Dwellings shall be located in compliance with all yard and setback requirements of the district in which they are located. Dwelling units and structures shall be set back a minimum of 50 feet from any perimeter lot line of the parent parcel, except that they shall be set back at least 250 feet from any existing public road right-of-way which borders the perimeter of the project site. Dwelling unit clusters shall be spaced an appropriate distance apart from another cluster, as determined by the planning commission, compatible with the surrounding community character and to discourage a suburban subdivision appearance.
- (m) *Landscaping.* To maintain the rural or very low density suburban character of the district, the frontage along the perimeter public road shall be heavily landscaped to screen clustered home sites from view of the public to the greatest extent feasible. Scenic vistas from the perimeter public road shall be maintained (and perhaps enhanced) to the greatest extent feasible. A landscape plan for such areas shall be reviewed and approved by the planning commission. Existing natural screens, or new screens may be used. The planning commission may require the installation of a landscaped berm where necessary to meet the intent of this section.

- (n) *Sewage disposal and water supply.* Use of on-site wells and septic systems are anticipated in the township. However, community septic systems or package treatment plants and community wells in lieu of individual wells and septic fields may be permitted if approved by the county and/or state health department. Public water and sewage disposal systems shall not be extended to serve projects developed under this section if the site lies beyond an urban services area boundary, as may be set forth within the master plan, except in such instances where such utilities already are located at the perimeter of the site. Portions of the open space may be used, if approved by the planning commission and the county health department for individual or community wells, for underground drainage fields for individual or community septic systems and for "spray fields" for spray irrigation purposes in a "land treatment" sewage disposal system. However, "mound" systems protruding above grade and aerated sewage treatment ponds shall be limited to no more than ten percent of the required minimum open space.
- (o) *Pedestrian linkages to open space.* To the greatest extent feasible, the open spaces should be located and interwoven with the dwelling unit clusters so as to be easily accessible to residents of the development, except in cases where the open space to be preserved is not intended for the use of the residents (as in the case of active farming or protection of endangered species). Linking pedestrian trails shall be provided within the open space.
- (p) *Site plan.* Approval under this section requires that a site plan meeting the requirements of section 30-38 be reviewed and approved by the planning commission. In addition to a site plan, the planning commission may require the submittal of additional documents as specified or called for herein.
- (q) *Site condominium, subdivision approval, or land division.* A project approved under this section shall also comply with all requirements of the township, county, and state for a site condominium, subdivision, or land division as may be applicable, and shall follow all such steps and procedures for approval required therein. If clustering under land division is intended, documentation of the potential number of new parcels out of the parent parcel must be submitted. Notwithstanding other provisions of this section, if developed under the land division method, the number of parcels or lots to be created shall not exceed the maximum number permitted under the state Land Division Act (MCL 560.101 et seq.).
- (r) *Application and approval process.*
- (1) The applicant shall prepare and present the following exhibits to the planning commission for review and approval. The planning commission shall submit the applicant's exhibits to the township planner for a recommendation. as may be necessary or advisable, a recommendation from the township engineer may also be sought during the preliminary approval process.
 - a. Applicant prepares and presents a "yield plan" for review and approval of the planning commission. The "yield plan" shall identify all primary conservation areas as defined in the paragraphs under subsection (d)(1), and shall accurately demonstrate the maximum number of lots or parcels which could be created if the property was developed conventionally.
 - b. Applicant submits conceptual preliminary plan with all basic existing and proposed land features and structures shown separately. Aerial photos and simple transparencies may be used.
 - c. Applicant submits conceptual landscape plan with all basic existing and proposed topography and vegetation features shown separately. Photos and simple transparencies may be used.
 - d. A site walkabout may be scheduled for the applicant, planning commissioners, and the local government's staff and/or consultants.
 - (2) Planning commission site plan review procedures (see section 30-38) are required in all eligible districts (AG, RE, RS, RM, and CR) for this principal permitted use. All required steps shall be scheduled with a determination of approval, approval with conditions, or disapproval to follow accordingly.
 - (3) Any legal instruments (easements, covenants, etc.) pertinent to the effectuating of the proposed open space preservation development must be reviewed and approved by the township attorney.

Any approved easements, covenants, or other legal instruments which run with the land are to be recorded with the county register of deeds. No zoning compliance permit or building permit shall be issued until this has been accomplished.

Example

Parcel Size: 40 acres (A site like this with various natural limitations can be made more buildable under this development option.)

Normal Zoning—Agricultural District: 2.5 acre minimum lot size

Calculation of allowable number of lots:

40 acres = gross area

Less 15 percent for internal roadways (6.0 acres).

Less one acres for planned county road ROW (parcel legal description running to the center of the road).

Less 1.5 acres for a county drain easement.

Less 6.5 acres of regulated wetland, also 100-year floodplain, adjacent to county drain (a primary conservation area).

40 - 6.0 acres - 1.0 acres - 1.5 acres - 6.5 acres = 25 acres [adjusted tract acreage]

25 net acres/2.5 acre minimum lot size = 10.0.

Therefore, 10 lots allowed [result of lot "yield plan"].

Adjusted tract acreage eligible for development minus 50% preservation = Net amount of land to be developed.

| | | | | | |
|-------------|---|---------------|---|-------------------|---|
| 25 acres | - | 12.5 acres | = | 12.5 net acres | [12.5 acres of secondary conservation areas to be permanently conserved: |
| | | | | | - 5.0 acres on north side of parcel to be retained by original farm owner for farming together with adjacent 160 acre cropland. |
| | | | | | - 2.5 acres of upland woods and stream to be held in common by resident owners. |
| | | | | | - 5.0 acres on east side to be dedicated for public access. See bonus below.] |

12.5 acres = net developable area

less 10% for roadway (reduced need)

$12.5 \times 0.90 = 11.25$ net acres

Area per buildable home site:

11.25 net acres/ 10 allowable units.

Typical home site = 1.125 acre.*

Potential Bonus Lots (Section 30-449(g)(1) Density Bonus).

Allowable units \times (maximum 30% bonus) = Potential Bonus Lots

$10 \times 0.30 = + 3.0$ (fractions 1.5 and over rounded up)

Potential Total: $10 + 3 = 13$ Lots*

Potential Bonus Lots (Section 30-449(g)(2) Public Access Bonus)

| | |
|---|---|
| | 3 acres for 50 ft. buffer area surrounding portions of wetlands |
| + | 1.5 acres for county trailway. |
| + | <u>0.5 acre for wetland observation site and interpretative displays</u> |
| | 5.0 acres open to the general public (out of 15 acres of site conservation area.) |

5 Acres Public Access = 1 Additional Bonus Lots

Potential Total $10 + 3 + 1 = 14$ lots*

12.5 net acres/ 14 allowable units

Typical home site = 0.89 acre*

* *Note:* Actual typical home site size may vary due to on-site conditions affecting well and septic placement as well as health department requirements. See subsection (n) for potential well and/or septic field placement option.

(Ord. No. 134, art. 5, 12-16-2002; Ord. No. 146, 1-21-2008)

Sec. 30-450. - Access management.

- (a) *General.* In order to promote safe and reasonable access between public roadways and adjacent land; improve the convenience and ease of movement of travelers on public roads; and permit reasonable speeds and economy of travel while maintaining the capacity of the roadway, the location and design of access points shall be in accordance with the following access management regulations. These regulations shall apply to all existing, planned, or proposed roadways within the Township of China. New or proposed roadways within the township not identified on the adopted thoroughfare plan shall interconnect with the existing roadway network in a uniform and efficient manner. Table 1

provides the typical spacing of the various types of roadways within the township. Not all types of roadways may exist in the township at any given point in time.

Table 1. Typical Roadway Spacing

| Roadway Type | Range of Spacing (miles) |
|--------------|--------------------------|
| Freeway | 6.0 |
| Arterial | 1.0-2.0 |
| Collector | 0.5-1.0 |
| Local | 0.05-0.10 |

- (b) *Access classification of roadways.* The planning commission shall assign to each roadway, or portion thereof, within the township an access classification based on a consideration of existing and projected traffic volumes, adopted local transportation plans and needs, the existing and/or projected character of lands adjoining the roadway, adopted local land use plans and zoning, and the availability of reasonable access to those lands. These access classifications are defined as follows:
- (1) *Access Class I.* Access Class I roadways are capable of providing medium to high speeds and traffic volumes over medium to long distances. Direct access to abutting land is subordinate to providing service to through traffic.
 - a. Private direct access to a Class I roadway shall be permitted only when the property in question has no other reasonable access to the public roadway network.
 - b. The design and location of allowable private access points must comply with all applicable subsections of this section.
 - c. All private direct access points to Class I roadways shall be designated as "temporary" and all requirements of subsection (k) (temporary access points) of this section shall apply.
 - d. The following roadways are hereby designated as Access Class I roadways: None.
 - (2) *Access Class II.* Access Class II roads are capable of providing moderate travel speeds and traffic volumes and generally provide the linkage between Access Class I and Access Class III roadways. There is a reasonable balance between access and mobility needs within this classification.
 - a. Generally, only one private access point shall be provided to an individual parcel from an Access Class II roadway unless it can be shown that additional access points would not be detrimental to the safety and operation of the roadway and are necessary for the approved use of the property.
 - b. The design and location of allowable access points must comply with all applicable subsections of this section.
 - c. The following roadways are hereby designated as Access Class II roadways:
 1. All state highways not otherwise classified as Class I: None.

2. All county primary roads: Fred W. Moore Highway, Marine City Highway, King Road, Wadhams Road, Indian Trail Road (from Marine City Hwy. to Wadhams Road), Meisner Road, except St. Clair Highway (from King Road to Bree Road).
- (3) *Access Class III.* Access Class III roads allow for low to medium travel speeds and traffic volumes and are linked to the roadway network through intersections with Access Class I or II roadways and other Access Class III roadways. Access needs take priority over through traffic movement without compromising the public health, welfare, and safety.
- a. The number of access points to a parcel is limited only by the requirements of subsections (d) (minimum corner clearance) and (e) (Minimum Sight Distance) of this section.
 - b. All roadways or portions thereof as shown on the thoroughfare plan not previously designated as Access Class I or Access Class II roadways are hereby designated as Access Class III roadways.
- (c) *Minimum spacing of driveways.* In order to minimize the potential for accidents and delay to through vehicles, all adjacent driveways onto Class I and Class II roadways must be separated by the minimum distance measured from near edge to near edge of adjacent driveways as shown in Table 2 according to the posted speed limit on the roadway.

Table 2. Minimum Spacing of Adjacent Driveways

| Posted Speed Limit (mph) | Minimum Spacing (feet) |
|--------------------------|------------------------|
| 20 | 85 |
| 25 | 105 |
| 30 | 125 |
| 35 | 150 |
| 40 | 185 |
| 45 | 230 |
| 50 | 275 |
| 55 | 330 |

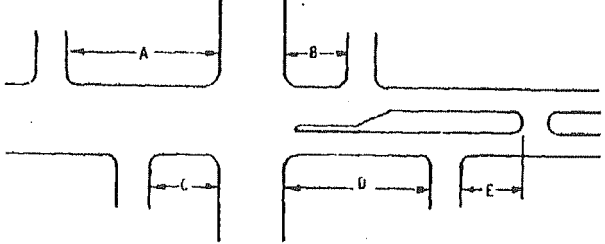
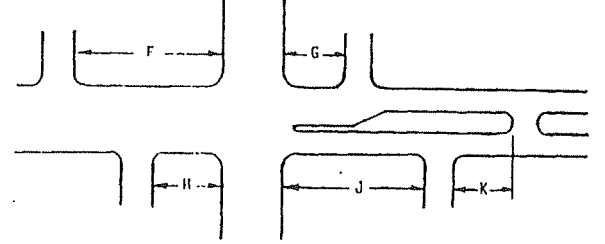
(Source: *Adapted from Access Management for Streets and Highways*, Report IP-82-3, Federal Highway Administration, Washington, D.C., June, 1982.)

Additionally, the spacing of adjacent driveways should be as uniform as possible between major intersections. Distances between adjacent one-way driveways with the inbound drive upstream from the outbound drive can be one-half the distances shown on Table 2, providing that other requirements are satisfied.

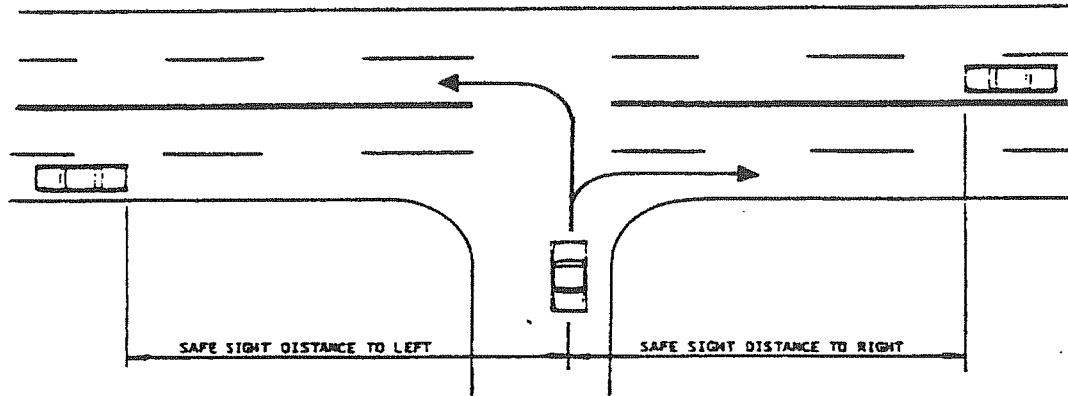
- (d) *Minimum corner clearance of driveways from intersecting streets.* The location of driveways adjacent to intersecting streets shall conform to the minimum corner clearances provided in Figure I.

Figure 1

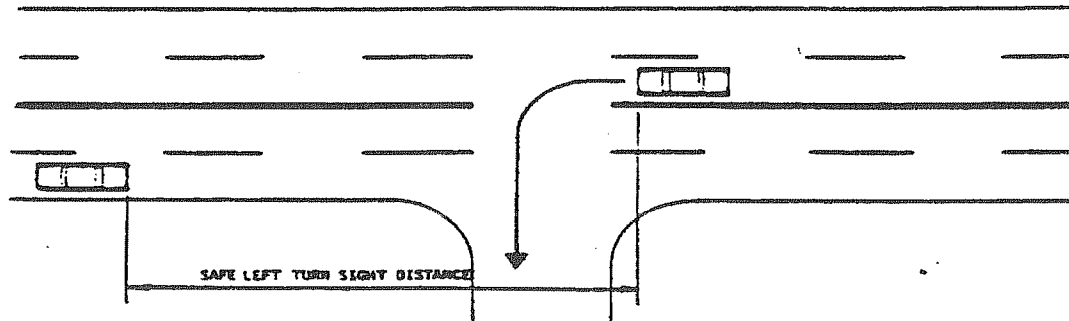
Minimum Corner Clearance of Driveways from Intersecting Streets

| a. Signalized Intersection Control | | | | |
|---|--------------------------------|-----------------------|----------|-----------|
|  | MINIMUM CORNER CLEARANCE (ft.) | | | |
| | ITEM | ACCESS CLASSIFICATION | | |
| | | CLASS I | CLASS II | CLASS III |
| | A | 230 | 175 | 50 |
| | B | 115 | 85 | 50 |
| | C | 230 | 175 | 50 |
| D | 230 | 175 | 50 | |
| E | 75 | 0 | 0 | |
| b. Stop Sign Intersection Control | | | | |
|  | MINIMUM CORNER CLEARANCE (ft.) | | | |
| | ITEM | ACCESS CLASSIFICATION | | |
| | | CLASS I | CLASS II | CLASS III |
| | F | 115 | 75 | 50 |
| | G | 115 | 85 | 50 |
| | H | 85 | 85 | 50 |
| J | 115 | 75 | 50 | |
| K | 75 | 0 | 0 | |

| | | | | | | | | | | |
|---------------|-----|-----|-----|-----|-----|-----|------|------|------|------|
| Passenger Car | 210 | 170 | 320 | 360 | 540 | 590 | 900 | 970 | 1320 | 1400 |
| Truck | 360 | 230 | 520 | 450 | 920 | 920 | 1510 | 1530 | 3080 | 3110 |



| Minimum sight distance along through road to allow vehicle to safely turn left into intersection or driveway from through road at locations where no left turn signal phase is provided (feet) | | | | | | | | | | | | | | | |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|------|------|
| Operating Speed | 20 | | | 30 | | | 40 | | | 50 | | | 60 | | |
| Lanes on Thru Road | 2 | 4 | 6 | 2 | 4 | 6 | 2 | 4 | 6 | 2 | 4 | 6 | 2 | 4 | 6 |
| Passenger Car | 240 | 260 | 280 | 360 | 390 | 420 | 470 | 520 | 560 | 590 | 650 | 700 | 710 | 780 | 840 |
| Truck | 370 | 390 | 410 | 550 | 580 | 610 | 740 | 770 | 810 | 920 | 960 | 1010 | 1100 | 1150 | 1210 |



(Source: Traffic Management of Land Development course materials, The Traffic Institute of Northwestern University, Evanston, Illinois, January, 1987.)

- (f) *Provisions for maintaining the capacity of the roadway.* The planning commission may require that, upon completion of a development, all traffic requiring access to and from the development shall operate in such a manner as to not adversely affect the capacity of the roadway. Provisions for the present or future construction of a frontage road, restriction, or channelization of turning movements, or other improvements may be required, as a condition of approval, in order to maintain the capacity of any adjacent roadway.
- (g) *Number of access points.* Each tract of land existing at the time of adoption of the ordinance from which this section derives is entitled to one direct or indirect access point to the public roadway network, provided that its location and design fulfill, as a minimum, the requirements of subsections (d) (minimum corner clearance) and (e) (minimum sight distance) of this section. Where the roadway frontage of a tract of land is greater than 500 feet, an additional access point may be allowed if determined by the township engineer that the additional access point will not adversely affect the capacity of the roadway. Any additional access point must be in compliance with all applicable subsections of this Section.
- (h) *Coordination of access points.* Major access points on opposite sides of the Class I and II roadways shall be located opposite each other. If not so located, turning movement restrictions may be imposed as determined necessary by the planning commission. In addition, in order to maximize the efficient utilization of access points, access drives shall be designed, located, and constructed in a manner to provide and make possible the coordination of access with and between adjacent properties developed (present or future) for similar or compatible uses. As a condition of approval for construction, use, or reuse of any access point, the planning commission may require that unobstructed and unencumbered access, in accordance with the provisions of this section, be provided from any such access point to adjacent properties. Where a future interconnecting drive is required, the planning commission may require that the applicant for construction, use, or reuse place a sufficient amount of funds in escrow with the township for the future construction of their portion of the interconnecting drive.
- (i) *Consolidation of existing access points.* Whenever the use of a parcel of land changes, or two or more parcels of land are assembled under one purpose, plan, entity, or usage, the existing access approval shall become void and new access approval shall be based upon the owner/developer's plans to use some existing driveways and/or close or relocate other driveways. Any such new or reauthorized access point must be in compliance with all applicable subsections of this section.
- (j) *Design of access points.* The width, angle, grade, curb radii, and other design aspects of access points shall be in accordance with state highway agency regulations, county road commission regulations, and/or the subdivision regulations of the Charter Township of China, whichever is applicable. In the case of conflicting applicable standards, the more restrictive standard shall apply.
- (k) *Temporary access points.* Any access point that does not comply with one or more subsections of this section may be designated as "temporary" upon approval by the planning commission. In all cases where said access points are classified as "temporary," such designation shall be duly noted on the

plot plan or site plan submitted for approval and also upon the deed of the property in question. When a property served by a temporary access point is provided an alternative means of access, such as a connection to a frontage road, an intersecting street, or a shared driveway, the planning commission may require that the temporary access be eliminated, altered, or limited to certain turning movements.

- (l) *Spacing restrictions for signalized access points.* Access points shall be designed such that those which will warrant signalization shall be spaced a minimum distance of one-quarter mile apart and one-quarter mile from the nearest signalized intersection. The location and design of the signalized access points shall be determined by a traffic engineering study prepared by a qualified traffic engineer at the developer's expense. This study shall be subject to the approval of the planning commission and shall account for at least the following variables:
 - (1) Traffic signal phasing as determined by analysis of projected turning movements;
 - (2) Traffic signal cycle length as determined by analysis of projected traffic volumes;
 - (3) Type of signal to be installed (actuated or pretimed);
 - (4) Relationship to adjacent signals (existing or proposed) for purposes of signal interconnection and coordination;
 - (5) Roadway geometrics and sight distance considerations; and
 - (6) Accident experience.

If the installation of a traffic signal is approved, the developer may be required to participate, in full or in part, in the cost of design, purchase, installation, operation and maintenance of the signal equipment.

- (m) *Provision of exclusive turning lanes and deceleration/acceleration lanes.* At those access points where vehicles turning to and from the roadway will affect the capacity of the roadway or create an unacceptable accident risk, the developer shall dedicate sufficient right-of-way and construct turning lanes or deceleration/acceleration lanes as necessary to maintain the capacity of the roadway and minimize the potential accident risk.
- (n) *Provision of frontage roads.* The planning commission may require the use of frontage roads to provide access to property adjacent to Access Class I or Class II roadways. The landowner/developer may be required to construct the frontage road to the side and/or rear property lines or reserve sufficient right-of-way to allow future construction. As adjacent property develops, landowner/developers shall be required to interconnect the individual portions of frontage roads as appropriate. Access to the roadway via an intersecting street or a shared driveway may be required if the use of a frontage road is not feasible.
- (o) *Approval of access points along routes maintained or controlled by the county road commission or state highway agency.* A copy of the plans for all access points to be constructed along a county or state-maintained or controlled route shall also be submitted to the county road commission or state highway agency (as applicable) for review and approval during the same time as plans are submitted to the planning commission. Permission for the construction of access points along county or state-maintained roadways is subject to the approval of plans by both the county or state agencies (as applicable) and the township planning commission.
- (p) *Waiver of requirements.* The planning commission may, at its discretion, reasonably waive or modify the requirements of this section, if it is determined that such action is warranted given the nature of the individual project.

(Ord. No. 154, art. 1, 10-17-2011)

Sec. 30-451. - Accessory keeping of animals on parcels of less than ten acres.

When the accessory keeping of animals, referred to as hobby animals, is permitted, the following standards apply:

- (1) Site sizes referenced must be in contiguous acres.
- (2) Maximum number of hobby animals permitted:
 - a. There is a minimum site size of five acres for the first two horses, non-dairy cattle, or equivalent equine or bovine livestock animal on a parcel and two acres per each additional horse or large livestock animal including foals.
 - b. There is a minimum site size of five acres for ten small livestock animals, excluding poultry, on a parcel and two acres per each additional ten small livestock animals. Sites less than five acres are permitted less than ten small livestock animals.
 - c. For poultry, there is a minimum site size of five acres for the first 30 poultry animals on a parcel and two acres per each additional 30 poultry animals. Sites less than five acres are permitted less than 30 poultry animals.
 - d. For all animals, other hobby animals, please see the table below.
 - e. Notwithstanding the below table, offspring of said hobby animals may be kept on the premises for the time period which is customary for the species involved.

| Hobby Animal | 1.25 acres— 4.99 acres | 5 acres— 6.99 acres | 7 acres— 8.99 acres | 9 acres— 9.99 acres |
|--|---------------------------|------------------------|------------------------|------------------------|
| Cattle (slaughter and feeder) | — | 2 | 3 | 4 |
| Horse and other equines | — | 2 | 3 | 4 |
| Mature Dairy Cattle (milked or dry) | — | — | 3 | 4 |
| Sheep, lambs, goats | less than 10 | 10 | 20 | 30 |
| Swine | — | 2 | 5 | 7 |
| Turkeys | less than 30 | 30 | 60 | 90 |
| Laying hens | less than 30 | 30 | 60 | 90 |
| Ducks | less than 6 | 6 | 12 | 18 |
| Ostrich, emu, llama, and alpaca | — | 2 | 4 | 6 |

- (3) Temporary animals kept for a bona fide youth club or class project are exempt from these provisions.

- (4) All hobby animals shall be kept within a fenced enclosure or other appropriate barrier sufficient to contain hobby animals on the premises.
- (5) An accessory structure shall be provided to house such animals and shall meet the requirements of section 30-424.
- (6) The operator is advised that to avoid potential nuisance suits, the raising of livestock and farm animals should be conducted and sited in accordance with the Michigan "generally accepted agricultural and management practices" (GAAMPS) under PA 261 of 1999. The township under this section is not incorporating the GAAMPS by reference in this section.

(Ord. No. [161](#), § 1.6, 10-17-2016)

Sec. 30-452. - Farms.

Farms, including dairy farms and the raising of domesticated animals (livestock or poultry), are permitted, provided that such operations comply with all appropriate provisions of the Michigan Right to Farm Act (PA 261 of 1999), including current GAAMPS.

(Ord. No. [161](#), § 1.6, 10-17-2016)

Sec. 30-453. - Small solar energy systems for on-site use.

Intent. An on-site use solar energy system (see section 30-3 for definition) is intended to first serve the needs of the private owner. Systems occupying less than one acre are considered small solar energy systems. Systems may be roof-top mounted or ground mounted. Small systems may be approved through the issuance of a zoning compliance permit and a building permit, provided that the application meets the requirements and standards of this section. Small solar energy systems may be permitted in all zoning districts.

| System Type | Permitted Use |
|-------------|---|
| Small solar | AG, RE, RS, RM, CR, B-1, B-2, O-1, I-1, I-2 |

(1) *General requirements.*

- a. *Number of systems.* Only one solar energy system is permitted per lot or premises.
- b. *Setbacks.* All systems shall be set back at least 20 feet from all property lines.
- c. *Glare.* The applicant shall provide documentation that glare will be eliminated, insofar as possible. This may include manufacturer's specifications of the panels, proficient angling, adequate screening, or other means, as to not adversely affect neighboring properties.
- d. *Screening.* Mechanical equipment must be screened from street and neighboring residences by fencing or landscaping.
- e. *Submitted plans.* A sketch plan, drawn to scale, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the zoning administrator that is necessary to determine compliance with this section.
- f. *Exceptions.* Complete, professionally-prepared site plans signed and sealed by the responsible parties shall not apply to applications proposing:

1. Roof mounted solar panels.
 2. Ground mounted solar panels that do not exceed 8,000 square feet.
- (2) *Roof mounted solar panels.*
- a. *Height.* Panels may extend up to five feet above a flat roof surface and two feet for all other roof types.
 - b. *Restrictions.* Panels shall not hang over the edge of the building or project below the eaves.
- (3) *Ground mount solar panels.*
- a. *Site size.* Shall not be installed on a parcel less than one acre.
 - b. *Location.* Shall only be located in the rear or side yard.
 - c. *Area.* The maximum ground area occupied by solar panels and associated paved surfaces is one acre.
 - d. *Impervious surfaces.* If more than 2,000 square feet of impervious surface is proposed, a drainage plan shall be submitted.
 - e. *Height.* The maximum ground-mounted panel height is ten feet, measured from the grade to the top of the panel.
 - f. *Screening.* Panels shall be screened from residential districts and public rights of way by a greenbelt and/or six-foot high privacy fence.
- (4) *Decommissioning.* If the solar energy system ceases to operate or is abandoned for a period of 12 months or is deemed by the zoning administrator or building official to be unsafe or not consistent with code, the current landowner shall repair and restore the system to good working order within a reasonable time set by the zoning administrator or building official or, if no longer operating or no longer in compliance with federal, state or local codes, the current landowner shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

(Ord. No. [164](#), § 2, 2-19-2018)

Sec. 30-454. - Medium solar energy systems for on-site and/or utility use.

Intent. An on-site use solar energy system (see section 30-3 for definition) is intended to first serve the needs of the on-site owner. A utility grid solar energy system (solar farm) is a solar energy system that is designed and built to provide electricity to the electric utility grid. Systems occupying more than one acre but less than five acres are considered medium solar energy systems. Medium systems shall require site plan approval by the planning commission. Medium systems for on-site use are permitted in the B-2, I-1, and I-2 districts. Medium systems intended for utility purposes are subject to special land use approval in the AG district.

| System Type | Permitted Use | Special Land Use |
|--------------|---------------|------------------|
| Medium Solar | B-2, I-1, I-2 | AG |

- (1) *General requirements.*

- a. *Setbacks.* All systems shall be set back at least 100 feet from all property lines.
 - b. *Glare.* The applicant shall provide documentation that glare will be eliminated, insofar as possible. This may include manufacture's specifications of the panels, proficient angling, adequate screening, or other means, as to not adversely affect neighboring properties.
 - c. *Screening.* Mechanical equipment must be screened from street and neighboring residences by fencing or landscaping.
 - d. *Submitted plans.* A site plan, drawn to scale and conforming to Section 19.06 [section 30-38], shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the planning commission that is necessary to determine compliance with this section.
 - e. *Performance bond.* Prior to issuance of a building permit, the owner or operator of the facility or structure shall post a performance bond or other suitable guarantee in a face amount of not less than 100 percent of the estimated cost, as determined by the township engineer, to ensure removal of the facility or structure in accordance with the decommissioning plan described in below. The form of the guarantee must be reviewed and approved by the township engineer and township attorney, and the guarantee must remain in effect until the system is removed. Review of the guarantee by the township engineer and township attorney shall be paid from an escrow established by the applicant. The guarantee is subject to annual review and recalculated adjustment to ensure an accurate removal cost.
- (2) *Roof mounted solar panels.*
- a. *Height.* Panels may extend up to five feet above a flat roof surface and two feet for all other roof types.
 - b. *Restrictions.* Panels shall not hang over the edge of the building or project below the eaves.
- (3) *Ground mounted solar panels.*
- a. *Site size.* Shall not be installed on a parcel less than ten acres.
 - b. *Area.* The maximum ground area occupied by solar panels and associated paved surfaces shall not exceed five acres.
 - c. *Impervious surface.* If more than 2,000 square feet of impervious surface is proposed, a drainage plan shall be submitted.
 - d. *Height.* The maximum ground-mounted panel height is ten feet, measured from the grade to the top of the panel.
 - e. *Screening.* Panels shall be screened from residential districts and public rights-of-way by a greenbelt and/or six-foot high obscuring fence. Screening requirements may be waived or reduced by the planning commission when existing natural vegetation accomplishes the same.
- (4) *Decommissioning.* If the solar energy system ceases to operate or is abandoned for a period of 12 months or is deemed by the zoning administrator or building official to be unsafe or not consistent with code, the current landowner shall repair and restore the system to good working order within a reasonable time set by the zoning administrator or building official or, if no longer operating or no longer in compliance with federal, state or local codes, the current landowner shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

(Ord. No. [164](#), § 2, 2-19-2018)

Sec. 30-455. - Large solar systems for utility use.

Intent. A utility grid solar energy system (solar farm) is a solar energy system that is designed and built to provide electricity to the electric utility grid. These solar farms are intended to be so constructed and located to be compatible with other land uses such as farms and heavy industrial uses, while being distanced enough from residential uses to avoid becoming a nuisance. Large scale systems shall only be considered for utility purposes, and are permitted in the I-1 and I-2 district. Utility grid solar energy systems may be permitted as a special land use in the AG districts.

| System Type | Permitted Use | Special Land Use |
|-------------|---------------|------------------|
| Large Solar | I-1, I-2 | AG |

All large solar systems shall be subject to the following:

(1) *General requirements.*

- a. *Site Size.* Shall not be installed on a parcel less than 20 acres.
- b. *Setbacks.* All systems shall be set back at least 50 feet from all property lines; all systems shall be set back at least 100 feet from any residential district.
- c. *Glare.* The applicant shall provide documentation that glare will be eliminated, insofar as possible. This may include manufacture's specifications of the panels, proficient angling, adequate screening, or other means, as to not adversely affect neighboring properties.
- d. *Screening.* Mechanical equipment must be screened from street and neighboring residences by fencing or landscaping.
- e. *Submitted plans.* A site plan, drawn to scale and conforming to section 30-38, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the planning commission that is necessary to determine compliance with this section.
- f. *Performance bond.* Prior to issuance of a building permit, the owner or operator of the facility or structure shall post a performance bond or other suitable guarantee in a face amount of not less than 100 percent of the estimated cost, as determined by the township engineer, to ensure removal of the facility or structure in accordance with the decommissioning plan described in below. The form of the guarantee must be reviewed and approved by the township engineer and township attorney, and the guarantee must remain in effect until the system is removed. Review of the guarantee by the township engineer and township attorney shall be paid from an escrow established by the applicant. The guarantee is subject to annual review and recalculated adjustment to ensure an accurate removal cost.
- g. *Area.* The maximum ground area occupied by solar panels and associated paved surfaces shall be determined by the planning commission based on the circumstances of each particular large solar system application.
- h. *Impervious surface.* If more than 2,000 square feet of impervious surface is proposed, a drainage plan prepared by a registered civil engineer is required.
- i. *Height.* The maximum ground-mounted panel height is ten feet, measured from the grade to the top of the panel.
- j. *Screening from residential districts.* Panels shall be screened from residential districts and public rights-of-way by a greenbelt and/or a six-foot high obscuring fence, and/or by a landscaped greenbelt and berm, as determined by the planning commission. Screening requirements may be waived or reduced by the planning commission when existing natural

vegetation accomplishes the same. The minimum berm required shall be four feet eight inches high, with a two-foot wide crown and one on three side slopes. The minimum landscaping requirement shall be two staggered rows of evergreen trees, chosen from the list in section 30-429(2), not less than five feet tall at the time of planting, placed on each of the side slopes of the berm, with a 15-foot spacing between trees in each row. The planning commission may require supplemental planting of small evergreen and/or deciduous shrubs along the crown of the berm. Planting requirements may be reduced up to 50 percent by the planning commission, but not eliminated, only when existing natural vegetation accomplishes a substantial portion of the screening requirement. Berms shall include diagonal channels at grade or cross berm culverts, where necessary to maintain drainage patterns in the area.

- (2) *Decommissioning.* If the solar energy system ceases to operate or is abandoned for a period of 12 months or is deemed by the zoning administrator or building official to be unsafe or not consistent with code, the current landowner shall repair and restore the system to good working order within a reasonable time set by the zoning administrator or building official or, if no longer operating or no longer in compliance with federal, state or local codes, the current landowner shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

(Ord. No. [164](#), § 2, 2-19-2018)

Secs. 30-456—30-470. - Reserved.

DIVISION 2. - PLANNED UNIT DEVELOPMENT¹⁵¹

Footnotes:

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State Law reference— Planned unit developments, MCL 125.286c et seq.

Sec. 30-471. - Intent.

The planned unit development provisions in this division are intended to:

- (1) Allow flexibility of design on relatively large scale parcels, which would not ordinarily be possible under conventional zoning regulations;
- (2) Achieve economies of design relating to vehicular and pedestrian circulation, utility extensions, dwelling unit siting, etc.;
- (3) Encourage the preservation of desirable natural features, including woodlots, streams, floodplains, and major open spaces; and
- (4) Allow a mix of land uses based on an approved comprehensive plan on a single site, including a variety of housing types and compatible commercial facilities and both open space and indoor recreational uses.

(Comp. Ords. 1988, § 15.486(1))

Sec. 30-472. - Definitions.

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

Agreement means an agreement, prepared by the landowner and reviewed by the township attorney and approved by the township board, which specifically details the development plans of the PUD, the covenants and restrictions proposed for the PUD, the staging of development and the improvements to be placed in the development.

Common open space means a parcel of land or an area of water, or a combination of land and water, within the site designated for a planned unit development, and designed and intended for the use and enjoyment of residents of the planned unit development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefits and enjoyment of residents of the planned unit development.

Developer is considered synonymous with "landowner" for the purposes of this division.

Homeowners' association means an association to which all residents are required to belong as a condition of the deed, and set up with its own rules for self-government and assessment of dues for purposes related to maintenance of open space and provision of other necessary internal services.

Landowner means the legal or beneficial owner of all the land proposed to be included in a planned unit development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than 40 years, or other person having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purposes of this chapter. (Also see *Developer*.)

Plan refers to any or all of the three possible plan stages of a planned unit residential development, including proposal for PUD designation, tentative development plan and final development plan, which are defined as follows:

- (1) *Proposal for PUD designation* means the proposal of a landowner for the designation of an area for planned unit residential development.
- (2) *Tentative development plan* refers to any plan submitted for approval to the township board subsequent to or together with the submission of a proposal for a planned unit development and prior to submission of a final development plan for approval.
- (3) *Final development plan* means that plan for development of a planned unit development or divisible geographic section thereof, approved subsequent to the approval of the proposal for PUD designation and the tentative development plan by the township board under the provisions of this chapter.

Planned unit development and *PUD* mean an area of land, controlled by a landowner, to be developed as a single entity, containing a minimum of 80 acres, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulations in any one residential district of this chapter.

Single ownership means the proprietary interest of a single individual, partnership, or corporation, or other legally recognized entity in the state.

Tentative preliminary plat means a map showing the salient features of a proposed subdivision of land submitted to the planning commission for the purposes of preliminary consideration in accordance with chapter 12.

(Comp. Ords. 1988, § 15.486(2))

Cross reference— Definitions generally, § 1-2.

Sec. 30-473. - Applicability.

- (a) The provisions of this division shall apply only to a tract of land of 80 or more acres located in the RS suburban residential district or the RM multiple-family residential district, which tract is under single ownership, and for which an application for a planned unit development is made as provided in this division.
- (b) Notwithstanding the provisions of subsection (a) of this section, an application for a planned unit development on a tract of land of less than 80 acres may be filed, but no tentative approval of such an application shall be granted by the township board unless the township board shall find upon a showing by the landowner that the minimum area required in subsection (a) of this section should be waived because a planned unit development is in the public interest, and that one or more of the following conditions exist:
 - (1) Because of unusual physical features of the property itself or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise applicable is necessary or appropriate in order to conserve a physical or topographic feature of importance to the township;
 - (2) The property has an historical character of importance to the community that will be protected by employing the planned unit development provision; or
 - (3) The property is adjacent to or across a street from property which has been developed or redeveloped as a planned unit development and a planned unit development will contribute to the maintenance of the amenities and values of the neighboring property.

(Comp. Ords. 1988, § 15.486(3))

Sec. 30-474. - Standards and criteria for planned unit residential development.

A plan that is consistent with the statement of intent for planned unit development and the following general standards shall be deemed to have qualified for consideration as a planned unit residential development. A plan shall be consistent with the following general standards for the use of land, the use, type, bulk, design and location of buildings, the density of use, common open space and public facilities requirements, and development of geographic divisions of the site:

- (1) *Municipal sewers and water mains required.* The planned unit development provision may be employed only when municipal sanitary sewers and water mains are provided to all appropriate segments of the proposed development.
- (2) *Housing types and density.* The plan may provide for a variety of permanent housing types, including single-family homes, apartments, townhouses, condominiums, etc., but not including mobile homes.
 - a. A parcel of land must contain a minimum of 80 acres and be located in an RS suburban residential district or RM multiple-family residential district to be eligible to employ the planned unit development provision.
 - b. The maximum density allowed shall be determined based on the following average land areas per type and size of dwelling unit:

| | |
|--------------------------------------|-------------------|
| Single-family detached dwelling unit | 9,600 square feet |
| Two-family dwelling (per unit) | 8,400 square feet |
| One-bedroom apartment | 3,200 square feet |
| Two-bedroom apartment | 4,800 square feet |

| | |
|-------------------------|-------------------|
| Three-bedroom apartment | 6,400 square feet |
| Four-bedroom apartment | 8,000 square feet |

Plans presented showing one-, two- or three-bedroom units which include a den, library, or other extra room shall count such extra room as a bedroom for the purpose of computing density. The area used for computing density shall be the total site area exclusive of any proposed or existing dedicated public right-of-way of either interior or bounding roads.

- c. The overall unit type mix may include a maximum of 50 percent multiple-family units when located in the RS suburban residential district.
 - d. Consistent with the purpose of providing design flexibility in a planned unit development, the size, width and area of lots, and the height, placement and coverage of buildings, may be varied from what would ordinarily be required under section 30-391, subject to approval of this development plan under the terms of this division, provided that adequate provision shall be made for light, air, access, fire protection, safety, sanitation and open space.
 - e. Minimum floor areas per dwelling unit shall conform to section 30-391.
 - f. Spacing between multiple-family dwellings to be included as a part of the planned unit development shall conform to the development requirements of section 30-391.
 - g. Parking spaces and areas shall be provided in accordance with sections 30-425, 30-426 and 30-427.
- (3) *Subdivisions.* All subdivisions developed as a part of a PUD shall be designed in accordance with the standards provided in this division and as specified in chapter 12.
- (4) *Common open space.* Each planned unit development shall provide a minimum of 12 percent of the gross project area as common open space, which space shall be readily accessible and available to occupants of those dwelling units for whose use the open space is intended. All common open spaces shall be of a size, configuration, function and in a location satisfactory to the planning commission. Development phases shall be so designed as to provide a proportional amount of open space in each phase.
- (5) *Nonresidential uses.* Both public and private nonresidential uses, of an educational or recreational nature, including golf courses, tennis clubs, swim clubs, riding trails, and necessary appurtenant facilities and structures, designated as an integral part of the overall development plan, may occupy appropriate portions of the site. The area occupied by such uses may be employed, at the discretion of the planning commission and the township board, to satisfy up to 25 percent of the gross common open space requirement.
- (6) *Recreational areas.* Common open spaces and open spaces employed as public and/or private recreational areas shall be maintained as such by deed restrictions, conveyances, dedications, or other such means as may be recommended by the township attorney.
- (7) *Homeowners' association.* The developer shall establish a homeowners' association to which all residents of the PUD must belong and shall relinquish control of the common open space to the homeowners when 80 percent of the homes included in the homeowners' association are sold to the general public, or within three years of the commencement of construction, whichever occurs first.
- (8) *Commercial uses.*

- a. Commercial uses generally permitted in the B-1 local business district, together with such other uses deemed consistent by the planning commission with the overall development plan, may occupy up to five percent of the gross site area.
 - b. Planned commercial sites are to be located at an intersection of two major thoroughfares or a major thoroughfare and a collector street.
 - c. The approval of commercial sites depends on the market potential of the area. Therefore, it is the burden of the landowner to submit sufficient evidence to justify the need for commercial development within a proposed PUD.
- (9) *Minimum percentage of construction of single-family dwellings.* A minimum of 25 percent of the total number of single-family units in a PUD must be constructed and ready for sale prior to the construction of any commercial portion of the project, except that site grading, roadway construction, and trunk utility installation relating to commercial portions may be concurrent with single-family development, and open space uses, either public or private, may be constructed and operated concurrent with single-family development. Single-family and multiple-family dwelling units may be constructed concurrently provided a minimum of one single-family dwelling unit is constructed for each four multiple-family dwelling units constructed. The number of multiple-family dwelling units constructed shall not exceed 50 percent of the total number of dwelling units constructed at the end of any individual phase or succession of phases.
- (10) *Building height.* The height of particular buildings shall not be a basis for denial or approval of a plan, provided any structures in excess of 25 feet shall be designed and sited to be consistent with the reasonable enjoyment of neighboring property and the efficiency of existing public services.
- (11) *Location and arrangement of structures.* The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.
- (12) *Architectural style of buildings.* The architectural style of buildings shall not be a basis for denying approval of a plan unless the development is in an area previously designated by the township board as a historical area.
- (13) *Covenants and easements.* The plan shall contain such proposed covenants, easements and other provisions relating to the bulk, location and density of such residential units, nonresidential uses and public facilities and provisions for the ownership and maintenance of the common open space as are necessary for the welfare of the planned unit development and are consistent with the best interests of the entire township. Such covenants, easements and other provisions, which are a part of the plan as finally approved, shall inure to the benefit of the township for all purposes.
- (14) *Phased development.* The township board, upon recommendation of the planning commission, may approve phased development of the planned unit development, and in such case specify reasonable periods for the development of each phase. Deviations from the number of dwelling units per acre established for the entire planned unit development may be permitted within certain development phases as long as the number of dwelling units per acre authorized for the entire development is not affected. The time span for completion of the entire development and commencement date for each section thereof may be modified from time to time by the township board upon the showing of good cause by the landowner, provided that in no case shall extension of time exceed 12 months. The landowner shall make such easements, covenants and other arrangements and shall furnish such performance bonds as may be required to ensure performance in accordance with the plan and to protect the public interest in the event of abandonment of the plan before completion.
- (15) *Platting.* All portions of the PUD, including one-family lots, multiple-family projects, commercial areas, and public and private open spaces, shall be platted in conformance with the requirements of the state land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), or recorded in conformance with the Condominium Act, section 73 of Public Act No. 59 of 1978 (MCL 559.173), and with chapter 12 and section 30-442.

(Comp. Ords. 1988, § 15.486(4))

Sec. 30-475. - Administrative regulations; fees.

The township board and planning commission may formulate administrative regulations regarding general procedures and form of applications under this division as may be desirable, provided that they are consistent with the provisions in sections 30-476 and 30-477. Fees for the review of a proposal for PUD designation, tentative development plan, or final development plan shall be in accordance with the schedule of fees adopted by resolution of the township board and amended from time to time.

(Comp. Ords. 1988, § 15.486(5))

Sec. 30-476. - Processing procedures.

- (a) *Step I, proposal for planned unit development designation.* A proposal for PUD designation of an area shall be reviewed by the planning commission, presented at a public hearing called by the township board, and acted upon by the township board, and shall be processed in accordance with the following procedures:
- (1) The developer submits 15 copies of the proposal for PUD designation, and pays fees to the township clerk, and the clerk places the proposal for PUD designation on the planning commission agenda.
 - (2) The planning commission accepts the proposal and refers it to the appropriate reviewing agents (planner, engineer).
 - (3) Reviewing agents analyze the proposal and submit recommendations to the planning commission.
 - (4) The planning commission reviews the proposal and, at the direction of the township board, establishes a public hearing date. The planning commission shall establish the public hearing date within 60 days following the receipt of the developer's proposal for PUD designation from the township clerk. One notice of such public hearing shall be published in a newspaper which circulates in the township, and sent first class by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 15 days before the date of the hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice shall:
 - a. Describe the nature of the proposal for PUD designation.
 - b. Indicate the property which is the subject of the proposal for PUD designation.
 - c. State when and where the proposal for PUD designation will be considered.
 - d. Indicate when and where written comments concerning the proposal for PUD designation will be accepted.
 - (5) The township board holds a public hearing.
 - (6) Following the public hearing, the planning commission evaluates the proposal for PUD designation and prepares its recommendation to the township board. In making its

recommendations to the township board, the planning commission shall evaluate the proposal to determine its conformance with the statement of intent for planned unit development (section 30-471) and with the standards and provisions of sections 30-473 and 30-474. The proposal shall also conform to the exhibit requirements as provided in 30-477(a). A proposal which meets all of these criteria shall be approved by the planning commission.

- (7) The planning commission forwards a summary of comments received at the public hearing and the planning commission's recommendations to the township board.
- (8) The township board reviews the report of the public hearing and the planning commission recommendations and, within 30 days following receipt of the developer's proposal for PUD designation from the planning commission, either approves, approves with modifications, or rejects the proposal for PUD designation. The township supervisor and clerk sign three copies of the proposal, send one to the township planning commission, and retain one for the township clerk's files. In acting on the proposal the township board shall also evaluate the proposal in relation to the standards and criteria stated in subsection (a)(6) of this section. A proposal which meets all criteria and standards set forth in this chapter shall be approved.
- (9) Following approval of the proposal for PUD designation by the township board, the PUD status of the property shall be identified on the zoning ordinance map. Such identification shall not constitute a change of zoning, but shall simply illustrate the township's approved development policy in respect to the property.
- (10) Following approval of the proposal for PUD designation, the developer proceeds to step II, tentative development plan.

The developer has the option to submit a tentative development plan in conjunction with the proposal for PUD designation.

- (b) *Step II, tentative development plan.* The tentative development plan is reviewed by both the planning commission and township board, is presented at a public hearing called by the planning commission, and is acted upon by the township board, and shall be processed in accordance with the following procedures:
 - (1) The developer submits 15 copies of the tentative development plan, and pays fees to the township clerk, and the clerk places the tentative development plan on the planning commission agenda.
 - (2) The planning commission accepts the plan and refers it to appropriate reviewing agents, including the engineer, planner, and attorney.
 - (3) The agents review the plan and submit recommendations to the planning commission.
 - (4) The planning commission reviews the tentative development plan and other agents' recommendations and, at the direction of the township board, establishes a public hearing date. The planning commission shall establish the public hearing date within 60 days following receipt of the developer's tentative development plan from the township clerk. Notice of such public hearing shall be given in accordance with the notification procedures outlined in subsection (a)(4) of this section.
 - (5) The township board holds a public hearing.
 - (6) The planning commission submits a report of the public hearing and the commission's recommendations to the township board. In making its recommendations to the township board, the planning commission shall evaluate the tentative development plan to determine if it is in conformance with the intent, standards and criteria for planned unit development as set forth in this division and the exhibit requirements set forth in section 30-477(b). A proposal which meets all of the criteria in this section shall be approved by the planning commission.
 - (7) The township board reviews the report of the public hearing and the planning commission recommendations and, within 30 days following receipt of the developer's tentative development plan from the planning commission, either approves, or approves with modifications, the tentative

development plan. The township supervisor and clerk shall sign three copies of the proposal, give one to the developer, send one to the township planning commission, and retain one for township clerk's files. In acting on the tentative development plan, the township board shall also evaluate the proposal in relation to the standards and criteria stated in subsection (b)(6) of this section.

- (8) Following approval of the tentative development plan, the township board authorizes the developer to prepare the PUD agreement.
 - (9) The developer prepares the PUD agreement, which is reviewed by the township attorney, planner and engineer.
 - (10) The township board and developer review the PUD agreement and the supervisor, clerk, and developer sign a minimum of three copies. Following signing of the PUD agreement and distribution of one copy each to the developer, township clerk, and planning commission files, the developer proceeds to step III, final development plan. A final development plan for some portion of the PUD must be submitted within 24 months following approval of the tentative development plan. If no final development plan is accepted for platting or review within that period, the approvals of the proposal for PUD designation and the tentative development plan are automatically rescinded and traditional zoning will be applied; however, the township board upon written application by the landowner for cause shown may extend the designation for successive two-year periods, except that no more than two such 24-month extensions may be granted.
- (c) *Step III, final development plan.*
- (1) The final development plan of all or a portion of the total PUD is reviewed by the planning commission and acted upon by the township board to ensure substantial compliance with the tentative development plan. The final development plan must be prepared as follows:
 - a. Subdivision as defined by the land division act: The final development plan must be prepared in the form of a preliminary plat in detail sufficient to be granted tentative preliminary plat approval in conformance with the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), chapter 12, and the conditions established in the tentative development plan and PUD agreement.
 - b. Condominium subdivision plan as defined by the Condominium Act: The final development plan must be prepared in the form of a condominium subdivision plan pursuant to the requirements of the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), in detail sufficient to be granted approval in conformance with section 30-442 and the conditions established in the tentative development plan and PUD agreement.
 - (2) The final development plan shall not:
 - a. Vary the proposed gross residential density or intensity of use in any portion of the PUD by more than ten percent;
 - b. Involve a reduction of the area set aside for common space;
 - c. Increase by more than ten percent the floor area proposed for nonresidential use; or
 - d. Increase by more than five percent the total ground area covered by buildings.
 - (3) The final development plan shall be processed in accordance with the following procedures:
 - a. The developer submits 15 copies of the final development plan, and pays fees to the township clerk, and the clerk places the final development plan on the planning commission agenda.
 - b. The planning commission accepts the plan and refers it to the appropriate reviewing agents (engineer, planner, attorney).
 - c. The agents review the plan and submit recommendations to the planning commission.
 - d. The planning commission reviews the final development plan and recommendations, ensures conformance with the approved tentative development plan and PUD agreement

and within 30 days following receipt of the developer's final development plan from the township clerk approves the final development plan, or, if the final development plan deviates from the tentative development plan by more than the limits prescribed in this section, requires modifications to ensure conformance.

- e. Following approval of a final development plan by the planning commission, the planning commission chairperson signs a minimum of seven copies and distributes one copy to the developer and five copies to the township clerk, and retains one for the planning commission files, and the developer proceeds to steps IV-A and IV-B. The planning commission shall withhold final approval of required site plans for multiple-family and commercial sites until the required percentage of single-family homes have been constructed (see step IV-B).
- (d) *Step IV-A, approval by township board.* Following approval of a final development plan by the planning commission, the developer begins processing the plat through the township board in conformance with the state land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.) and chapter 12, or the condominium subdivision plan through the township board in conformance with the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), and section 30-442. Construction of the initial phase of the PUD shall be completed within two years following final preliminary plat or condominium subdivision plan approval by the township board. This limit may be extended for a reasonable period to be determined by the township board, upon written application by the landowner for cause shown. If, however, this time limit is not met and an extension is not granted, the PUD Agreement is automatically rescinded.
- (e) *Step IV-B, site plan approval.* The planning commission, following the construction of the required percentage of single-family homes, may now grant site plan approval previously withheld in step III.

(Comp. Ords. 1988, § 15.486(5)(a); Ord. No. 146, 1-21-2008)

Sec. 30-477. - Exhibit requirements.

- (a) *Step I, proposal for planned unit development designation.* The following minimum information must be provided by the developer at the time of filing of a proposal for PUD designation:
 - (1) Statement of purpose and objectives, including:
 - a. Discussion of the rationale for employing the PUD procedure rather than developing the project conventionally.
 - b. Description of existing site characteristics.
 - c. Description of proposed character of the development.
 - d. Discussion of proposed means of serving the development with sewer and water.
 - (2) Generalized development plan and program, including:
 - a. Overall vicinity map at a minimum scale of one inch equals 2,000 feet showing the relationship of the PUD to its surroundings, including section lines, parcel boundaries, major roads, collector streets, etc.
 - b. Generalized graphic depiction at a minimum scale of one inch equals 200 feet of the following:
 - 1. Major access roads serving the site, including right-of-way widths, and existing and proposed surfacing.
 - 2. Existing utility lines, including sanitary sewers, storm sewers, water mains, and gas and electric service.
 - 3. Existing adjacent land uses and structures.
 - 4. Proposed collector road pattern.

5. Areas to be developed for various uses.
 6. Developed open spaces.
 7. Areas to be preserved in a natural state.
- (3) Development program, including:
- a. Total project area.
 - b. Total project density.
 - c. Areas and densities of various residential types.
 - d. Areas of land uses proposed for commercial sites.
 - e. Area and percent of developed and undeveloped open spaces.
 - f. Minimum single-family lot area and minimum dimensions.
 - g. Proposed project phasing boundaries.
 - h. Estimated timing schedule by phase to completion.

The developer may submit any other data or graphics which will serve to further illustrate the proposed PUD.

(b) *Step II, tentative development plan.* The following minimum information must be provided by the developer at the time of filing of a tentative development plan:

- (1) A physical development plan prepared at a minimum scale of one inch equals 100 feet. The plan shall include the following:
 - a. *Existing site features.*
 1. An overall area map at a scale of not less than one inch equals 2,000 feet showing the relationship of the PUD to its surroundings such as section lines and/or major streets or collector streets.
 2. Boundaries of the proposed PUD, section or corporation lines within or adjacent to the tract, and overall property dimensions.
 3. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the PUD site, including those of areas across abutting roads.
 4. Location, widths, and names of existing or prior platted streets and private streets and public easements within or adjacent to the PUD site, including those located across roads.
 5. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the PUD site.
 6. Topography drawn as contours with a two-foot contour interval. Topography shall be based on a USGS datum and be extended a minimum distance of 200 feet outside the PUD boundaries.
 - b. *Proposed site features.*
 1. Layout of streets indicating proposed street names, right-of-way widths, and connections with adjoining platted streets, and the widths and location of alleys, easements and public walkways.
 2. Layout, numbers and dimensions of single-family lots, including building setback lines, showing dimensions.
 3. Layout of proposed multiple-family projects, including setbacks, buildings, drives, parking spaces, walkway systems, and landscaping.

4. Layout and indication of uses to be included in proposed commercial projects, including setbacks, buildings, drives, parking spaces, pedestrian ways, landscaping, and percent of lot coverage.
5. Location and definition of function of both developed and undeveloped open spaces. Layout of facilities shall be included on developed open spaces.
6. Depiction of major wooded areas and a description of the means to be employed to preserve them.
7. An indication of ownership and existing and proposed use of any parcels identified as "excepted." If the developer has an interest or owns any parcel so identified as excepted, the tentative development plan shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed PUD.
8. An indication of the system proposed for sewage by a method approved by the township board and the township engineer.
9. An indication of the system proposed for water supply by a method approved by the township board and the township engineer.
10. An indication of storm drainage proposed by a method approved by the township, the township engineer, or the county road commission. If involving county drains, the proposed drainage shall be acceptable to the county drain commissioner. Storm drainage must be provided to an approved outlet.
11. Conceptual site grading plan and conceptual landscaping plan, including pedestrian circulation system.
12. Depiction of proposed development phases.
13. Tabulation showing:
 - i. Total site acreage and acreage and percent of total project in various uses, including developed and undeveloped open spaces.
 - ii. Total site density and density of single-family and multiple-family areas and percent of ground area covered by buildings.
 - iii. Number of bedrooms, per unit, by area and phase.
 - iv. Acreage and percent of project in commercial areas, total number of square feet of building areas proposed for each building, building group, or use, and percent of ground area covered by buildings.
 - v. Acreage and numbers of single-family lots and multiple-family units to be included in development phases.
14. Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements.
15. An architectural model of the total area within the PUD, at a scale sufficient to show both horizontal and vertical site relationships, including roads, single-family lots, multiple-family units, commercial and recreational structures, drives and parking areas developed and undeveloped open spaces, pedestrian circulation pattern, etc. The completed model shall be presented at the public hearing and prominently displayed in the PUD sales office. The requirement for an architectural model may be waived by the planning commission upon application by the developer when, in the opinion of the planning commission, the nature of the PUD can be adequately portrayed through the other required exhibits.

(2) Supporting materials including:

- a. Legal description of the total site.
 - b. A statement of the developer's interest in the land proposed for development.
 - c. A statement regarding the manner in which open space is to be maintained.
 - d. A statement regarding the developer's intentions regarding sale and/or lease of all or portions of the PUD, including land areas, units and commercial facilities.
 - e. A statement of covenants, grants of easements (including easements for public utilities), and other restrictions to be imposed upon the uses of the land and structures.
 - f. A statement of required modifications (variances) to the regulations which are otherwise applicable to the site.
 - g. A schedule indicating the time within which applications for final approval of each phase of the PUD are intended to be filed.
- (c) *Step III, final development plan.* The following minimum information must be provided by the developer at the time of filing of a final development plan on all or a portion (phase) of a PUD:
- (1) *Final development plan.*
 - a. Preliminary plat of the phase proposed for development prepared in conformance with the state land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), and chapter 12; and a condominium subdivision plan, if applicable, prepared in conformance with the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), and section 30-442.
 - b. A detailed grading plan.
 - c. A detailed landscaping plan.
 - d. A detailed utilities layout.
 - e. Tabulations showing:
 - 1. Total phase acreage and percent of total PUD.
 - 2. Acreage and percent or portion of the phase and the total PUD occupied by single-family uses, multiple-family uses, commercial uses, and developed and undeveloped open space.
 - 3. Total phase density and percent of the total PUD.
 - 4. Number of bedrooms per unit by type.
 - 5. Percent of ground area covered by buildings.
 - (2) *Site plan.* Detailed site plan (one inch equals 100 feet minimum scale) for each multiple-family, commercial, and developed open space area included in the preliminary plat of the phase proposed for development.
 - (3) *Supporting materials.*
 - a. Legal description of the total phase, each use area, and dedicated open space.
 - b. Copies of covenants, easements, and other restrictions to be imposed.
 - c. Proposed dates of construction start and completion of phase.

(Comp. Ords. 1988, § 15.486(5)(b))

Secs. 30-478—30-500. - Reserved.

ARTICLE V. - GENERAL EXCEPTIONS

Sec. 30-501. - Applicability.

The regulations in this chapter shall be subject to the interpretations and exceptions set forth in this article.

(Comp. Ords. 1988, § 15.530)

Sec. 30-502. - Essential services.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the township, it being the intention of this section to exempt such essential services from the application of this chapter; however, the township shall reserve the right to review and approve the location of high pressure gas transmission lines and high voltage electric transmission tower lines as provided for in section 30-550.

(Comp. Ords. 1988, § 15.531)

Sec. 30-503. - Voting places.

The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a township or other public election.

(Comp. Ords. 1988, § 15.532)

Sec. 30-504. - Height limits.

The height limitations of this chapter shall not apply to farm buildings, chimneys, church spires, flagpoles, public monuments, cooling towers, or exempt communication towers, or to heating and electrical generating plants together with all necessary uses when located within an I-2 district. A structure proposed to be located within an airport hazard area as defined and regulated by the State of Michigan may be required by the State of Michigan to abide by a lower height limit.

(Comp. Ords. 1988, § 15.533; Ord. No. 148, 12-15-2008)

Sec. 30-505. - Yard regulations.

When yard regulations cannot reasonably be complied with, as in the case of a planned development in the multiple-family district, or where their application cannot be determined on lots of peculiar shape or topography or due to architectural or site arrangement, such regulations may be modified or determined by the board of appeals.

(Comp. Ords. 1988, § 15.534)

Sec. 30-506. - Uncovered porches.

An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten feet, but this shall not be interpreted to include or permit fixed canopies.

(Comp. Ords. 1988, § 15.536)

Sec. 30-507. - Projections into yards.

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard, and may extend or project into a required front yard or rear yard not more than three feet.

(Comp. Ords. 1988, § 15.537)

Sec. 30-508. - Access drives, walks and other access through yards.

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

(Comp. Ords. 1988, § 15.538)

Sec. 30-509. - Roadside sales of agricultural products.

The planning commission may permit the sale of agricultural products from the roadside subject to the following conditions:

- (1) All products displayed or offered for sale on the premises shall have been grown on the premises.
- (2) The planning commission shall grant a permit for an initial period not to exceed six months with the granting of subsequent one-month extensions being permissible. Within 30 days from the termination of the permit, all structures or buildings used primarily to facilitate the display or sale of such products shall be removed from the front yard of the premises.
- (3) In no instance shall roadside sales be permitted from lands within the boundaries of a recorded plat.
- (4) The planning commission may require such other conditions as it deems necessary to ensure that the use will not be injurious to the neighborhood and that it is in harmony with the general purpose and intent of this chapter.

(Comp. Ords. 1988, § 15.539)

Sec. 30-510. - Exceptions relating to energy conservation.

- (a) It is recognized that the conservation of energy has become an important national goal, and that new methods of conserving energy in structures are constantly being developed. It is difficult to anticipate in advance the relationship of potential structural changes resulting from energy conservation techniques to local zoning regulations. Therefore, provision for exceptions to certain zoning requirements will be permitted as provided in subsection (b) of this section.
- (b) Upon written application, the planning commission, after notification of property owners and residents within 300 feet of the property in question and after public hearing, may modify or waive provisions of this chapter relating to the height, area, placement, and bulk of structures when it is clearly demonstrated by the applicant that the waiver or modification of such provisions will aid in the conservation of energy, provided that the resulting structure or use:
 - (1) Would not be injurious to the public health, safety or welfare.
 - (2) Would not be likely to depress the value of nearby properties.
 - (3) Would be compatible and harmonious with existing development.

(4) Would not affect the ability to develop and utilize the adjacent lands as zoned.

(Comp. Ords. 1988, § 15.540)

Sec. 30-511. - Lots having river frontage.

Those residential lots and/or parcels having river frontage and abutting a public thoroughfare shall maintain the yard on the river side as an open unobscured yard, excepting that a covered and/or uncovered boat well shall be permitted after review and approval of plans by the planning commission. Accessory structures shall be permitted in the setback between the abutting road right-of-way and the main building providing the front yard setback required in section 30-391 is met.

(Comp. Ords. 1988, § 15.541)

Secs. 30-512—30-540. - Reserved.

ARTICLE VI. - SPECIAL LAND USE APPROVAL REQUIREMENTS⁶¹

Footnotes:

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State Law reference— Special land uses, MCL 125.286b.

Sec. 30-541. - Intent.

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

(Comp. Ords. 1988, § 15.710)

Sec. 30-542. - General requirements and procedures.

(a) *Submission of plans; criteria for approval.* For all special land uses, a site plan shall be submitted to the township planning commission and conform to the requirements and procedures for site plan review set forth in section 30-38. If the plans meet the required standards of this chapter, this article and applicable sections and indicate no adverse effects which in the opinion of the planning commission could cause injury to the residents, users or adjoining property, or the township as a whole, the planning commission shall recommend that the township board approve the use. In consideration of all applications for special land use approval, the planning commission and the township board shall review each case individually as to its applicability and must find affirmatively as to each of the following standards of the proposed special land use if it is to be approved. Such uses shall be subject to conditions, restrictions and safeguards deemed necessary within the scope of the law as follows:

- (1) The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
 - (2) The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
 - (3) The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
 - (4) The proposed use shall be such that the proposed location and height of buildings or structures and the location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
 - (5) The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific area of the township.
 - (6) The proposed use is necessary for the public convenience at the proposed location.
 - (7) The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
 - (8) The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
- (b) *Approval.* After the planning commission has held the required public hearing on the proposed special land use, the planning commission shall act to approve or deny the request within 30 days. The planning commission's decision on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use approval under consideration which specifies the basis for the decision, and any conditions imposed. Upon approval, a special approval permit shall be issued to the applicant. The planning commission shall forward a copy of the permit to the applicant, township clerk, and zoning administrator. This record shall be on file in the township clerk's office as well as being made a part of the site plan or building records for that parcel.
- (c) *Appeal to circuit court.* Decisions of the planning commission on special land uses shall be final. A person having an interest affected by a special land use decision of the township planning commission may appeal to circuit court.
- (d) *Public hearings and notices.* Upon receipt of an application for a special land use which requires a decision on discretionary grounds, one notice that a request for special land use approval has been received shall be published in a newspaper which circulates in the township, and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 15 days before the date the application will be considered. If the name of an occupant(s) is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- (1) Describe the nature of the special land use request.
 - (2) Indicate the property which is the subject of the special land use request.
 - (3) State when and where the special land use request will be considered.
 - (4) Indicate when and where written comments will be received concerning the request.
 - (5) Indicate the date, time and place where the public hearing on the special land use will be held.
- (e) *Conditions.* The township planning commission may impose such conditions or limitations in granting approval as may be permitted by state law and this chapter which it deems necessary to fulfill the spirit and purpose of this chapter. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:
- (1) Be designed to protect natural resources and the health, safety and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole.
 - (2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - (3) Be necessary to meet the intent and purpose of this chapter, be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approved action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The township board shall maintain a record of conditions which are changed.

- (f) *Voiding of special approval use permit.* Any special approval use permit granted under this chapter shall become null and void and fees forfeited unless construction or use is commenced within 18 months of or if the authorized construction or use is suspended or abandoned for a period of six months after the time commencing the construction or use. A violation of a requirement, condition or safeguard shall be considered a violation of this chapter and grounds for the zoning administrator to terminate and cancel such special approval use permit.

(Comp. Ords. 1988, § 15.711; Ord. No. 146, 1-21-2008)

Sec. 30-543. - Adult bookstores, adult motion picture theaters, massage parlors and cabarets.

- (a) *Purpose.* Recognizing that, because of their nature, some uses have objectionable operational characteristics, especially when concentrated in small areas, and recognizing that such uses may have a harmful effect on adjacent areas, special regulations of these uses are necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.
- (b) *Definitions.* For the purpose of this section, the following terms are defined as follows:
- Adult bookstore* means an establishment wherein more than 20 percent of its stock in trade is composed of books, magazines, or any such printed or photographic media having as dominant theme matter depicting, describing or relating to specified sexual activities or specific anatomical areas.

Adult motion picture theater means an enclosed building used exclusively for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Cabaret means any place wherein food and any type of alcoholic beverage is sold or given away on the premises and the operator thereof holds a yearly license to sell such beverages by the glass and which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, either live or as films.

Massage parlor means an enterprise of a non-medical nature specializing in the manipulation of body tissues (as by rubbing, stroking, kneading, or tapping) with the hand or an instrument.

Specified anatomical areas means human genitals, pubic region, buttock, and female breast less than completely and opaquely covered; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

- (c) *Districts where permitted.* It shall be unlawful to establish any adult bookstore, adult motion picture theater, massage parlor or cabaret except in the B-2 general business and industrial districts.
- (d) *Minimum distance from residential district.* No such uses may be permitted in the B-2 general business or industrial districts within 1,000 feet of any residential district measured from the lot line of the location of the proposed use. The township board may waive this location provision if the following findings are made:
- (1) The proposed use will not be contrary to the public interest or injurious to nearby properties and the spirit and intent of this chapter will be observed.
 - (2) The character of the area shall be maintained.
 - (3) All applicable regulations of this chapter will be observed.
 - (4) No adult bookstore, adult motion picture theater, massage parlor or cabaret is located within 2,000 feet of the proposed location.

(Comp. Ords. 1988, § 15.733)

Sec. 30-544. - Reserved.

Editor's note— Ord. No. 146, adopted Jan. 21, 2008, repealed § 30-544, which pertained to airports and derived from Comp. Ords. 1988, § 15.712.

Sec. 30-545. - Cemeteries.

Cemeteries are a permitted use in the AG or CR districts subject to the requirements of this chapter and the following special standards:

- (1) *Maximum area of recorded plots.* The area to be occupied by the cemetery shall not have more than 51 percent of its land area in recorded plots.
- (2) *Continuity of roads.* The continuity of all roads present or planned for adjacent areas shall be satisfactorily resolved to provide safe and prompt access and egress to and from such areas.
- (3) *Access to public road.* All ingress and egress shall be directly onto a paved public road having a proposed right-of-way of not less than 86 feet on the township's adopted thoroughfare plan or comprehensive plan.

- (4) *Screening.* All sides of the cemetery shall be screened from any residential view by providing a continuous and completely obscuring decorative wall or fence not less than four feet six inches in height measured from the surface of the ground. The township board may permit a chainlink type fence, with deciduous or evergreen plant material sufficient to provide a continuous yearround obscuring screen and planned in accordance with section 30-429.
- (5) *Drainage.* Approval shall be given contingent on a satisfactory drainage plan approved by the township engineer and the county health department.

(Comp. Ords. 1988, § 15.713)

Sec. 30-546. - Churches and public buildings.

Churches and public buildings are permitted in the AG, RE, RS, and RM districts subject to the requirements of this chapter and the following special standards:

- (1) *Site requirements.*
 - a. The minimum site shall be two acres on a continuous parcel.
 - b. The site shall abut a paved public road having a proposed right-of-way of not less than that of a secondary thoroughfare, 86 feet, on the township's adopted thoroughfare plan or comprehensive plan.
- (2) *Yard requirements; maximum lot coverage.*
 - a. *Front and rear yard.* The front and rear yard requirements shall be the same as those listed for the district in which the special land use is requested.
 - b. *Side yard.* The side yard requirements shall be the same as those listed in the requested district for permitted nonresidential uses.
 - c. *Maximum lot coverage.* The maximum lot coverage shall be the same as for the district in which the special land use is requested.
- (3) *Off-street parking.*
 - a. A facility without fixed seats or pews shall have one parking space for every 100 square feet of usable floor area.
 - b. No off-street parking shall be permitted in the front yard space.
 - c. All off-street parking shall be paved and constructed to the standards of this chapter.

(Comp. Ords. 1988, § 15.714; Ord. No. 146, 1-21-2008)

Sec. 30-547. - Commercial outdoor recreation.

Commercially used outdoor recreational space for adult or children's amusement parks, carnivals, rebound tumbling facilities, miniature golf courses, and golf driving ranges are permitted in the B-2 district subject to the following special standards:

- (1) *Lighting.* All lighting shall be shielded from adjacent residential districts.
- (2) *Parking areas.* Parking areas shall be provided off the road right-of-way and shall be fenced with a four-foot six-inch wall or fence where adjacent to a residential district or existing residential use.
- (3) *Fencing.* Children's amusement parks must be fenced on all sides with four-foot six-inch wall or fence.

- (4) *Loudspeakers.* No loudspeaker or public address system shall be used except by the written consent of the township board wherein it is deemed that no public nuisance or disturbance will be established.

(Comp. Ords. 1988, § 15.715)

Sec. 30-548. - Communication towers.

Except as provided under subsection (30)c. of this section, communication towers shall be allowed only in the I-1, Light Industrial and I-2, Heavy Industrial Districts subject to the following special approval requirements:

- (1) The tower must be setback from all property lines and from the edge of the planned road right-of-way a distance equal to its height for reasons of safety and aesthetics. Except that the setback may be reduced by the planning commission with due consideration of aesthetic circumstances, if the developer submits evidence that the tower is designed in the event of failure, to collapse within a more confined distance. Land included within such minimum required setbacks shall remain undivided and undeveloped with other structures not accessory to the tower.
- (2) Towers shall be of the freestanding type without guy wires.
- (3) Accessory structures are limited to uses associated with the maintenance and operation of the tower and may not be located any closer to any property line than 30 feet.
- (4) Accessory structures shall not exceed 600 square feet of gross building area.
- (5) All bufferyard requirements within this chapter shall be met.
- (6) All towers shall be equipped with an anticlimbing device to prevent unauthorized access.
- (7) The plans of the tower construction shall be certified by a registered structural engineer.
- (8) The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- (9) All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
- (10) Communication towers in excess of 100 feet in height above grade level shall be prohibited within a two-mile radius of a public or private airport or one-half mile radius of a helipad.
- (11) All facility components accessory to a tower or antenna shall comply with all regular setback requirements for the district in which located. However, in no case shall said accessory components be located within 30 feet of a property line.
- (12) Metal towers shall be constructed of, or treated with, corrosive-resistant material.
- (13) Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- (14) Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
- (15) All signals and remote control conductors of low energy which extend substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight feet above the ground at all points, unless buried underground.
- (16) Towers shall be located so that they do not interfere with reception in nearby areas. If problems occur after construction, the tower owner or lessee shall provide a remedy.

- (17) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
- (18) The base of the tower shall occupy no more than 500 square feet.
- (19) Minimum spacing between tower locations shall be two miles (without respect to municipal boundaries) in order to prevent a concentration of towers in one area.
- (20) Height of the tower, including antennae, shall not exceed 180 feet from grade. The planning commission may allow towers of greater height in the interior of industrial districts in such cases where the planning commission determines that such height will not negatively impact upon adjacent properties in non-industrial districts.
- (21) Towers shall not be artificially lighted, it being the intent of the township to encourage the use of towers of such height that they do not require lighting which may adversely affect nearby properties. However, if required by the FAA in the future, lighting shall be of the dual mode day/night type (red at night, strobe during the day) and be designed to refract upward so as to limit ground scatter to a maximum of 75 candela at the site property or leasehold line.
- (22) Existing on-site vegetation shall be preserved to the maximum extent practicable.
- (23) There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- (24) The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
- (25) Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the special land use approval shall be subject to revocation by the planning commission. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
- (26) There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
- (27) All parking and drive areas must be paved as provided in this ordinance. All driveway entrances shall meet the requirements of the county road commission and a permit shall be obtained from the road commission for each driveway entrance.
- (28) Except for the driveway opening, along the entire perimeter of the tower, including its related structures and fencing, and within the area leased or owned by the applicant, the developer shall plant a landscaping buffer, which the lessee or owner shall subsequently maintain. The buffer, at a minimum, shall consist of two staggered rows of trees that are a minimum of six feet tall when planted with a height at maturity of at least 20 feet. Trees shall be planted on 20-foot centers. Trees shall be 80 percent evergreens and 20 percent deciduous, mixed in species, using only species approved by the American Nurserymen's Association or a similar organization which may be specified elsewhere by township ordinance.
- (29) All towers that cease to be used for a period of six continuous months shall be removed at the owner's expense, including all equipment and structures, and the owner shall restore the site to its original condition within three months of written notice and request by the township. If a tower is scheduled to be back in use within six months of the date of the township's notice, as provided herein, the owner may apply to the zoning board of appeals (ZBA) for an extension. Upon proof that use of the tower will recommence within six months of the notice to remove, the ZBA may grant an extension, not to exceed six months.
- (30) The policy of the community is to minimize the number of communication towers in the township. Therefore, the township shall require the co-location of communication towers. pursuant to this policy, the following standards apply to communication towers:

- a. All new and modified communication towers shall be designed and constructed so as to accommodate co-location.
 - b. A special land use permit for the construction and use of a new communication tower shall not be granted unless and until the applicant demonstrates that a feasible co-location opportunity is not already available for the coverage area and capacity needs.
 - c. An antenna with supporting accessory ground equipment and structures (no additional tower) may be co-located on an existing high voltage electric transmission line tower in any zoning district, subject to all requirements of this section. The planning commission may also consider approval of co-location on other extraordinarily tall structures, such as, but not limited to smokestacks, water towers, and power houses in any district.
- (31) The following communication facilities are exempt from the above provisions, provided that they meet the requirements of the zoning district in which they are located and provided that the maximum height of these facilities shall be 60 feet:
- a. Citizen band radio facilities,
 - b. Short wave facilities,
 - c. Ham and amateur radio facilities,
 - d. Television reception antennae,
 - e. Satellite dishes,
 - f. A farmer's communication system or other similar private communication systems,
- (32) Government facilities which are subject to state and/or federal law or regulations that preempt municipal regulatory authority are exempt from the above provisions only to the extent or degree preempted.

(Comp. Ords. 1988, § 15.729; Ord. No. 133, art. 2, 5-20-2002; Ord. No. 146, 1-21-2008)

Sec. 30-549. - Disposal areas and landfills.

Disposal areas and landfills are permitted in I-2 districts subject to the requirements of this chapter and the following special standards:

- (1) *Location and setbacks; access to public road.* The location of all disposal areas within such districts shall be sufficiently distant from preexisting development so as not to be injurious to public health, safety and welfare, and in no instance shall the operation of the landfill be set back less than 500 feet from the road right-of-way and from any residential home, and the side yard setback shall be a minimum of 100 feet from the property line of the landfill. The site shall abut a paved public road having a proposed right-of-way of not less than 86 feet as indicated on the township thoroughfare plan or comprehensive plan.
- (2) *Operation.* Disposal area activity shall only be allowed as a special land use activity within zoning districts specified in this chapter and subject to the provisions of applicable township ordinances and state laws.
- (3) *Open dumps.* Open dumps shall not be permitted.
- (4) *Compliance with state law.* All disposal areas and landfills shall further comply with part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.).

(Comp. Ords. 1988, § 15.716)

Cross reference— Solid waste, ch. 24.

Sec. 30-550. - Gas or electric transmission lines.

High pressure gas transmission lines and high voltage electric transmission tower lines shall be permitted in any district except the O-1 district, subject to the following regulations:

(1) *General regulations.*

- a. All such utility lines shall follow existing utility corridors, where possible and reasonable, as determined by the township board after review and recommendation of the planning commission.
- b. The loss of any active agricultural use on property shown as prime or unique farmland on the Soil Conservation Service's Important Farmland Map of St. Clair County shall be minimized to the greatest extent feasible consistent with the public interest and common good as determined by the township board after review and recommendation of the planning commission.
- c. Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities, and similar facilities. Existing vegetation shall be maintained, wherever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.
- d. Noncompliance with any part of this chapter, or any other township ordinance, shall be grounds for the township acting to withdraw its approval or conditional approval of any use regulated under this section and to order such use to be discontinued.
- e. Prior to commencement of construction, any approvals granted under this section are not transferable to others or to successors in interest, without first applying for such transfer to the township board after review and recommendation of the planning commission.
- f. The person granted privileges under this section shall inform the township clerk on a continuing basis of the name, address and phone number of the employee who is responsible for receiving complaints and communications from the township.
- g. The existence of one line or facility approved under this section does not imply permission to erect any other lines or facilities other than those originally permitted.

(2) *High voltage electric transmission lines of 120 kv or greater.*

- a. High voltage electric transmission lines of more than 345 kv shall not be located closer than 500 feet to occupied residences. Existing 345 kv lines shall not be energized at a higher voltage level when located closer than 500 feet to occupied residences.
- b. Corridor width shall be a minimum of two times the proposed tower height for all voltages so that accidental collapse of any tower will be confined to the utility right-of-way.
- c. Where operating voltages will exceed 345 kv, the township shall evaluate an area one-quarter mile on either side of the proposed electric corridor. The existing density of occupied dwellings per square mile shall not exceed 100 in any two-mile segment of this area. The applicant shall provide maps showing all information necessary to determine compliance with this standard.
- d. The electric field strength for all voltage levels shall not exceed 0.8 kv per meter, as measured at the edge of the corridor right-of-way.
- e. No such line or system shall cause radio or TV interference to residents in the township, and if such happens it will be considered a public nuisance, subject to abatement.
- f. "Danger—No Trespassing" signs shall be placed at all road crossings, and the township board, after review and recommendation of the planning commission, may require fencing at those road crossings which it determines are in need of additional protective measures.

- g. Any area destroyed by necessity in the construction of such approved facilities may be subject to conditions imposed by the township board for its immediate restoration by replanting or similar techniques.
- h. Noise levels at the edge of the corridor right-of-way, that is, the pressure level of sounds, shall not exceed the following decibel levels when adjacent to the following types of uses:

| Sound Level | Adjacent Use | Where Measured |
|-------------|-------------------------|----------------------|
| 40 dB(A) | Open space/recreational | Common property line |
| 40 dB(A) | Residential | Common property line |
| 40 dB(A) | Agricultural | Common property line |
| 60 dB(A) | Commercial | Common property line |
| 75 dB(A) | Industrial | Common property line |

The sound levels shall be measured using a weighted decibel measurement (referenced to 20 micropascals) and with a type of audio output meter approved by the U.S. Bureau of Standards. Where noise levels will exceed the standards in this section for the corridor width proposed, a widening of the corridor, consistent with these requirements, will be necessary.

- i. During the construction or repair of any facilities approved under this section, the following shall be required:
 1. All internal roads shall be kept dust-free by chemical treatment.
 2. Any damage to public or private roads, fences, structures or facilities shall be repaired immediately.
 3. No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete.
 4. All construction operations shall be confined to daylight hours, Monday through Saturday, unless permitted in writing by the township board.
- j. At the time a request is made for approval under this section, the person shall submit an estimated timetable for completion of the construction plans to the township board, and specifications of all equipment and facilities proposed for installation. The township board, after review and recommendation of the planning commission, may require a performance bond with surety or an irrevocable bank letter of credit as a guarantee of completion of all approved facilities, and an agreement to indemnify, defend and hold harmless the township from any claims arising out of the construction or operation of a project approved under this section.
- k. When such lines or systems interfere with a public road by crossing such road or paralleling such road, any person, upon five days' notice, shall be required to raise such lines for necessary passage of any barn, building, house, or other object over the public ways.

- l. If any court or the state public service commission or other governmental body finds that such lines and systems are not necessary, such lines and systems shall, upon exhaustion of appeals, be dismantled under regulation by the township board.
- m. The township may make reasonable requests to require the person granted privileges under this section to file written reports of the current status of research on high voltage electricity, and such reports shall be true and complete. Any privilege granted under this section is subject to a continuing representation by the holder of such that such lines and systems are safe and have no chance of being detrimental to the health or safety of any person or the environment.
- n. After the construction of the line is completed and before regular operation is begun, the operating company shall retain the services of an independent testing laboratory, which shall test the line for compliance with the standards contained in this section and submit a report of the test results to the township.

(Comp. Ords. 1988, § 15.730)

Sec. 30-551. - General hospitals.

General hospitals are permitted in the RE, RS, and RM districts subject to the requirements of this chapter and the following special standards:

- (1) *Site area.* All such hospitals shall be developed on sites consisting of at least five acres in area for the first 100 beds or less plus one acre for each additional 25 beds.
- (2) *Access.* The proposed site shall have at least one property line abutting a major thoroughfare and vehicular ingress to and egress from the site shall be directly onto such thoroughfare.
- (3) *Traffic safety.* The site plan shall show that a proper relationship exists between the abutting thoroughfare and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.
- (4) *Protection of adjacent property.* All the development features, including the principal building and any accessory buildings, open spaces, and all service roads, driveways and parking areas, shall be so located and related to minimize the possibility of any adverse effects upon adjacent property.

(Comp. Ords. 1988, § 15.718; Ord. No. 146, 1-21-2008)

Sec. 30-552. - Golf courses.

Golf courses are permitted in the AG, RE, RS, CR, and RM districts subject to the requirements of this chapter and the following special standards:

- (1) *Accessory uses.* Major accessory uses such as a restaurant and bar shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as a maintenance garage and pro shop or golf shop, may be located in separate structures. No structure shall be located closer than 75 feet to the lot line of any adjacent residential land or to any existing or proposed public right-of-way.
- (2) *Parking areas.* All parking areas shall be paved and constructed in accordance with the standards of this chapter.
- (3) *Access.* All ingress to and egress from the site shall be directly onto a major or secondary thoroughfare (as defined in the township thoroughfare plan).
- (4) *Lighting.* All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.

- (5) *Swimming pool fencing.* Whenever included, swimming pools shall be provided with a protective fence not less than six feet in height, and entry shall be provided by means of a controlled gate or turnstile.

(Comp. Ords. 1988, § 15.717; Ord. No. 146, 1-21-2008)

Sec. 30-553. - Kennels and veterinary clinics.

Public, private or commercial kennels (as regulated under Article 4, Section 8, St. Clair County Dog Control Ordinance) and veterinary clinics may be permitted upon special approval in the AG, CR, and I-2 districts provided:

- (1) Kennels and veterinary clinics with kennels are located on a continuous parcel of land five acres or more in area.
- (2) That no building(s) or runs shall be closer than 100 feet to any abutting property line and all runs or breeding areas shall be enclosed by a chain link fence not less than six feet in height.
- (3) For public or commercial kennels, one parking space shall be provided for every five kennel runs. For veterinary clinics parking requirements shall be in accord with those of professional offices of doctors, dentists or similar professions (section 30-425(12)d.3.). All off-street parking shall be paved and constructed to the standards of this chapter.
- (4) That the planning commission may require adequate means of noise control, including, but not limited to buffering, use of berms, inside night time (also potentially day time) housing of animals, and any other reasonable means to insure adequate protection and enjoyment of neighboring properties. Failure by the developer of a proposed kennel to demonstrate within his proposal that adequate means to noise control will be provided, shall be grounds to deny a special land use permit.

(Comp. Ords. 1988, § 15.719; Ord. No. 146, 1-21-2008)

Sec. 30-554. - Large scale recreation uses.

Large scale recreation uses, including golf courses, driving ranges, public stables with or without an arena, gun clubs, archery ranges, camper and/or tent parks, hay rides, picnic grounds, swimming facilities, kiddie-type rides, and tracks and other constructed courses for off-road vehicles whether for personal use or public use, (but not including circuses, outdoor drive-in theatres, motorcycle and auto racetracks, and horse or dog tracks) may be permitted in the AG and CR districts upon special approval subject to the requirements of this chapter and the following standards:

- (1) *Site requirements.*
 - a. All approved uses shall be on a contiguous parcel of 20 acres or more in area.
 - b. All vehicular ingress and egress from the site shall be directly onto a thoroughfare having a designated right-of-way on the township's adopted thoroughfare plan of not less than 86 feet.
 - c. Review of the proposed site plan must show that a proper relationship exists between the major or secondary thoroughfare and all proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.
- (2) *Yard and building placement requirements.*
 - a. All development features, including the principal building, shall be related to minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of 200 feet to the property line of abutting residentially zoned lands and public rights-of-way; provided that, where topography conditions are such that the building would be screened from view, this requirement may be modified.

- b. No activity shall take place within 30 feet of the perimeter of the recreation area. All such activities shall be adequately screened from abutting residentially zoned property by means of a protective wall or greenbelt as described in sections 30-429 and 30-434.
 - c. Related accessory commercial uses may be permitted in conjunction with recreation use when they are clearly incidental to the main recreational character of the use. Such related accessory uses shall not include the sale, servicing, or repair of any vehicles or equipment used on the site except those owned by the proprietor.
 - d. Permitted accessory uses which are generally of a commercial nature shall be housed in a single building. Minor accessory uses which are strictly related to the operation of the recreation use itself, such as a maintenance garage, may be located in a separate building.
 - e. All off-street parking shall be constructed to the standards of this chapter.
- (3) *Other requirements.*
- a. *Swimming pool fencing.* Whenever a swimming pool is to be provided, the pool shall be provided with a protective fence six feet in height, and entry shall be by means of a controlled gate or turnstile.
 - b. *Gun clubs.* When a gun club is proposed, it shall be clearly established that the activities shall in no way endanger the health, safety or welfare of any persons and will not become a nuisance in any manner whatsoever.
- (4) *Off-street parking.* Off-street paved parking shall be permitted in accordance with this chapter, except that the board of appeals may waive requirements for paved parking areas, maneuvering lanes and drives for campgrounds, parks, riding stables and other recreational uses where, because of their rural or rustic nature, hard-surfaced parking would detract from the nature of the recreational experience.

(Comp. Ords. 1988, § 15.720; Ord. No. 137, art. 6, 4-13-2003)

Sec. 30-555. - Mining and extraction.

Because the commercial removal of soil, sand, gravel, stone and other earth materials is likely to involve substantial amounts of nuisance (primarily noise and dust, with resulting air pollution) and large amounts of trucking and in some (but not necessarily all) cases the land is spoiled for any subsequent use with resulting loss of taxable revenues, such use may be permitted only in the AG, Agricultural and I-2, Heavy Industrial Districts and shall further be subject to the following standards:

- (1) There shall be not more than one entrance way per road frontage and shall not be accessed from a minor residential street.
- (2) Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before 7:00 a.m. or after 7:00 p.m.
- (3) On said lot, no digging or excavating shall take place closer than 100 feet to any lot line or public right-of-way.
- (4) On said lot, all roads, driveways, parking lots, and loading and unloading areas within 100 feet of any lot line shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
- (5) An eight foot or higher berm shall be constructed inside the perimeter fence in accordance with section 30-434 to reduce noise and otherwise help protect adjoining properties.
- (6) Any odors, smoke, fumes or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lots as much as is possible so as not to cause a nuisance or hazard on

any adjoining lot or public road and shall conform to the township ordinance "Performance Standards."

- (7) Such removal processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, water-course, or water body outside the lines of the lot on which such use shall be located.
- (8) Such removal processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
- (9) All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from any residential zoning district, by that in the event the zoning classification of any land within 500 feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than 100 feet from any lot line or right-of-way.
- (10) If a commercial removal of soil, sand, gravel, stone or other earth materials by reasons of its depth or other conditions constitutes or is reasonably likely to constitute a danger to public health, safety or welfare, then a fence shall be erected around it. The fence shall be six feet in height, shall be adequate to prevent trespass, and shall be placed no closer than 50 feet to the edge of any slope. The planning commission may take into account existing land conditions (e.g. rivers, drains, lakes, swamps) and manmade improvements or facilities (e.g. interstate highways, railroads) which may also serve as barriers, thereby reducing the need for fencing.
- (11) All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
- (12) The operator shall file with the planning commission a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five feet, steps which shall be taken to conserve topsoil, proposed and final landscaping, and the location of future roads, drives, drainage courses and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the planning commission. The anticipated cost of carrying out the plans for restoration shall be included with said plans.
- (13) The operator shall file with the Township of China a performance bond, payable to the township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall be fixed by the township. The bond shall be released upon written certification of the zoning administrator that the restoration is complete and in compliance with the restoration plan.
- (14) The operator shall file with the St. Clair County Road Commission a bond for maintenance of and dust control on the public road(s) providing access to the site.

(Comp. Ords. 1988, § 15.721; Ord. No. 146, 1-21-2008)

Sec. 30-556. - Miniwarehouses.

Miniwarehouses shall be permitted as a special land use in the B-2 general business district, and as a permitted use in the I-1 light industrial and I-2 heavy industrial districts, in all cases subject to the requirements of this chapter and the following special standards:

- (1) *Site area and location; access.* The site shall be at least two acres in size and shall be located on a paved major thoroughfare having a planned right-of-way of 150 feet as defined on the township thoroughfare plan and shall not directly abut an RS, RM, or CR district. The only access to the site shall be from the major thoroughfare.
- (2) *Storage to be enclosed; "open front" storage.* All storage on the site shall be kept within enclosed buildings, except that up to 50 percent of the storage units may be "open front" three-sided buildings for the storage of boats, recreational vehicles, snowmobiles, and automobiles. The "open front" of such buildings shall face the interior of the complex.
- (3) *Buffers and landscaping.* Buffering shall be required as provided by section 30-434. In addition, the front yard shall be provided with a landscaped earth berm configured in accordance with design standards as set forth in section 30-434. All other areas not paved shall be landscaped with deciduous and coniferous plant materials permitted by this chapter. Maintenance of the landscaping shall be sufficient to maintain it in good condition.
- (4) *Parking and vehicular circulation areas.* All driveways and parking, loading, and vehicular circulation areas shall be paved with concrete, asphalt, or asphaltic concrete. All one-way driveways shall provide for one ten-foot parking lane and one 15-foot travel lane. All two-way driveways shall provide for one ten-foot parking lane and two 12-foot travel lanes. The parking lanes may be eliminated when the driveway does not serve storage cubicles. When no parking is provided within the building separation areas, the building separation need only be 15 feet. There shall be at least one parking space for each ten cubicles. At the office, one parking space shall be provided for each 25 cubicles. Two spaces shall be provided for the caretaker's residence, if any.
- (5) *Lighting.* All lighting shall comply with section 30-431.
- (6) *Business activities, manufacturing and garage sales prohibited.* No business activities, manufacturing, or garage sales shall be conducted on the premises. The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of the business.
- (7) *Servicing or repair of equipment prohibited.* The servicing or repair of motor vehicles, boats, trailers, lawn mowers, and other similar equipment shall not be conducted on the premises.
- (8) *Supervision.* The area shall be properly policed by the owner or operator for removal of trash and debris and for compliance with public and private restrictions.
- (9) *Signs.* Signs shall be limited to one per arterial street frontage and shall comply with the requirements of section 30-430.
- (10) *Caretaker's residence.* A residence for a resident caretaker or manager may be constructed on the premises. The residence shall comply with all provisions of this chapter and the township building code.
- (11) *Storage of explosive or radioactive materials.* No explosive or radioactive materials shall be stored on the premises.
- (12) *Construction materials.* Buildings shall be constructed of decorative, pre-finished concrete block or other material approved by the planning commission which is durable, decorative, and low-maintenance in nature.
- (13) *Fencing.* The complex shall be entirely surrounded by a rustproof chainlink security fence no less than eight feet in height.

(Comp. Ords. 1988, § 15.735)

Sec. 30-557. - Child care center (day care center).

Child care centers, nursery schools, and day nurseries (see definition) may be permitted in the RE, RS, RM and CR Residential Districts and in the B-1, Neighborhood Business Districts subject to the following special approval requirements:

- (1) The child care center shall be licensed by the Michigan Division of Child Day Care Licensing, which includes minimum outdoor play area requirements.
- (2) Adequate ingress and egress, parking and circulation shall be provided on the site, including a drop-off/pick-up area for children, outside of any public right-of-way.

(Comp. Ords. 1988, § 15.723; Ord. No. 146, 1-21-2008)

Sec. 30-558. - Orphanages, convalescent or rest homes, and homes for the aged, indigent or handicapped.

A convalescent or rest home, or a home for the aged, indigent or physically handicapped, or an orphanage, is permitted in the AG, RE, RS, and RM districts subject to the requirements of this chapter and the following special standards:

- (1) *Site requirements.*
 - a. All ingress and egress shall be directly onto a public road having a planned right-of-way of not less than 86 feet as indicated on the township's adopted thoroughfare plan.
 - b. The maximum extent of development shall not exceed 30 children or patients per acre.
- (2) *Yard and building placement requirements.* No building other than a structure for strictly residential purposes shall be closer than 60 feet to any property line.
- (3) *Off-street parking requirements.*
 - a. There shall be one parking space provided for each two beds and every two staff members.
 - b. All off-street parking shall be paved and constructed to the standards shown in section 30-426.

(Comp. Ords. 1988, § 15.724; Ord. No. 146, 1-21-2008)

Sec. 30-559. - Outdoor theaters.

Outdoor theaters shall be permitted within I districts and only when the site in question is surrounded by an I district. Outdoor theaters shall further be subject to the following conditions:

- (1) The proposed internal design shall receive approval from the zoning administrator and the township engineer as to adequacy of drainage, lighting, screening and other technical aspects.
- (2) Outdoor theaters shall abut directly upon a paved major thoroughfare of not less than 120 feet of right-of-way.
- (3) Points of ingress and egress shall be available to the outdoor theater only from abutting paved major thoroughfares of not less than 120 feet of right-of-way width and shall not be available from any residential street.
- (4) All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
- (5) The area shall be laid out so as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within and directed onto the premises of the outdoor theater site.

(Comp. Ords. 1988, § 15.728)

Sec. 30-560. - Public and private colleges and universities.

Public and private colleges and universities and other similar institutions are permitted in the AG, RE, RS, CR, and RM districts subject to the requirements of this chapter and the following special standards:

- (1) *Site requirements.* All ingress and egress shall be directly onto a paved public road having a planned right-of-way of not less than 86 feet as indicated on the township's adopted thoroughfare plan.
- (2) *Yard and building placement requirements.*
 - a. No building other than a structure for residential purposes shall be closer than 75 feet to any property line.
 - b. Height of residential buildings in excess of the minimum requirements may be allowed provided minimum yard setbacks where yards abut land zoned for residential purposes are increased by not less than 30 feet for each yard, for each 12 feet or fraction thereof by which the building exceeds the maximum height requirements of the zone.
 - c. Those buildings to be used for servicing or maintenance, such as heating plants, garages, storage structures and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.
- (3) *Off-street parking requirements.*
 - a. The quantity of parking spaces shall be such as to adequately service the faculty, students and maintenance staff of the institution and provide property for access to the public streets.
 - b. All off-street parking shall be paved and constructed to the standards of this chapter.

(Comp. Ords. 1988, § 15.725; Ord. No. 146, 1-21-2008)

Sec. 30-561. - Racetracks, midget auto tracks and karting tracks.

Because racetracks, including midget auto and karting tracks, develop a concentration of vehicular traffic in terms of ingress to and egress from their parking area and cause noise levels which may project beyond the property so used, they shall be permitted in the I districts when located adjacent to a paved major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following conditions and such other controls as deemed necessary to promote health, safety and general welfare in the township:

- (1) All parking shall be provided as off-street parking within the boundaries of the development.
- (2) All access to the parking areas shall be provided from a paved major thoroughfare.
- (3) All sides of the development not abutting a major thoroughfare shall be provided with a 20-foot greenbelt planting and solid masonry wall so as to obscure from view all activities within the development and to reduce noise. The planting shall be in accordance with section 30-429.

(Comp. Ords. 1988, § 15.731)

Sec. 30-562. - Manufactured home sales, travel trailer rental and sales, and outdoor business storage and sales.

Manufactured home sales, travel trailer rental and sales, and outdoor business storage and sales are permitted upon special approval in the B-2 district subject to the requirements of this chapter and the following special standards:

- (1) All lighting shall be shielded from adjacent uses in such a manner that it does not project beyond the property line.
- (2) Ingress to and egress from the site shall be at least 50 feet from a street intersection or adjacent residential district.
- (3) When adjacent to AG, RE, RS, RM, or CR districts, there shall be provided a completely obscuring masonry wall, four feet six inches in height, along the abutting district.
- (4) There shall be no strings of flags or bare light bulbs, or flashing illumination or extra non-permitted signage or advertising devices of any kind, anywhere on the site.

(Comp. Ords. 1988, § 15.726; Ord. No. 146, 1-21-2008)

Sec. 30-563. - Utility and public service facilities.

Public utilities buildings, including telephone exchange buildings and repeater stations, electric transformer substations and stations and gas regulator stations (all without storage yards), when operation requirements necessitate the locating within the district in order to serve the immediate area, are permitted in the AG, RE, RS, and RM districts subject to the requirements of this chapter and the following special conditions:

- (1) An obscuring wall or earth berm shall be provided in accordance with section 30-434.
- (2) All parking and driveway areas shall be paved and constructed in accordance with section 30-426.

(Comp. Ords. 1988, § 15.727; Ord. No. 146, 1-21-2008)

Sec. 30-564. - Bed and breakfast establishments.

Bed and breakfast establishments are permitted in the B-2 General business district and may be permitted as a special land use in the AG Agricultural district, the CR commercial recreation and open space district and the B-1 neighborhood business district subject to the provisions of this chapter and to the following additional requirements:

- (1) The rooms utilized are not specifically constructed for rental purposes. A bed and breakfast establishment shall consist of a single residential structure of at least 2,000 square feet of gross floor area and shall fit the definition of bed and breakfast in section 30-3.
- (2) Adequate living space must be preserved for the owner/innkeeper quarters; this must include a separate bedroom for owner/innkeeper and bedrooms for other family members residing on the premises.
- (3) The establishment shall provide no fewer than two bedrooms nor more than eight bedrooms available for rental.
- (4) Rooms for sleeping shall have a minimum size of 90 square feet for single occupancy rooms, 100 square feet for double occupancy rooms, 150 square feet for triple occupancy rooms, and 200 square feet for four person rooms. There shall be a maximum of four occupants per room. Each sleeping room shall have one wall dimension of not less than seven feet in length.
- (5) There shall be a minimum of one full bath for every three guest rooms.
- (6) One non-illuminated sign is permitted subject to the requirements of section 30-430.

- (7) Food may be served only to those persons renting a room and only during their stay.
- (8) It is the intent of the township to allow the option of this use (bed and breakfast establishment) as an economic means of preserving structures which are historically or architecturally significant. Therefore, the structure must be placed on (or be eligible for) the state or national register of historic places. Alternatively, structures may be eligible upon a determination by the planning commission that they are significant and authentic residential structures of a period, style, architectural movement, or method of construction, or if they are the most notable work of the best surviving work in a given region of a pioneer architect or master builder, or if they are associated with an individual who had a profound influence on the history of the area, region, or state. Birth place, place of death, or interment shall not be considered unless something of historical importance is connected with his birth or death.
- (9) A guest registry shall be maintained and shall be available for inspection by the zoning administrator.
- (10) Off-street parking shall be provided in accordance with section 30-425 requirements for a motel, hotel, or other commercial lodging establishment.
- (11) Off-street parking, access drives, and maneuvering lanes shall be provided in accordance with section 30-426 requirements for layout, standards, construction, and maintenance.
- (12) The planning commission shall consider and determine under the general requirements and procedures (section 30-452) for special land uses, the degree to which, if any, that the requirements under sections 30-429, 30-434, and 30-445 shall apply.

(Ord. No. 139, art. 6, 4-19-2004)

Cross reference— Utilities, ch. 28.

Sec. 30-565. - Group (child) day care home.

Group day care home with seven to 12 children (as defined under Public Act of 116 of 1973, as amended, see definition) are permitted in the AG, RE, and RS districts subject to the requirements of this chapter and the following special standards:

- (1) Adequate ingress and egress, parking and circulation shall be provided on the site.
- (2) The lot or parcel on which such use is located shall be located no closer than 1,500 feet to any of the following:
 - a. Another group day care home.
 - b. An adult foster care group home licensed by the Michigan Department of Social Services.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more persons, licensed by the Michigan Office of Substance Abuse Services.
 - d. A community corrections center, resident home, halfway house, or similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- (3) The construction and use shall be licensed by the Michigan Department of Social Services prior to beginning operation which has minimum regulations and requirement regarding play space.

(Ord. No. 146, 1-21-2008)

Sec. 30-566. - Private use landing areas.

Landing areas for the private use of the property owner may be permitted in the AG, Agricultural and CR, Commercial Recreation and Open Space Districts as an accessory use to a single-family dwelling; and in I-1 and I-2, Industrial Districts subject to the following provisions:

- (1) Said landing area is subject to all rules and regulations of the Federal Aviation Administration and the Michigan Aeronautics Commission which agencies shall approve the preliminary plans submitted to the township.
- (2) No landing area for private use shall be established within five miles of a public use facility certified by the Michigan Aeronautics Commission without approval of said commission. No landing area for private use shall be established within a two mile radius of another landing area.
- (3) All landing areas shall have a minimum runway with an 1,800-foot landing length in each direction from a clear approach slope of 20:1 and a 100-foot usable width with an additional 50-foot minimum width on each side which is free of obstructions. The approach slope with a width of not less than 200 feet shall be based on a clearance of all objects within the approach area, including a roadway clearance of 15 feet or 17 feet over an interstate highway, a railway clearance of 23 feet, and a clearance at the property line of 25 feet. The landing area shall be marked in accordance with Michigan Aeronautical Commission standards.
- (4) No landing area shall be approved that would interfere with the right of nearby and adjacent owners and occupants of property to peaceful enjoyment of their property. Adjacent property owners shall not be required under any circumstances to accommodate a proposed private use landing area (e.g. trim or remove trees, limit or remove construction, curtail occupancy, limit or reduce height of structures) beyond those limits and regulations which might normally apply to their property(ies) under this ordinance.
- (5) Hazards to navigation. No obstruction of whatever character, object of natural growth, or use of land, upon the premises of the landing area which prevents the safe use of such facilities for the take off or landing of aircraft shall be permitted.
- (6) Yard and placement regulations.
 - a. The site shall not abut directly or across a street an RE, RS, or RM district.
 - b. Landing areas shall be located on a contiguous parcel of land not less than 25 acres in area. The parcel shall have a width of not less than 450 feet. The parcel shall have a depth of not less than 2,400 feet. It is not required that the necessary clear zones be contained within the site, however, if future development intrudes upon the required clear zones, use of the landing area shall immediately cease, unless adequate and appropriate easements are first obtained and recorded by the private use landing area owner.
- (7) In the AG or CR districts, the property owner shall construct a residence within two years or be required to obtain a two year renewable license from the governing township authority.
- (8) All lights used for landing areas and other lighting facilities shall be arranged so as not to reflect towards adjoining non-landing area uses.
- (9) Prohibited uses.
 - a. The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted.
 - b. Use of a private use landing area is limited solely to the single owner. No commercial activity or operations (such as the sale of gasoline or oil, the soliciting or engaging in charter flying or student instruction, the provision of shelter or the tie-down of an aircraft (except owner's), the overhaul or repair of an aircraft or of engines, or otherwise offering aeronautic facilities or services to the public) shall be permitted on the premises.
- (10) Private use helicopter landing areas shall conform to all of the above regulations, except for those regulations intended to clearly apply only to airplane landing areas. Placement and operation of helicopter landing facilities shall otherwise comply with all regulations of the Michigan Aeronautics Commission and the Federal Aeronautics Administration (FAA).

(Ord. No. 146, 1-21-2008; Ord. No. 148, 12-15-2008)

Sec. 30-567. - Feedlots and raising of fur bearing animals.

- (a) Feedlots (see definition) may be permitted upon special approval in the AG, Agricultural and the I-2 Heavy Industrial Districts subject to the following conditions:
- (1) Any pen, corral, or structure where livestock and/or farm animals are maintained as a feedlot, or where swine are raised shall be sited in accordance with the Michigan "generally accepted agricultural and management practices" (GAAMPS) under PA 261 of 1999. The applicant shall demonstrate in his site plan that GAAMPS standards are to be met.
 - (2) The raising of fowl, poultry, quail, or other game birds or their by-products shall be conducted within an adequately fenced area or an enclosed building and shall be sited in accordance with the Michigan "generally accepted agricultural and management practices" (GAAMPS) under PA 261 of 1999. The applicant shall demonstrate in his site plan that GAAMPS standards are to be met. The killing and dressing of fowl are permitted provided that the operation is conducted within a building. All waste parts or offal must be immediately disposed of and no outdoor storage of offal shall be permitted.
- (b) The raising of fur bearing animals including mink and rabbit, may be permitted upon special approval in the AG, Agricultural District when located on a continuous parcel of land ten acres or more in area with all buildings and outdoor runs setback 100 feet or more from all property lines; with the exception of raising mink which shall be conducted on a continuous parcel of land 40 acres or more in area, with all outdoor runs or breeding areas enclosed on all sides by a fence not less than four feet in height and setback from all property lines a minimum distance of 400 feet.

(Ord. No. 146, 1-21-2008)

Sec. 30-568. - Lumber yards and building material dealers.

Lumber and building material dealers (including home improvement centers) may be permitted in the B-2, General Business and I-1, Light Industrial Districts, as a special approval use, and as a permitted use in the I-2, Heavy Industrial Districts, all subject to the following special standards:

- (1) The site shall abut only land zoned B-2, General Business, I-1, Light Industrial or I-2, Heavy Industrial or a public street. All plans for the erection of signs shall be submitted to the zoning administrator for review and approval and shall be further subject to all codes and ordinances of the township.
- (2) All storage of building materials shall be within enclosed buildings or storage sheds, except that outdoor storage may be permitted when within an area enclosed by an obscuring fence or wall not less than six feet nor more than eight feet in height. Screening slats placed in a chain link fence shall not be accepted as a suitable screening device.

(Ord. No. 146, 1-21-2008)

Sec. 30-569. - Hotels and motels.

Hotels and motels may be permitted in the B-2, General Business District subject to the following standards:

- (1) Vehicular ingress and egress from the site shall be directly onto a major thoroughfare having an existing or planned right-of-way of at least 120 feet in width.
- (2) No kitchen or cooking facilities within the units are to be provided with the exception of the manager's or caretaker's units.

- (3) Each unit shall contain no less than 250 square feet of floor area.
- (4) Units shall not be occupied as a place of permanent residence and a guest register shall be maintained.

(Ord. No. 146, 1-21-2008)

Sec. 30-570. - Drive-in, drive-through, fast food and carry-out restaurants.

Drive-in, fast food, or carry-out restaurants may be permitted in the B-2, General Business District subject to the following extra standards:

- (1) Ingress and egress points shall be located at least 30 feet from the intersection of any two streets measured from the intersection of the street right-of-way to the nearest end of the curb radius and shall be directly from a major thoroughfare having an existing or proposed right-of-way of at least 120 feet in width.
- (2) The minimum distance of any driveway to the property line shall be seven feet. The minimum distance between driveways on the site shall be 65 feet measured from the two closest driveway curbs.
- (3) When a building or portion of building is used for said purposes, it must be located not less than 500 feet from a elementary, intermediate, or secondary school, and not less than 300 feet from a church, nursing home, or a home for the aged.
- (4) Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times, and separated from the paved parking area by a raised curb or other equivalent barrier.
- (5) Concrete curbing six inches in height shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across approved driveways so as to prevent vehicular encroachment onto or over the adjoining property or vehicular damage to buildings.
- (6) All outside trash receptacles (except those intended for use by the customer) shall be located within a six-foot high enclosure constructed of masonry material and covered with face brick and shall be provided with opaque gates of the same height. In addition, two trash receptacles for use by the customer shall be placed in a manner reachable by the customers from their car windows at each point where exit drives empty onto a public street; said receptacles shall be emptied as often as is necessary to insure their efficient and continued use by the customer.
- (7) Except for approved drive-in restaurants, it shall be unlawful for any person to consume or for any restaurant owner, operator, manager, franchise holder, or anyone else in authority to allow or permit the consumption of foods, frozen desserts, or beverages in motor vehicles parked upon the restaurant premises or at other facilities on the premises outside the building.
- (8) For drive-through restaurant facilities an off-street waiting area shall be provided. On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their vehicles by means of a service window or similar arrangement, there shall be provided six off-street waiting spaces for each service window which shall not block parking spaces or loading space(s). A waiting space shall be a minimum of 23 feet long by ten feet wide.

(Ord. No. 146, 1-21-2008)

Sec. 30-571. - Motor vehicle repair and service facilities.

Motor vehicle repair and service facilities may be permitted in the B-2, General Business, I-1 Light Industrial, and I-2, Heavy Industrial Districts subject to the following standards:

- (1) All activities shall be conducted in an enclosed building.
- (2) All buildings shall be set back not less than 40 feet from all existing or planned street right-of-way lines, whichever is greater.
- (3) No signs, storage nor display of any kind shall be allowed within the street right-of-way. All signs and display shall be so located as not to obstruct view of drivers in vehicles entering, exiting, or traveling upon a street.
- (4) There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of the facility and for retail sale during the hours of operation of the facility.
- (5) There shall be no outdoor parking of damaged motor vehicles except on a temporary basis not to exceed 72 hours. Junk parts and junk vehicles shall not be kept on the outside of the building.
- (6) Parking shall be provided on the site at a ratio of one parking space for each 100 square feet of building site area.
- (7) Automobile, truck or trailer renting and leasing may be permitted in connection with motor vehicle repair and service facilities subject to the provisions that the number of automobiles, trucks or trailers on site that are available for lease shall not exceed one automobile, truck or trailer for each 1,000 square feet of lot area and shall not be located in areas that are required for parking, aisles, service bays, loading, landscaping or sidewalks.
- (8) The parking of tow trucks shall be permitted only in designated areas and shall not be permitted in the corner clearance areas.

(Ord. No. 146, 1-21-2008)

Sec. 30-572. - Motor vehicle washing, conveyor or non-conveyor types.

Motor vehicle washing, conveyor or non-conveyor types, may be permitted in the B-2, General Business District when completely enclosed in a building, except for points of ingress and egress, and subject to the following standards:

- (1) All cleaning operations shall be completely enclosed within a building.
- (2) A hard-surfaced driveway of one or more lanes shall be constructed on the parcel in such a manner as to provide for a continuous movement of vehicles into a washrack(s) or washing conveyor line(s).
- (3) The driveway so provided shall be not less than ten feet wide for a single lane and not less than ten additional feet in width for each additional lane.
- (4) Where only a single lane is provided, it shall be used for no other purpose than to provide access to a washrack(s) or washing conveyor line. All lanes provided shall be suitably protected from interference by other traffic.
- (5) The total length of the required lane or lanes so provided for a conveyor type wash line shall be determined by the overall length of the building, including areas having side walls but no roof. In any building where the washing operation moves in other than a straight line, the length of the building, for the purposes of this section, shall be the distance measured along the centerline of the conveyor or wash line from the point of entry to the point of exit from the building. The overall length of the required lane or lanes, as measured along the centerline, shall be determined in accordance with the following formula:

Where the building is 80 feet or less in overall length, the total required lanes shall be not less than 400 feet in length. Where the building exceeds 80 feet in length, the length of the required

lane or lanes shall be increased 50 feet for each ten feet of or fraction thereof by which the building exceeds 80 feet in overall length.

- (6) For a non-conveyor type auto wash, five waiting spaces, each 20 feet in length, shall be provided for each washing stall on the entrance side of the stall and two spaces per stall shall be provided on the exit side for a drying area.
- (7) The site shall be designed in such manner that no operations are conducted off the parcel.
- (8) A building setback of at least 60 feet must be maintained from the planned or existing street right-of-way.
- (9) Ingress and egress points shall be located at least 60 feet from the intersection formed by the existing or planned right-of-way lines, whichever is greater, and shall be directly from a major thoroughfare.
- (10) The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property.
- (11) Gasoline sales shall be permitted on the property provided there is compliance with section 30-572(4) and section 30-304, (2) Automobile service stations.

(Ord. No. 146, 1-21-2008)

Sec. 30-573. - Utility grid wind energy systems (wind farms).

Intent: A utility grid wind energy system (wind farm) is a wind energy system that is designed and built to provide electricity to the electric utility grid. These wind farms are intended to be so constructed and located to be compatible with other land uses such as farms and heavy industrial uses, while protecting and being distant from residential developments. An anemometer tower shall abide by the same regulations below for a utility grid wind energy system and shall be removed before a utility grid wind energy system is installed. Utility grid wind energy systems may be permitted as a special land use in the AG, Agricultural, I-1, Light Industrial and I-2, Heavy Industrial districts subject to the following conditions:

- (1) Setbacks. Any towers shall be setback a minimum of 1,320 feet from any residential district, except the AG, Agricultural district, and 1,000 feet from any existing off-site residence, and 1,000 feet from the mid-point of a vacant property adjoining the subject site. Furthermore, the base of any tower shall be setback from the nearest property line, a distance of not less than one and one-half times the height of the tower. In addition, no part of the wind energy system, including any guy wire anchors, may extend closer than 40 feet to any property line or existing right-of-way line, unless a plan for location(s) of accessory structures and equipment is presented (including screening) and is approved as part of the site plan. Land included within such minimum setback areas from a property line shall remain undivided and undeveloped with other structures not accessory to the tower.
- (2) Noise. Sound pressure levels shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- (3) Shadow flicker. Prior to a zoning compliance permit and prior to a building permit being issued, the applicant must demonstrate to the zoning administrator that no adverse shadow flicker impact will occur from sunrise to sunset throughout the year on any occupied buildings and lands of adjacent properties. The zoning administrator, if in doubt, may refer the matter to the planning commission. The planning commission may require that the potential of an adverse shadow flicker impact be studied by an independent consultant, knowledgeable on the subject. The study shall recommend one or more means by which the impact(s) (if any) can be avoided (including whether

or not to construct) or mitigated. The applicant must deposit in advance sufficient funds with the township to pay for the study.

- (4) Safety.
 - a. *Clearances.* The minimum vertical blade tip clearance from grade shall be 30 feet for a wind energy system employing a horizontal axis rotor. Blade or rotor arc must be demonstrated to be a safe and reasonable distance (at least 20 feet) from any separate building, structure, utility wire, or tree.
 - b. *Guy wire visibility.* If a wind energy system tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.
 - c. *Rotor or blade integrity protection.* A wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.
 - d. *Lightning.* All wind energy system towers shall have lightning protection.
- (5) Construction codes, towers and interconnection standards. Wind energy systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. Wind energy systems, including towers, shall comply with Federal Aviation Administration requirements, the regulations of the Michigan Aeronautics Commission, and the Michigan Tall Structures Act. If a utility grid wind energy system is attached to a building(s) or structure(s), the building inspector must approve it as being safe and secure and in accordance with all applicable state construction and electrical codes.
- (6) A utility grid wind energy system (wind farm) may exceed district height limits. Multiple towers are permitted.
- (7) Miscellaneous requirements.
 - a. *Electromagnetic interference.* No wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless telephone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. The applicant shall submit documentation from the manufacturer which demonstrates that the wind energy systems' generation of electromagnetic energy falls within a range that minimizes or eliminates any off-site interference.
 - b. *Vibration/enhanced wind currents.* No wind energy system generated vibrations or enhanced wind currents shall be humanly perceptible beyond the property boundaries of the lot or parcel on which the wind energy system is located.
 - c. The manufacturer's material safety data sheet(s) shall be provided to the township with the application. Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
 - d. The applicant shall provide documentation that the St. Clair County Road Commission has been contacted, and if required, that a performance bond has been posted (or other measures have been taken) for the protection and/or restoration of all roads over which heavy equipment or materials will be transported.
- (8) Decommissioning. The utility grid wind energy system (wind farm) and all appurtenances thereto shall be removed from the site within one year after the wind energy system is no longer in use (not generating any electricity for over 12 continuous months). The owner of the land upon which the system is located shall be responsible for such removal. A wind energy system which is not so removed shall constitute a public nuisance per se.

The applicant shall post a bond (cash or irrevocable bank letter of credit) with the township in an amount sufficient for the removal of the utility grid wind energy system (wind farm) including all accessory buildings and structures, clean up of site including removal of the foundations and

restoration of the site to a condition equal to or better than that which existed prior to the installation of the system.

- (9) A developer may seek planning commission approval of a utility grid wind energy system (wind farm) incorporating a block of or group of properties under multiple, separate ownerships provided;
- a. That all of the above regulations (subsections (1)—(8)) still apply, but to the whole rather than individual properties,
 - b. That a written agreement among the participating property owners has been signed and recorded at the County Register of Deeds, and
 - c. That the proposal does not leave one or more non-participating properties surrounded or otherwise isolated.

(Ord. No. 151, art. 4, 5-17-2010)

Secs. 30-574—30-590. - Reserved.

ARTICLE VII. - PERFORMANCE STANDARDS¹⁷¹

Footnotes:

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State Law reference— Natural resources and environmental protection act, MCL 324.101 et seq.

DIVISION 1. - GENERALLY

Sec. 30-591. - Purpose.

No covered use as defined in this article shall be permitted within any use district which does not conform to the standards of use, occupancy and operation in this article, which standards are hereby established as the minimum requirements maintained within such district.

(Comp. Ords. 1988, § 36.100)

Sec. 30-592. - Covered uses.

Except as otherwise provided in this article, the following uses and categories of use are hereby defined as covered uses and shall in all respects conform to the standards prescribed in this article:

- (1) Manufacturing of goods, merchandise or equipment.
- (2) Processing of goods, merchandise or equipment, including the compression of natural gas.
- (3) Creating of goods, merchandise or equipment.
- (4) Cleaning of goods, merchandise or equipment.
- (5) Repairing of goods, merchandise or equipment.
- (6) Renovating of goods, merchandise or equipment.
- (7) Painting, plating, anodizing, or finishing of goods, merchandise or equipment.
- (8) Assembling of goods, merchandise or equipment.

- (9) Mining or extraction of minerals, oil, natural gas, sand, gravel, rock, stone, or other earth products.

(Comp. Ords. 1988, § 36.200)

Sec. 30-593. - Compliance.

- (a) *Lawfully existing nonconforming uses.* Existing machinery and equipment, the operation of which does not meet the performance standards set forth in this article, may continue to be used until the end of its normal useful life, except as otherwise provided in this article. Ordinary repair and maintenance work may be performed on such machinery and equipment. However, any piece of machinery or equipment which is renovated, rebuilt, refurbished, or upgraded during any continuous period of 12 months to an extent exceeding 50 percent of its current market value shall thereafter operate in conformance with the performance standards set forth in this article. All new or replacement machinery and equipment shall operate in conformance with the performance standards set forth in this article.
- (b) *New uses.* All uses that commence after the enactment of the ordinance from which this article is derived shall comply with the minimum performance standards set forth in division 2 of this article.

(Comp. Ords. 1988, § 36.401)

Sec. 30-594. - Violations declared nuisance; determination of violation.

- (a) The operation or use of any facility or equipment, except as provided in section 30-593(a), which results in a violation of the minimum performance standards set forth in division 2 of this article shall be and is hereby declared to be, a violation of this article and a nuisance per se, and such violation may be prosecuted in accordance with the procedures set forth in this article or abated by any proper legal means upon application of the township or any affected private person. No legal action shall be taken by the township to penalize the offender or to abate the nuisance unless the owner or operator of the offending facility shall fail to correct the faulty condition and conform to the stated performance standards within 15 days after the service of notice of violation by the building official.
- (b) For the purpose of determining if a violation of the performance standards exists, the building official may enlist the professional assistance of a qualified person to perform whatever measures are needed to determine a violation.

(Comp. Ords. 1988, § 36.402)

Sec. 30-595. - Notice of violation.

The building official shall send a notice via registered mail to any person when a covered use, except those exempted pursuant to section 30-593, is known by the building official to be in violation of this article. Such notice will indicate that the person must conform to the provisions of this article within 90 days. However, failure by the township to provide such notice shall not in any way prevent the township from enforcing the provisions of this article.

(Comp. Ords. 1988, § 36.403)

Sec. 30-596. - Enforcing agent.

The township building official or his authorized agent shall be the enforcing agent for the violation of any of the provisions of this article.

(Comp. Ords. 1988, § 36.404)

Sec. 30-597. - Vested rights.

Nothing in this article should be interpreted or construed to give rise to any permanent vested rights on the continuation or any particular use or any permissible activities under this article, and the provisions of this article are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

(Comp. Ords. 1988, § 36.410)

Secs. 30-598—30-620. - Reserved.

DIVISION 2. - MINIMUM PERFORMANCE STANDARDS

Sec. 30-621. - Generally.

It shall be unlawful to conduct any covered use as defined in this article in the township which does not meet or exceed the minimum performance standards as listed in this division.

(Comp. Ords. 1988, § 36.300)

Sec. 30-622. - Smoke.

- (a) For the purpose of determining the density or equivalent opacity of smoke, the Ringelmann chart, as adopted and published by the United States Department of the Interior, Bureau of Mines Information Circular 8333, May 1967, shall be used. The Ringelmann number referred to in this section refers to the number of the area of the Ringelmann chart that coincides most nearly with the visual density or equivalent opacity of the emission of smoke observed. For example, a reading of Ringelmann no. 1 indicates a 20 percent density of the smoke observed.
- (b) All measurements shall be taken at the point of emission of the smoke.
- (c) In the B-1 and B-2 districts, no covered use may emit from a vent, stack, chimney, or combustion process any smoke that is visible to the naked eye.
- (d) In the I-1 district, no covered use may emit from a vent, stack, chimney, or combustion process any smoke that exceeds a density or equivalent opacity of Ringelmann no. 1, except that an emission that does not exceed a density or equivalent opacity of Ringelmann no. 2 is permissible for a duration of not more than four minutes during any eight-hour period if the source of such emission is not located within 250 feet of a residential district.
- (e) In the I-2 district, no covered use may emit from a vent, stack, chimney, or combustion process any smoke that exceeds a density or equivalent opacity of Ringelmann no. 2, except that an emission that does not exceed a density or equivalent opacity of Ringelmann no. 3 is permissible for a duration of not more than four minutes during any eight-hour period if the source of such emission is not located within 500 feet of a residential district.
- (f) In addition to the other standards in this section, it shall also be unlawful for any person to permit the emission of any smoke from any source whatsoever to a density greater than that permitted by federal clean air standards and those standards promulgated by the state department of environmental quality according to part 55 of Public Act No. 451 of 1994 (MCL 324.5501 et seq.).

(Comp. Ords. 1988, § 36.301)

Sec. 30-623. - Dust, dirt and fly ash.

- (a) No person shall operate or cause to be operated, or maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using such process or furnace or combustion device, recognized and approved equipment, means, methods, devices or contrivances to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which are operated in conjunction with such process, furnace or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at the temperature of 500 degrees Fahrenheit.
- (b) For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. The requirements of this section shall be measured by the ASME Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The building inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

(Comp. Ords. 1988, § 36.302)

Sec. 30-624. - Odor.

The emission by a covered use in any zoning district of noxious odors or odorous matter in such quantities as to be readily detectable at any point along lot lines when diluted in the ratio of one volume of odorous air to four or more volumes of clean air, or as to produce a public nuisance or hazard beyond lot lines, is prohibited.

(Comp. Ords. 1988, § 36.303)

Sec. 30-625. - Gases.

A covered use located in any zoning district shall comply with the following requirements:

- (1) Sulfur dioxide gas (SO_2), as measured at the property line, shall not exceed an average of 0.3 ppm over a 24-hour period; provided, however, that a maximum concentration of 0.5 ppm will be allowed for a one-hour period out of a 24-hour period.
- (2) H_2S gas shall not exceed 1 ppm.
- (3) Fluorine shall not exceed 0.1 ppm.
- (4) Nitrous fumes shall not exceed 5 ppm.
- (5) Carbon monoxide (CO) shall not exceed 15 ppm.

(Comp. Ords. 1988, § 36.304)

Sec. 30-626. - Airborne matter generally.

- (a) In addition to the provisions of sections 30-622 through 30-624, a covered use located in any zoning district shall not discharge such quantities of air contaminants or other materials which cause injury, detriment or nuisance to the public or which endanger the comfort, repose, health or safety of persons or which cause injury or damage to business or property.

- (b) All such discharges shall comply with state and federal statutes and county and township ordinances, and with all rules and regulations promulgated pursuant thereto.

(Comp. Ords. 1988, § 36.305)

Sec. 30-627. - Fire and explosive hazards.

The storage and handling of flammable liquids, liquified petroleum gases and explosives shall comply with the state rules and regulations as established by Public Act No. 207 of 1941 (MCL 29.1 et seq.).

(Comp. Ords. 1988, § 36.306)

Sec. 30-628. - Noise.

- (a) In the B-1 and B-2 districts, no covered use may generate noise that tends to have an annoying or disruptive effect upon:
 - (1) Uses located outside of the immediate space occupied by the covered use if that use is one of several on a lot; or
 - (2) Uses located on adjacent lots.
- (b) Except as provided in subsection (f) of this section, the table set forth in subsection (e) of this section establishes the maximum permissible noise levels for covered uses in the I-1 and I-2 districts. Measurements shall be taken at the boundary line of the lot where the covered use is located, and, as indicated, the maximum permissible noise levels vary according to the zoning of the lot adjacent to the lot on which the covered use is located.
- (c) A decibel is a measure of a unit of sound pressure. Since sound waves having the same decibel level sound louder or softer to the human ear depending on the frequency of the sound wave in cycles per second (i.e., whether the pitch of the sound is high or low), an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this section. Accordingly, all measurements are expressed in dB(A) to reflect the use of this A-weighted filter.
- (d) The standards established in the table set forth in subsection (e) of this section are expressed in terms of the equivalent sound level (Leq), which must be calculated by taking 100 instantaneous A-weighted sound levels at ten-second intervals (see attachment 1 to Ordinance No. 125) and computing the Leq in accordance with the table set forth in attachment 2 to Ordinance No. 125.

Editor's note— The attachments referred to in the above subsection are not included herein, but are available for public inspection at the offices of the township.

- (e) Maximum permitted sound levels are as follows:

TABLE OF MAXIMUM PERMITTED SOUND LEVELS (db(A))
(Re: 0.0002 Microbar)

| | Zoning of Adjacent Lot |
|--|----------------------------|
| | AG, CR, RE, RS, RM and PUD |

| Zoning of Lot Where Covered Use Located | 7:00 a.m. to 7:00 p.m. | 7:00 p.m. to 7:00 a.m. | B-1, B-2 | I-1 | I-2 |
|---|------------------------|------------------------|----------|-----|-----|
| I-1 | 50 | 45 | 55 | 60 | 65 |
| I-2 | 50 | 45 | 60 | 65 | 70 |

- (f) Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one minute in any one-hour period are permissible up to a level of ten dB(A) in excess of the figures listed in subsection (e) of this section, except that this higher level of permissible noise shall not apply from 7:00 p.m. to 7:00 a.m. when the adjacent lot is zoned for residential use. The impact noise shall be measured using the fast response of the sound level meter.
- (g) Noise resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section.

(Comp. Ords. 1988, § 36.307; Ord. No. 146, 1-21-2008)

Sec. 30-629. - Vibration.

- (a) In the B-1 and B-2 districts, no covered use may generate any ground-transmitted vibration that is perceptible to the human sense of touch measured at:
- (1) The outside boundary of the immediate space occupied by the use generating the vibration if the enterprise is one of several on a lot; or
 - (2) The lot line if the use generating the vibration is the only use on a lot.
- (b) In the I-1 and I-2 districts, no covered use may generate any ground-transmitted vibration in excess of the limits set forth in subsection (e) of this section. Vibration shall be measured at any adjacent lot line or residential zoning district boundary as indicated in the table set forth in subsection (d) of this section.
- (c) The instrument used to measure vibrations shall be a three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.
- (d) The vibration maximums set forth in subsection (e) of this section are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where:

| | | |
|----|---|---|
| PV | = | Particle velocity, inches per second. |
| F | = | Vibration frequency, cycles per second. |

| | | |
|---|---|---|
| D | = | Single amplitude displacement of the vibration, inches. |
|---|---|---|

The maximum velocity shall be the vector sum of the three components recorded.

(e) Maximum ground-transmitted vibration shall be as follows:

TABLE OF MAXIMUM GROUND-TRANSMITTED VIBRATION

| Zoning District | Particle Velocity (inches per second) | |
|-----------------|--|--|
| | Adjacent Lot Line | AG, CR, RE, RS, RM, PUD Zoning District |
| I-1 | 0.10 | 0.02 |
| I-2 | 0.20 | 0.02 |

(f) The values stated in subsection (e) of this section may be multiplied by two for impact vibrations, i.e., discrete vibration pulsations not exceeding one second in duration and having a pause of at least one second between pulses.

(g) Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section.

(Comp. Ords. 1988, § 36.308; Ord. No. 146, 1-21-2008)

Sec. 30-630. - Electrical fields, disturbance or interference.

No covered use may:

- (1) Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance.
- (2) Otherwise cause, create, or contribute to interference with electronic signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.
- (3) Create an electrical field strength which exceeds 0.8 kv per meter measured at:
 - a. The outside boundary of the immediate space occupied by the use generating the vibration if the enterprise is one of several on a lot; or
 - b. The lot line if the use generating the vibration is the only use on a lot.

(Comp. Ords. 1988, § 36.309)

Sec. 30-631. - Disposal of liquid wastes.

No covered use in any district may discharge any liquid waste contrary to the provisions of federal or state statute, county or township ordinance, or any rule or regulation promulgated pursuant to such statute or ordinance.

(Comp. Ords. 1988, § 36.310)

Sec. 30-632. - Glare and radioactive materials.

- (a) Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.
- (b) Glare from automobile headlights or commercial or industrial vehicle headlights shall not be directed into any adjacent property so as to become a nuisance.
- (c) Radioactive materials and wastes, including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- (d) For all covered uses, exterior lighting accessory thereto shall be installed so that the source of light shall not be visible from any residential dwelling and shall be so arranged as far a practical to reflect light away from the residential use. In no case shall more than one candlepower of light cross a line five feet above the ground into a district zoned for residential use.

(Comp. Ords. 1988, § 36.311)

Sec. 30-633. - Waste and rubbish dumping or discharge.

- (a) In connection with any covered use, no garbage, sewage, filth, refuse, waste, trash, debris or rubbish, including cans, bottles, waste paper, cartons, boxes, crates, pallets, or other offensive or obnoxious matter, shall be kept in open containers, or piled, placed, stored or dumped on any land within the township in such a manner as to constitute a nuisance or create a hazard to health, safety, morals and general welfare of the citizens of the township.
- (b) No waste shall be discharged into private on-site disposal or treatment systems or any public or private storm drainage facilities which is dangerous to the public health and safety.

(Comp. Ords. 1988, § 36.312)

Sec. 30-634. - Open storage.

In connection with a covered use, there shall be no outdoor storage of any industrial or commercial equipment, vehicles and or/other materials, including wastes, unless otherwise provided by township ordinance. Any storage shall be screened from public view from a public street and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored, except in the B-2, I-1, and I-2 districts, unless specifically provided for by township ordinance. Whenever such open storage is adjacent to a district zoned for residential use, in either a front, side, or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall of a least six feet in height. The planning commission may, upon application, permit a landscaped greenbelt with or without a fence or a landscaped earth berm in lieu of a masonry wall, provided the alternate method of screening is designed in conformance with standards provided in this chapter.

(Comp. Ords. 1988, § 36.313)