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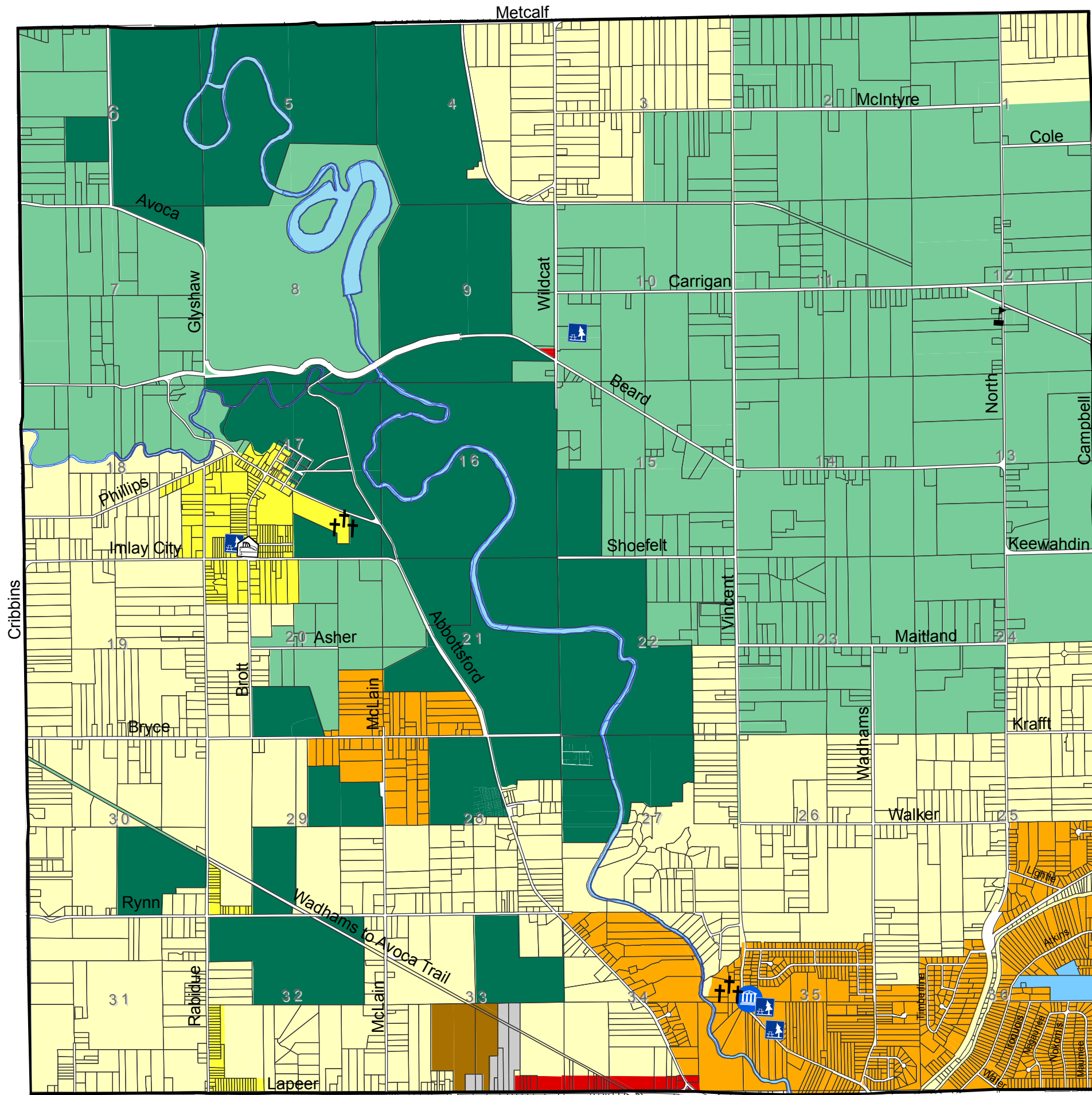
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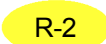





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-  Cemetery
-  Twp Hall
-  Fire Hall
-  Park
-  Post Office
-  RA Residential Agriculture
-  RSF Residential Suburban Farm
-  R-1 Residential Single Family
-  R-2 Residential Single Family
-  MF Multiple Family Residential
-  MHP Mobile Home Park
-  C-1 Local Commercial
-  LM Limited Manufacturing
-  OS Open Space

This is the official Zoning Map referred to in Article 3 of the Clyde Township Zoning Ordinance,

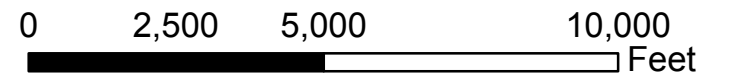
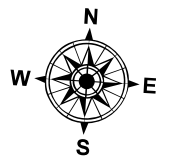
Adopted _____.

Township Supervisor

Township Clerk

Zoning Districts Map

Clyde Township, St. Clair County, MI



Last Updated: June 2006

ADOPTION AND EFFECTIVE DATE

EFFECTIVE DATE

This Ordinance shall take effect 15 days after publication.

CERTIFICATION OF CLERK

I, Kathleen Turner, Clyde Township Clerk, do hereby certify that this Ordinance is a true copy of that Ordinance No. 4, duly adopted by the Clyde Township Board at a meeting held on 20th day of November, 2007, A.D. and effective December 10, 2007.

Kathleen Turner, Clerk

Kathleen Turner, Clyde Township Clerk

ARTICLE I

ENACTING CLAUSE

TOWNSHIP OF CLYDE ORDAINS:

SECTION 1.00 SHORT TITLE

This ordinance shall be known and may be cited as the Zoning Ordinance of the Township of Clyde, St. Clair County, Michigan.

SECTION 1.01 PURPOSE

The purpose of this Ordinance is to promote the public health, safety, morals and general welfare, to encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion on the public roads and streets, to reduce hazards to life and property, to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements, and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, and with reasonable consideration among other things, to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

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ARTICLE 2
RULES OF CONSTRUCTION AND DEFINITIONS

SECTION 2.01 RULES OF CONSTRUCTION

For the purposes of this Ordinance, certain terms, or words used herein shall be interpreted as follows:

1. The particular shall control the general.
2. All words used in the present tense shall include the future.
3. All words in the singular number include the plural number and all words in the plural number include the singular, unless the context clearly indicates the contrary.
4. The word "building" includes the word "structure", and the word "dwelling" includes "residence".
5. The word "person" includes "corporation", "co-partnership", "association", as well as an "individual".
6. The word "shall" is mandatory and the word "may" is permissive.
7. The word "lot" includes the words "plot" or "parcel".
8. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used or occupied".
9. In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
10. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and”, “or” or “either/or”, the conjunction shall be interpreted as follows:
 - a. “And” indicates that all the connected items, conditions, provisions, or event shall apply.
 - b. “Or” indicates that all the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. “Either / or” indicates that the connected items conditions, provisions, or events shall apply singly but not in combination.
11. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 2.02 DEFINITIONS

Whenever used in this ordinance, the following words and phrases shall have the meaning attributed to them in this Section:

1. **ABATTOIR:** A place where cattle, sheep, hogs, or other animals, other than poultry, are killed or butchered for market or for sale.

2. **ADULT REGULATED USES:** As used in this Zoning Ordinance, the following definitions shall be classified as adult regulated uses:
 - A. **Adult Physical Culture Establishment:** Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. An adult physical cultural establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult physical culture establishment:
 - (1) establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse practitioner, or any other similarly licensed medical professional;
 - (2) electrolysis treatment by a licensed operator of electrolysis equipment;
 - (3) continuing instruction in martial or performing arts, or in organized athletic activities;
 - (4) hospitals, nursing homes, medical clinics, or medical offices;
 - (5) barber shops or beauty parlors and salons which offer massages to the scalp, the face, the neck or shoulders only; and,
 - (6) adult photography studios whose principal business does not include the taking of photographs of "specified anatomical areas" as defined herein.

 - B. **Adult Book Or Supply Store:** An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

- C. Cabaret: An establishment where live entertainment is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by or participation of patrons therein. Also, an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.
- D. Adult Motion Picture Theater Or Adult Live Stage Performing Theater: An enclosed building wherein still or motion pictures, video tapes or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- E. Adult Model Studio: Any place where models who display "Specified Anatomical Areas" (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
- F. Adult Motion Picture Arcade Or Mini Motion Picture Theater: Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).
- G. Adult, Nude, Partially Nude Dancing: A business having as its principal activity the live presentation of or display of nude, or partially nude, male or female impersonator(s), dancer(s), entertainers(s), waiter(s) or waitress(es), or employee(s) and which may or may not feature the service of food or beverage. For the purpose of this Ordinance, nude or partially nude shall mean having any or all of the "Specified Anatomical Areas" exposed (as defined herein).
- H. Adult Outdoor Motion Picture Theater: A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons of the theater. Such

establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

I. Specified Anatomical Areas: Portions of the human body defined as follows:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola; and
- (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

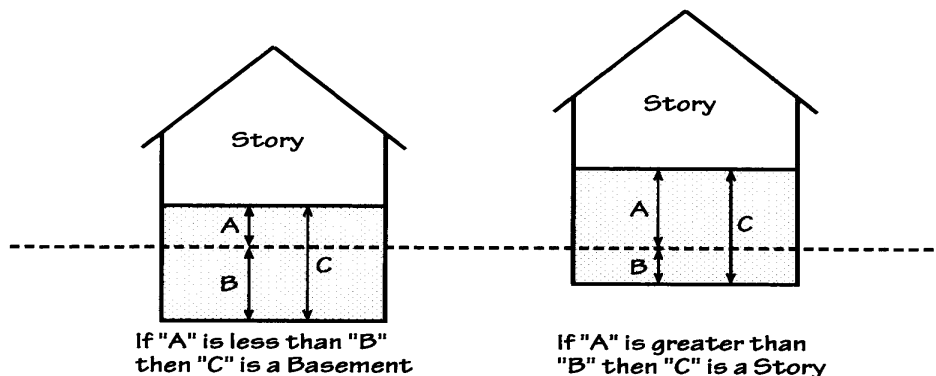
J. Specified Sexual Activities: The explicit display of one or more of the following:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

3. **ACCESSORY STRUCTURE:** A subordinate building or structure designed for, occupied for, or devoted to a use which is clearly incidental to the principal permitted use of the main building or the land.
4. **ACCESSORY USE:** A use naturally and normally incidental and subordinate to, and devoted exclusively to, the principal permitted use of the premises and located on the same lot as the principal use. See Section 15.06.1 (d) regarding the use of accessory buildings per the Right to Farm Act exemption.
5. **ACREAGE:** Any tract or parcel of land which has not been subdivided and platted.
6. **ADULT DAY CARE FACILITY:** A facility other than a private residence that provides care for more than six (6) adults for less than twenty-four (24) hours a day.
7. **AGRICULTURE:** Soil dependent cultivation of crops or the raising of farm animals for primarily commercial purposes in accordance with generally-accepted farming practices.
8. **ALLEY:** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
9. **ALTERATIONS:** Any change, addition or modification to a structure or type of occupancy, any change in the structural members of a building, such as walls, or partitions, columns, beams or girders the consummated act of which may be referred to herein as "altered" or "reconstructed".

10. **APARTMENT:** A residential structure containing three (3) or more attached dwellings with private bath and kitchen facilities.
11. **ARCHITECTURAL FEATURES:** Includes cornices, eaves, gutters, belt courses, sills, lintels, bay window, chimneys, and decorative ornamentation.
12. **AUTOMOBILE REPAIR:** Major or Minor repair of automobiles defined as follows:
 - a. Minor Automobile Repair: Servicing of brakes; air conditioning; exhaust systems; engine tune-ups; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs. Minor repairs do not typically require significant disassembly or the storage of vehicles on the premises overnight.
 - b. Major Automotive Repair: Collision service such as body, frame, or fender straightening and repair; overall painting and undercoating of vehicles; engine and transmission rebuilding; repairs that normally require significant disassembly or storing of vehicles on the premises overnight.
13. **AUTOMOBILE FILLING STATION:** Land or structures used for the purposes of dispensing, or sale of motor fuels directly to users of motor vehicles as the principal use, accessory uses may include the limited sale of convenience and variety goods as an accessory use, provided it is clearly incidental to the filling station use. Parking requirements for filling station / convenience store operations shall be computed by adding together the parking requirements for each separate use.
14. **AUTOMOBILE REPAIR GARAGE:** An enclosed building where major automotive repair may be carried out. (See Major Automotive Repair).
15. **AUTOMOBILE SERVICE STATION:** Is a business providing minor repairs, services and materials for passenger cars and vans. (See Minor Automotive Repair).
16. **BASEMENT:** Is that portion of a building which is partly, or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story.

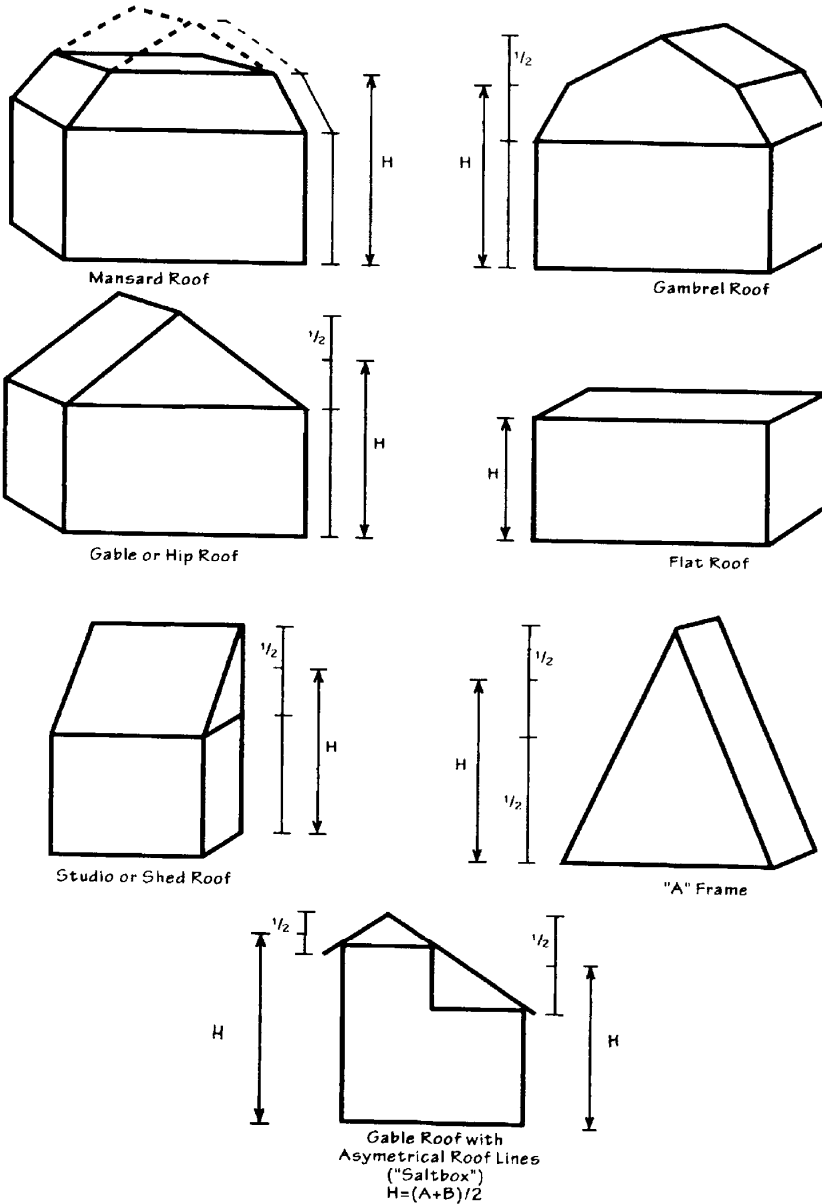
Definition of Basement and Story



17. **BERM:** A mound of earth planted with shrubs, grass, and trees or suitable ground cover in accordance with the Landscaping and Screening section of the Zoning Ordinance, constructed to sufficient height, length, and width to act as a screening barrier where required by this Ordinance.
18. **BILLBOARD:** A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises. For the purposes of this Ordinance a billboard shall also mean an off-site or non-accessory sign.
19. **BOARDING HOUSE:** A dwelling, or part thereof, in which lodging is provided by the owner or operator to more than three boarders.
20. **BLOCK:** The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.
21. **BUILDABLE AREA:** The space remaining after the minimum setback requirements of this Ordinance have been complied with.
22. **BUILDING:** Is any structure, either temporary or permanent, having a roof supported by columns, or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. (This shall include tents, awnings, or vehicles situated on private property and used for such purposes). Structures such as billboards, fences, radio towers, or structures with interior surfaces not normally accessible for human use such as gas holders, tanks, smokestacks, grain elevators, coal bunkers or similar structures shall not be considered as buildings.
23. **BUILDING, PRINCIPAL:** Is a building in which is conducted the principal use of the lot on which it is situated.
24. **BUILDING HEIGHT:** Is the vertical distance measured from the established grade of the center of the front of the building 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; and the average height between the lowest point and the highest point on

a shed roof. 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. (See illustration below). Also see Section 19.02 of Article 19 regarding Special Exceptions to Height Limits and Section 15.06 of Article 15 as to height limits for the maximum sidewall height of accessory buildings.

Building Height



H = Height of Building

25. **BUILDING INSPECTOR:** The Building Inspector or Official designated by the Township Board with the responsibilities of administering and enforcing this Ordinance.
26. **BUILDING LINE:** Is a line formed by the face of the building, and for the purpose of this Ordinance, a building line is the same as a front setback line. (See Building Line and Yards illustration page 2-29).
27. **CABIN:** Any structure or tent which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary dwelling, but not including what are commonly designated as hotels, lodging houses, or tourist homes.
28. **CABIN PARK:** Any tract or parcel of land on which two or more cabins as herein defined are maintained, offered for use or used.
29. **CALIPER:** The diameter of a trunk (also referred to as diameter at breast height or d.b.h.) measured at four and one-half (4.5) feet above the average surrounding grade for existing trees. For trees that are to be planted, caliper shall be measured twelve (12) inches above the average surrounding grade if the tree caliper is more than four (4) inches, or if the tree caliper is less than four (4) inches, it shall be measured at six (6) inches above the average surrounding grade.
30. **CLUB:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.
31. **CHILD CARE FACILITY:** Pursuant to, Public Act 110 of 2006 as amended, known as the "Michigan Zoning Enabling Act," M.C.L. 125.3101, child care facilities shall be defined as follows:
 - a. Family day care home. A private home in which one but less than seven minor 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.
 - b. Group day care home. A private home 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.

- c. Childcare center or day care center means a facility, other than a private residence, receiving one or more children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Childcare center or day care center includes a facility, which 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 childcare center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Childcare center or day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three hours per day for an indefinite period not to exceed four weeks, during a 12-month period, or a facility operated by a religious organization where children are cared for not greater than three hours, while persons responsible for the children are attending religious services.
-
- 31. **CLINIC:** An establishment where human patients, who are not lodged overnight, are admitted for examinations and treatment by a group of physicians, dentist, or similar professionals.
 - 32. **CLINIC, VETERINARY (ANIMAL HOSPITAL):** A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term-care incidental to the hospital use.
 - 33. **COLOCATION:** The location by two or more wireless communication providers of wireless communication antennas on a common support structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.
 - 34. **CONDOMINIUM:** For the purposes of this Ordinance, condominium terms shall be defined as follows:
 - a. **Building Site:** Shall mean that area containing the limited common elements, if provided, together with its condominium unit and together shall equate to the requirements of a lot and a lot's required elements as contained in the Clyde Township Zoning Ordinance.
 - b. **Condominium Act:** Means Act 59 of 1978, as amended.
 - c. **Condominium Subdivision Plan:** Means the site, survey, and utility plans; flood plain 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, and horizontal boundaries of each

unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and appropriate size of common elements, and limited common elements. The Condominium Subdivision Plan, for the purpose of this Ordinance, shall include the Master Deed and By Laws of the Condominium Subdivision.

- d. **Condominium Unit:** Means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed and is that area within which the building may be constructed.
 - e. **General Common Elements:** Means the portion of the condominium project other than the condominium unit and limited common elements.
 - f. **Limited Common Elements:** Means a portion of the common elements reserved in the Master Deed for the exclusive use of less than all co-owners.
 - g. **Master Deed :** means the condominium document recording the condominium project as approved by the Planning Commission to which is attached as exhibits and incorporated by reference the approved By Laws for the project and the approved condominium subdivision plans for the project.
 - h. **Setback Equivalent:** For site condominiums using both units and limited common areas to establish a lot equivalent, the distance between the boundary of the condominium unit and the outer boundary of the limited common element for that unit" is the equivalent phrase for the word "setback" as contained in the Zoning Ordinance. For site condominiums using only the condominium unit to establish the lot equivalent, "the distance between the boundary of the condominium unit and the outer building envelope" shall be the equivalent phrase.
 - i. **Site Condominium Project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium shall be considered as equivalent to a platted subdivision and developed in accordance with the provisions of Section 17.08.
35. **CONVALESCENT OR NURSING HOME:** See Home for the Aged.
36. **CORRAL:** An enclosure for holding, training, capturing horses, cattle or other animals. A corral is usually made up of a wooden fenced in area with a gate.

37. **DISTRICT:** A portion of the unincorporated part of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
38. **DRIVE-IN:** A business establishment that, by design of physical facilities or by service packaging procedures is 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, or to provide self-service for patrons and food carry-out.
39. **DWELLING, ONE FAMILY:** A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
40. **DWELLING, TWO-FAMILY:** Is a building designed exclusively for occupancy by two (2) families, living independently of each other.
41. **DWELLING, MULTIPLE-FAMILY:** Is a building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.
42. **DWELLING UNIT, MANUFACTURED:** Is a dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located. A Manufactured Dwelling includes buildings, modules or units, or areas within such buildings, modules or units that have been designed for and are intended to be employed as dwellings for residential occupancy on an extended, rather than transient basis.
43. **DWELLING UNIT, SITE BUILT:** Is a dwelling unit, which is substantially built, constructed, assembled, and furnished on the premises, which are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises, which are intended to serve as its final location.
44. **EASEMENT:** An interest in land owned by another that entitles its holder to a specific limited use or enjoyment.
45. **EQUIVALENT WORD, TERM:** Those words and terms and phrases in the Zoning Ordinance which correspond to that word, term or phrase set forth in this definition section.
46. **ERECTED:** Includes built, constructed, reconstructed, moved upon, or any physical operation on the land required for building including, but not limited to, excavating, filling, draining, and similar operations.

47. **ESSENTIAL SERVICES:** The phrase "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 distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings that are necessary for the furnishing of adequate service to the residents of the Township by such utilities or municipal departments for the general health, safety or welfare. This definition does not include Wireless Communication Facilities as defined in this Article 2.
48. **EXCAVATION OF GRAVEL, SAND, TOPSOIL OR EARTH:** Premises from which any rock, gravel, sand, topsoil, or earth in excess of fifty (50) cubic yards on any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or with in public highway rights-of-way.
49. **FAMILY:** means either of the following:
- a. A domestic family which is one or more persons living together and related by the bonds of blood, marriage or adoption, together with caretaker of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic housekeeping unit in a dwelling, or
 - b. Persons living together in a dwelling unit whose relationship is of a permanent and distinct character with a demonstrable and recognizable bond which render the persons a cohesive unit. All persons must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.
50. **FAÇADE:** The external walls of a building that are visible to those persons outside of the building.
51. **FARM:** All of the contiguous, neighboring or associated land operated as a single unit on which bona-fide farming is carried on. Provided, however, that land to be used as and considered a farm hereunder shall include a contiguous parcel of not less than ten (10) acres in area; provided further, farms shall be considered as including establishments operated as bona-fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries, but the operation of stock yards, stone quarries, rubbish disposals, gravel and sand pits shall

not be considered farms hereunder unless combined with bona-fide farm operations on the same continuous tract of land.

52. **FARM BUILDINGS:** Any structure or building other than a dwelling used or built on a farm.
53. **FENCE:** An unroofed structure of definite height and location, which may act as an enclosure or which, is decorative or ornamental.
54. **FENCE, OBSCURING:** A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.
55. **FLOOR AREA, GROSS:** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The "floor area" of a building shall not include the basement floor area. "Floor area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven feet, ten inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area."
56. **FLOOR AREA, RESIDENTIAL:** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and un-enclosed porches.
57. **FLOOR AREA, GROSS LEASABLE:** The total floor area of a commercial building designed for tenant occupancy and exclusive use.
58. **FLOOR AREA, USABLE:** That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
59. **FOOT-CANDLE:** A measure of light falling on a given surface. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away.
60. **FRONTAGE:** The linear dimension measured along the public street right-of-way line or along the private road access easement.

61. **FULL CUT-OFF LIGHT FIXTURE:** A luminaire with elements such as shields, reflectors, or refractor angles that direct and cut off the light at a cutoff angle less than 90 degrees.
62. **GARAGE, PRIVATE:** A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles without facilities for mechanical service or repair of a commercial or public nature.
63. **GARAGE, PUBLIC:** A building designated and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.
64. **GRADE:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
65. **GREENBELT:** A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.
66. **HEALTH CARE FACILITY:** A facility or institution, whether public or private, principally engages in providing services for health maintenance, diagnosis and treatment of human disease, pain, injury, deformity, or physical condition allowing overnight stay including, but no limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, out-patient clinic, dispensary, home health care agency, and bio-analytical laboratory or central services facility serving one (1) or more such institutions, but excluding institutions that provide healing solely by prayer, and facilities of physicians, dentists, and optometrists, and other health practitioners.
67. **HOME BASED BUSINESS:** An accessory use of a single-family or two-family residential structure which does not meet the definition of a home occupation, but complies with the requirements of the Clyde Township Zoning Ordinance. A home based business would consist of service oriented uses and typically be more intense than a home occupation, due to factors such as intensity of use, clients coming to the residence, or employees on the site.
69. **HOME FOR THE AGED (NURSING HOME):** Commonly referred to as a nursing home, it is an institution having at least three beds and being either certified by Medicare or Medicaid

or licensed by a government agency as a nursing home and providing 24-hour skilled nursing care.

70. HOME OCCUPATION: An occupation conducted in a dwelling unit, provided that:

- a. No person other than members of the family residing on the premises shall be engaged in such operation;
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation; for purposes of this paragraph, the basement floor area shall be included in the dwelling unit's floor area to the extent of its usage by the home occupation;
- c. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square foot in area, non-illuminated, and mounted flat against the wall of the principal building;
- d. No home occupation shall be conducted in any accessory building;
- e. There shall be no sales of goods on the premises in connection with such home occupation;
- f. 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 a required front yard.
- g. 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, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

71. HOTEL: A building or part of a building with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one (1) or more of the following services are offered: maid service, furnishing of linen, telephone,

secretarial, or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

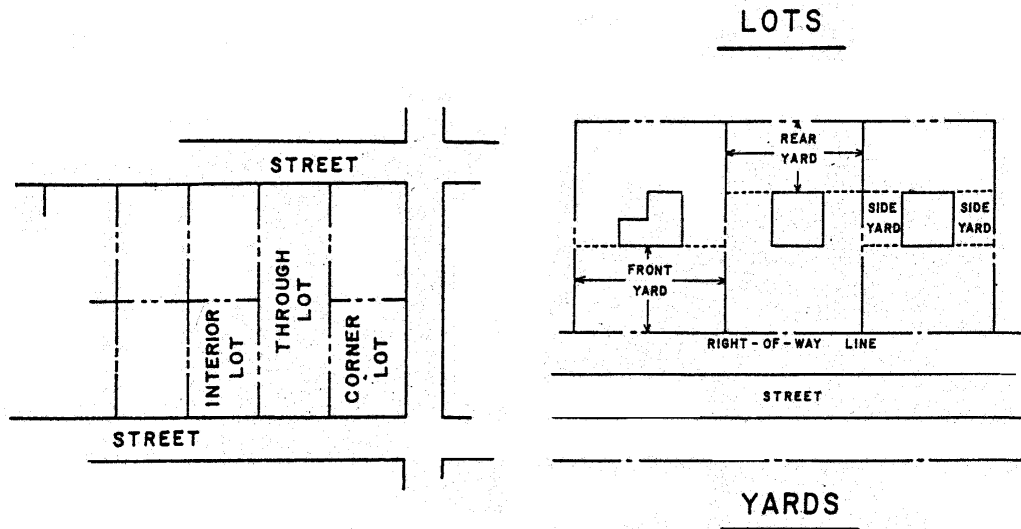
72. **HOUSING FOR THE ELDERLY:** A planned housing development or facility for elderly residents, defined as individuals who have attained the age of fifty (50) years or couples of which either spouse has attained the age of fifty (50) years, except as may be otherwise provided for in any applicable state or federal laws or regulations. The following types of Housing for the Elderly do not include Homes for the Aged (commonly referred to as nursing homes):
- a. **Assisted Living Facility:** A supervised facility for persons who are unable to live independently that provides: (a) private living quarters, which may include kitchen facilities limited to a sink, refrigerator and/or microwave, (b) supervision and general care, including but not limited to the provision of meals, housekeeping, some health care assistance, but not 24-hour skilled nursing, and (c) assistance with activities of daily living.
 - b. **Independent Living Facility:** A residential development that is limited to elderly residents, as allowed by federal law. Such a facility shall provide: (a) dwelling units with complete kitchen facilities, (b) supportive services, such as meals, personal emergency response systems, recreation and transportation services, and (c) design features, such as wider doorways and hallways, accessible-ready bathrooms and lower light switches. Residents in this type of facility do not require skilled nursing or regular on-site medical care similar to that required in Homes for the Aged and Assisted Living facilities.
 - c. **Congregate Care Facility:** A shared residential living environment for six or more people which integrates shelter and service needs of functionally impaired or socially isolated older persons (age 50 or older) who are otherwise in good health and can maintain a semi-independent life style and who do not require constant supervision or intensive health care as provided by an institution. Each resident has his/her own bedroom (or may share a bedroom) and may have a separate living room, kitchen, dining area, or bathroom, and may share living, dining, and bathroom facilities with other older persons, such as in a common dining facility.
73. **IESNA** - Illuminating Engineering Society of North America, an association of professionals in the field of lighting and related professions.
74. **ILLUMINANCE:** The amount of light falling on a surface, often measured in foot-candles (fc).
75. **JUNK YARD:** Is an open 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 metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

76. **KENNEL, COMMERCIAL:** Any lot or premises on which four (4) or more dogs or similar domestic pets at least four months old, are either permanently or temporarily boarded. A commercial kennel shall also include any breeding operation with four (4) or more such animals.
77. **LOADING SPACE:** An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise.
78. **LOT:** A parcel of land.
79. **LOT AREA:** The total horizontal area within the lot lines of the lot, however, the area of any right-of-way or easement for a public or private street or road shall not be used to satisfy minimum lot area requirements of this ordinance. Also see Section 19.03 regarding Special Exceptions for Lots Adjoining Alleys.
80. **LOT, CORNER:** A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.
81. **LOT COVERAGE:** The part or percent of the lot occupied by buildings including accessory buildings.
82. **LOT DEPTH:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
83. **LOT, DOUBLE FRONTAGE:** Is any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lot adjacent to streets shall be considered frontage, and front yards shall be provided as required.
84. **LOT, INTERIOR:** Any lot other than a corner lot.
85. **LOT LINES:** The lines bounding a lot as defined herein:

- a. Front Lot Line: In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot or double frontage lot it is that line separating said lot from either street.
 - b. Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
 - c. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
86. **LOT OF RECORD:** A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined two (2) or more lots as contained on any recorded plat into a single building site, or combined two (2) or more lots contained on any recorded plat in the records of the Township Assessor or Treasurer, said combination of lots shall be deemed to be a single lot of record for the purposes of this Ordinance.
87. **LOT, THROUGH:** Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.
88. **LOT, WIDTH:** The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the required front setback line intersects the side lot lines. The area of any right-of-way or easement for a public or private street or road shall not be used to satisfy minimum lot width requirements of this Ordinance.
89. **LOT, ZONING:** A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developed as a tract to be used, developed, or built upon as a unit, under single ownership or control.

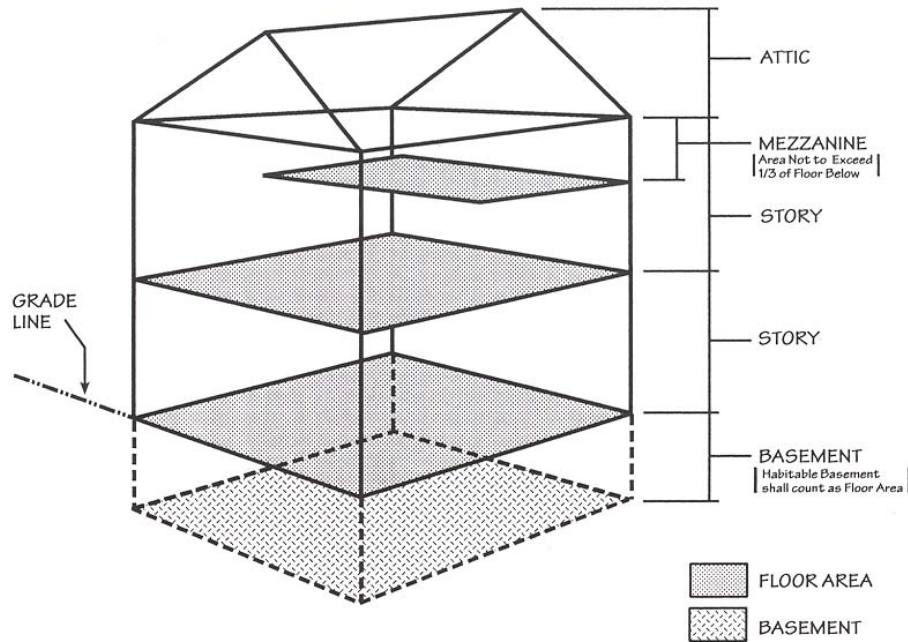
A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.



90. **MAIN BUILDING (PRINCIPAL BUILDING):** A building in which is conducted the principal use of the lot upon which it is situated.
91. **MAIN USE (PRINCIPAL USE):** The principal use to which the premises are devoted and the principal purpose for which the premises exist.
92. **MAJOR THOROUGHFARE:** Is an arterial street, which is intended to serve as a long-distance traffic way for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, arterial, parkway, or equivalent term to identify those streets comprising the basic structure of the Thoroughfare Plan for Clyde Township. Any street other than a freeway with a width, existing or proposed, of one hundred and twenty (120) feet or greater shall be considered as a major thoroughfare.
93. **MARGINAL ACCESS ROAD:** Is a service roadway parallel to a feeder road; and which provides access to abutting properties and protection from through traffic.
94. **MASTER PLAN:** Is the Clyde Township Master 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 or parts thereof.

95. **MEZZANINE:** Is an intermediate floor in any story occupying not more than one third (1/3) of the floor area of such story. A Mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor above it is twenty-four (24) feet or more. (See sketch below).

Basic Structural Terms



96. **MINI-WAREHOUSE (SELF-STORAGE FACILITY):** A facility consisting of a building or a group of buildings in a controlled-access compound, where individual stalls or lockers are rented out to different tenants for the storage of customers' goods and wares. The use of the premises shall be limited to storage only, and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials is expressly prohibited.
97. **MOBILE HOME:** A structure, transportable in one or more sections, that is built on a chassis and designed to be used as a dwelling unit when connected to required utilities, and includes plumbing, heating, and electrical systems contained in the structure. The term mobile home

shall not include pick-up campers, travel trailers, motor homes, recreational vehicles, converted buses, tent trailers or other transportable structures designed for temporary use.

98. **MOBILE HOME CONDOMINIUM PROJECT:** Means a condominium project in which mobile homes are intended to be located upon separate condominium units.
99. **MOBILE HOME PARK:** Any premise occupied or designed to be occupied by more than one (1) family living in their individually occupied mobile homes.
100. **MOTEL:** A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom and closet space which provide for overnight lodging and are offered to the public for compensation and cater primarily to the public traveling by motor vehicle.
101. **MOTORIZED HOME:** A self-propelled motor vehicle, which provides the amenities of day-to-day living while used as a means of transportation for recreational or travel purposes.
102. **MANUFACTURED BUILDING:** A Manufactured Building includes all factory constructed buildings, or three-dimensional modules or units thereof, designed and constructed in a manner facilitating ease of transportation to the site for placement in accordance with local construction codes, connection to required utilities, and subsequent occupancy. The term "manufactured building" includes both a single, three-dimensional module or unit intended to constitute a building and all three-dimensional modules or units intended to be combined on a site to form a building. The term "manufactured building" applies only to those major structural, three-dimensional modules or units requiring relatively minor, incidental combination on site and is not intended to include prefabricated support system components such as panels, trusses, plumbing systems or similar types of prefabricated support system components designed to be incorporated within buildings during the course of construction.
103. **NONCONFORMING STRUCTURE:** A structure existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the provisions of the Ordinance for the district in which it is located.
104. **NONCONFORMING LOT:** Any lot or parcel of land which was conforming prior to enactment of this Ordinance, or amendments thereto, which fails to meet the requirements of the zoning district in which it is located for lot area or lot width.
105. **NONCONFORMING USE:** A use which lawfully occupied a building or land at the time this Ordinance or amendments thereto became effective, that does not conform to the use regulations, of the district in which it is located.

106. **NURSERY:** A space building or structure or combination thereof, for the growing and storage of live trees, shrubs, flowers, or plants offered for sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.
107. **NUISANCE:** An offensive, annoying, unpleasant or obnoxious thing, act ,or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which violates the Township's Performance Standards of Section 15.20 or invades the property line of another so as to cause harm or discomfort to the owner or resident of that property. Excessive or noisy vehicular traffic, dust, glare, and smoke are examples of nuisances.
108. **OPEN SPACE:** Is that part of a zoning lot, including courts or yards that:
- a. Is an open and un-obstructed from its lowest level to the sky, and
 - b. Is accessible to all residents upon the zoning lot, and
 - c. Is not part of the roof of the portion of a building containing dwelling units, and
 - d. Is the roof of an attached garage if said roof is used for a swimming pool deck or recreational deck; and
 - e. Is not higher than twenty-three (23) feet above grade; and is directly assessable by a passageway from the residential building.
109. **OPEN AIR BUSINESS USE:** An open-air business use, as used herein, shall be deemed to include any of the following businesses when said business is not conducted from a wholly enclosed building.
- a. Bicycle, trailer, motor vehicle, boats or home equipment sale or rental services.
 - b. Outdoor display and sale of garages, swimming pools, and similar uses.
 - c. Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
 - d. Tennis courts, archery, gun range, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

110. **OCCUPIED:** Includes intended, designed or arranged for occupancy.
111. **OFF-STREET PARKING LOT:** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, and designed and arranged for the parking of automobiles.
112. **PARKING SPACE:** Is hereby determined to be an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.
113. **PARKING AREA, PUBLIC:** An area, other than a street, used for the temporary parking of more than four (4) vehicles and available for public use, either free or for compensation.
114. **PARKING SPACE, AUTOMOBILE:** Space within a parking area or building, exclusive of driveways, ramps, columns, office and work area, which shall be fully accessible for the parking or storage of one (1) automobile.
115. **PASTURE:** A fenced in area with grass or other growing plants used as food for grazing animals. This is usually a field or plot of land set aside for the purpose of feeding animals.
116. **PLAZA:** Is an open area accessible to the public, which is either:
- An open space area along the front lot line not less than five (5) feet deep, measured perpendicular to the front lot line, or
- An open area on a through lot, extending from street to street and not less than forty (40) feet wide.
- Such plaza shall not at any point be more than five (5) feet above curb level of the nearest adjoining street, and shall be unobstructed from its lowest level to the sky, except as approved, for covered pedestrian walks by the Planning Commission.
117. **PUBLIC UTILITY:** Any person, firm, corporation, municipal department or board, duly authorized under state or municipal regulation to furnish, and furnishing, transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal and other services to the public.
118. **PLANNING COMMISSION:** The Clyde Township Planning Commission.
119. **PUBLIC SERVICE:** Public Service Facilities within the context of this Ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations,

temporary quarters for welfare agencies, public health activities and similar uses including essential services.

120. **RECREATIONAL VEHICLE:** A vehicle which moves one (1) or more persons over the ground, water, ice, or snow, and which is either self-propelled or connects to a vehicle which is self-propelled. This definition of "recreational vehicle" includes, but is not limited to, snowmobiles, camping vehicle, motorcycles, mini-bikes, go-carts, boats, and iceboats.
121. **RECREATIONAL VEHICLE PARK:** A campground designed to accommodate those travel trailers and recreational vehicles, which are used as a temporary dwelling and are not parked more than six (6) consecutive months in any one trailer park.
122. **REGULATED USES:** Include adult entertainment uses, pawn shops and pool halls that require licenses and approval or permits by Township regulations.
123. **ROADSIDE STANDS:** A temporary or permanent building operated for the purpose of selling only produce raised or produced on the same premises by the proprietor of the stand or his family; its use shall not make into a commercial district land which would otherwise be agricultural or residential, nor shall its use be deemed a commercial activity.
124. **RESTAURANT (STANDARD):** A standard restaurant is 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 principal method of operation includes one (1) or both of the following characteristics:

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.

A cafeteria type of operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.

125. **RESTAURANT (CARRY-OUT):** A carry-out restaurant is 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.

Foods, frozen dessert, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.

The consumption of foods, frozen desserts, or beverages within the restaurant building or within a motor vehicle parked upon the premises, is prohibited. Food is intended primarily to be consumed off the premises.

126. **RESTAURANT (FAST FOOD):** A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes both of the following characteristics:

Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

127. **RESTAURANT (DRIVE-IN):** A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a read-to-consume state, and whose design, method of operation, includes one (1) or both of the following characteristics:

Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle, either by a carhop, or by other means, which eliminates the need for the customer to exit the motor vehicle.

The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is permitted.

128. **RIDING STABLES / ACADEMIES, COMMERCIAL:** Facilities for the boarding, breeding and training of horses. The keeping of animals for the private personal use of a property owner or lessee in accordance with Section 15.18, shall not be considered a commercial stable.

129. **SETBACK:** The minimum distance by which any building or structure must be separated from the front, rear or side lot line. The setback requirements are necessary to support the front, side or rear yard open space provisions of this Ordinance. No building or structure, or any part thereof, shall be erected or permanently maintained within a required setback.

130. **SIGNS:** A name, identification, description, display or illustration that is affixed or applied to or painted or represented directly or indirectly upon a building, structure, or zoning lot, and which is designed or intended to convey information to the public in a written or pictorial form. A sign shall not include any display of official court or public agency notices, nor shall

it include the flag, emblem or insignia of a nation, political unit, school, or religious group. A sign shall include the following types:

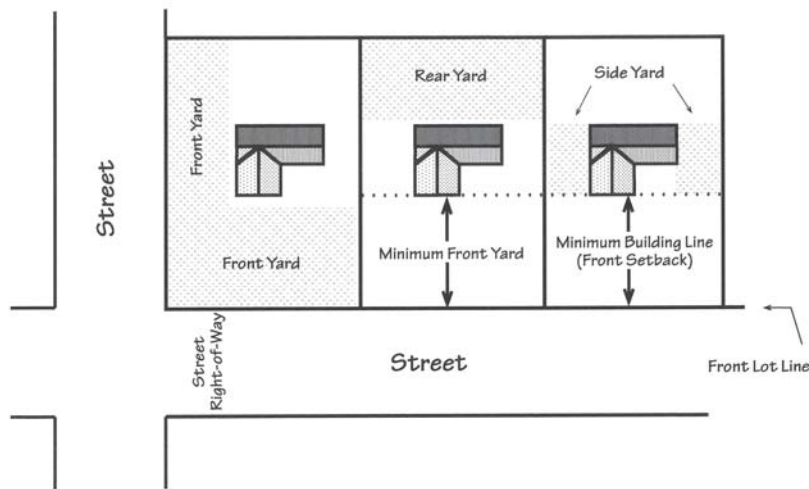
- a. Accessory Sign: A sign which directs attention to a person, product, business, or profession conducted upon the same premises.
- b. Directional Sign: A sign guiding or directing parking or traffic flow but bearing no advertising matter.
- c. Freestanding Ground Sign: A sign which is supported by one or more poles, uprights, or braces in or upon the ground, which are not a part of the building. May also be referred to as a monument sign.
- d. Non-Accessory Sign: A sign which directs attention to a business, commodity, activity, service, or entertainment conducted, sold, placed, or otherwise offered elsewhere than upon the premises on which the sign is located. See also Billboard.
- e. Projecting Sign: A sign other than a wall sign suspended from or supported by a building or structure and projecting therefrom including marquees.
- f. Roof Sign: A sign that is erected, constructed, and maintained above the roof of a building.
- g. Vehicle Signs: Signs painted or mounted on the side of a vehicle, including signs on the side of a truck trailer.
- h. Wall Sign: A sign which is attached parallel to the wall of a building and which extends not more than eighteen (18) inches from the wall, including window signs. Painted signs, signs which consist of individual letters mounted to the wall, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs. Permanent signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside, shall be considered wall signs.
- i. Window Sign: A sign permanently affixed on a window, which is intended to be viewed from the outside.

131. SPECIAL CONDITION USE: Any use of land listed as a Principal Use Permitted Subject to Special Conditions which, due to its potential effect on adjacent lands, in particular, and the overall Township in general, requires special approval according to the standards as provided in this Ordinance. Also, see Section 17.06, Review and Approval of Special Condition Uses, and Section 18.00-Application, for further clarification of Special Condition Use. This term shall include the term "Special Land Use".

132. **STATE LICENSED RESIDENTIAL FACILITY:** Any structure constructed for residential purposes that is licensed by the state of Michigan in accordance with PA 218 of 1979, PA 116 of 1973, and provides residential services for 6 or fewer persons under the 24-hour supervision or care.
- a. **Adult Foster Care Facility:** A residential structure that is licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated persons over the age of 17, pursuant to PA 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. Adult Foster Care Homes include the following:
 - 1) **Family Home:** Private residence for six (6) or fewer adults. Licensee must live in the home and local zoning approval is not required prior to issuance of a license.
 - 2) **Adult Foster Care Small Group Home:** Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.
 - 3) **Adult Foster Care Large Group Home:** Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
 - 4) **Congregate Facility:** Residence for more than twenty (20) adults.
 - b. **Foster Family Home:** A private residence that houses four (4) or fewer foster children, up to age 19, under constant care and supervision. A Foster Family Home does not require local zoning approval before being licensed by the Department of Social Services under Public Act 116 of 1973.
 - c. **Foster Family Group Home:** A private residence that houses more than four (4) but less than seven (7) minor children, up to age 19, under constant care and supervision.
132. **STORY:** That part of building, except a mezzanine as defined herein included between the surface of any floor and the surface of the floor, or roof, next above. When the distance from the average established grade to the ceiling of a story partly below such grade exceeds five (5) feet, then the basement or cellar constituting the story partially below grade shall be counted as a story.
133. **STORY, HALF:** A story which is situated within a sloping roof, the area of which at a height four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area directly below it.

134. **STREET:** A public thoroughfare (dedicated right-of-way) other than an alley, which affords a principal means of access to abutting property.
135. **STRUCTURE:** Anything constructed or erected the use of which requires location on the ground or attachment to something having location on the ground.
136. **TECHNICAL SCHOOL:** A business enterprise offering instruction and training in trades or crafts such as auto repair, cooking, floral design, welding, brick laying, machinery operation or other similar trades or crafts.
137. **TEMPORARY USE OF BUILDING:** A use established for a fixed period of time with the intent to discontinue such use upon the extension of the time period.
138. **TOURIST HOME (BED AND BREAKFAST ESTABLISHMENT):** Primarily a family dwelling where lodging with or without meals is furnished for compensation, chiefly on an overnight basis and mainly to transients, but not necessarily to anyone who may apply.
139. **THOROUGHFARE PLAN:** The Thoroughfare Plan section and Thoroughfare Plan Map of the Clyde Township Master Plan.
140. **USE:** Is the purpose for which land or a building is designed, arranged, or intended to be used, or for which land or a building is or may be occupied.
141. **UNDEFINED TERMS:** Any terms not defined herein shall have the meaning of common or standard use.
142. **WIRELESS COMMUNICATION FACILITIES:** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities, monopoles and lattice towers. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal laws which preempt municipal regulatory authority.
143. **YARDS:** The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

- a. **Front Yard:** Is 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 line of the main building. (See Section 19.08 for lots having lake or river frontage.)



Building Line and Yards

- b. **Rear Yard:** Is 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 of the side lot line to the nearest point of the main building. (See Section 19.08 for lots having lake or river frontage)
- c. **Side Yard:** Is 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 of the side lot line to the nearest point of the main building. (See yards illustration).
- d. The area of any right-of-way or easement for a public or private street or road shall not be used to satisfy minimum yard, open space, or setback requirements of this ordinance.
144. **ZONING ORDINANCE:** means the Clyde Township Zoning Ordinance, as amended.
145. **ZONING VARIANCE:** Is a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause practical difficulty or undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are practical difficulty, and unique circumstances, applied to property. A variance is not justified unless all of these elements are present in the case.

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ARTICLE 3 ZONING DISTRICTS

SECTION 3.00 DISTRICTS ESTABLISHED

For the purpose of this Ordinance, the Township of Clyde is hereby divided into the following Zoning Districts:

OS – Open Space
RA – Residential Agriculture
RSF – Residential Suburban Farms
R-1 – Residential Single Family
R-2 – Residential Single Family
MF – Multiple-Family Residential
MHP – Mobile Home Park
C-1 – Local Commercial
C-2 – General Commercial
LM - Limited Manufacturing
GSO-Gravel and Sand Overlay District

SECTION 3.01 DISTRICT BOUNDARIES

The boundaries of said districts or zones are shown on the map attached hereto and designated as the Township of Clyde Zoning Map. The Zoning Map and all notations, references, and other information appearing thereon are hereby declared to be a part of this Ordinance.

SECTION 3.02 DISTRICT BOUNDARIES INTERPRETED

For determination of the boundaries of the districts shown on the Zoning Map, the following rules shall apply:

1. Where such boundaries are indicated as following or approximately following road lines, said lines shall be construed to be boundaries.
2. Where such boundaries are indicated as following or approximately following lot lines or property lines, said lines shall be construed to be such boundaries.
3. The Board of Appeals shall determine the location of boundaries in cases where uncertainty exists.

SECTION 3.03 DISTRICT REQUIREMENTS

All buildings and uses in any district shall be subject to the provisions of Article 15, General Provisions and Article 19, General Exceptions, and all other provisions of this Ordinance.

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SECTION 4.03 AREA AND BULK REQUIREMENTS

See Article 14, “Schedule of Regulations” limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

SECTION 4.04 SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 16.00, Site Development Requirements and Section 17.00, Site Plan Review, of the Zoning Ordinance.

ARTICLE 5
RESIDENTIAL AGRICULTURAL DISTRICT (RA)

SECTION 5.00 PURPOSE

This district is composed of those areas of the Township whose principal use is and ought to be farming. The regulations of this district are designed to conserve, stabilize, enhance and develop farming and related resources utilization activities, to minimize conflicting uses of parcels, lots, buildings and structures detrimental to or incompatible with these activities. The district, in preserving areas for agricultural uses, is also designed to protect land needed for agricultural pursuits from encroachment by untimely and unplanned residential, commercial, and industrial developments.

SECTION 5.01 PRINCIPAL USES PERMITTED

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

1. Farms, including the raising or growing or forages and sod crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; fruits; plants, trees, shrubs and nursery stock; vegetable; and similar bona fide enterprises or use of land and structure.
2. Truck gardening, involving the growing of fruits and vegetables that are intended to be distributed and sold to consumers as fresh produce.
3. Greenhouses.
4. Tree and shrub nurseries.
5. Private and public riding stables.
6. Agribusiness uses for the sale of fruit, vegetable, eggs, etc., as, but not limited to, farmers markets, or fruit and vegetable stands, or roadside stands provided all goods are produced on site. One temporary building for the sale of produce raised on site is permitted.
7. Facilities used for the centralized bulk collection, storage, and distribution of agricultural products to wholesale and retail markets.
8. Facilities for the storage and sale of seed, fertilizer, and other products essential to agricultural production.
9. Facilities used in the research and testing of agricultural products and techniques.
10. Family Day-Care Home
11. Adult Foster Care Family Home

12. Single-family residential dwelling.
13. Home occupations.
14. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.
15. Publicly owned and operated municipal buildings, libraries, parks, parkways, and recreational facilities.
16. Public, parochial, and private elementary, intermediate and/or high schools, and institutions of higher learning, offering courses in general education.
17. Churches.
18. Any other use that is determined by the Planning Commission to be of the general character as, and compatible with, the above permitted uses.
19. Accessory buildings and uses customarily incidental to any of the above permitted uses.
20. Cemeteries.

SECTION 5.02 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following Special Condition Uses shall be permitted subject to review and approval by the Township Board, and further subject to any and all reasonable conditions which maybe imposed in accordance with Section 504 of PA 110 of 2006 as amended, known as the "Michigan Zoning Enabling Act,". Discretionary approval shall be subject to the requirements and standards of Section 18.00, Review and Approval of Special Condition Uses, of the Zoning Ordinance.

1. Agricultural labor camps.
2. Auction sales establishments.
3. Bed and breakfast operations.
4. Combat game areas.
5. Retail establishments designed to cater to the touring public and including such uses as cider mills, antique dealers, woodworking and quilt shops, and collectibles and craft stores.
6. Campgrounds.

7. Small aircraft airports and landing fields.
8. Golf driving ranges and golf courses.
9. Adult foster care large and small group homes
10. Group Day Care Homes
11. Home Based Businesses
12. Two-family dwellings.
13. Private parks, country clubs, ski resorts, and similar private recreation facilities provided that such uses are on a continuous parcel of not less than five acres.
14. Gun clubs, archery ranges.
15. Feed lots and raising of fur bearing animals including mink, rabbit, cat and canine establishments.
16. Communication Towers.
17. Veterinary clinics (animal hospitals) and kennels.
18. Sale and service uses of machinery used in agricultural production.
19. Riding Academies and Stables, Commercial.

SECTION 5.03 AREA AND BULK REQUIREMENTS

See Article 14, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

SECTION 5.04 SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. Individual single family homes and two-family dwellings are exempt from this requirement. See Section 16.00, Site Development Requirements and Section 17.00, Site Plan Review, of the Zoning Ordinance.

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ARTICLE 6
RESIDENTIAL SUBURBAN FARMS DISTRICT (RSF)

SECTION 6.00 PURPOSE

The Suburban Farms District is intended to provide open land area for orderly residential growth, continued agricultural use and residential activities of a rural character in areas that are presently without public water and sewage facilities and are likely to remain without such services for an extended period of time. Such areas have significant natural features and unique natural resources that should be preserved and enforced in the interest of property values and the tax base of the Township. This district is also established to provide transition between areas of developed as farms and farm residences and more urban land use patterns. The RSF District is intended to implement the Rural Transition Future Land use category presented in the Clyde Township Master Plan.

SECTION 6.01 PRINCIPAL USES PERMITTED

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

1. Single-family detached dwellings.
2. Farms excluding the raising or housing of livestock. See Section 15.18 for exceptions to the exclusion of raising or housing of livestock.
3. Home occupations.
4. Publicly owned and operated municipal buildings other than places of public assembly.
5. Publicly owned parks, parkways, and recreational facilities.
6. Public, parochial, and private elementary, intermediate and/or high schools, and institutions of higher learning, offering courses in general education.
7. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, (but not including service storage yards) when operating requirements necessitate the location of such facilities within the district.
8. Family day care home.
9. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SECTION 6.02 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following Special Condition Uses shall be permitted subject to review and approval by the Township Board, and further subject to any and all reasonable conditions which maybe imposed in accordance with Section 504 of PA110 of 2006 as amended, known as the “Michigan Zoning Enabling Act,”. Discretionary approval shall be subject to the requirements and standards of Section 18.00, Review and Approval of Special Condition Uses, of the Zoning Ordinance.

1. Bed and breakfast operations.
2. Greenhouses.
3. Tree and shrub nurseries.
4. Golf driving ranges and golf courses.
5. Churches.
6. Municipal buildings of public assembly including libraries, auditoriums and other gathering places.
7. Adult foster care large and small group homes and congregate care facilities.
8. Two-family dwellings.
9. Group day care home.
10. Home Based Businesses

SECTION 6.03 AREA AND BULK REQUIREMENTS

See Article 14, “Schedule of Regulations” limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

SECTION 6.04 SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. Individual single family homes and two family dwellings are exempt from this requirement. Public Act 110 of 2006 as amended, known as the “Michigan Zoning Enabling Act,” M.C.L. 125.3501 Section 501. See Section 16.00, Site Development Requirements and Section 17.00, Site Plan Review, of the Zoning Ordinance.

ARTICLE 7
RESIDENTIAL SINGLE FAMILY DISTRICTS (R-1) AND (R-2)

SECTION 7.00 PURPOSE

The R-1 and R-2 Districts, are intended to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, single family detached dwellings along with other residentially related facilities, which serve the residents on the district. In specific, the intent is:

1. To encourage the construction of, and the continued use of the land for single family dwellings in the district.
2. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of one-family dwellings in the district.
3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of the Ordinance.
4. To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
5. To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protections, supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single family dwellings.

SECTION 7.01 PRINCIPAL USES PERMITTED

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

1. Single-family detached dwellings.
2. Home occupations.
3. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.
4. Family day care home.
5. Adult Foster Care Family Home
6. Public, parochial, and private elementary, intermediate and or high schools, and institutions of higher learning, offering courses on general education.

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

SECTION 7.02 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following Special Condition Uses shall be permitted subject to review and approval by the Township Board, and further subject to any and all reasonable conditions which maybe imposed in accordance with Section 504 of PA 110 of 2006 as amended, known as the “Michigan Zoning Enabling Act,”. Discretionary approval shall be subject to the requirements and standards of Section 18.00, Review and Approval of Special Condition Uses, of the Zoning Ordinance.

1. Churches.
2. Child care center or daycare center.
3. Private noncommercial recreational areas, institutional or community recreation centers, and non-profit swimming pool clubs.
4. Golf courses.
5. Publicly owned and operated municipal buildings, libraries, parks, parkways, and recreational facilities.
6. Group day care home.
7. Bed and Breakfast

SECTION 7.03 AREA AND BULK REQUIREMENTS

See Article 14, “Schedule of Regulations” limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

SECTION 7.04 SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. Individual single family homes are exempt from this requirement. See Section 16.00, Site Development Requirements and Section 17.00, Site Plan Review, of the Zoning Ordinance.

6. Group Day Care Home.

7. Bed and Breakfast.

SECTION 8.03 AREA AND BULK REQUIREMENTS

See Article 14, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size lot by permitted land use, and providing minimum yard setback requirements.

SECTION 8.04 SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. Individual single family homes are exempt from this requirement. See Section 16.00, Site Development Requirements and Section 17.00, Site Plan Review, of the Zoning Ordinance.

SECTION 9.03 AREA AND BULK REQUIREMENTS

See Article 14, “Schedule of Regulations” limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

SECTION 9.04 SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. Individual single family homes are exempt from this requirement. See Section 16.00, Site Development Requirements and Section 17.00, Site Plan Review, of the Zoning Ordinance.

ARTICLE 10
LOCAL COMMERCIAL DISTRICT (C-1)

SECTION 10.00 PURPOSE

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

SECTION 10.01 PRINCIPAL USES PERMITTED

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

1. Office-type business related to executive, administrative, or professional occupations including, but not limited to, offices of a lawyer, accountant, insurance/real estate agent architect, engineer, and similar occupation.
2. Clinics, except veterinary clinics, or veterinary hospitals having boarding facilities or outdoor runs.
3. Medical, dental, and optical, laboratories that provide testing services or provide medical or dental devices such as artificial limbs, teeth, eyeglasses, etc.
4. Banks, credit unions, savings and loan associations, and similar uses.
5. Barber shops, beauty shops, and health salons.
6. Private clubs fraternal organization, or lodge halls.
7. Pharmacy or apothecary shop.
8. Business service establishments such as typing services, photocopying services: quick printing establishments, office supply stores, and similar establishments.
9. Generally recognized retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware, feed stores, and appliance stores.
10. Personal service establishments, which perform services on the premises, such as but not, limited to; repair shops (watches, radio, television, shoe and etc.) tailor shops, beauty parlors or barbershops, photographic studios, and self-service laundries and dry cleaners.
11. Theaters, assembly halls, concert halls or similar places of assembly when conducted indoors.

12. Churches
13. Boat livery, including incidental sale of bait and fishing accessories.
14. Private parks and recreational areas, including picnic areas and picnic pavilions, softball and baseball diamonds, golf courses, swimming, boating and other outdoor recreational sport activities not including games of chance, bath houses, lodges and other accessory or commercial or buildings or uses incidental to the above uses.
15. Standard restaurants
16. Other uses similar to the above uses.
17. Accessory structures and uses customarily incidental to the above permitted uses.

SECTION 10.02 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following Special Condition Uses shall be permitted subject to review and approval by the Township Board, and further subject to any and all reasonable conditions which maybe imposed in accordance with Section 504 of Public Act 110 of 2006 as amended, known as the “Michigan Zoning Enabling Act,”. Discretionary approval shall be subject to the requirements and standards of Section 18.00, Review and Approval of Special Condition Uses, of the Zoning Ordinance.

1. Radio or television broadcasting or recording studio and/or transmission station.
2. Gasoline service station for the sale of gasoline, oil, and minor accessories only, 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, upholstery, auto glass work, and such other activities whose external effects could adversely extend beyond the property line.
3. Child care center.
4. Fast food sit-down or carryout restaurants not including a drive-thru component.
5. Communication Towers.

SECTION 10.03 GENERAL REGULATIONS

1. Merchandise may be displayed or stored only within enclosed buildings; provided, that during business hours displays immediately adjacent to the building will be permitted. In no instance shall temporary outdoor displays occur for more than 18 hours in any 24-hour period.
2. The outdoor storage of goods and materials shall be prohibited.

3. Warehouse or indoor storage of goods and materials, beyond that normally incidental to the above permitted uses, shall be prohibited.

SECTION 10.04 AREA AND BULK REQUIREMENTS

See Article 14, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing minimum yard setback requirements.

SECTION 10.05 SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 16.00, Site Development Requirements and Section 17.00, Site Plan Review, of the Zoning Ordinance.

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**ARTICLE 11
GENERAL COMMERCIAL DISTRICT (C-2)**

SECTION 11.00 PURPOSE

The C-2, General Commercial District, is designed to provide sites for more diversified business types that would often be incompatible with the pedestrian movement in the C-1, Local Commercial District and which are oriented to serving the needs of “pass-by” traffic. Many of the business types permitted also generate greater volumes of traffic and activities, which must be specially considered to minimize adverse effects on adjacent properties.

SECTION 11.01 PRINCIPAL USES PERMITTED

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

1. All principal permitted uses in the C-1 District.
2. Auto wash when completely enclosed in a building.
3. Automobile filling station.
4. Drive-in business of retail or service nature, including drive-in restaurants, banks and pharmacies, but excluding drive-in theaters.
5. Motels and hotels.
6. Mini-warehouse (self-storage facilities).
7. Nursery or greenhouse.
8. Other uses similar to the above uses.
9. Accessory structures and uses customarily incidental to the above permitted uses.

**SECTION 11.02 USES PERMITTED SUBJECT TO SPECIAL
CONDITIONS**

The following Special Condition Uses shall be permitted subject to review and approval by the Township Board, and further subject to any and all reasonable conditions which maybe imposed in accordance with Section 504 of Public Act 110 of 2006 as amended, known as the “Michigan Zoning Enabling Act.”. Discretionary approval shall be subject to the requirements and standards of Section 18.00, Review and Approval of Special Condition Uses, of the Zoning Ordinance.

1. All Special Condition Uses permitted in the C-1 District.
2. Drive-in theater.

3. Welding shop.
4. Express office and motor freight terminal.
5. Automobile service station.
6. New and used car, trailer, or recreational vehicle sales space and showrooms.
7. Regulated Uses as defined in Article 2.

SECTION 11.03 GENERAL REGULATIONS

1. Merchandise may be displayed or stored only within enclosed buildings; provided, that during business hours displays immediately adjacent to the building will be permitted. In no instance shall temporary outdoor displays occur for more than 18 hours in any 24-hour period.
2. The outdoor storage of goods and materials shall be prohibited.
3. Warehouse or indoor storage of goods and materials, beyond that normally incidental to the above permitted uses, shall be prohibited.
4. Outdoor display of plants and landscape materials for nurseries and greenhouses and outdoor displays of vehicles for automobile dealerships shall be exempt from Section 11.03.

SECTION 11.04 AREA AND BULK REQUIREMENTS

See Article 14, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

SECTION 11.05 SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 16.00, Site Development Requirements and Section 17.00, Site Plan Review, of the Zoning Ordinance.

ARTICLE 12
LIMITED MANUFACTURING DISTRICT (LM)

SECTION 12.00 PURPOSE

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

SECTION 12.01 PRINCIPAL USES PERMITTED

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

1. Wholesale of goods, such as drugs, pharmaceuticals, bakery, and dairy products, clothing, dry goods, hardware, household appliances, office and business machinery, industrial machines.
2. Warehousing and material distribution centers, provided all products are enclosed within a building.
3. Research oriented and light industrial park uses.
4. The manufacturing, compounding, process, or treatment of such products as bakery goods, candy, cosmetics, dairy products, food products, drugs, perfumes, pharmaceutical toiletries, and frozen food lockers.
5. Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles or similar nature.
6. Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth or other similar materials.
7. Printing, lithographic, blueprinting and similar uses.
8. Automobile repair garages.
9. Building materials soils yards, including but not limited to rock, sand, gravel (but excluding concrete mixing).
10. Retail lumber yards including incidental millwork.

11. Light manufacturing industrial uses which by the nature of the materials, equipment and processing utilized are to be considered clean, quiet, and free from objectionable or dangerous nuisance or hazard, including any of the following uses when conducted within a completely enclosed building.
 - a. The manufacturing, compounding, processing, and packaging or treatment of bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, condiments, (except fish, sauerkraut, vinegar, and yeast).
 - b. The manufacturing, compounding, assembling, or treatment of articles or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planning mill), yarns, and paint not requiring a boiling process.
 - c. The manufacturing of musical instruments, toys, novelties, rubber, or metal stamps.
 - d. The manufacturing of pottery, figurines or similar ceramic products, using previously pulverized clay.
 - e. The manufacturing of and maintenance of electric and neon signs, billboards, commercial advertising structures, sheet (light) metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.
 - f. Blacksmith shop or machine shop, wrought iron shop excluding punch presses over twenty (20) ton rated capacity, drop hammer, and automatic screw machines.
 - g. Laundry, cleaning, and dyeing works and carpet or rug cleaning.
 - h. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts, such as condensers, transformers, crystal holders, and the like.
 - i. Laboratories, experimental or testing.
 - j. Poultry or rabbit processing incidental to a retail business on same property.
 - k. Public utility service yard or electrical receiving transforming station.

SECTION 12.02 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following Special Condition Uses shall be permitted subject to review and approval by the Township Board, and further subject to any and all reasonable conditions which maybe imposed in accordance with Section 504 of Public Act 110 of 2006 as amended, known as the "Michigan Zoning Enabling Act,". Discretionary approval shall be subject to the requirements and standards of Section 18.00, Review and Approval of Special Condition Uses, of the Zoning Ordinance.

1. Amusement enterprises including, but not limited to, merry-go-rounds, arcades, go-cart tracks, pony-riding ring, Ferris wheel, and similar uses.
2. Open air display area for the sale of manufactured products, such as similar to garden furniture, earthenware items or nursery stock, or the rental of manufactured products or equipment, such as household equipment, small tools, trailers, and similar products and equipment.
3. Restaurants and cafeteria facilities for employees.
4. Business and technical schools which provide education in skills which are commonly used in industrial districts, such as school for the training of engineering technicians, machine operators, and vehicle mechanics.
5. Retail sales of items that are the same as the items sold as wholesale items, provided that the total amount of retail sales shall not exceed twenty-five (25) percent of the annual wholesales on the premises. Retail sales shall be strictly incidental to wholesale sales.
6. Contractor's equipment storage yards.
7. Junk yards.
8. Concrete mixing.
9. Gun clubs, archery ranges.
10. Communication Towers.
11. Berthing, storage of boats, yachts, cruisers, inboards, outboards and sailboats, including accessory buildings and uses customarily incidental to the use.
12. Truck terminals.
13. Wholesale items for retail use.

SECTION 12.03 REQUIRED CONDITIONS

All activities and uses within the District shall conform to the performance standards of Section 15.20.

SECTION 12.04 AREA AND BULK REQUIREMENTS

See Article 14, “Schedule of Regulations” limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

SECTION 12.05 SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 16.00, Site Development Requirements and Section 17.00, Site Plan Review, of the Zoning Ordinance.

ARTICLE 13
GSO, GRAVEL AND SAND OVERLAY DISTRICT

SECTION 13.00 PURPOSE

The Gravel and Sand Overlay (GSO) District is intended for those lands that have significant gravel and/or sand deposits and which will be mined and reclaimed under the provisions of this Article in a manner that protects the public health, safety and welfare. It is the intent of this district that all gravel and sand mining operations reclaim the mining sites in a fashion that preserves the value of the property and facilitates reuse of the land consistent with the Township's adopted Master Plan.

SECTION 13.01 PRINCIPAL USES PERMITTED

Unless otherwise permitted in this ordinance, no building shall be erected and no building or land shall be used in the Gravel and Sand Overlay Districts except for one or more of the following:

1. All uses permitted in the underlying Zoning District subject to the standards, regulations, area and bulk requirements, and required conditions for such district.

SECTION 13.02 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following Special Condition Uses shall be permitted subject to review and approval by the Township Board, and further subject to any and all reasonable conditions which maybe imposed in accordance with Section 504 of Public Act 110 of 2006 as amended, known as the "Michigan Zoning Enabling Act,". Discretionary approval shall be subject to the requirements and standards of Section 18.00, Review and Approval of Special Condition Uses, of the Zoning Ordinance.

1. All uses permitted subject to special conditions in the underlying Zoning District subject to the standards, regulations, area and bulk requirements, and required conditions for such district.
2. Soil, sand, clay, gravel or similar removal operations, quarry excavation, and filling of land subject to the Clyde Township Ordinance #12, as amended, and other applicable County and State regulations.

SECTION 13.03 APPROVAL PROCESS

1. Prior to action by the Township on a site plan and special land use application within the GSO district, the applicant must first obtain approval of rezoning the subject property to place the GSO district over the underlying zoning district. This overlay area shall be designated on the Zoning Map by a dashed line showing the perimeter of the overlay district and a "GSO" label near the center of the Overlay district. A

rezoning petition shall be submitted to the Township pursuant to Township's rezoning procedures.

2. All applications for rezoning to GSO shall be accompanied by "development applications" including a site plan application, special land use application, and application for sand and gravel removal pursuant to Ordinance #12, as amended. Approval of development applications shall take place no sooner than the next Township Board meeting following approval of the GSO rezoning.

SECTION 13.04 GENERAL REGULATIONS

1. For all special land uses specified in Section 13.02 above, the regulations of the GSO District contained herein shall be in addition to the requirements of the underlying zoning district. In the event of a conflict or inconsistency between the underlying district and the GSO District, the GSO District provisions shall apply. All uses permitted in the underlying district shall continue to be permitted after the GSO overlay district is approved and shall be regulated by the provisions of the underlying district.
2. All mining operations shall be required to comply with the requirements, standards, and regulations of this Section, as well as those contained in the Clyde Township Removal of Topsoil, Subsoil, Sand, and Gravel Ordinance #12, as amended, including making application for and obtaining an operating permit, if the operator will remove more than 20 cubic yards from the subject property in any year.
3. Whenever an activity requiring special land use approval or a permit pursuant to Ordinance #12, as amended, is proposed, the following landscape and screening requirements shall be required for all sides abutting an OS District:
 - a. A landscaped, undulating berm, a minimum of four (4) feet in height, with a slope not to exceed 33 percent. Said berm shall be planted with grass or other ground cover to control erosion and provide an aesthetically pleasing appearance.
 - b. Plantings of coniferous (evergreen) trees having a minimum height of four (4) feet, spaced thirty (30) feet apart, on average.
 - c. Plantings of deciduous shrubs having a minimum height of three (3) feet, provided in clumps of three shrubs between each evergreen tree.
 - d. In lieu of the above landscaping requirements, the Applicant may provide with the approval of the Planning Commission an alternative of a minimum seven (7) foot high berm, with a slope not to exceed 33 percent. Said berm shall be planted with grass or other ground cover to control erosion and provide an aesthetically pleasing appearance.
3. Whenever an activity requiring special land use approval or a permit pursuant to Ordinance #12, as amended, is proposed, the following landscape and screening requirements shall be required for all sides abutting an RA or RSF District:

- a. A landscaped, undulating berm, a minimum of five (5) feet in height, with a slope not to exceed 33 percent.
 - b. Plantings of coniferous (evergreen) trees having a minimum height of five (5) feet, spaced twenty (20) feet apart, on average.
 - c. Plantings of deciduous shrubs having a minimum height of three (3) feet, provided in clumps of three shrubs between each evergreen tree.
5. Whenever an activity requiring special land use approval or a permit pursuant to Ordinance #12, as amended, is proposed, the following landscape and screening requirements shall be required for all sides abutting an MHP, MF, R-1 or R-2 District:
- a. A landscaped, undulating berm, a minimum of six (6) feet in height, with a slope not to exceed 33 percent. Said berm shall be planted with grass or other ground cover to control erosion and provide an aesthetically pleasing appearance.
 - b. Plantings of coniferous (evergreen) trees having a minimum height of five (5) feet, spaced fifteen (15) feet apart, on average, in two separate staggered rows. Each row shall have trees spaced thirty (30) feet apart, on average, to achieve the effective spacing of fifteen (15) feet.
 - c. Plantings of deciduous shrubs having a minimum height of three (3) feet, provided in clumps of three shrubs between each evergreen tree.
6. Whenever an activity requiring special land use approval or a permit pursuant to Ordinance #12, as amended, is proposed, the following landscape and screening requirements shall be required for all sides abutting a LC, GC, or LM District:
- An undulating berm, a minimum of five (5) feet in height, with a slope not to exceed 33 percent. Said berm shall be planted with grass or other ground cover to control erosion and provide an aesthetically pleasing appearance.
7. In instances where healthy plant material exists on the site prior to its development, the applicant may apply to adjust the application of the above landscaping and screening standards to allow such plant material to substitute for new planting if such an adjustment is in keeping with, and will preserve, the intent of this Section. To obtain substitution, the existing preserved plant material shall be of high quality as determined by the Township and shall be included in a preservation easement approved by the Township.
8. Upon termination of any excavation and/or mining operation either by the operator, owner, the Township through this Ordinance, or through judicial means, the land shall be reclaimed according to the standards for rehabilitation as described in Ordinance #12.

SECTION 13.05 AREA AND BULK REQUIREMENTS

See Article 14, “Schedule of Regulations” limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements for uses permitted in Section 13.01.

TABLE 1
ARTICLE 14- SCHEDULE OF DISTRICT REGULATIONS.
Section 14.00. Height, Bulk, Density, Area, Setback and Lot Coverage by District:

USE DISTRICT	MINIMUM LOT AREA (a, h, l, n, v) (maximum density)	MINIMUM LOT WIDTH (IN FEET) (a, v)	MAXIMUM HEIGHT OF STRUCTURES (g)		MINIMUM YARD SETBACK PER LOT (IN FEET) (c, d, r)			MINIMUM FLOOR AREA (SQ. FT.) (f)	MAXIMUM PERCENTAGE OF LOT AREA COVERED BY BUILDINGS	
			IN STORIES	IN FEET	FRONT (b, e)	SIDES (m)				REAR
						LEAST ONE	TOTAL OF 2			
OS	--	--	1	25	75	50	100	50	--	10%
RA	2 acres	200 (t)	2 ½	35	60	20	40	50	1,200	10%
	2 acres with water	150 (t)								
RSF	2 acres	200(t)	2 ½	35	50	20	40	50	1,200	10%
	2 acres with water	150(t)								
	1.5 acres w / cluster	150 (t)				15	30	35		
R-1	1.5 acres w/o sewer	150 (t)	2 ½	35	35	15	30	35	980	10%
	20,000 sq. ft. w/sewer (i, j, k, l)	100 (t)	2 ½	35	25	10	25			
R-2	1.5 acres w/o sewer	150 (t)	2 ½	35	35	15	30	35	980	35%
	12,000 sq. ft. w/sewer (i, j, k, l)	70 (p, t)	2 ½	35	25	10	25	35		
MF	10,000 sq. ft. (i, j, k, l)	100	2 ½	35	25	20	40	35	(l)	35%
MHP	10 acres	330	(o)	(o)	(o)	(o)	(o)	(o)	(o)	(o)
C-1	1.5 acres	200	1	45	40 (u)	20 (p)	40	35 (q)	--	30%
C-2	1.5 acres	200	1	45	40 (u)	20 (p)	40	35 (q)	--	25%
LM	2 acres	200	1	45	50	20	40	35 (q, s)	--	30%
GSO	30 acres	600 (w)	-----	-----	SEE	SECTION	1301	-----	-----	-----

See footnotes to Table 1 in Section 14.01.

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SECTION 14.01 FOOTNOTES TO SCHEDULE OF REGULATIONS

- (a) Calculations for determining the minimum lot area and minimum lot width shall not include the existing right of way or easement area for a public road, private road, or access easement.
- (b) Minimum front yard setback is measured from the edge of the existing right-of-way, based upon information and standards set forth by the St. Clair County Road Commission for public roads. The required front yard setback shall be measured from the edge of the easement for private access easements.
- (c) Off street parking setbacks.

In all residential districts, the required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, vehicle access drives, or parking of non-commercial vehicles on driveway aprons for single family homes. Non-obscuring ornamental fences may be permitted in the front yard as provided in Section 15.11. No solid or other obscuring fence shall be located in the front yard. Off-Street parking lots for permitted non-residential uses shall be located in a side or rear yard only or, if proposed in a front yard, it shall be setback a minimum of 75 feet and screened per Section 15.10.

For multiple family districts, off-street parking may be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of one hundred (100) feet between the nearest point of the off-street parking area, exclusive of access driveway, and the centerline of the adjacent road right-of-way. This minimum setback shall be reduced to eighty-three (83) feet if the adjacent road is designated as a collector road in the Township's Master Plan.

For commercial and industrial districts, a single row of off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of eighty (80) feet between the nearest point of the off-street parking area, exclusive of access driveway, and the and the centerline of the adjacent road right-of-way. This minimum setback shall be reduced to sixty-three (63) feet if the adjacent road is designated as a collector road in the Township's Master Plan. If the road is a major arterial, the minimum setback shall be increased to ninety-five (95) feet.

For all districts off-street parking shall be permitted within the rear and side yard setbacks provided that wherever a non-residential use abuts residential use off-street parking must be setback a minimum of twenty (20) feet. Where it abuts a non-residential district, it shall be setback a minimum of ten (10) feet.

For multiple-family districts, see Section 16.38 for additional regulations.

- (d) All yards abutting upon a public street shall be considered as front yard for setback purposes.
- (e) Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on more than fifty (50) percent of the lots of record on one side of the street in any one block in a Single-Family Residential District, the depth of front yard for any building thereafter erected or placed on any lot in such

block need not be greater than the average depth of front yards of such existing building.

- (f) The minimum floor area per dwelling shall not include area of basements, breezeways, porches or attached garages.
- (g) The maximum height permitted for general and specialized farm buildings and structures shall not exceed one hundred (100) feet.
- (h) Land areas where a building is to be erected, altered, or used, shall be developed in accordance with the Health Department standards for water and septic. Health Department standards may require increased minimum lot sizes for parcels without public water and sewer service.
- (i) Individual two-family dwellings on their own site shall have a minimum lot area of twenty thousand (20,000) square feet. Minimum gross floor area for the structure shall be two thousand five hundred (2,500) square feet. The smaller of the two units shall contain a minimum livable floor area of nine hundred fifty (950) square feet. Two-family dwellings in a complex of two or more two-family dwellings shall adhere to the land area requirements in footnote J below.
- (j) Where multiple dwellings are permitted, or two or more two-family dwellings are proposed, the additional lot requirements per unit as listed below shall apply. These areas shall not include kitchens, bathrooms, closets or other storage areas.

Type of Unit	Additional Lot Area Per Dwelling Unit
Efficiency Unit	2,500 S.F.
One Bedroom Unit	3,500 S.F.
Two Bedroom Unit	4,000 S.F.
Each Additional Room	800 S.F. per room

- (k) In all Multiple Family developments there shall be usable open space provided for the use of the residents therein. Such space shall be provided upon the following basis:
 1. Five thousand (5,000) square feet for the first unit.
 2. An additional one hundred (100) square feet for each additional unit.
 The usable open space is to be separate and distinct from all other uses permitted upon said multiple site and a specific site shall be designed for recreation, passive outdoor activities, and similar uses and permanently reserved for same.

- (k) The minimum floor area per dwelling unit for multiple family dwellings shall be as follows:

Type of Unit	Minimum Floor Area Per Dwelling Unit
Efficiency Unit	350 S.F.
One Bedroom Unit	600 S.F.
Two Bedroom Unit	800 S.F.
Each Additional Room	200 S.F. per room

- (m) Each side yard shall be a minimum of twenty (20) feet and this space shall be increased beyond twenty (20) feet by two (2) feet for each ten- (10) feet or part thereof by which said dwelling structure exceeds forty (40) feet in overall dimension along the adjoining lot line. Maximum building length shall not exceed two hundred (200) feet.
Where two (2) or more multiple, row or townhouse dwelling structures are erected on the same lot or parcel, a minimum distance between any two (2) structures shall be thirty (30) feet.
- (n) Calculations for determining maximum density and the number of lots permitted shall be based upon net buildable land area (areas such as regulated wetlands, flood plains and open water bodies shall not be included in calculations for determining maximum density and number of lots permitted).
- (o) Mobile home park developments are subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Michigan Public Act 96 of 1987, and any and all rules and regulations promulgated pursuant to Act 96, as may be amended.
- (p) No side yards are required along the interior side lot lines of the District, or adjacent to other nonresidential use districts except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines or district(s) contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.
- (q) Loading space shall be provided based on the gross floor area of the proposed building in accordance with the requirements of Section 15.09.
- (r) In all non-residential districts, no building shall be located closer than fifty (50) feet to the outer perimeter (property line) of such district when said property line abuts any residential district.
- (s) In all industrial districts, outdoor storage shall be in the rear yard and shall be completely screened with an obscuring masonry wall or decorative obscuring fence, not less than six (6) feet high and a greenbelt planting so as to obscure all view from any adjacent residential, office or business district or from a public street.
- (t) A lot depth to lot width ratio of 4:1 shall be the maximum permitted for all districts.
- (u) The setback for vehicle service station canopies may be reduced to 25 feet provided the following conditions are met:

- 1) The canopy is constructed of the same building materials as the principal building.
 - 2) The canopy is not internally illuminated and no exterior lighting is directed onto the canopy.
 - 3) The maximum sign area permitted on a canopy is two (2) square feet per side. No logos, stripes or other display material shall be permitted in excess of two (2) square feet per side.
- (v) New land divisions must comply with the minimum lot area, width and frontage requirements of the applicable zoning district as specified in this Article, Section 14.00. Land Divisions shall be permitted in accordance with the Land Division Act, Act 288 of 1967 as amended. Per the Land Division Act, any parcel or tract which is “40 acres or the equivalent” or larger is known as an exempt division. Land owners can make as many exempt divisions as they desire, and such divisions are not subject to local approval as long as they are accessible. Where any proposed division for the purpose of sale, lease of more than one year, or for building development will result in parcels, tracts, lots, or outlots, that are less than the minimum area or size as required by the Clyde Township Zoning Ordinance, the applicant shall also file with the Township Clerk a copy of a deed restriction on the property recorded with the St. Clair County Register of Deeds, signed by all persons having legal or equitable interest in said parcels, tracts, lots, or outlots, stating that the property shall not thereafter be developed or used separately, but only in conjunction with adjoining, parcels, tracts, lots or outlots, which, when joined together, shall satisfy the minimum area and size requirements of the Clyde Township Zoning Ordinance.
- (w) The Township Board may allow access to the site via a 66’ wide easement built to the Township’s private road standards provided that the minimum required lot width is met at the terminus of the easement.

**ARTICLE 15
GENERAL PROVISIONS**

SECTION 15.00 CONFLICTING REGULATIONS

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

SECTION 15.01 SCOPE

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

SECTION 15.02 BUILDING REGULATIONS

1. Unlawful Building

In case any building, or part thereof, is used, erected, occupied or altered contrary to law or the provisions of this Ordinance, such building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land.

2. Temporary Building, Travel Trailer or Motor Home

No temporary building shall be erected unless a building permit has been issued for a permanent building or a new use of land on the same site. An approved temporary building shall be removed from the site before issuance of a certificate of occupancy.

3. Building Occupancy

No basement shall be used or occupied as a dwelling unit at any time, nor shall a dwelling be erected in a commercial or industrial district, except for the sleeping quarters of a watchman or caretaker, or as the homestead of a resident manager.

4. Frontage on a Public Street

No building shall be erected on a lot unless said lot fronts its full width, as required by Article 14, upon a street or road that has been dedicated to the public, or as otherwise provided by this Ordinance. Mobile home parks, multi-family developments, commercial shopping centers, office parks, or site condominium developments need not front each such structure within the development upon publicly dedicated streets or roads provided that adequate interior vehicular circulation and access can be assured in a site plan submitted for approval to the Township.

5. Division of Platted or Un-platted Land for Building Sites

The division and consolidation of unplatted land for building sites shall be subject to the regulations of the Land Division Act, Public Act 288 of 1967, as amended and the Clyde Township Land Division Ordinance. No zoning lot shall hereafter be divided into two or more zoning lots and no portion of any zoning lot shall be sold, unless all zoning lots resulting from each division or sale conform with all of the regulations of the zoning district in which the property is located except as provided in Section 14.01 V of this ordinance.

6. One Lot, One Building

In all districts, only one (1) principal building shall be placed on a single lot of record.

SECTION 15.03 LOT AREA

Any lot existing and of record at the time this Ordinance became effective may be used for any principal use, other than conditional uses for which special lot area requirements are specified in this Ordinance, permitted in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance except as provided in Article 22 "Nonconforming Uses." Such use may be made provided that all requirements prescribed in this Ordinance are complied with.

SECTION 15.04 GRADING STANDARDS

1. Slope Requirements

Buildings and structures shall be constructed at an elevation which establishes a sloping grade away from the building or structure to cause surface water to drain away from the walls of the building to a natural or designated drainage course. A minimum five percent (5%) slope away from all sides of a building or structure shall be provided for a distance of ten (10) feet.

The established grade for a house or structure constructed within 100 feet of the front property line (corner lots to have two property lines) shall be a minimum one (1) foot above the crown of the road adjacent to the subject property unless natural drainage is available. If natural drainage is available, and is to be used in lieu of the one (1) foot grade requirement, it must be shown on the proposed grading plan and approved by the Township.

2. Runoff Onto Adjacent Properties

New grades shall not be established that would cause an increase in the drainage of surface water onto adjacent properties, except through an establish drainage course or easement for that purpose.

3. Review, Inspection and Approval Procedures

Site grading shall be reviewed by the Township Building Official or Township Engineer prior to the issuance of a building permit. In the event that a grading plan is submitted in conjunction with an application for site plan approval, the Planning Commission shall review the grading plan as a part of the site plan review procedure. The Building Official shall issue a building permit after the determination has been made that the requirements of this section and other applicable ordinances have been met.

SECTION 15.05 STRUCTURE COMPLETION

All structures shall be completed within one (1) year of the issuance date of the building permit for such structure, unless an extension for not more than one (1) additional year is granted for good cause by the Building Inspector. When a part of the building is ready for occupancy, a temporary occupancy permit may be issued, provided that the premises complies with health and fire standards required under this Ordinance, or any other ordinance, regulation, or statute.

SECTION 15.06 DETACHED ACCESSORY BUILDINGS

The intent of this section is to regulate the size, appearance, and placement of accessory structures in a manner that preserves Clyde's rural character, while allowing landowners to make reasonable use of their property.

1. General Provisions for Accessory Buildings in all districts:
 - A. No accessory building shall be permitted unless a permit for the principal building has been issued.
 - B. Accessory buildings, which are structurally attached to a principal building, shall conform with all regulations of this Ordinance applicable to the principal building.
 - C. Once a building permit has been issued for a principal building, one (1) accessory structure of not more than 200 square feet in floor area may be built on a lot without the obtainment of a building permit, so long as the structure meets all other requirements of this Ordinance including the provisions of Article 15.06 and other applicable ordinances governing said buildings. A building permit must be obtained for all other accessory structures, regardless of size.
 - D. The requirements of Section 15.06 shall not apply to farm buildings to the extent exempted by State law, Public Act 93 of 1981, the Michigan Right to Farm Act; provided, however, a building accessory to a residence shall not be used for the storage of farming equipment or machinery used in a farming operation. Additionally, an accessory building permitted per the Right to Farm Act exemption shall be used exclusively for farming operations and shall not be used for the storage of non-farming items. A person claiming the Right to Farm exemption for the use, erection or placement of a farm building shall provide reasonable documentation, such as Farm Number, receipts for seed, fertilizer, crops sold, and a Schedule F- Federal Income Tax Form, to the Building Inspector sufficient to demonstrate the farming operation.
 - E. Accessory building in any district shall only be used for permitted uses or activities customarily incidental to the permitted principal use(s) in the district.
 - F. Except as provided by Section 15.06.2, accessory building floor area and height shall be governed by the lot coverage height provisions of Article 14, Section 14.00.
 - G. Accessory buildings shall be located in a side or rear (back) yard except for the following:
 - (1) Residential/Agricultural accessory buildings are subject to the placement provisions of 15.06.2
 - (2) In accordance with the provisions of Section 19.08 of this Ordinance, accessory Buildings for lots having lake or river frontage shall be permitted in the setback between the abutting road right of way and the principal building provided the front setback as required by Article 14.00 of this Ordinance is met.

(3) In non-residential districts, the approving body may waive the requirement of this subsection if it is found that the placement of the accessory building in the front yard is reasonable and customary for the principal proposed use.

H. In any case where a building or accessory building in a C-1, C-2, or LM District is erected or placed within two hundred (200) feet of the front lot line of any parcel of land fronting upon any public street, the front walls of said building or accessory building within said distance of two hundred (200) feet shall not be constructed of tarred paper, tin, corrugated iron, or any form of pressed board or felt or similar material within the limits herein specified. Occupants of such premises shall not be permitted to place open stock, scrap, or junk piles within said two hundred (200) feet unless the same shall be obscured from view from the street by the existence of a building, solid wall, earth berm, or evergreen screen sufficient to properly obscure the same view from the street and such open storage is explicitly permitted in that district.

I. No detached accessory building shall be located closer than ten (10) feet from any main building nor shall it be closer than ten (10) feet from any rear or side lot line. For the purposes of this section, a rear or side yard that is contiguous to any road or right-of-way shall be subject to the setback requirements as if it were a front yard.

2. Accessory Buildings in Residential and Agricultural Districts

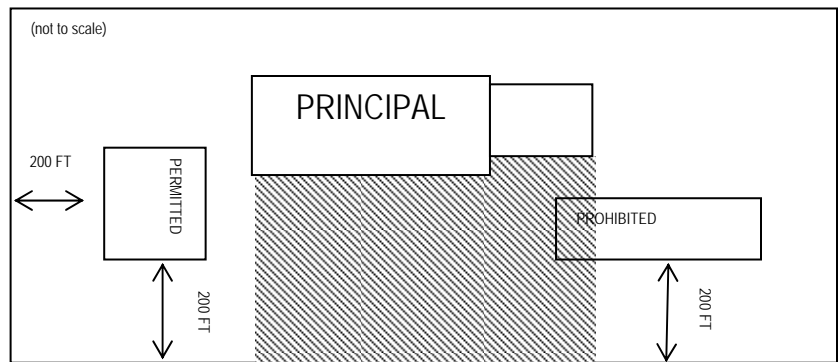
In addition to the requirements of Section 15.06.1 above, the following regulations shall apply to accessory buildings in residential and agricultural districts:

A. Detached residential accessory buildings shall not be located in the front yard of the principal residence except as provided below.

B. The Planning Commission shall require site plan review for any request to locate a detached accessory building in the front yard. The applicant must submit a complete application and fee together with a scaled drawing showing the property dimensions, setbacks, buildings and structures, and any other pertinent information. The Planning Commission shall consider the following in making its review and determination:

(1) The accessory building must be set back at least two hundred (200) feet from the front lot line.

(2) Accessory buildings shall not be located in or protrude into the space in front of the principal structure (see diagram).



- (3) The accessory building shall not block the view toward the road for neighboring residences. In addition the accessory building must be behind any neighboring residence within three hundred (300) feet of said building.

In reviewing such request, the Planning Commission may require such additional information as it deems reasonably necessary to make a determination upon the application.

- C. Accessory structures located in front yards shall not have doors intended for vehicles facing a public road. Accessory structures in side yards may have doors for vehicles facing a public road if the accessory structure’s front façade is set behind the principal structure’s front façade by at least five (5) feet.
- D. Roof pitch shall be governed by building size. In no case shall the roof pitch be less than 4/12 (4 inches vertical for each 12 inches horizontal).
- E. The residential accessory building shall have a finished, residential character.
- F. The size and number of detached accessory buildings in the Residential and Agricultural districts are subject to the following:

Lot Size	Maximum Total Floor Area of all Accessory Buildings based on percentage of total Lot Area in Square Feet. ^{1,2}	Maximum Sidewall Height as measured from the top of the lowest finished floor.	Total Number of Accessory Buildings Permitted ²
1.0 Acre or less	3%	9 feet ³	2
1.01-2.0 Acres	2%	10 feet ³	2
2.01 Acres-4.0 Acres	2%	14 feet	3
4.01 Acres- 6.0 Acres	No maximum ⁴	16 feet	3
6.01 Acres or more	No maximum ⁴	16 feet	1 building per each 2 full acres.

¹One acre is equal to 43,560 square feet. The formula for determining maximum allowable floor area is Lot Size in acres x 43,560 x % allowed.

² Any accessory structure 200 square feet in floor area or less shall be included in the Total Floor Area and Total Number of Accessory Buildings permitted.

³The maximum overall height to the peak of the roof shall be twenty five (25) feet.

⁴If the proposed building is over 3,500 square feet in size, site plan review is required by the Planning Commission in accordance with the provisions of subsection G below.

- G. Structures over 3,500 square feet in floor area shall require site plan review and approval by the Planning Commission. The applicant must submit a complete application and fee together with a scaled drawing showing the property dimensions, set-backs, buildings and structures, and any other pertinent information. The Planning Commission shall consider the following in making its review and determination.

- (1) Accessory Building site proportional to main dwelling.

- (2) Accessory Building in harmony with surrounding buildings and structures and does not adversely impact the environmental, physical, or rural character of Clyde Township.
- (3) Placement of the accessory building on property.
- (4) Proposed use of accessory building, present and future.

In reviewing the request, the Planning Commission may require such additional information as it deems reasonably necessary to make a determination upon the application.

SECTION 15.07 OFF-STREET PARKING REQUIREMENTS

There shall be provided in all districts at the time of erection or enlargement of any main building or change of use of any principal 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 hereinafter prescribed.

1. Off-street parking spaces may be located within a non-required side yard or rear yard within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard or a required side yard setback except as provided in Section 14.01 (c).
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant provided no major street or thoroughfare must be crossed between the main building and off-street parking lot to gain access.
3. Nothing in this section shall be construed to prevent collective provisions of off-street Parking facilities, for two (2) or more buildings or uses. Such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table below.
4. Two (2) or more buildings or uses may share off-street parking facilities provided that the proposed uses shall either operate during different hours of the day or night, or shall have peak hour parking demands that do not coincide. The required number of parking spaces for the uses calculated individually may be reduced by up to thirty percent (30%) if the following is provided: 1) A signed agreement by the property owners to verify that the peak usage will occur at different periods of the day and 2) A shared parking study by a parking expert with experience in shared parking studies. A legally sufficient written agreement assuring the joint usage of said common parking for the combination of used or buildings shall be properly drawn and executed by the parties concerned, approved as to form and execution by the Planning Commission and Township Attorney, and filed with and made part of the application for building permit.
5. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.
6. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this section are provided elsewhere. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building to new use.

7. The use of required parking areas for storage of merchandise, refuse storage stations / dumpsters, storage or display of motor vehicles including trucks, use of semi-trailers for storage purposes, or the repair or maintenance of vehicles is expressly prohibited.
8. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use, that the Planning Commission considers as similar in type.
9. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
10. For the purpose of computing the number of parking spaces required, the definitions of useable floor area and gross leasable floor area in Article 2, Definitions, Section 2.02, 57 and 58 shall govern.
11. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.
12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

USE	MINIMUM REQUIRED NUMBER OF PARKING SPACES	PER EACH UNIT OF MEASURE AS FOLLOWS
RESIDENTIAL		
Single and Two Family Dwellings	2	Dwelling Unit
Multiple Family Dwellings and Mobile Home Communities	2	Dwelling unit plus 1/5 of a space per bedroom for guest parking. Plus One (1) for each employee of the facility.
Housing for the Elderly	1	Per each unit plus one (1) per employee. If units revert to general occupancy then two (2) spaces per unit shall be provided
USE		
MINIMUM REQUIRED NUMBER OF PARKING SPACES		
PER EACH UNIT OF MEASURE AS FOLLOWS		
Convalescent Homes and Nursing Homes	1	Per each four (4) beds plus one (1) per employee
Hospitals, Urgent Care Centers, Health Care Clinic or Center	1	Per two and seven tenths (2.7) beds

INSTITUTIONAL		
Religious Facilities	1	Per three (3) seats or six (6) feet of pews based on maximum seating capacity in the main place of assembly, or one (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is greater
Elementary and Junior High Schools	1	Per each teacher, employee or administrator in addition to the requirements of the auditorium.
Senior High Schools	1	Per each teacher, employee or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.
Libraries and Museums	1	Per three hundred (300) square feet of gross floor area
Private Clubs or Lodge Halls	1	Per three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes
Theatres and auditoriums	1	Per three and four tenths, (3.4) seats plus one (1) for each two (2) employees
Stadiums, sports arenas, or similar place of outdoor assembly	1	Per three (3) seats or six (6) feet of benches plus one (1) for each employee
Private golf-clubs, swimming pool clubs, tennis clubs, or other similar uses	1	Per each four(4) member families or individuals plus spaces required for each accessory use, such as restaurant or bar

USE	MINIMUM REQUIRED NUMBER OF PARKING SPACES	PER EACH UNIT OF MEASURE AS FOLLOWS
BUSINESS AND COMMERCIAL		
Business or professional offices, except as indicated in the following item	1	Per two hundred twenty two (222) square feet of leasable floor area
Professional offices of doctors, dentists, or similar professions	1	Per every one hundred sixty five (165) square feet of gross leasable area.
Banks (without drive-through service) and post offices	1	Per one hundred fifty (150) square feet of gross leasable area.
Dance halls, lodge halls, Exhibition halls, pool and billard halls, assembly halls without fixed seats,	1	Per each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, or building or health codes
Bowling alleys	5	Per bowling lane, plus accessory uses, such as restaurant or bar
Miniature or "Par 3" golf courses	3	Per each one (1) hole and one (1) for each employee
Fast food	1	Per sixty (60) square feet of gross floor area
Establishment for sale and consumption on the premises of beverages, food or refreshments, <i>not</i> including alcohol	1	Per one hundred (100) square feet of gross floor area
Establishment for sale and consumption on the premises of beverages, food or refreshments, including alcohol	1	Per seventy (70) square feet of gross floor area
Mortuary establishments, Funeral homes	1	Per fifty (50) square feet of floor space in the slumber rooms, parlors or individual funeral service rooms

USE	MINIMUM REQUIRED NUMBER OF PARKING SPACES	PER EACH UNIT OF MEASURE AS FOLLOWS
Planned commercial or Shopping centers	5.2	Per each one thousand (1,000) square feet of leasable floor area
Retail stores except as Otherwise specified herein	5.2	Per one thousand (1,000) square feet of leasable floor area
Open air businesses	1	Per five hundred (500) square feet of lot area for retail sales or rental uses; or every two (2) participant spaces for outdoor amusement land uses
Roadside stands	4	Per one hundred (100) square feet of sales area, but not less than 4 spaces
Beauty Salons or barber Shops	3	Per each of the first two (2) beauty or barber chairs and one and one-half (1 ½) spaces for each additional chair.
Hardware stores	1	Per one hundred fifty (150) square feet of usable floor space, plus one (1) space for each person working on the premises
Furniture and appliance, household equipment, repair shops, showrooms of plumber, decorator, electrician or similar trades, clothing and shoe repair and other service related uses.	1	Per each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein).
Coin operated Laundromats, Dry cleaning establishments and pick-up laundries	1	Per each two (2) washing, drying, and dry cleaning machines
Automobile Filling Station/convenience store	1	fueling space per nozzle; plus one (1) parking space per two hundred (200) square feet of gross floor area.

USE	MINIMUM REQUIRED NUMBER OF PARKING SPACES	PER EACH UNIT OF MEASURE AS FOLLOWS
Automobile Service Station	2	Per each lubrication stall, rack or pit; plus one (1) for each gasoline pump; plus one (1) for each vehicle used as part of the equipment of the service station
Automobile Repair Garage	1	Per each 500 square feet of floor area, plus one (1) space for each employee, plus one (1) for each vehicle used in the business and kept on the premises.
Motor vehicle sales and Service establishments	1	Per each two hundred (200) square feet of usable floor space of sales room, plus five (5) for each one (1) auto service stall in the service room
Oil Change Facility	2.0	Per service bay
Automobile car wash(self service operation)	1	Per car wash establishment for employee parking plus five (5) per wash bay. (See stacking space standards, 15.07.12 (A))
Automobile car wash (Automatic)	1	Per each one (1) employee plus stacking lane spaces as indicated in the drive-through (See stacking space standards, 15.07.12 (A))
Printing and Publishing Establishments	1	Per employee plus one (1) per 500 square feet of public area
Nursery schools, day Nurseries, child / adult day care centers, family day care homes, group day care homes	1	Per employee plus drop off/waiting area spaces in an amount equivalent to 1 space per each 6 children/adults served
Lumberyard	1	Per 400 square feet commercial display plus one (1) per 1,000 square feet warehouse plus one (1) per company vehicle
Motels, hotels, bed and breakfasts, or other commercial lodging establishments	1	Per guest bedroom plus one (1) for each employee, plus spaces required for restaurants and other accessory uses

USE	MINIMUM REQUIRED NUMBER OF PARKING SPACES	PER EACH UNIT OF MEASURE AS FOLLOWS
Photography studio	1	Per 400 square feet
Marina	1	Per berth plus one (1) per 500 square feet of dry boat storage or one (1) per two (2) boats stored in a rack system plus one (1) per employee working on the largest shift
Nursery /Greenhouse	1	Per 300 square feet interior area plus one (1) per 2,000 square feet outdoor sales
Racquet sports Club	3	Per court plus one (1) per employee working the largest shift plus additional spaces for accessory uses such as eating establishments.
Health Club	1	Per 200 square feet or one (1) per two member families, whichever is greater
Manufacturing or research Establishments and related Accessory offices	5	Plus one (1) for every one and one half (1½) employees based on maximum occupancy. Space on site shall also be provided for all construction workers during periods of plant construction plus one (1) space shall be provided for each company vehicle.
Self-storage	4	Per 1,000 square feet of office plus one (1) per employee working the largest shift.
Industrial or Research uses and related accessory offices	5	Plus one (1) for every one and one-half (1 ½) employees.
Warehouses and wholesale Establishments and related Accessory offices	5	Plus one (1) for every one (1) employee, or one (1) for every seventeen hundred (1,700) square feet of usable floor area, whichever is greater

A. Drive Through Standards. Any lane, route, or path in which vehicles are directed expressly for the purposes of receiving or dispensing persons, goods, or services without the driver leaving the vehicle (hereinafter referred to as a drive-through lane) shall comply with the following requirements:

- (1) Drive-through lanes shall be separate from the circulation routes and lanes necessary for ingress to and egress from internal maneuvering lanes.
- (2) Drive-through lanes shall not utilize any space that is necessary for adequate access to parking spaces from internal maneuvering lanes.
- (3) Drive-through lanes shall have a minimum centerline radius of twenty-five (25) feet.
- (4) Drive-through lanes shall be striped, marked, or otherwise distinctly delineated.
- (5) Each stacking space in the drive-through lane shall be nine (9) feet wide by twenty (20) feet long.
- (6) No vehicle shall be permitted to wait or stand within a dedicated right of way.
- (7) Drive-through lanes shall have a minimum stacking space in accordance with the following standards:

Use Served by Drive-Through Lane ¹	Minimum Stacking Requirements (per lane) ²
Fast food restaurant with indoor seating	Eight (8) vehicles inclusive of the vehicle at the window.
Fast food restaurant <u>without</u> indoor seating	Ten (10) vehicles inclusive of the vehicle at the window.
Financial Institution	Six (6) vehicles inclusive of the vehicle at the window.
ATM Machine	Four (4) vehicles inclusive of the vehicle at the ATM Machine.
Car Wash (Automatic)	Five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
Self-service automobile car wash establishments	(4) spaces in advance of each washing stall. A drying lane fifty (50) feet long shall also be provided within the boundary limits of the property at the exit of each washing stall in order to prevent undue water from collecting on public streets and thereby creating a traffic hazard.

Dry Cleaners	Four (4) vehicles inclusive of the vehicle at the window.
Convenience Market and Pharmacy	Three (3) vehicles inclusive of the vehicle at the window.
Oil Change Facility	Four (4) vehicles inclusive of the vehicle in the bay.

¹ For a use not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon analysis by the Township Planner or Township Traffic Engineering consultant.

² One off-street waiting space is defined as an area nine (9) feet wide by twenty (20) feet long.

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

TOTAL SPACES IN PARKING LOT	REQUIRED NUMBER OF ACCESSIBLE SPACES
UP TO 25	1
26 TO 50	2
51 TO 75	3
76 TO 100	4
101 TO 150	5
151 TO 200	6
201 TO 300	7
301 TO 400	8
401 TO 500	9
501 TO 1,000	2% OF TOTAL
OVER 1,000	20 PLUS 1 FOR EACH 100 OVER 1,000

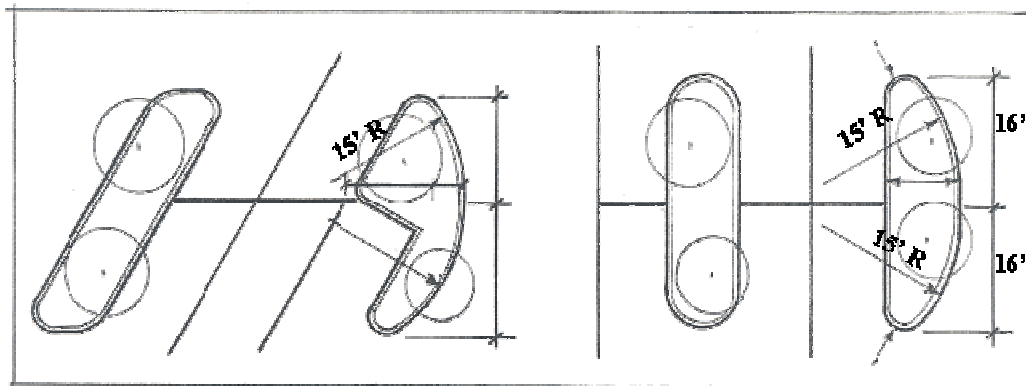
- (1) Parking spaces for the physically handicapped shall be a minimum of eight (8) feet wide with and adjacent access aisle of five (5) feet on the passenger's side. Handicapped parking spaces must meet all other applicable requirements as to size as set forth in this section.
- (2) One out of every eight reserved stalls shall be designated as "Van Accessible", with no less than one "Van Accessible" stall provided for each lot. Each "Van Accessible" stall shall have an adjacent access aisle with a minimum width of eight (8) feet. This eight (8) foot stall may be located between and shared among two adjacent stalls. Van accessible sites designed for parallel parking with extra exit space for a rear equipped vehicle are permissible as well.

SECTION 15.08 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

Whenever the off-street parking requirements in Section 15.07 above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit is issued by the Building Inspector. Applications for a permit shall be submitted to the Building Inspector in such form as may be determined by the Building Inspector and shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
2. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
3. No parking stall located adjacent to a parking lot entrance from a street (public or private) shall be located closer than twenty-five (25) feet from the street right-of-way (ROW) line, street easement or sidewalk, whichever is closer.
4. No land that is located in a residential district shall be used for a driveway, walkway, or for access purposes to any land that is located in a nonresidential district. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district.
5. All maneuvering lane widths shall permit one-way traffic movement, except that the 90 degree pattern may permit two-way movement.
6. The entire parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Township Building Official. Each individual parking space shall be so delineated by a painted stripe. Said painted stripes shall be maintained in such manner that demarcation of noted parking space is clearly visible at all times.
7. In order to delineate on-site circulation, improve sight distance at the intersection of parking aisles, ring roads, and private roads, protect the vehicle at the end of a parking bay, and define the geometry of internal intersections, end islands (landscaped with raised concrete curb) shall be required at the end of all parking bays that abut traffic circulation aisles in off-street parking lots. In areas where internal traffic circulation is forecast to be low or where the raised islands would not be appropriate, the Planning Commission may waive the requirement for an end island or may require painted islands only. The end islands shall generally be at least eight (8) feet wide, have an outside radius of 15 feet, and be constructed two (2) feet shorter than the adjacent parking stall as follows:

PARKING LOT ISLAND DETAIL



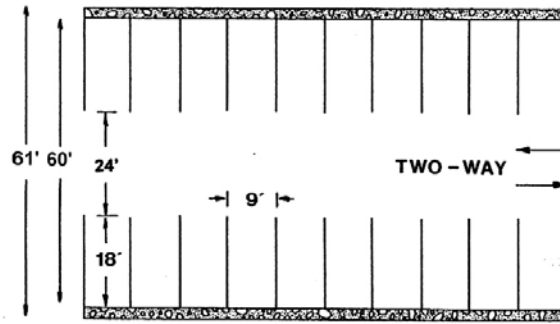
8. Parking lot landscaping and screening shall be in accordance with the standards and requirements of Section 15.10.8.
9. Where more than four (4) parking spaces are required, the entire parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Township Building Inspector.
10. Off-street parking areas and maneuvering lanes 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.
11. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed only onto the parking area in accordance with the requirements of Section 15.13 of this Ordinance.
12. Except for those serving single and two-family dwellings, all parking lots shall be provided with wheel stops positioned so that no part of parked vehicles will extend beyond the property line or into required landscaped areas.
13. No building or structure shall be permitted on an off-street parking lot, except for an attendant shelter, which shall be not more than fifty (50) square feet and not more than 15 feet in height. No parking lot shall have more than one (1) attendant shelter building. All shelter buildings shall conform to setback requirements for structures in the district in which it is located.
14. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width*	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (parallel)	24ft.	8 ft.	25 ft.	32 ft.	40 ft.
30° to 53°	14 ft.	9 ft.	18 ft.	32 ft.	50 ft.
54° to 74°	16 ft.	9 ft.	18 ft.	36 ft.	56 ft.
75° to 90°	24 ft.	9 ft.	18 ft.	42 ft.	60 ft.

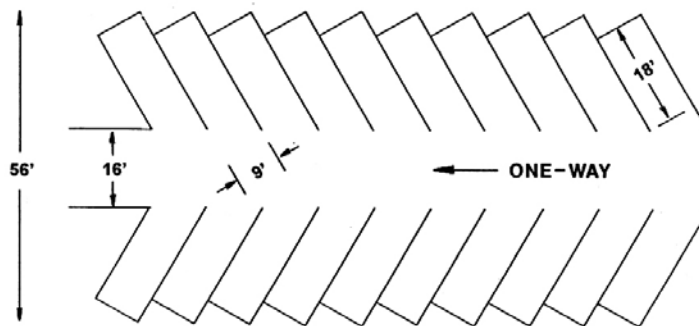
Dimensions are measured from face of curb to face of curb. When no parking spaces are present adjacent to a maneuvering lane, the lane width may be reduced to 22 feet, plus curb and gutter (if curbed) unless the *Planning Commission finds that the 24 foot width is warranted for the proposed use.*

See Parking Lot Layout Illustration on the next page.

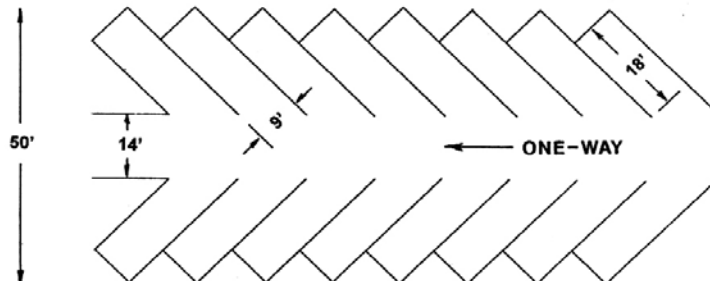
PARKING LAYOUT ILLUSTRATION



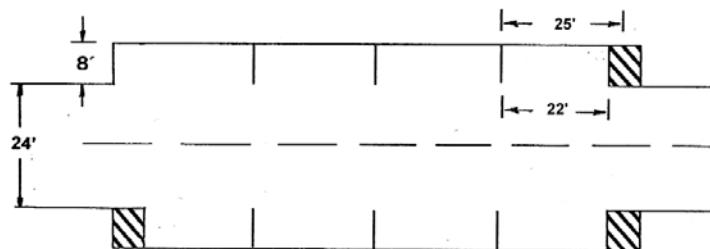
90 DEGREE



60 DEGREE



45 DEGREE



PARALLEL

SECTION 15.09 OFF-STREET LOADING AND UNLOADING

On the same premises with every, 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 a public use of dedicated rights-of-way and off-street parking areas. Such space shall be provided as follows:

1. Loading spaces shall be provided by district as required by Section 14.01C.
2. Required loading spaces shall be located to the rear of the building being served and screened from view from adjoining uses and roadways.
3. Required spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a vertical clearance of at least fifteen (15) feet in height.
4. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface.
5. Required loading space shall not be counted or used for required parking.
6. The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles or repair of vehicles is prohibited in required loading spaces.
7. The minimum amount of loading spaces shall be determined in accordance with the schedule which follows:

<u>Gross Floor Area</u>	<u>Number of Spaces Required</u>
0 – 1,400	None
1,401 – 20,000	One (1) space
20,001 – 99,999	One (1) space plus one (1) space for each 20,000-square feet in excess of 20,001-square feet.
100,000 and over	Five (5) spaces, plus 1 space for each 50,000 square feet in excess of 100,000 square feet.

The Planning Commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

8. The location of the loading dock shall be subject to Planning Commission review. The Township, in making its review, shall find that any such use shall:

- A. Not have a disruptive effect on the safe and efficient flow of pedestrian and vehicular traffic within the site.
- B. Be aesthetically and effectively screened from view from adjoining properties and from a street, in accordance with the provisions of Section 15.10.5 (A).

The Township, to aid in its review, may require submittal of building elevations and cross-section plans showing grade elevations with respect to the location of loading, unloading, and trash receptacles, the corresponding elevations of adjoining properties and streets and the means by which these facilities will be effectively screened from view.

SECTION 15.10 LANDSCAPING AND SCREENING

Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the Township. Landscaping and green belts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses. Screening is important to protect less-intensive uses from the noise, light, traffic, litter and other impacts of intensive nonresidential uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening. Nothing herein shall preclude a developer and the Township from agreeing to more extensive landscaping. Screening and landscaping in all zoning districts, where required, shall adhere to the following minimum standards.

1. The requirements set forth in this section shall apply to all uses, lots, sites, and parcels which are developed or expanded following the effective date of this Ordinance, except for agriculture, single-family detached, and two-family dwellings. No site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this Section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved. In cases where the use of an existing building changes or an existing building is changed or otherwise altered or reoccupied, all of the standards set forth herein shall be met.
2. Basic Landscape Design Requirements and Considerations

Whenever a landscape plan is required under the provisions of this Ordinance a detailed planting plan of said improvements shall be submitted and approved with the site plan prior to the issuance of a building permit. Unless waived by the Planning Commission, or the administrative staff reviewing the plan, the plan shall be prepared by a landscape architect, registered in the State of Michigan, and shall indicate, to scale, the location, spacing, starting size and description of each type of plant material utilized in the plan together with all other landscape design improvements and a maintenance plan for the landscape improvements. The plan shall also include existing and proposed topographic conditions contour intervals not to exceed one (1) foot typical cross-sections of walls, berms, or other vertical improvements, drainage plans and structures, typical planting and staking details, and a summary schedule of the respective quantities of each improvement.

The Township shall consider design plans and materials in relation to their fulfillment of the basic landscape and/or screening functions required herein. Conformance with design requirements will also be considered in terms of innovative designs, which accomplish the spirit and intent of landscape requirements with some deviation from more precise design requirements established by this Section.

3. General Provisions

In all zoning districts the following minimum standards apply:

- A. All required landscaping shall be continuously maintained in a healthy, growing condition for the life of the development.
- B. All required landscaped areas shall be covered with grass or other living, natural ground cover. The Planning Commission may permit wood chips, cypress mulch, stone or equivalent materials in partial substitution for the natural ground cover requirement where warranted. Plastic or other non-organic materials are prohibited.
- C. All required landscape areas in excess of 200 square feet shall be irrigated to assist in maintaining a healthy condition for all landscape plantings and lawn areas. All site plans shall note installation of required irrigation.
- D. All required landscape plantings shall be guaranteed for a period of two (2) years and those which are diseased or dead must be replaced in conformance with the approved landscape plan. The diseased or dead plantings must be replaced with plantings of the same size as those, which were removed. A performance bond must be posted for the two years during which the guarantee is in effect in accordance with the provisions set forth in Section 17.07.
- E. All required landscape areas and screen walls which abut vehicular drives, parking or other use areas shall be separated from the vehicular use area with a 6" minimum curb of concrete construction.
- F. The Planning Commission may permit the reduction or modification of required landscaping when, based on the review of a landscape plan and other relevant information, the proposed adjustment meets the intent and purpose of this Section. The Planning Commission shall consider the following in making a determination that a modification of the landscape requirements is appropriate:
 - (1) Topography or other unique features of the site are such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.
 - (2) The reduction of required landscaping is necessary in order to maintain views of lakes, wetlands, and other natural features, which the Planning Commission seeks to preserve.

- (3) Parking, vehicular circulation or land use are such that required landscaping would not enhance the site or result in the desired screening effect.
 - (4) The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of the Ordinance.
- G. The Planning Commission may require an increase in required landscaping where such an increase is deemed necessary by the Commission to accomplish the spirit and intent of the ordinance.
 - H. Trees shall not be planted closer than four (4) feet to any property line.
 - I. Staggering plantings into two or more rows and grouping the plantings together in order to create visual appeal and variety in the landscaping is encouraged.
 - J. The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion, which is devoted to patios, terraces, sidewalks or other site features.
 - K. Large shade or evergreen trees shall not be located within public water, sewer, or storm drainage easements. Shrubs and small ornamental trees may be allowed.
4. Screening and Landscaping Standards

The table below provides the standards for various types of screening and landscaping required in this ordinance:

Type of Screening	Height	Width	Planting Requirements
Extensive Land Form Buffer (A-1)	6 foot berm with a 2 foot crown and maximum 3:1 slope	38 feet	1 large deciduous, 1 evergreen tree and 4 shrubs for every 15 linear feet, planted in two offset rows
Land Form Buffer (A-2)	3 foot berm with a 2 foot crown and maximum 3:1 slope	20 feet	1 large deciduous, 1 evergreen tree and 8 shrubs for every 30 linear feet
Buffer Strip (B)	5 foot visual barrier	20 feet	1 large deciduous or evergreen tree and 4 shrubs for every 15 linear feet
Screen Wall ² (C)	6 foot (8 foot for LM district)	8 inches of brick, decorative concrete or decorative block	5 foot greenbelt adjacent to screen wall for its entire length

Type of Screening	Height	Width	Planting Requirements
Obscuring Fence (D)	6 feet to 8 feet in height, depending on district. Refer to standard of Section 15.11 Fences, Walls, and other Protective Barriers	NA	NA
Greenbelt ¹ (E)	N/A	20 feet	1 large deciduous or evergreen tree and 8 shrubs for every 30 linear feet

- ¹ Greenbelts required adjacent to road rights-of-way may be substituted in part with a masonry screen wall, 30 inches in height, at the discretion of the Planning Commission. A 5-foot greenbelt adjacent to the screen wall must be provided.
- ² Screen walls shall comply with Section 15.12 that relates to visibility, and Section 15.11 Fences, Walls and Other Protective Barriers.

5. Required Minimum Screening and Landscaping

A. The following Table specifies the minimum required screening and landscaping between a subject parcel and adjacent properties:

Required Screening and / or Landscaping

Zoning or Use of Subject Parcel	ZONING OF ADJACENT PARCEL				
	AG, RSF R-1, R-2	MF, MHP	C-1, C-2,	LM & GSO	Adjacent Road ROW
RM-1, RM-2 ,MHP	A-2 or B & D or C	A-2 or B & D or C	A-2 or B & D or C	A-2 or B & D or C	E
C-1, C-2	A-2 or B & D or C	A-2 or B & D or C	None	A-2 or B & D or C	E
LM & GSO	A-1 or A-2 & C	A-1 or A-2 & C	A-2 & C	None	A-1
Public and Quasi- Public Buildings; Schools	A-2 or B & D or C	A-2 or B & D or C	A-2 or B & D or C	A-2 or B & D or C	E
Outdoor Storage	A-1 or A-2 & D or C			E	A-1
Circulation Drives, Parking Lots, Delivery/Service Door Areas	A-2 or B & D or C	A-2 or B & D or C	E	E (10)	E

KEY: A-1) Extensive Land Form Buffer
 A-2) Land Form Buffer
 B) Buffer Strip
 C) Screen Wall
 D) Obscuring Fence
 E) Greenbelt

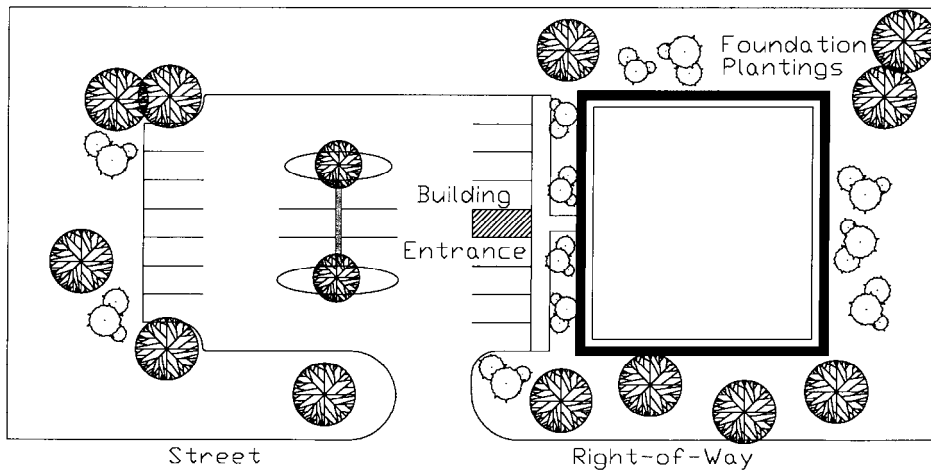
B. Where the table above provides for alternative methods for screening and/or landscaping, the Planning Commission shall have the authority to approve the particular method selected.

C. The Planning Commission may permit a combination of a required land form buffer, buffer strip, screen wall, or greenbelt upon finding, based on review of a landscape plan, that the combined landscaping and/or screening will achieve the same effect as otherwise required.

- D. The Planning Commission may permit a reduction of screening between single-family residential and non-residential or multiple-family districts or uses when separated by a road right-of-way.
- E. The Planning Commission may modify the screening requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements.

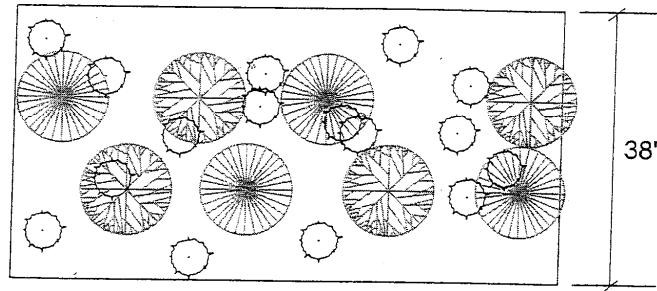
6. Interior Landscaping Requirements

For every new development that requires site plan review, except site condominiums as regulated in Section 17.08, interior landscaping areas shall be provided, equal to at least ten (10) percent of the total lot area. These landscaped areas shall be grouped near all building entrances, building foundations, pedestrian walkways, and service areas, and may also be placed adjacent to fences, walls, or rights of way. These planting areas shall be so located as to breakup an otherwise continuous abutment of building facade with sidewalks and/or parking areas. All interior landscaping shall provide one (1) large deciduous, small ornamental deciduous, or evergreen tree and four (4) shrubs for every four hundred (400) square feet of required interior landscaping area.

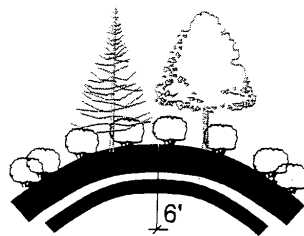
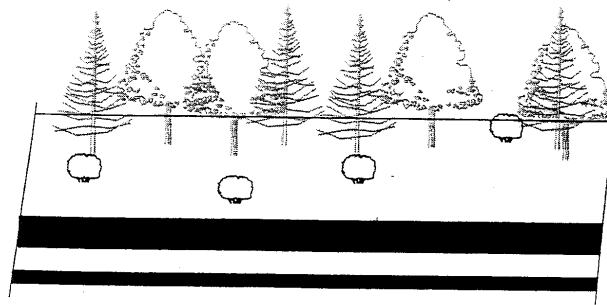


Required Interior Landscaping

A-1 EXTENSIVE LAND FORM BUFFER

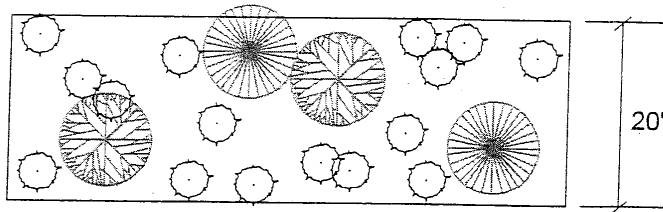


2 Trees & 4 Shrubs per 15 Linear Feet Planted in 2 Offset Rows

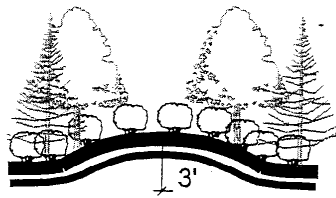
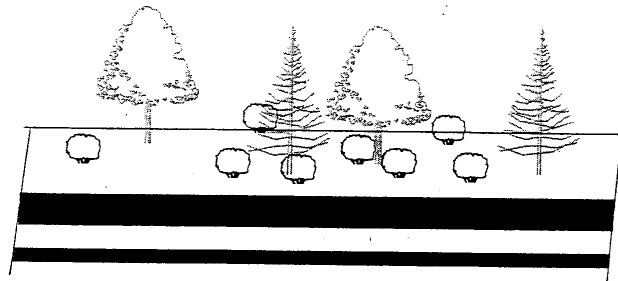


Cross Section View
2' Crown, Max 3:1 Slope

A-2 LAND FORM BUFFER

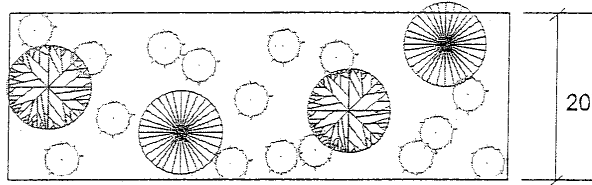


2 Trees & 8 Shrubs per 30 Linear

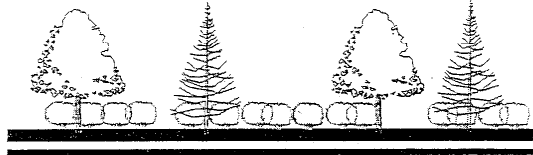


Cross Section View
2' Crown, Max 3:1 Slope

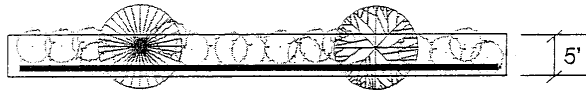
B - BUFFER STRIP



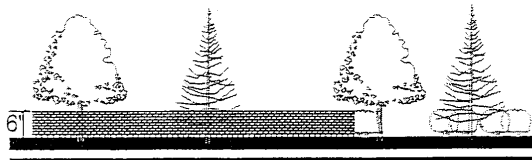
5 Foot High Visual Barrier of
1 Tree (Deciduous or Evergreen) &
4 Shrubs per 15 Linear Feet



C - SCREEN WALL

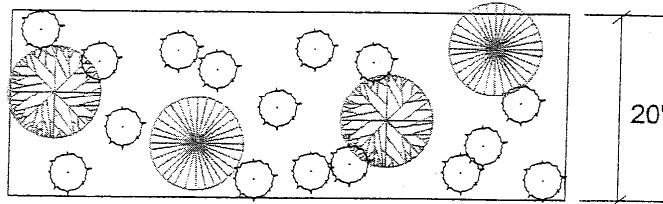


Greenbelt Adjacent to Wall
1 Tree & 8 Shrubs per 30 Linear Feet

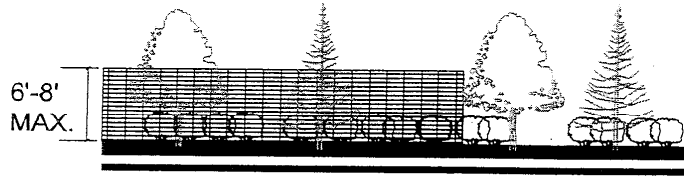


8 Foot High Wall in I-2 District

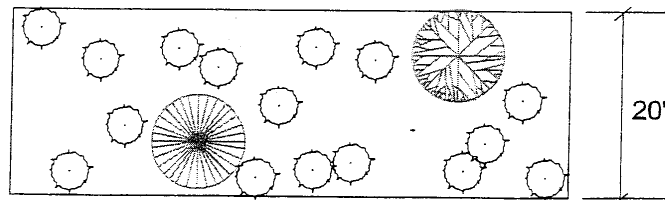
D - OBSCURING FENCE



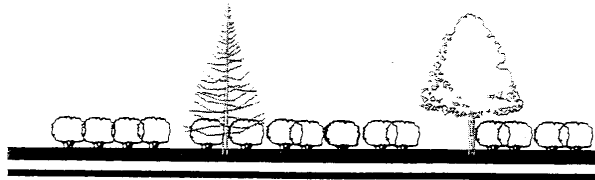
Buffer Strip adjacent to Obscuring Fence
1 Tree & 4 Shrubs per 15 Linear Feet



E - GREENBELT



1 Tree & 8 Shrubs per 30 Linear Feet



7. Residential Entranceway Landscaping Requirements

All residential developments in all residential zoning districts shall provide landscaping at all entrances off of the major street. The residential landscaping standard also applies to simple parcel divisions with a new public or private road. The landscaping must meet the following guidelines:

- A. Every entrance to a residential development, whether a private drive, private road, or public street, shall be landscaped. High quality existing vegetation shall be maintained whenever possible.
- B. The entire area of the entranceway shall be landscaped excluding only the actual driveway or street, sidewalks, and any required open drainage ways.
- C. The first 150 lineal feet of entrance drive or street shall be landscaped according to the following schedule:
 - (1) For every 300 square feet of area, excluding the paved area of the street or drive and sidewalks there shall be provided one ornamental tree, or one evergreen tree, or one shade tree, and three shrubs.
 - (2) The remaining area shall be planted in turf, annual and/or perennial flowers, ornamental grasses, and the like.
 - (3) Not more than 50% of the landscaped area may be covered by wood chips, mulch, or similar natural landscape materials, or by pavers or paving bricks.
 - (4) All trees and shrubs shall maintain required corner clearances and sight distances at intersections and pedestrian crosswalks.
 - (5) Boulevard islands shall be at least 10 feet wide and shall be landscaped in the same manner described in 1-4 above, and shall be irrigated if a community well or public water supply is available.

8. Parking Lot Landscaping

In addition to interior landscaping required in subsection D above, within every parking area containing ten (10) or more spaces there shall be parking lot landscaping in accordance with this Subsection. These landscaping areas shall be located so as to better define parking spaces and drives. Landscaping on the perimeter of the parking lot does not satisfy the parking lot landscaping requirement. Island locations shall also be considered in a manner that will assist in controlling traffic movements. The requirements, for trees and islands, may be modified when it is found that through careful coordination of parking lot landscaping with peripheral and building plantings an unnecessary duplication of plantings would be created. In addition, consideration shall be given to situations when an excess number of small islands would be created that would only serve to disrupt reasonable traffic patterns and maintenance activities. All required parking lot landscaping shall conform with the following:

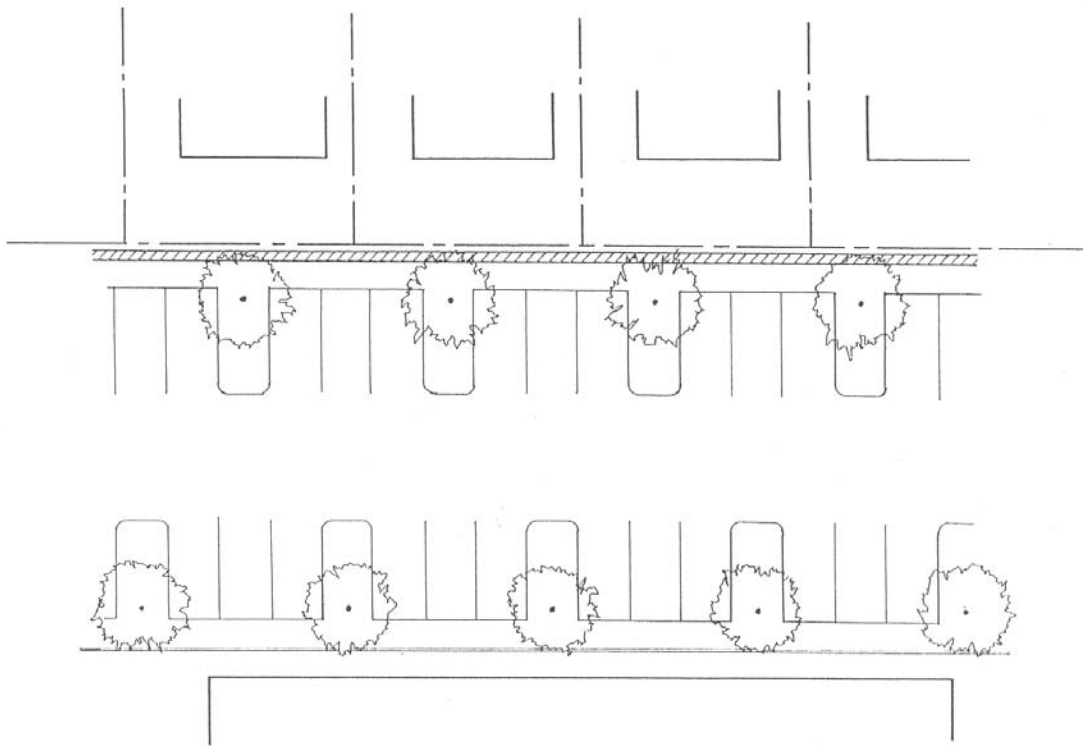
- A. Any off-street parking areas containing ten (10) or more parking spaces shall have parking lot landscaping according to the following schedule:

USE	SQUARE FEET OF REQUIRED PARKING LOT LANDSCAPING PER PARKING SPACE
Commercial / Office	20 sq. ft. per space
Residential (Multiple)	15 sq. ft. per space
Industrial	10 sq. ft. per space

- B. All required parking lot landscaping shall be designed to conform with the following requirements, subject to Planning Commission Approval:

- (1) One (1) large deciduous or small deciduous ornamental tree and 2 shrubs shall be required for every one hundred (100) square feet of required parking lot landscaping area.
- (2) Parking lot landscaping areas shall be curbed with 6" concrete curbing. Planting islands containing trees shall not be less than fifty (50) square feet in area and not have any dimension across the island of less than five (5) feet.

PARKING LOT LANDSCAPING



9. Minimum Plant Size

All required plant materials shall have the following minimum sizes at the time of installation:

Large deciduous canopy tree:	2 ½" caliper
Small deciduous ornamental tree:	1 ½" caliper
Evergreen tree:	7 feet
Shrubs:	24" height or spread

10. Suggested Deciduous Trees

Maples(Amur, Sugar, Norway)	Sweetgum	European Hornbeam
Sycamore	Border Privet	Lindens
Hackberry	Serviceberry	Hawthorns
Honey Locust	Beech	Buckhorn
Beauty Bush	Euonymus	Ginkgo (male only)
Snowdrift Crabapple	Smoke Tree	Eastern Ninebark
Dwarf Callery Pear	Hedge Maple	Cottoneaster
London Plane Tree	Bayberry	Birch

11. Suggested Evergreen Trees

Scotch Pine	Serbian Spruce	Douglas Fir
Austrian Pine	Colorado Green Spruce	Green Spruce
Eastern White Pine	Juniper	Hemlock

**Certain evergreen species such as the Eastern White Pine are not appropriate for installation near roadways. Adequate setback is recommended for plant survival.*

12. Suggested Shrubs

Beauty Bush	Sweetgum	Dense Yew
Eastern Arborvitae	Border Privet	Boxwood
Cranberry Bush	Hicks Yew	Viburnum
Spirea	Rhododendron	Burning Bush
Mugo Pine	Compact Junipers	Alpine Current
Red Twig Dogwood	Honeysuckle	Euonymous
Ninebark	Rose of Sharon	Hazelnut
Mock Orange	Lilac	Forsythia

13. Plant Materials Not Suggested

Box Elder	Elm (American)	Poplar
Soft Maples (Red/Silver)	Tree of Heaven	Willow
Cottonwood	Mulberry	Horse Chestnut (nut bearing)
Ginko (female)	Black Locust	Honey Locust (with thorns)
Catalpa	Ash (Green, White & Black)	

14. Preservation of Existing Plant Material

- A. Site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are five (5) inches or greater in caliper d.b.h.
- B. Trees shall be labeled "To Be Removed" or "To be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures should be implemented, such as the placement of fencing or stakes at the dripline around each tree. No vehicle or construction equipment shall be parked or stored within the dripline of any tree or other plant material intended to be saved.
- C. In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed tree. The replacement(s) must be made in accordance with the following schedule, unless otherwise approved by the Planning Commission based on consideration of the site and building configuration, available planting space and similar considerations:

Caliper Measured 12 Inches Above Grade (d.b.h)

Damaged Tree	Replacement Tree	Replacement Ratio
Less than 6"	2 ½" – 3"	1 for 1
More than 6'	2 ½"-3"	1 tree for each 6" in Caliper or fraction thereof of the damaged tree.

15. Installation and Maintenance of Plant Materials

- A. Required landscaping and screening shall be installed within six (6) months from the date of completion of the building or improvement. A final Certificate of Occupancy shall be withheld until all required landscaping and screening has been installed and approved. A temporary certificate of Occupancy may be issued in the interim.
- B. All landscaped areas, except as otherwise provided, shall be provided with a readily available and acceptable water supply.
- C. Tree stakes, guy wires and tree wrap are to be removed after one year.
- D. Landscaped areas and plant materials shall be kept free from refuse and debris. Plant materials, including lawns, shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant materials required by this Ordinance dies or becomes diseased, they shall be replaced within thirty (30) days of written notice from the Township or within an extended time period as specified in said notice.

16. Trash Receptacles

All areas used for the storage of trash and other waste products shall be completely screened from view. The following standards shall apply to all dumpsters and trash storage enclosures:

- A. Any such area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly, and sanitary condition.
- B. Enclosure shall be constructed of the same decorative masonry materials as the buildings to which they are accessory. Brickform concrete or stained, decorative CMU block may be permitted where the principal building is not masonry, however, plain CMU block shall not be allowed
- C. Dumpster enclosures shall be at least six (6) feet but not more than eight (8) feet high and shall obscure all wastes and/or containers within. An obscuring wood gate on a steel frame shall be installed which forms a complete visual barrier the same height as that of the other three sides.
- D. In no instance shall any such refuse be visible above the required enclosure.

- E. Any such storage area shall be located in a rear yard and or be so located and arranged as to minimize its visibility from adjacent streets and uses. In no instance shall any such area be located in a required front yard.
 - F. All dumpsters shall be located on a six (6) inch concrete pad that extends ten (10) feet in front of the gate, with six (6) inch concrete-filled steel bollards to protect the rear wall and gates.
17. Transformer and Mechanical Equipment Screening
- A. All ground mounted transformers, climate control, and similar equipment shall be screened from view from any street or adjacent property by a wall constructed of the same decorative exterior materials as the building and not less than the height of the equipment to be screened. As an alternative, the equipment may be screened by landscaping approved by the Planning Commission.
 - B. All rooftop climate control equipment, transformer units, and similar equipment shall be screened. The materials used to screen the equipment shall be compatible in color and type with exterior finish materials of the building. All rooftop equipment shall conform to the maximum height regulations of this Ordinance.

SECTION 15.11 FENCES, WALLS AND OTHER PROTECTIVE BARRIERS

To ensure the safety of residents of Clyde Township and to retain the rural character of Clyde Township. All fences walls and other protective barriers (referred to in this Section as fences) shall conform to the following regulations:

1. The erection, construction, or any alteration of any fence, or wall, or other type of protective barrier shall conform to the requirements of the zoning district wherein they are located, and to the requirements of Article 15.
2. All fences hereafter erected shall be for purposes of enclosure or of an ornamental nature only. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences is prohibited, except as provided below.
 - A. Barbed wire cradles may be placed on top of fences enclosing public utility buildings as deemed necessary in the interest of public safety.
 - B. Barbed wire or other sharp pointed material or electrical current may be used in the construction of fences in the RA or RSF districts so long as such fence is used exclusively to contain livestock kept or maintained for farming or personal use.
3. For purposes of enclosure, non-obscuring fences in the RA District and fences for agricultural uses or the containment of livestock in the RA or RSF districts may be located on all property or road right-of-way lines of a parcel of land providing such fences are maintained in a good condition and do not result in an unreasonable hazard to persons who

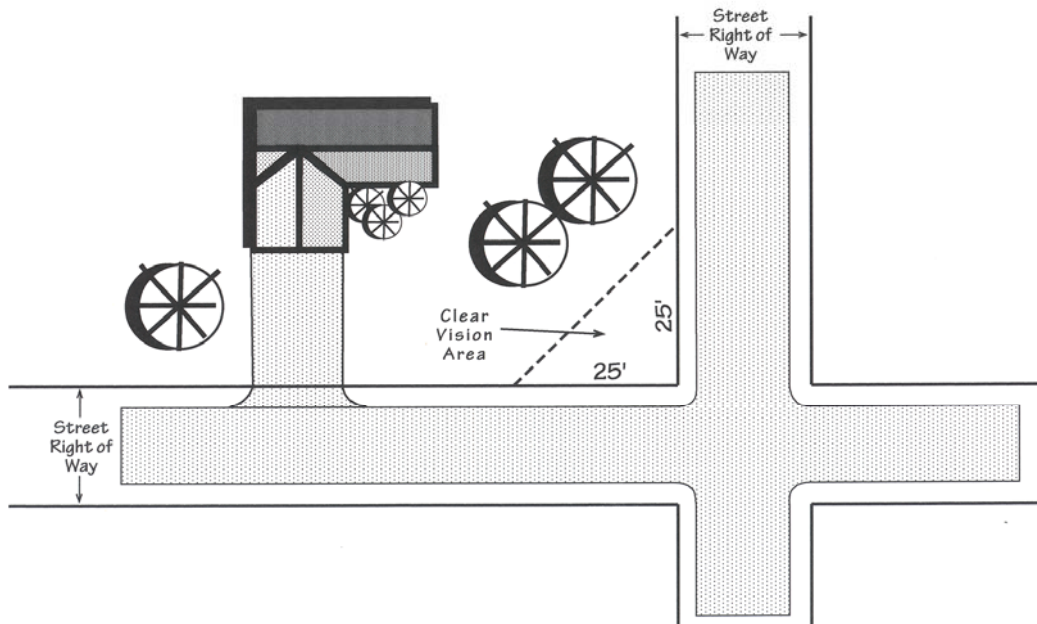
- might come near them. Non-obscuring fences for agricultural purposes shall not exceed six (6) feet in height.
4. No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet in height above the grade of the surrounding land except as required by Section 15.10.4.
 5. Residential fences are not permitted to extend toward the front of the lot nearer than the front of the house or the required minimum front yard whichever is greater except as follows:
 - A. Non-obscuring fences, may extend into the front yard provided that they shall not exceed four (4) feet in height. No solid or other obscuring fence shall be located in the front yard.
 - B. Non-obscuring fences such ornamental fencing, split rail and other open fences which meet the requirements of subsection A above shall be installed in a manner that does not interfere with driver or pedestrian visibility to or from a driveway or road.
 - C. Limited entranceway structures including, but not limited to walls, columns, and gates marking entrances to single-family subdivision or multiple-housing projects may be permitted and may be located in a required yard provided that they are in compliance with Section 15.14 and provided that such entranceway structures shall comply with all codes of the Township.
 6. Obscuring and ornamental fences shall have the finished or decorative side facing toward all abutting or neighboring properties.
 7. No fence, wall, plant material, or growing crop shall be erected, established, or maintained that interferes with visibility within the clear vision area at the intersection of any two streets or other public ways as described in Section 15.12.
 8. Fences which enclose public parks, playgrounds, or public landscaped areas, situated within recorded plats shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of the total fence surface.
 9. Fences shall not be constructed on top of berms.
 10. Swimming pools shall be fenced as follows:
 - A. In-Ground Swimming Pools- The minimum height of all parts of the fence or wall, including gates shall be not less than four (4) feet in height, and not more than six (6) feet in height measured from grade.
 - B. Above Ground Swimming Pools- Above ground swimming pools shall either be enclosed in the same manner as required for in-ground swimming pools above, or alternatively be secured with an integral fence attached to the top rail of the swimming pool or latched with a hinged up ladder.

- C. All openings in any required fence or building shall be equipped with a self-closing, self-latching gate or door which shall be securely locked with a tamper-proof lock when the pool is not in use.
- D. This Section does not apply to ponds, whether used for swimming or not.

SECTION 15.12 VISIBILITY AND CORNER CLEARANCE

In all districts no fence, wall, shrubbery, sign or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed by the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

Visibility at Intersections and Corner Clearance



SECTION 15.13 EXTERIOR LIGHTING

Outdoor lighting shall be designed to minimize glare, reduce spill-over onto adjacent properties, and provide appropriate levels of illumination, but shall not result in excessive nighttime illumination. The following conditions shall apply to outdoor lighting in all districts:

1. Light levels shall meet the minimum need for safety, security and illumination of a specific use, as determined by the Planning Commission or the Building Official / Zoning Administrator.
2. To control glare, light fixtures shall have a cut-off angle of less than ninety (90) degrees to confine the light to the intended ground areas such as lawns or parking lots. Decorative pedestrian fixtures or residential fixtures of 100 watts or less are not required to be full-cut-off. Pedestrian fixtures shall not use clear globes.
3. Light fixtures shall be located at least five (5) feet from any property line and shall be directed and shielded to cast light away from adjacent properties and streets. No light source shall produce glare at the property line five (5) feet above grade, and the maximum illumination levels at any property line shall not exceed one foot-candle.
4. All lighting used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or neighboring property. Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall landscaping, fencing and similar screening methods be considered as acceptable means of glare reduction.
5. Illumination of signs or any other outdoor features shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.
6. Lamps with true color rendition, such as incandescent and metal halide lamps, are the standard. The use of mercury vapor and high-pressure sodium lamps may be approved by the Township Board upon a recommendation of the Planning Commission. The Planning Commission may recommend the use of high-pressure sodium lighting at the intersections of driveways with public streets when the average illumination level on the ground does not exceed six (6) foot-candles.
7. Maximum permitted fixture height:

A. Parking lot luminaries shall not exceed the following mounted height limits:

Distance from lot line	Within 25 feet	26-60 feet	Over 60 feet
Maximum Height	16 feet	20 feet	25 feet

B. Unshielded pedestrian fixtures shall not exceed ten (10) feet.

- C. All other light fixtures shall not be mounted in excess of the maximum height limitation of the district in which they are located.
8. The intensity of outdoor lighting in all use districts shall be limited to the following maximum amounts:

**Foot Candle Limits for Various Land Uses
Maximum Average for Entire Site¹**

Land Uses ⁴				
Illumination of:	Agricultural / Residential / Recreation Uses	Office and Commercial Uses	Industrial Uses- Light Manufacturing, Extractive, Research Uses	Gas Station Convenience Store
General	0.5	0.5	0.5	0.5
Driveway	1.0	1.0	1.0	1.0
Parking	1.0	1.0	1.0	1.0 ²
Walks	1.0	1.0	1.0	1.0
Protective	1.0	1.5	1.0	1.0
Building	0.5	3.0	5.0	5.0
Loading Areas	N/A	1.0	1.0	1.0
Canopy ³	N/A	15	N/A	15

- Notes:
- ¹The Planning Commission may modify these requirements where they determine it is necessary to protect nearby residences or driver visibility on adjacent roads.
 - ²Includes areas that are away from the gasoline pump island, used for parking or vehicle storage.
 - ³Light fixtures mounted on canopies shall be installed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and / or shielded by the fixture or the edge of the canopy.
 - ⁴The Planning Commission may require special conditions for properties adjacent to residential uses and districts.

SECTION 15.14 RESIDENTIAL ENTRANCEWAY STRUCTURES

In all Residential Districts, structures including but not limited to walls, columns, and security gates marking entrances to single family subdivisions or multiple family developments may be permitted provided that such entranceway structures shall comply with Section 15.12 Corner Clearance and all codes of the Township, and shall be approved by the Building Inspector and a permit issued.

SECTION 15.15 OPEN PARKING AND STORAGE IN ALL DISTRICTS EXCEPT WHERE PERMITTED

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

1. Motor Vehicle Parking and Storage

No motor vehicle shall be kept, parked or stored in any district zoned for residential use, unless the vehicle is in operating condition and properly licensed for actual use, or is kept inside a building. However, these provisions 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 period of up to three (3) months to procure a license.

2. Machinery and Building Materials Storage

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

SECTION 15.16 RECREATIONAL VEHICLE STORAGE

1. The open parking or storage of trailers, boats, motor homes or similar vehicles not owned by a resident of the Township on lands not specifically designated for such parking and storage shall not be permitted.
2. Residents of the Township may store their own RV, trailer, boats, and similar vehicles on their own property for an indefinite period of time, provided the vehicles are in operable condition and are not stored within any required front setback area. *Adopted Jan 27, 2013)

SECTION 15.17 SIGNS

The intent and purpose of this Section is to regulate signs of all types in all zoning districts of Clyde Township. The preservation of the existing rural character of the Township requires the regulation of signs and other visual outdoor advertising in order to prohibit signs which are out of scale and to prevent the excessive accumulation of signs which can cause visual clutter inconsistent with the prevailing rural residential character. The purpose of this Section is to permit signs and outdoor advertising which: will not endanger public health or safety; obstruct vision necessary for traffic and pedestrian safety; will preserve scenic and natural beauty of designated areas; will create a more attractive business and economic climate; will not confuse or mislead traffic.

1. Sign types referred to in this section are based upon the definitions provided in Article 2, Section 2.02 subsection 130.
2. The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing copy or display material shall not be included in computation of sign area. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to back, parallel to one another, and less than twenty-four (24) inches apart, the area of the sign shall be the area of one (1) face.
3. All freestanding ground mounted signs shall demonstrate compliance with the visibility and corner clearance requirements of Section 15.12.
4. **SIGNS PERMITTED IN THE RA, RESIDENTIAL AGRICULTURE DISTRICT.**
 - A. One unlighted sign not to exceed six (6) square feet in area announcing a home occupation or professional service
 - B. Two incidental signs advertising the type of farm products grown on the farmstead premises are permitted. Signs shall not exceed twelve (12) square feet in area and shall be located off the public right of way, and positioned so not to interfere with the full view of traffic.
 - C. One sign identifying a park, school, church, and public building, residential development or other authorized use, or a lawful non-conforming use. Signs shall not exceed thirty-five (35) square feet and be placed no closer to the street right of way line than ten feet.
5. **SIGNS PERMITTED IN THE RSF, R-1, R-2, MF, MHP RESIDENTIAL DISTRICTS**
 - A. One unlighted sign not to exceed six (6) square feet in area announcing a home occupation or professional service. One unlighted sign not to exceed six (6) square feet in area announcing a boarding house or tourist home.
 - B. One sign identifying a multiple-family building, subdivision or development, not having commercial connotations. Sign shall not exceed thirty-five (35) square feet in

area and be placed no closer to any street right of way line than one-third (1/3) the minimum authorized front yard depth. Sign shall be no higher than eight (8) feet.

- C. Two signs identifying a park, school, church, public building, other authorized use, or a lawful non-conforming use. Signs shall not exceed thirty-five (35) square feet and be placed no closer to the street right of way line than one-third (1/3) the minimum authorized front yard depth.

6. **SIGNS PERMITTED IN THE C-1, C-2, COMMERCIAL DISTRICTS AND THE LM, LIMITED MANUFACTURING DISTRICT.**

- A. Signs shall be limited to one (1) flat wall sign per building. In the case of a multi-tenant building, one (1) wall sign shall be permitted per tenant. The total surface area of signs per building shall not exceed ten percent of the wall surface area facing the front lot line or one hundred (100) square feet, whichever is less. In addition, one (1) freestanding sign established in accordance with Section 15.16(6)(c) shall be permitted per development site. Flat wall sign may not project above the roof or parapet line and may not project more than fifteen (15) inches beyond the face of the wall of the building. Wall signs shall be attached and be parallel to the wall of the building. Maximum size for any one (1) wall sign is fifty (50) square feet. Graphics or figures painted upon a wall may be permitted with an elevation drawing approval of the Planning Commission.
- B. Projecting Signs. Projecting signs may not project above the roof or parapet line and may not project more than three (3) feet from the building front. All projecting signs must be perpendicular to the building face and must be double sided with the maximum sign area limited to twelve (12) square feet. Minimum clearance above walkways shall be nine (9) feet and eighteen (18) feet above driveways.
- C. Ground Signs. Where a building does not cover the full area of the property, ground signs shall be placed at least ten feet from the right of way line. Maximum area shall be fifty (50) square feet. Said sign shall not be located closer to adjacent properties than a distance equal to its height. The maximum height for such signs shall be five (5) feet plus one (1) foot for each three (3) feet of setback from right of way with maximum height not to exceed fifteen (15) feet.

7. **SIGNS PERMITTED IN ALL DISTRICTS**

- A. Highway signs erected by the U.S. Government, State of Michigan, St, Clair County, or Clyde Township.
- B. Real Estate signs not exceeding six (6) square feet in area on any lot advertising the sale or lease of the lot or building. Signs shall not be placed in the public right of way, and shall be removed within thirty (30) calendar days after being sold or leased.
- C. Governmental use signs erected by governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings.

- D. Directional signs in conjunction with drives or off-street parking areas, provided any such does not exceed four (4) square feet in area, is limited to traffic control functions, and does not obstruct traffic vision.
- E. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms or Historical Landmarks.
- F. Placards posted to control or prohibit hunting and/or trespassing within the Township.
- G. Essential service signs denoting utility lines, railroad lines, hazards, and precautions.
- H. Memorial signs or tablets which are either (1) cut into the face of a masonry surface; or (2) constructed of bronze or other noncombustible material when located flat on the face of a building.
- I. Temporary signs advertising commercial rummage sales, garage sales, or other services. Signs shall be removed within four (4) days.
- J. Temporary signs promoting political parties or candidates shall be removed four (4) days after the completion of election activities.
- K. One temporary sign advertising the sale of parcels in a recorded subdivision or development. Sign shall not exceed thirty-five (35) square feet in area and be placed no closer to any street right of way than one third (1/3) the minimum authorized front yard depth. Sign shall be no higher than eight (8) feet. Signs shall be removed within thirty (30) days after all property is sold or leased.
- L. Signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized by the Planning Commission. The Planning Commission will consider the following standards in granting approval:
 - (1) The size, character, and nature of the display or sign.
 - (2) The duration or time period which the display or sign will be utilized.
 - (3) The purpose(s) for which the sign display is to be erected.
 - (4) The arrangements made for the removal of the sign or display, within ten (10) days after the termination of its usefulness.
 - (5) The effect of the proposed sign or display impact for lots which are both adjoining and in the surrounding neighborhood of the proposed sign or display.
 - (6) The sign or display shall not constitute a traffic hazard.
- M. Construction signs showing names of building contractors, professional firms, and lending institutions on site under construction not to exceed a total of thirty-five (35) square feet in area per project. The sign shall be confined to the site of the

construction, construction shed, or trailer and shall be removed within fifteen (15) days of the beginning of the intended use of the project.

8. PROHIBITED SIGNS

- A. Signs which incorporate in any manner or are illuminated by any flashing or moving lights.
- B. Any business sign or sign structure now or hereafter existing, which no longer advertises a bona fide business conducted or a product sold.
- C. Any sign structure or frame no longer containing a sign.
- D. Any sign which is structurally or electrically unsafe.
- E. Signs and structures which obstruct vision of traffic.
- F. All portable signs.

9. NONCONFORMING SIGNS. See Section 22.03

10. NON-ACCESSORY (BILLBOARD SIGNS)

- A. Non-accessory signs are permitted in the C-1 and C-2 Commercial Districts and the LM, Manufacturing District.
- B. A non-accessory sign shall not be erected or maintained in an area measured from the nearest edge of the right of way of an interstate highway, freeway, or primary highway and extending three thousand (3,000) feet perpendicularly and then along a line parallel to the right of way line, where the facing of the sign is visible from said highway, freeway, or primary highway, except as regulated by State P.A. 106 of 1972, the Highway Advertising Act, as amended.
- C. Non-accessory signs not subject to the provisions of P.A. 106 of 1972, as amended, shall be regulated as follows:
 - (1) Shall be located a minimum of two hundred (200) feet from adjacent residentially zoned property.
 - (2) Shall be located a minimum of one thousand (1,000) feet from other freestanding signs or billboards.
 - (3) Shall have the same setbacks as other principal structures in the zone in which they are situated.
 - (4) Shall not exceed thirty-five (35) square feet in area.
 - (5) Shall not exceed fifteen (15) feet in height.
 - (6) Shall be ground signs. No sign shall be erected on the roof of any building, nor have any one sign above another.

11. GENERAL CONDITIONS

Except as otherwise provided, the following conditions shall apply in all districts:

- D. Prior to the placement, erection, or structural alteration of a sign, a sign permit shall be secured from the Building Inspector. A scale drawing of the outside dimensions of the sign or the total area encompassed by a line around all lettering or symbols shall be presented to the Building Inspector so that he or she may ensure that the provisions of this Ordinance are met. The sign will be securely attached to the building or supporting structure and will not present a hazard. For freestanding signs, a site development plan of the intended location of the sign and a scale drawing of the total sign structure shall also be presented to the Building Inspector.
- E. No sign shall be illuminated in such a manner so as to constitute a public nuisance. Lighting for all externally illuminated signs in Commercial or Limited Manufacturing districts shall also conform to all restrictions of Section 15.15 of this ordinance; lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure and shall be fully shielded.
- F. No sign, except those allowed and maintained by the Township, County, State, or federal governments, shall be located in, project into, or overhang a public right of way or dedicated public easement; however, projection, canopy and awning signs may be permitted subject to the following requirements:
 - (1) Such approval shall only be granted by the Planning Commission.
 - (2) Any such structure shall not extend closer than twenty-four (24) inches to any vehicular parking space or moving vehicle lane.
 - (3) Any such structure shall not conflict with necessary sight distances for proper vehicular and pedestrian movements.
 - (4) Any such structure shall not conflict with necessary sight distances for proper vehicular and pedestrian movements.
 - (5) The height, location, materials, construction, and signage involved in any such structure shall specifically be subject to review and approval by the Planning Commission.
 - (6) The structure shall be maintained in such a manner as to continue its original appearance and provide proper safety to the persons and property it may affect.

(This page was omitted from ZO Book) re-inserted 9/22/10

SECTION 15.18 KEEPING OF PETS AND LIVESTOCK

The keeping of pets and livestock on residentially zoned property is considered a permitted residential accessory use only, subject to the following.

1. For the purposes of this ordinance animals shall be classified as follows:
 - a. Class I Animal: Domesticated household pets weighing less than 150 pounds.
 - b. Class II Animal: An animal which is normally part of the livestock maintained on a farm including:
 - 1) Bovine and like animals such as the cow.
 - 2) Equine and like animals, such as the horse, alpaca and llama.
 - 3) Swine and like animals, such as the pig and hog.
 - 4) Ovis (ovine) and like animals, such as the sheep and goat.
 - 5) Poultry and like animals, weighing less than nine (9) pounds are exempt from pasture requirements.
2. Animals shall be housed and cared for in accordance with generally accepted good farming practices.
3. The keeping of not more than three (3) Class I Animals shall be permitted within the R-1, R-2, MF, MHP,RA and RSF Districts; provided, however, that any litter of Class I animals which causes the aforesaid limit of three (3) to be exceeded shall not constitute a violation of this provision for a period of four (4) months after birth; and provided further, however, that no more than two (2) such litters shall be allowed to remain on said premises within any consecutive 12-month period.
4. The keeping of two Class II Animals shall be permitted in the RA and RSF Districts upon a land area of five acres or more provided that such use shall be for the private personal use of the owner or lessee of such land, his family and friends, and shall not constitute a commercial occupation nor a public stable.
 - a. No barns, pens or corrals shall be located closer than fifty (50) feet from all property lines or less than one hundred fifty (150) feet from all street right-of-way lines; provided further that the minimum side yard setback shall be reduced one (1) foot for each additional foot that the barn, pen or corral is set back from the existing right-of-way over one hundred fifty (150) feet; provided further that the side yard setback shall not be reduced below a minimum of fifty (50) feet. In addition to the specific requirements herein, accessory buildings must comply with the provisions of Section 15.06 Accessory Buildings.
 - a. Offspring born on parcels where Class II animals are presently kept may be kept on said parcel for two (2) years even though such additional Class II animals may increase the number of Class II animals on such parcel beyond the one (1) Class II animals per acre limitation, but in no case shall there be more than one (1) Class II animals and one (1) offspring per acre.

1. A minimum pasture area of one (1) acre will be provided for one (1) Class II animal. Each additional animal will require one (1) acre.
 2. Pasture fences can be located on property line.
 3. No animals within fifty (50) feet of dwelling.
- c. All areas for stockpiling manure or similar wastes shall be screened from view, and shall not be located closer than one hundred (100) feet to any property line. No such wastes shall be allowed to become a nuisance to neighboring properties nor be stockpiled for periods in excess of 120 days. Proper management of animal manure shall include removal from the site or spreading and incorporating into the soil.
5. The number of Class I and Class II animals on RA parcels containing more than 10 acres is not limited except that the regulations applicable to accessory buildings and proper care and management shall apply.

SECTION 15.19 SINGLE FAMILY DWELLING STANDARDS

All single-family dwellings, whether site-built or factory-built (manufactured dwelling) shall comply with the following:

1. The minimum floor area requirements of the zoning district in which the dwelling is located shall be met.

<u>District</u>	<u>Minimum Floor Area</u>
R-1 & R-2	980 Square feet
R-A & RSF	1,200 Square feet

2. A minimum width across all front, side and rear elevations of twenty (20) feet shall be provided for at least 75 percent of the length of the dwelling unit and comply in all respects with the current construction standards of the State of Michigan and Clyde Township.
3. The unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the current construction standards of the State of Michigan and Clyde Township, and shall have a wall of the same perimeter dimensions as the dwelling and construction of such materials and type as required in the applicable building code for single-family dwelling. In the event that the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required above.
4. In the event that a dwelling is a manufactured home, as defined herein, it shall be installed with the wheels removed. Additionally, no dwelling shall have an 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 the closet area, or in a separate building of standard construction similar to or of better quality than the principal dwelling. Such storage area shall be equal to at least 10% of the square footage of the dwelling but not less than one hundred (100) square feet.
7. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, with a minimum roof pitch of 4/12 and 8" (gable end) and a minimum of 12" soffit overhang. Dwellings shall have not less than two exterior doors with the second one being in either the rear or side of the dwelling.
8. The dwelling shall contain no additions or rooms or other areas which do not match the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
9. The dwelling shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and plumbing, electrical apparatus and installation within and connected to said mobile home shall be 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, and 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.
10. The foregoing standards 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.
11. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the current construction standards of the State of Michigan and Clyde Township. 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, then such federal or state standard or regulations shall apply.
12. Exterior of house has to be completed within 1 year in accordance with Section 15.05 of the Zoning Ordinance.
13. The final grade established in accordance with the provisions of Section 15.04 Grading Standards.
14. In residential zones, after twenty-five (25) percent of the lots and frontage on the side of the street on any block where the proposed improvement is contemplated have been improved by the erection of the residences thereon, if one-half or more of the residences built in any such block are of a certain type and style, and remainder of the residences built in any such block and to be constructed, altered, relocated, or repaired in such block shall be of a substantially similar type and style so that new or altered buildings will be in harmony with the character of the neighborhood. Nothing herein shall prevent the upgrading of any residential block by installing an exterior finish having fire or weather resistance, which is greater than the minimum herein required, or by constructing in such block a residence having floor area

greater than the average area of residences in such block provided, however, such type and style shall be such as not to diminish property values in the block.

SECTION 15.20 PERFORMANCE STANDARDS

Except for agricultural operations using generally recognized, good farming techniques, and residential uses and purposes no use otherwise allowed shall be permitted within any district which does not conform to the following minimum requirements and standards of use, occupancy and operation:

1. Smoke.
It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to an opacity greater than twenty (20) percent, such measurement being taken as the average over a period of six minutes, as measured by the U.S. EPA method #9.

2. Dust, Dirt and Fly Ash.
No person, firm or corporation shall operate or cause to be operated, maintained 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 said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said 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 a temperature of 500 degrees Fahrenheit.

Method of Measurement: 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 fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. 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 or Official 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.

3. Open Storage.
The open storage of any industrial or commercial equipment, vehicles, and all materials, including wastes, except new vehicles for sale and/or display, shall be screened from public view, from a public street and from adjoining properties by an obscuring wall or fence not less than the height of the equipment, vehicles, or materials to be stored. Whenever such open storage is adjacent to any residential zone, the required obscuring wall or fence shall be at least six (6) feet in height. In no instance shall any open storage of equipment, vehicles and/or materials be permitted within a required front yard in any zoning district.

4. Glare and Radioactive Materials.
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.

Radioactive materials and wastes, and including electro-magnetic 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.

5. Fire and Explosive Hazards.
The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended.
6. Noise.
No operation or activity shall cause or create noise that becomes a nuisance to adjacent uses and/or that exceeds the sound levels prescribed below, using an A weighted decibel scale, db(A), when measured at the lot line of any adjoining use, based upon the following maximum allowable levels for each use district:

Zoning of Adjoining Land Use	Maximum Allowable Noise Level [measured in dbA]	
	6 am to 9 pm	9 pm to 6 am
OS,AG, RSF, R-1, R-2, MF, MHP	70	55
C-1, C-2	70	65
LM, GSO	80	70

7. Odors.
Odorous matter released from any commercial or industrial use or district shall not exceed the odor threshold concentration beyond the property lines when measured either at ground level or habitable elevation.
8. Wastes.
No wastes shall be discharged in the public sewer system which is dangerous to the public health and safety. The following standards shall apply at the point, wastes are discharged into the public sewer.
 - A. Acidity or alkalinity shall be neutralized within an average PH range of between 5-1/2 to 7-1/2 as a daily average on the volumetric basis, with a temporary variation of PH 4,50 to 10.0.
 - B. Wastes shall contain no cyanides. Wastes shall contain no chlorinate solvents in excess of 1 p.p.m.; no fluorides shall be in excess of 10 p.p.m.; and shall contain no more than 5 p.p.m. of hydrogen sulphide and shall contain not more than 10 of sulphur dioxide and nitrates; and shall contain not more than 25 p.p.m. of chromates.
 - C. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceed a daily average of 500 p.p.m, or fail to pass a number eight standard sieve or have a dimension greater than inch.
 - D. Wastes shall not have chlorine demand greater than 15 p.p.m.
 - E. Wastes shall not contain phenols in excess of .05 p.p.m.

F. Wastes shall not contain any grease or oil or any oily substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.

9. Waste and Rubbish Dumping.

No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes, and crates, or other offensive or obnoxious matter shall be piled, placed, stored, or dumped on any land within the Township until the operator has obtained a landfill permit from the Michigan Department of Natural Resources and Township Board approval pursuant to Ordinance # 63 Landfills. All uses in every zoning district shall place waste materials in an appropriate covered container and properly dispose of same at least once each month in accordance with State Law and Township ordinance. Nothing contained herein shall prevent the use of fertilizers, manures, and similar materials for the improvement of land utilized for agricultural purposes in accordance with the Generally Accepted Agricultural and Management Practices for manure management published as part of the Michigan Right to Farm Act P.A. 93 of 1981.

SECTION 15.21 TRAFFIC IMPACT STUDIES

Clyde Township recognizes the direct correlation between land use decisions and traffic operations. Traffic impact studies assist in coordinating land use and transportation planning by forecasting the potential generation of new vehicular traffic; evaluating proposed access plans and identifying driveway-related road improvements at the site plan review stage; and identifying off-site road improvements needed to accommodate future traffic patterns. The intent of this section is to establish warrants for determining when traffic impact studies should be done, as well as minimum standards for the conduct and reporting of such studies.

1. Required Study by Type:

Traffic impact studies generally consist of three types, a Rezoning Traffic Study (RTS), Traffic Impact Assessment (TIA), or Traffic Impact Statement (TIS). The content of each study type is broadly described below, along with the warranting conditions.

- A. **Rezoning Traffic Study.** An RTS describes relevant existing traffic conditions and compares the potential trip generation of a site's use under existing and proposed zoning classifications. An RTS is required for any proposed change to the zoning map that is either (1) inconsistent with the Township's Master Plan, or (2) involves other than residential down-zoning.
- B. **Traffic Impact Assessment.** A TIA describes existing and likely future traffic conditions both with and without a site developed in specific proposed manner. The evaluation of traffic impacts is limited to overall trip generation and the operation of the proposed site access drive(s). A TIA is required if the proposed use(s) would generate (1) 500-749 driveway trips per day or (2) 50-99 peak-hour, peak-direction driveway trips.
- C. **Traffic Impact Statement.** A TIS is similar to a TIA but includes off-site intersections and other critical road features more impacted due to a proposed use's greater amount of trip generation. It may also be appropriate to evaluate impacts at an off-site location due to ongoing congestion or safety problems, or because a road redesign is pending and should account for potential land use changes in the area. A TIS is required if the proposed use(s) would generate (1) 750 or more driveway trips per day or (2) 100 or more peak-hour, peak-direction driveway trips.
- D. **Determination of Need.** The Township's Traffic Engineering Consultant will certify the type of traffic impact study required (if any), by signing a Determination of Need form completed by the Applicant or Applicant's traffic consultant. The form to be used for this purpose will be approved by the Township Board and may be obtained from the office of the Township Clerk.

2. Preparation and Submittal:

All traffic impact studies must be planned and conducted in close cooperation with Township staff and/or designated Township consultants.

- A. Qualifications of Preparer and Reviewer. The person responsible for preparing a traffic impact study shall (1) have at least three years of recent experience preparing such studies, where that work has comprised a major portion of the Preparer's professional experience; (2) be an Associate (or higher) member of the Institute of Transportation Engineers; and (3) be a registered Professional Engineer (P.E.) in Michigan, certified Professional Traffic Operations Engineer (PTOE), and/or certified community planner (AICP or PCP). The person designated by the Township to review a submitted study shall have the same qualifications.
 - B. Approval of Scope. Using a form approved by the Township Board, the Preparer shall complete and submit to the Traffic Engineering Consultant a Traffic Impact Study Worksheet. This worksheet will (1) detail the trip generation forecast used to determine the need for the study; (2) identify candidate off-site intersections (if any) based, in part, on projected site traffic constituting 5% or more of existing traffic; (3) propose specific growth rates and other developments to be considered in forecasting future background traffic (if any); (4) describe the method to be used in distributing site-generated traffic; and (5) confirm an awareness of other study methodology requirements. The Preparer should verify that the completed worksheet is satisfactory prior to continuing work on the study. Studies submitted without such verification will be not be reviewed in detail or approved.
 - C. Submittal of Report. Unless waived by the Planning Commission, traffic impact studies must be submitted to the Township at least 30 days prior to the associated rezoning or development proposal appearing on the agenda for a public meeting. This lead time is needed to ensure the distribution of the report to the Reviewer; study review and the preparation of review comments; and the distribution of the review comments to appropriate Township officials. The Planning Commission will inform the Applicant when the traffic impact study has been approved, at which time the Applicant or Applicant's traffic consultant shall also submit the approved study to the Road Commission of St. Clair County and/or Michigan Department of Transportation (MDOT), as appropriate (based on agency jurisdiction over the road(s) abutting the subject site). If revisions or additions to the initial report are required, they shall be made and approved before the report is accepted by the Township and forwarded to the responsible road agency(ies).
3. Traffic Impact Study Contents:

All studies should be consistent with the state of the practice, as outlined in such publications as *Evaluating Traffic Impact Studies – A Recommended Practice for Michigan Communities (ETIS)*, sponsored by MDOT, et al.). Required content by study type is indicated in the table below. The composition of individual content items is detailed in paragraphs A through N.

CONTENT REQUIREMENTS BY TRAFFIC STUDY TYPE			
CONTENT ITEM	Required for		
	Rezoning Traffic Study	Traffic Impact Assessment	Traffic Impact Statement
Describe Requested Rezoning or Proposed Use(s)	x	x	x
Describe Site, Surroundings, and Study Area	x	x	x
Obtain and Evaluate Current Traffic Data: Daily Traffic Volumes (latest available) Hourly Traffic Volumes (generally new counts) Other Data if Indicated in Letter to Applicant	x	x x x	x x x
Describe Anticipated Future Changes to Area Land Uses and Roads	x	x	x
Forecast Future Background Traffic Volumes		x	x
Forecast Driveway Trip Generation in Manner Recommended by Institute of Transportation Engineers	x	x	x
Discount Driveway Trips as Appropriate	x	x	x
Forecast and Compare Trip Generation by Uses Permitted within Existing and Proposed Zoning Districts	x		
Develop Reasonable Trip Distribution Model(s)		x	x
Assign Generated Trips and Forecast Future Total Traffic		x	x
Determine Minimum Warranted Access Improvements		x	x
Evaluate Peak-Hour Traffic Impacts		x	x
Identify and Evaluate Any Needed Capacity Mitigation		x	x
Recommend Road Improvements At Access Point(s) (including Driveway Lanes) At Off-Site Intersection(s) (as required)		x	x x

- A. Describe Requested Rezoning or Proposed Use(s). When rezoning is requested, the study shall identify a range of feasible permitted uses under existing zoning as well as a range of feasible permitted uses under the proposed new zoning; justify the use sizes assumed within each range; and ensure that the sized uses represent a reasonably robust range of potential trip generation. When a site plan or plat is proposed as opposed to a rezoning, the study shall include (where feasible) the conceptual site plan or plat assumed as the basis for the study, along with the anticipated phasing and build-out year(s) for the development.
- B. Describe Site, Surroundings, and Study Area. At a minimum, existing abutting land use(s) and roadway conditions shall be described. If off-site intersections have been identified and approved via the TIS Worksheet (Sec. 15.21.3.b), the study area inferred by those intersection locations shall be similarly described. Special attention should be paid to features potentially affecting the required provision of safe and efficient site access, such as road alignment and sight distance limitations; speed limits; surface type; lane configuration and traffic control devices; existing or approved intersections and driveways within 300 ft of the proposed site access points (on both sides of abutting road(s)); and compliance or non-compliance with established access-management standards.
- C. Obtain and Evaluate Current Traffic Data. For all three traffic study types, the Preparer shall obtain the latest available daily traffic counts for area roads, and determine (where possible) the proportion of traffic within the AM and PM peak hours (the K-factor). For Impact Assessments and Impact Statements, new peak-period manual counts shall be made at all selected off-site intersections, including those opposite proposed site access points, unless waived by the Traffic Engineering Consultant. Any new counts shall be made on a Tuesday, Wednesday, or Thursday of a non-holiday week unless the nature of the proposed use requires otherwise (such as Saturday for a major shopping center). To the extent feasible, counts should be made during average or higher-than-average volume conditions. In rare situations, seasonal adjustments may be permitted to ensure that an adequately representative volume condition is addressed. The locations, days, and time periods selected for the manual volume counts will be predetermined and documented on the TIS Worksheet. If any special counts (e.g., of trucks, gaps, speeds, crashes, etc.) are proposed or required, such will be indicated in a separate letter.
- D. Describe Anticipated Future Changes to Area Land Uses and Roads. All traffic studies shall document pending changes, other than the proposed site development, that might influence future traffic conditions. These changes should include but not necessarily be limited to (1) other developments that could increase traffic at the selected off-site intersections by 5% or more, and (2) planned road improvements in the study area, with those actually approved and funded clearly distinguished from other improvements merely discussed or recommended.
- E. Forecast Future Background Traffic Volumes. To provide an appropriate basis for expressing the traffic impacts of a proposed development, current traffic volumes shall always be projected to the earliest subsequent year in which it would be reasonable to expect full occupancy of the development. This creates a so-called background traffic scenario, wherein recent traffic trends have continued or new expected trends have

evolved, but the subject site hypothetically remains undeveloped. The TIS Worksheet must be used to predetermine and document the general growth rate and specific background developments to be considered in established the background traffic scenario.

- F. Forecast Driveway Trip Generation in Manner Recommended by Institute of Transportation Engineers. Unless waived by the Traffic Engineering Consultant, forecasts of driveway trip generation must be based on data and methodology found in the latest editions of the following two ITE publications: Trip Generation (rate data) and Trip Generation Handbook – An ITE Recommended Practice (methodology and pass-by percentages; hereafter referred to as the Handbook). The Handbook’s recommended procedure for choosing between Trip Generation’s average rates and regression equations should be followed, with the exception that no regression with a correlation coefficient (R^2) of less than 0.75 shall be used, regardless of sample size. Regardless of which statistical approach is taken (average rates or equations), it is critical that (1) the size of the development under analysis be within the range of ITE’s sample data (especially important when the illustrated regression equation is non-linear); (2) the line representing the weighted average rate or regression equation lie within the cluster of data points near the size of the development site; and (3) a regression equation with a non-zero intercept not be applied for small developments (to avoid illogical results). The Preparer should contact the Traffic Engineering Consultant if questions arise regarding the best forecasting method or what to do when ITE data appear unsuitable.
- G. Discount Driveway Trips as Appropriate. For some land uses, such as those involving shopping or dining, it may be appropriate to reduce (1) the above-predicted number of trips at site access points, due to transit usage or so-called “internal or downtown capture” (i.e., walking trips), or (2) the number of new driveway trips assumed to pass through off-site intersections, due to “pass-by or diverted” traffic (drivers already using area roads en route to primary destinations elsewhere). Driveway trips less pass-by and diverted trips are known as “new” or “primary” trips. The percentages of total driveway trips assumed in each of the above categories (if any) will be predetermined and documented via the TIS Worksheet. To be conservative, the pass-by percentages recommended in ETIS should be used as applicable; in no cases shall percentages larger than the averages found in the handbook be used.
- H. Forecast and Compare Trip Generation by Uses Permitted within Existing and Proposed Zoning Districts. This item is to be completed only for Rezoning Traffic Studies. Where site development under existing zoning could involve more than a single density or development size, at least two uses representing a range of potential trip generation must be identified and evaluated. For the proposed new zoning, at least one assumed development must be forecasted to generate a quantity of trips near the higher end of what might be generated by all feasible uses permitted under that new zoning (the use envisioned by the rezoning Applicant may or may not meet this requirement). The report must explain in some detail the planning and traffic engineering bases of the assumed development scenarios. The trip generation comparison must address the total number of driveway trips generated by the site, and if applicable, the number of new (or primary) trips passing through all off-site intersections (if less than total driveway trips).

- I. Develop Reasonable Trip Distribution Model(s). The method(s) used to distribute site-generated traffic among specific movements at the site drives and various off-site intersections evaluated should be explained in some detail. For instance, it is insufficient to simply state that the trip distribution modeling is “based on existing traffic patterns”; the superficial application of this concept may result in all trips being modeled as if they were pass-by trips. Generally, new (primary) trips should be modeled separately from pass-by trips, since the former return to their origin (by definition), as opposed to exiting in the direction they were traveling prior to entering. Refer to the Handbook chapter entitled “Pass-by, Primary, and Diverted Linked Trips” for more explanation. Finally, the traffic impact study should illustrate the assumed trip percentages throughout the study area (including at site drives, to facilitate a reasonableness review).
- J. Assign Site-Generated Trips and Forecast Future Total Traffic. Assign the total site-generated peak-hour trips forecasted in items 3f and 3g according to the model(s) developed in item 3i. Add the resulting site traffic to the future background traffic (forecasted in item 3e) to forecast future total peak-hour traffic. The future daily traffic on the abutting road(s) must also be forecasted for the site’s anticipated build-out year, generally by dividing the projected future total peak-hour traffic volume by a K-factor (either the value(s) determined in item 3c, or by value(s) based on professional experience and judgment). Any deviation from this approach must be approved in advance by the Traffic Engineering Consultant.
- K. Determine Minimum Warranted Access Improvements. Prior to evaluating future levels of service at site access points and off-site intersections (as applicable), the safety-based need for left- and right-turn lanes at the proposed access points must be determined. Warrants published by the Michigan Department of Transportation shall be evaluated and used as the basis for road improvement recommendations, on multi-lane as well as two-lane roads. The evaluation of these warrants will examine both peak-hour and daily volumes at site build-out, as applicable.
- L. Evaluate Peak-Hour Traffic Impacts. The study must evaluate peak-hour levels of service at all off-site intersections under current, future background, and future total (background-plus-site) traffic conditions, as well as at all site access points under future total traffic conditions. Unless waived by the Traffic Engineering Consultant, all locations and hours counted (per item 3c) must be evaluated using methodology consistent with latest edition of the Highway Capacity Manual, published by the Transportation Research Board. Capacity analyses must evaluate future background and future total traffic without as well as with any recommended mitigation, unless funding of timely mitigation is assured or this requirement is waived by the Traffic Engineering Consultant. Finally, the study must (1) indicate the peak-hour factors used in the capacity analyses; (2) summarize in the body of the report (at a minimum) the level of service for any movements rated E or F as well as the level of service by intersection approach (as applicable); and (3) comment on the average delay per vehicle for any intersections, approaches, or movements rated F.
- M. Identify and Evaluate Any Needed Capacity Mitigation. Unless waived by the Traffic Engineering Consultant, the traffic impact study must determine what (if anything) would have to be done to ensure a future background and/or future total level of service of at

least D overall at every signalized intersection evaluated. A reasonable effort should also be made to identify mitigation for any approaches or movements expected to experience a level of service of E or F, whether at signalized or unsignalized intersections (including driveway approaches to major roads). Level of service analyses must be done and fully documented for all identified capacity mitigation.

N. Recommend Appropriate Access Design and Off-Site Road Improvements. Based on the study's findings and conclusions, the final report shall recommend, at a minimum: (1) an appropriate lane configuration at each proposed access point, including turn lane lengths based on storage and/or deceleration requirements; (2) specific clear-vision triangles commensurate with prevailing standards and speeds; and (3) needed capacity mitigation at the off-site intersections evaluated. Off-site mitigation to accommodate new traffic generated by the proposed development shall be clearly distinguished from the mitigation needed to accommodate future background traffic growth unrelated to the development.

4. Possible Waiver of Study Requirement:

The requirement for submittal of a traffic impact study may be waived by the Planning Commission in certain cases where recent studies of a similar nature have been completed and no further benefit would be achieved by completing an additional study. Requests to waive traffic study requirements will be evaluated on a case-by-case basis.

ARTICLE 16
SITE DEVELOPMENT REQUIREMENTS

SECTION 16.00 APPLICATION

The site development requirements of this Article are intended to alleviate the potential impact of uses, which possess characteristics that could have impacts on neighboring properties. The required standards intended to assure that such uses will be compatible with surrounding uses and the orderly development of the district. Each use listed in this Article shall be subject to the site development requirements and regulations specified whether permitted by right or subject to special land use approval. The requirements herein apply in addition to the dimensional standards of Article 14, general provisions of Article 15 and requirements for the district in which the use is located. Conformance with the site development standards shall be subject to the site plan review standards of Article 17:

SECTION 16.01 AGRICULTURAL LABOR CAMPS

- A. All provided shelters shall be of single-story construction, and not exceed twenty-five (25) feet in height.
- B. All provided shelter shall be located in the rear yard, and located at least two hundred (200) feet distant from all property lines.
- C. The use of trailers, tents, or vehicles as sleeping or living quarters at an agricultural camp is strictly prohibited; however, mobile homes constructed in accordance with the Mobile Home Commission, Act 96 of 1987 and any and all rules and regulations promulgated pursuant to Act 96 of 1987, as may be amended, will be permitted.
- D. Agricultural labor camps shall comply with the minimum requirements and standards as established under the provision of Public Act 368 of 1978, of the State of Michigan, as may be amended, relating to agricultural labor camps, and any and all rules and regulations promulgated pursuant to Part 124 of Act 368 of 1978, Section 333.1115, as amended.

SECTION 16.02 AMUSEMENT ENTERPRISES INCLUDING, AMUSEMENT PARKS, MINIATURE GOLF, CIRCUSES AND SIMILAR FACILITIES, BUT EXCLUDING RACE TRACKS.

- A. All parking shall be provided as off-street parking within the boundaries of the development.
- B. All access to the parking areas shall be provided only to a major thoroughfare.
- C. All sides of the development abutting any residential zoning district or existing residential development shall maintain an obscuring greenbelt buffer between the residential area and the proposed development.

SECTION 16.03 ANIMAL HOSPITAL (VETERINARY CLINIC)

- A. All activities shall be within an enclosed building.
- B. All buildings shall be set back a minimum of two hundred (200) feet from abutting or nearby residential district.

SECTION 16.04 AUCTION SALES ESTABLISHMENTS

- A. Minimum site size shall be 10 acres.
- B. All parking shall be provided as off-street parking within the boundaries of the development in accordance with the requirements of Sections 15.07 and 15.08.
- C. Customer parking shall be separated from the Auction Display Storage area.
- D. There shall be maintained a Type A land form buffer of twenty (20) feet around the perimeter of the site planted in accordance with Section 15.10.
- E. No servicing of vehicles shall be permitted on the subject site. The storage of inoperable vehicles shall not be permitted.
- F. Adequate space shall be provided on site for the unloading of vehicles for Auction.
- G. Site lighting shall be in accordance with Section 15.13.
- H. Signs shall be regulated by Section 15.17
- I. Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.

SECTION 16.05 AUTOMOBILE FILLING STATION

- A. Minimum site size shall be two (2) acres for automobile filling stations. Additional lot area may be required if there is an accessory convenience store component.
- B. Minimum lot width shall be not less than one hundred fifty (150) feet for automobile filling stations.
- C. Buildings shall be located not less than twenty-five (25) feet from any side or rear lot line.
- D. Ingress and egress drives shall not be more than thirty (30) feet in width.
- E. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street.

- F. No drive or curb opening shall be located nearer than twenty-five (25) feet to any intersection or adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- G. Parking shall be designed in accordance with the requirements of Sections 15.07 and 15.08.
- H. Gasoline pumps and other appurtenances shall be located not less than thirty (30) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- I. Self-contained, covered waste receptacles shall be provided at each proposed pump station to provide convenient disposal of customer refuse.
- J. Exterior lighting shall be provided in accordance with the provisions of Section 15.13.
- K. All outside storage areas for trash shall be enclosed in accordance with Section 15.10.16
- L. The outdoor storage or display of products for sale including firewood, windshield wiper fluid and other goods is expressly prohibited.
- M. The gasoline service station including accessory canopies, if proposed shall be architecturally treated and designed to be compatible with the adjacent land uses.
- N. Vehicle service and repair work is prohibited.

SECTION 16.06 AUTOMOBILE REPAIR STATION, PAINT AND BODY SHOP, MUFFLER SHOP, TRANSMISSION REPAIR SHOP (MAJOR AUTOMOTIVE REPAIR).

All necessary steps shall be taken to ensure that any resulting dust, flushing, fumes, gas, noise, odor, smoke, vapor or vibration do not create a condition more detrimental to the surrounding area(s) than would result from other permitted uses. The following special requirements and regulations governing the erection of automobile repair garages are hereby established.

- A. Such use shall be located on a plot of ground having frontage along a commercial street of not less than one hundred (100) feet and having a minimum area of not less than two (2) acres.
- B. All repair work must be carried out within an enclosed building. Lubrication equipment, automobile wash equipment, hoists and pits shall be enclosed entirely within a building.

- C. No automobile repair garage shall be erected within a two hundred (200) foot radius of any residential district.
- D. Ingress and egress drives shall be a minimum of thirty (30) feet and a maximum of forty (40) feet in width. No more than one (1) such drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least twenty-five (25) feet from the nearest point of any property zoned or used for residential purposes. Curb openings for drives shall not be located in a manner that would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives or pedestrian entrances or crossings.
- E. Outdoor storage of rubbish, junked equipment or parts is prohibited unless such rubbish, junked equipment or parts is stored adjacent to the principal building in an obscure location that is enclosed with a masonry screening wall. When such screening is provided, such rubbish, junked equipment or parts shall not be stacked or heaped higher than the height of the screening wall. The screening wall shall not be higher than five (5) feet.
- F. An automobile repair garage use shall not include the parking or storage of dismantled, non-licensed or non-repairable vehicles of any kind, unless ordered by a law-enforcement agency. The storage, sale or rental of mechanical equipment, new or used cars, motorcycles, mini-bikes or similar vehicles, wrecked or otherwise, shall not be considered a use or accessory use to an automobile repair garage.
- G. All temporary outdoor storage of vehicles for repair shall not be located within fifty (50) feet of a public right-of-way or a residential district.
- H. All buildings shall be setback not less than forty feet (40) from all existing street right-of-way lines.
- I. 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, truck, or trailers on the site that are available for lease shall not exceed one (1) automobile, truck, or trailer for each one thousand (1,000) square feet of lot area and shall not be located in areas that are required for parking, aisle ways, service bays, loading, landscaping, or sidewalks.
- J. The parking of two (2) trucks shall be permitted only in designated areas and shall not be permitted in the corner clearance areas.

SECTION 16.07 AUTOMOBILE SERVICE STATION (MINOR AUTOMOTIVE REPAIR).

Automobile service centers providing light repairs, services and materials such as: tires (not recapping), batteries, mufflers, undercoating, auto glass, detailing, reupholstering, quick oil change, lubrication, wheel balancing, brakes and suspension services, and motor tune-up for passenger cars and vans may be approved in the C-1 and C-2, Business Districts subject to the following:

- A. All access shall be directly onto a major thoroughfare. Ingress and egress drives shall be a minimum of thirty (30) feet and a maximum of forty (40) feet in width. No more than one (1) such drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street.
- B. The use shall be conveniently and safely accessible by the general public and shall not conflict with traffic movement or the reasonable and proper development of the district and area in which it is located.
- C. All repair and/or servicing activities shall be conducted within a completely enclosed building.
- D. The outside overnight parking of vehicles shall be limited to no more than one and one half (1 1/2) per service bay and shall be limited to only those vehicles which are to be repaired.
- E. There shall be no outside storage of partially dismantled, inoperable or unlicensed vehicles, or discarded parts. Operator shall produce evidence of contract(s) for regular removal of hazardous items from site such as fluids, used tires and other similar materials.
- F. Outside display of parts and/or products for sale shall be maintained in a neat and orderly fashion and shall not interfere with vehicular access or obstruct driver visibility.
- G. A minimum parcel size of two (2) acres shall be required to establish this use, unless the service center is incorporated and designed as part of a discount or department store complex, or similar structure.
- H. The location of the vehicle service center shall be architecturally treated and designed to be compatible with the adjacent land uses. Entrances to individual service bays shall not face abutting residential parcels.
- I. The Planning Commission shall require landscape and screening materials in accordance with Section 15.10, where the Planning Commission determines such screening is necessary to reduce the impact of the proposed facility on adjacent properties or rights of way.

SECTION 16.08 AUTOMOTIVE OR VEHICLE SALES DEALERSHIP

- A. All areas subject to vehicular use shall be paved with a durable dust-free surfacing, with appropriate bumper guards where needed.
- B. Access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets as measured from the right-of-way line.
- C. Major repair and major refinishing shops shall be permitted as accessory when conducted entirely within an enclosed building.
- D. No outside storage of discarded or salvaged materials, junk vehicles, or junk parts shall be permitted on the premises.
- E. The outside display of new and used vehicles shall be permitted and such storage area shall occupy no more than thirty-five (35) percent of a lot which is used for vehicle sales. Parking lot setbacks must be provided in accordance with Section 14.01C.
- F. There shall be no streamers, strings of flags, pennants, or bare light bulbs permitted.
- G. There shall be no portable signs and no flashing illumination of any kind on any feature of the use.
- H. No vehicles or merchandise for sale shall be displayed within any required greenbelt, landscaped berm, or other landscape or open space area.
- I. All lighting shall be shielded in accordance with the provisions of Section 15.13.
- J. No outside load speaker or outside public address systems shall be used.

SECTION 16.09 AUTOMOBILE WASH ESTABLISHMENTS

- A. Minimum lot size shall be two (2) acres.
- B. Automobile wash establishments shall be completely enclosed within a building.
- C. Buildings shall be set back sixty (60) feet from the existing right-of-way line.
- D. Entrance and exit drives shall be no less than one hundred (100) feet from any street intersection and at least two hundred (200) feet from any residential district.
- E. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be served by the wash facility. Waiting spaces shall be provided in accordance with Section 15.07 A.
- F. 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 or heavy tracking onto a public street. A combination of alternatives may be used, including, but not limited to, blowers, hand-drying, length of exit drive and general site design. Adequate

provision shall be made for the drying of the automobiles undercarriage during sub-freezing weather prior to entering public thoroughfare.

- G. The site plan shall detail the location of all proposed vacuum stations. Vacuum stations shall be located in the rear yard a minimum of fifty (50) feet away from any adjoining residential use. These areas shall also be located so as not to conflict with any required parking, drive, or automobile standing areas. Self-contained, covered waste receptacles shall be provided at each proposed vacuum station to provide convenient disposal of customer refuse.
- H. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Outdoor lighting must meet the lighting standards of Section 15.13.
- I. Landscape screening shall be provided on those sides abutting a residential district, in accordance with the provisions of Section 15.10.

SECTION 16.10 BED AND BREAKFAST OPERATIONS OR TOURIST HOMES AS DEFINED BY SECTION 2.02.

- A. Must be clearly incidental to the principal use of a dwelling unit as a single-family dwelling unit. Not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
- B. There shall be no separate cooking facilities used for the bed and breakfast stay. Food served will be done so in accordance with, and limited by, that permitted by applicable state law and subsequent guidelines published by the Michigan Department of Public Health.
- C. The maximum length of stay for any guests of bed and breakfast operations shall be fourteen (14) days.
- D. The dwelling unit which contains the bed and breakfast establishment shall be the principal residence of the owner/innkeeper. Said owner/innkeeper shall reside on the premises when the bed and breakfast establishment is in operation.
- E. In the residential district one sign not to exceed six square feet in area shall be permitted in accordance with the requirements of Section 15.17.
- F. Parking must be provided as per the requirements of Sections 15.07 and 15.08.
 - 1) There shall be ample open space other than that required to accommodate the required off-street parking. Natural screening by use of plant materials or other screening as allowed by the Planning Commission shall be required to screen parking areas from adjoining properties. Off-street parking in front yard areas shall not be permitted.
 - 2) If the applicant is unable to meet criteria for parking, the applicant may request special consideration from the Planning Commission through the

site plan review process. The Township's intent is not to encourage yards to be destroyed, landscaping removed, or the integrity of the neighborhood altered in order to provide parking. In such a case the applicant shall submit an analysis of parking required and parking provided within a three hundred (300) foot radius of the subject parcel. After analyzing this study, the Planning Commission may lower the number of the required parking based on the fact that sufficient parking exists in the neighborhood.

SECTION 16.11 BERTHING, STORAGE OR SERVICING OF BOATS, YACHTS, CRUISERS, INBOARDS, OUTBOARDS, AND SAILBOATS INCLUDING ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO THE USE.

Sales service, storage, and repair of new and used boats and recreation vehicles or mini-warehouses, boat cradle storage, boat storage or recreation vehicle storage may be permitted by the Planning Commission subject to the provisions of the Ordinance and the following conditions:

- A. When adjacent to a residential use or a residential zoning district, a minimum fifteen (15) feet greenbelt and/or a masonry wall shall be provided along the abutting residential use or district, and shall be planted according to the standards of Section 15.11.
- B. All lighting shall be shielded from adjacent residential uses and from direct glare onto the street.
- C. There shall be a landscaped area of at least fifteen (15) feet between the property line at the street and the parking or storage area.
- D. All wrecked or damaged vehicles shall be screened from public view by a solid wall or an obscuring fence.
- E. No wrecked or damaged vehicle shall be stored on the premises for a period of time exceeding six (6) months, nor shall any wrecked or damaged vehicle be parked or stored within the required front yard area.

SECTION 16.12 CAMPGROUNDS AND TRAVEL TRAILER PARKS

Campgrounds shall be developed only in accordance with Act 171, P.A. 1970, as may be amended and Administrative Rules and Regulations promulgated subsequent to the Act, as may be amended and the following local regulations.

- A. All such uses shall be developed on sites of at least twenty (20) acres and five hundred (500) feet in width. The term "parcel" shall mean the entire campground or travel trailer park.
- B. No individual campsites shall be located closer than thirty (30) feet to all property lines.

- C. All buildings housing animals shall be set back at least one hundred (100) feet from all property lines. All other buildings shall be set back at least fifty (50) feet from all property lines.
- D. All access shall be directly onto a paved road with a future right of way of 120', a paved County Primary Road or a paved State Highway.
- E. There shall be provided, on those sides abutting or adjacent to a residential district or use, a screen wall, fence or greenbelt buffer in accordance with the provisions of Section 15.10.
- F. Adequate off-street parking shall be provided to accommodate the maximum number of users of the facility. All parking areas shall be kept dust-free at all times.
- G. There shall be no public address or other amplified sound system, except by written permission of the Township Board.
- H. The parcel shall be provided with at least one (1) public telephone

SECTION 16.13 CARRY-OUT RESTAURANT, FAST-FOOD ESTABLISHMENT, OR DRIVE-IN RESTAURANT

- A. No drive-in, fast-food, or carry-out restaurant shall be located within five hundred (500) feet from an elementary, junior, or senior high school or from a public park.
- B. A setback of at least sixty feet (60) from the right-of-way line of any existing street must be maintained.
- C. Points of vehicular ingress shall be limited to an adjacent major thoroughfare only and site plans shall be reviewed by the Planning Commission for location and design of curb cuts and driveways and for layout of parking lots.
- D. The minimum width of driveways at the property line shall be twenty-four (24) feet, and not greater than thirty (30) feet.
- E. The minimum distance of any driveway to property line shall be ten (10) feet.
- F. The minimum distance between two-way driveways on the site shall be one hundred eighty (180) feet measured from curb to curb.
- G. The minimum distance a driveway into the site shall be from a street intersection shall be one hundred ten (110) feet measured from the intersection of the street right-of-way to the nearest end of the curb radius to nearest end of curb radius or equivalent.
- H. Motor-vehicle oriented businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.

- I. The entire parking area shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained in accordance with Section 15.08. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, in accordance with Section 15.10.
- J. Concrete curbing, six (6) inches in height, shall be properly placed and maintained along or parallel to all property lines except across approved driveways, so as to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.
- K. Food consumption upon the premises outside the fast-food and carry-out restaurant building shall be prohibited unless permanent outside facilities are provided. The premises shall be properly posted with signs stating that the consumption of foods, frozen desserts, or beverage within vehicles parked upon the premises is unlawful and that violators are subject to fines as prescribed by law. A minimum of two (2) such signs not to exceed (two (2) square feet each) shall be posted within the building near the checkout counter of the restaurant and a minimum of four (4) such signs shall be posted within the parking area so as to be clearly visible from all vehicles on the premises.
- L. All outside trash receptacles shall be enclosed in accordance with the requirements of Section 15.10.16.
- M. Devices for the transmission of voices shall be so directed or subdued as to prevent sound from being audible beyond the boundaries of the site.
- N. During the period when a drive-in restaurant, fast-food restaurant, or carry-out restaurant is vacated, closed, or otherwise not opened for business for more than thirty (30) consecutive days, the owner, franchise holder, or lessee shall be subject to complying with the following regulations:
 - 1) Vehicular parking and storage shall be prohibited at all times anywhere on the premises and the owner, franchise holder, or lessee shall post a sign or signs on the premises, giving notice that all parked or stored vehicles are subject to ticketing and removal by the Township at vehicle owner's expense. In addition, the owner, franchise holder, or lessee, whoever is in possession, is subject to ticketing if unlawfully parked or stored vehicles are permitted on the premises by consent of owner, franchise holder, or lessee. The Township shall have the right of entry to subject property for the purpose of accomplishing said ticketing and removal.
 - 2) The ground shall be kept free of rubbish and debris, and the grass, if any, shall be well kept and cut as necessary so as to present a neat and attractive appearance at all times.
 - 3) Within sixty (60) days of such closing, all curb cuts across driveway entrances and all other points of ingress and egress to the premises shall be closed to vehicular traffic by properly placed and secured pre-cast

concrete wheel stops or the equivalent, as may be approved by the appropriate Township agency.

SECTION 16.14 CEMETERIES

- A. Cemeteries shall have a minimum lot size of ten (10) acres and a minimum frontage on a major thoroughfare of three hundred (300) feet.
- B. All ingress and egress shall be from a paved major thoroughfare.
- C. All buildings and structures shall be located no less than two hundred (200) feet from the property line.
- D. There shall be no burial plots within twenty-five (25) feet of the perimeter of the site and all service and storage yards shall be screened from view by a screen wall at least 6 feet high.
- E. There shall be provided, on those sides abutting or adjacent to a residential district or use, a screen wall, fence or buffer strip designed in accordance with the provisions of Section 15.10.
- F. Perimeter fencing may be required to delineate the limits of the cemetery site to discourage trespassing and prevent vandalism.
- G. Adequate off-street parking shall be provided so that visitors' automobiles are not left standing on a public street or right-of-way

SECTION 16.15 CHILD CARE CENTERS, NURSERY SCHOOLS, DAY NURSERIES AND ADULT DAY CARE CENTERS AS DEFINED IN SECTION 2.02.31

- A. All such uses shall provide adequate drop-off and waiting space so that clients' cars are not required to stand in a public right-of-way. At least one (1) drop-off space shall be provided for each five (5) persons or children enrolled or cared for at the facility.
- B. Outdoor play space shall be provided in the ratio of one hundred (100) square feet per child cared for, to a maximum required of ten thousand (10,000) square feet. No outdoor play area shall be less than five thousand (5,000) square feet. An outdoor recreation area is recommended, but not required, for adult day-care facilities.
- C. To insure child and adult safety, all outdoor use areas shall be enclosed by a minimum 4 foot 6 inch high fence of a non-climbable design. On those sides abutting a residential zoning district or use, a 6-foot high screen wall shall be required in accordance with Section 15.11.

- D. The site layout shall be designed to insure pedestrian safety by separating outdoor use areas from parking and driveways.
- E. Overnight and night time care after 8 p.m. shall require evidence of compliance with Michigan Department of Social Services rules.
- F. All day-care facilities shall provide fifty (50) square feet of indoor space for each adult or child in their care, based upon their current license and any conditions of their Special Land Use Permit. This space shall be exclusive of space for offices, restrooms, and kitchens.
- G. Sufficient on-site parking shall be provided to satisfy the needs of the staff, visitors, and clients of all day-care facilities as required by Section 15.07. All parking shall be paved and constructed to the standards of Section 15.08.

SECTION 16.16 RELIGIOUS FACILITIES

- A. Minimum lot width shall be one hundred fifty (150) feet
- B. Minimum lot area shall be three (3) acres.
- C. Off-street parking shall be designed in accordance with the provisions of Section 15.07 and 15.08.
- D. Parking lots shall be screened in accordance with the requirements of Section 15.10.
- E. The property shall have frontage on and direct access to a major thoroughfare.
- F. All exterior lighting shall comply with Section 15.13.

SECTION 16.17 CLUBS AND FRATERNAL ORGANIZATIONS

- A. Minimum lot width shall be one hundred fifty (150) feet.
- B. Such uses shall front upon and have direct access to a major thoroughfare.
- C. A minimum site size of three (3) acres shall be required.
- D. Only commercial uses ancillary to the club function shall be permitted.
- E. Land not utilized for buildings, parking, etc. shall be landscaped.
- F. All parking shall be designed in accordance with the requirements of Section 15.07 and 15.08.
- G. Landscape screening shall be provided in accordance with the requirements of Section 15.10.

SECTION 16.18 COLLEGES, UNIVERSITIES, AND OTHER INSTITUTIONS OF HIGHER LEARNING.

- A. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area, and shall not be permitted on any portion of a recorded subdivision plat
- B. All vehicular access to said site shall be from a major thoroughfare.
- C. No building shall be closer than eighty (80) feet to any property line.
- D. All parking shall be designed in accordance with the requirements of Section 15.07 and 15.08.
- E. Landscape screening shall be provided in accordance with the requirements of Section 15.10.

SECTION 16.19 CONGREGATE CARE FACILITY, ADULT FOSTER CARE FOR MORE THAN SIX (6) ADULTS OR HOUSING FOR THE ELDERLY.

- A. The building height shall not exceed a height of two and one-half (2.5) stories, or thirty-five (35) feet.
- B. No building shall be located closer than fifty (50) feet to any property line.
- C. The site shall be so located as to have at least one (1) property line abutting a major thoroughfare.
- D. All ingress and egress to the off-street parking area, for guests, employees and staff, as well as other users of the facility, shall be directly from a major thoroughfare.
- E. There shall be provided on the site, not less than fifteen hundred (1,500) square feet of open space for each bed in the care facility. The fifteen hundred (1,500) square of land area shall provide for landscape setbacks, off-street parking, service drives, loading space, yard requirements and space request for accessory uses, but shall not include the area covered by the principal building.
- F. A Buffer Strip or Screen wall shall be provided for those yards abutting a residential use or district in accordance with Section 15.10.
- G. Off-street parking shall be provided and designed in accordance with Section 15.07 and 15.08 of this ordinance.

SECTION 16.20 CONVALESCENT HOMES, NURSING HOMES AND HOMES FOR THE AGED.

- A. Minimum lot size shall be three (3) acres and may provide for the following:
 - 1) Cottage type one-story dwellings and/or apartment type dwelling units.
 - 2) Common service areas containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
- B. The lot location shall be such that at least one (1) property line abuts a major thoroughfare. The ingress and egress for off-street parking areas for guests and patients shall be directly from said major thoroughfare.
- C. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
- D. The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall be landscaped and may not include off-street parking areas, driveways, and accessory uses or areas.
- E. A Buffer Strip or Screen wall shall be provided for those yards abutting a residential use or district in accordance with Section 15.10.
- F. Off-street parking shall be provided and designed in accordance with Section 15.07 and 15.08 of this ordinance.
- G. Minimum dwelling unit size shall be three hundred fifty (350) square feet per unit (not including kitchen and sanitary facilities).
- H. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site not including any dedicated public right-of-way.

SECTION 16.21 COMBAT GAME AREAS AND SIMILAR LARGE SCALE RECREATION USES

Combat game areas in which participants use air guns or other similar devices which are intended only to “mark” participants and not injure them are permitted in the Residential Agricultural District subject to the following special standards:

- A. The site shall contain a minimum of forty (40) acres per game field.
- B. The site shall not be adjacent to any Residential District other than a RA, Residential Agriculture District. Property located across a public right of way would be considered adjacent for purposes of this provision.
- C. The site shall have direct access to a public road.

- D. The location layout, design or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The following standards shall apply:
- 1) A three hundred (300) foot buffer zone around the perimeter of the property shall be provided in which no game activities are permitted. This buffer area shall be clearly marked so that participants will not use the area.
 - 2) A four hundred fifty (450) foot buffer zone shall be established and clearly marked on the sides between the subject parcels and adjacent existing residences.
 - 3) The Planning Commission may specify the hours of operation in order to assure compatibility with adjacent uses.
 - 4) All parking shall be provided in off-street parking lots designed in accordance with Sections 15.07 and 15.08.
 - 5) A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department and Township Building Code.
 - 6) The use of the site shall not generate excessive noise, odors, dust or other impacts, such that the continued use and enjoyment of adjacent properties would be impaired.
 - 7) Signs shall be regulated by Section 15.17 of the ordinance.

SECTION 16.22 DRIVE-IN THEATER

- A. The lot location shall be such that at least one (1) property line abuts a major thoroughfare and shall be at least five hundred (500) feet from any Residential District. There shall be at least one exit and one entrance to the lot which shall be directly onto said major thoroughfare. Access to any residential street shall not be provided.
- B. The premises shall be enclosed with a solid screen fence eight (8) feet in height. The solid screen fence shall be of a permanent material of metal, brick, or masonry.
- C. All points of entrance or exit shall be located no closer than two hundred and fifty (250) feet to any street or road intersection (as measured to the nearest intersection right-of-way line).
- D. Space shall be provided, on-premises, for fifty (50) waiting vehicles to stand at the entrance to the facility.

- E. The theater screen shall not be placed closer than one hundred (100) feet from any public street right-of-way and shall be so constructed as to not be visible to a major thoroughfare or any Residential District.
- F. Such use shall be located on a parcel of at least twenty (20) acres in size.
- G. The projected internal design shall receive approval from the Building Inspector as to adequacy of drainage, lighting, and other technical aspects.
- H. Ingress and egress drives shall be paved.
- I. A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department and Township Building Code.

SECTION 16.23 DRIVING RANGES

- A. All parking shall be provided as off-street parking within the boundaries of the development.
- B. There must be maintained a minimum open green space of fifty (50) feet between the property line and any adjacent property. In addition, on those sides abutting a residential district, there shall be provided and maintained a landscaped greenbelt consisting of plant materials eight (8) feet in height or greater, or fencing six (6) feet in height or greater, sufficient to contain golf balls on the site.
- C. A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department and Township Building Code.

SECTION 16.24 COMMERCIAL FEEDLOTS AND RAISING OF FUR BEARING ANIMALS

- A. The raising of any fur bearing animals including mink and rabbit, shall be permitted upon special approval in the Residential Agricultural District when located on a continuous parcel of land twenty (20) acres or more in area with all buildings and outdoor runs setback one hundred (100) feet or more from all property lines; with the exception of raising mink which shall be conducted on a continuous parcel of land forty (40) acres or more in area, with all outdoor runs or breeding areas enclosed on all sides by a fence not less than four (4) feet in height and setback from all property lines a minimum distance of four hundred (400) feet.
- B. Feed lots shall be permitted upon special approval in the Residential Agricultural District subject to the following conditions:
 - 1) The raising of fowl including emu or their by-products shall be conducted within an adequately fenced area or an enclosed building. 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. All buildings and

structures shall be subject to the minimum setback requirements of the district in which they are located.

- 2) Any pen, corral, or structure where barnyard animals including alpaca are maintained as a feed lot, or where swine are raised shall be located a minimum of two hundred (200) feet from the nearest RSF, R-1 or R-2 Residential District. A feedlot shall not be located closer than two hundred (200) feet from a residence.

SECTION 16.25 GAS OR ELECTRICAL TRANSMISSION LINES

High-pressure gas transmission lines and high voltage electric transmission tower lines shall be permitted in any district subject to the following regulations:

A. General Regulations

- 1) All such utility lines shall follow existing utility corridors, where possible and reasonable, as determined by the Planning Commission.
- 2) 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 Planning Commission.
- 3) 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, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.
- 4) Noncompliance with any part of this Ordinance, or any other Township Ordinance, shall be grounds for the Township acting to withdraw its approval or conditional approval of any use regulated hereunder and to order such use to be discontinued.
- 5) Prior to commencement of construction, any approvals granted hereunder are not transferable to others or to successors in interest, without first applying for such to the Planning Commission.
- 6) The person or company granted privileges hereunder shall inform the Township Clerk on a continuing basis of the name, address, and telephone number of its employee who is responsible for receiving complaints and communications from the Township.
- 7) The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.

B. Requirements for High Voltage Electric Transmission lines of 120 kV or Greater:

- 1) High voltage electric transmission lines of more than 345 kV shall not be located closer than five hundred (500) feet to occupied residences. Existing 345 kV lines shall not be energized at a higher voltage level when located closer than five hundred (500) feet to occupied residences.
- 2) Corridor width shall be a minimum of two (2) times the proposed tower height for all voltages so that accidental collapse of any tower will be confined to the utility right-of-way.
- 3) Where operating voltages will exceed 345 kV, the Township shall evaluate an area one quarter (1/4) mile on either side of the proposed electric corridor. The existing density of occupied dwellings per square mile shall not exceed one hundred (100) in any two (2) mile segment of this area. The applicant shall provide maps showing all information necessary to determine compliance with this standard.
- 4) 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.
- 5) No such line or system shall cause radio or television interference within residential dwellings in the Township, and if such happens it will be considered a public nuisance, subject to abatement.
- 6) "Danger No Trespassing" signs shall be placed at all road crossings and the Planning Commission may require fencing at those road crossings which it determines are in need of additional protective measures.
- 7) Any area destroyed by necessity in the construction of such approved facilities may be subject to conditions imposed by the Planning Commission for its immediate restoration by replanting or similar techniques.
- 8) 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:

<u>SOUND LEVEL</u>	<u>ADJACENT USE</u>	<u>WHERE MEASURED</u>
40dBA	Open Space/Recreational	Common Property Line
40dBA	Residential	Common Property Line
40dBA	Agricultural	Common Property Line
60dBA	Commercial	Common Property Line
75dBA	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 above standards for the corridor width proposed, a widening of the corridor, consistent with these requirements, will be necessary.

- 9) During the construction or repair of any facilities approved hereunder, the following shall be required:
 - a) All internal roads shall be kept dust free by chemical treatment.
 - b) Any damage to public or private roads, fences, structures, or facilities shall be repaired immediately.
 - c) 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.
 - d) All construction operations shall be confined to daylight hours – Monday through Saturday – unless permitted in writing by the Planning Commission.
- 10) At the time a request is made for approval under this section, the person, partnership, corporation, or public utility shall submit an estimated timetable for completion of the construction plans to the Planning Commission, and specifications of all equipment and facilities proposed for installation. 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 herein.
- 11) When such lines or systems interfere with a public road by crossing such or paralleling such, any person or company, upon five (5) days notice, shall be required to raise such lines for necessary passage of any barn, building, house, or other object over the public ways.
- 12) If any court or the Michigan Public Service Commission or other governmental body finds that such lines and systems are not necessary, such shall, upon exhaustion of appeals, be dismantled under regulation by the Planning Commission. Dismantling and restoration will be completed at no cost to Clyde Township and shall be carried out in accordance with guidelines for construction as provided in paragraph b.9, above.
- 13) The Township may make reasonable requests to require the person or company granted privileges hereunder 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 hereunder 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.

- 14) After the construction of the line is completed and before regular operation has begun, the operating company shall retain the services of an independent testing laboratory, which shall test said line for compliance with the standards contained herein, and submit a report of the test results to the Township.

SECTION 16.26 GOLF COURSES WHICH MAY OR MAY NOT BE OPERATED FOR PROFIT

- A. Minimum site size shall be sixty-five (65) acres for a nine (9) hole course and one hundred eighty (180) acres for an eighteen (18) hole course.
- B. A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department and the Township Building Code.
- C. The site shall be so planned as to provide all access directly onto or from a major thoroughfare.
- D. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
- E. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings and structures shall not be less than two hundred (200) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
- F. Whenever a swimming pool is to be provided said pool shall be provided with a protective fence size six (6) feet in height and entry shall be by means of a controlled gate.
- G. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

SECTION 16.27 GUN CLUBS AND SHOOTING RANGE REGULATIONS

Gun clubs, whether operated for profit or not, may be permitted in RA, Residential Agricultural and LM, Limited Manufacturing Districts only, after review by the Township Board as a use permitted subject to special conditions provided the following conditions are met:

- A. All such facilities must be situated on a parcel of land not less than forty (40) acres in area and having a minimum of one thousand three hundred twenty (1,320) foot road frontage,
- B. Such parcel of land must be adequately fenced, that being a fence of at least four (4) feet in height and posted through both symbol and written statement so as to

inform the public of the nature of the facility at frequent intervals no greater than fifty (50) feet apart.

- C. Design and operation of such facility shall also be in accordance with specification and practices outlined in the “Current National Rifle Association Standards.”
- D. All federal, state, county, and township codes and ordinances in regard to firearms shall be strictly adhered to.
- E. In no instance shall a firearm be discharged closer than one thousand (1,000) feet to an existing residence.
- F. In no instance shall a firearm be discharged on any range in any gun club without the presence of a range officer of the gun club for supervision.
- G. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission for review in compliance with Article 17 and clearly indicating all safety provisions to assure that any missile fired within the confines of a gun club shall not carry into or over any adjacent district or area.
- H. Any other provision which the Township Board deems necessary to assure the health, safety, and general welfare of the inhabitants of Clyde Township and adjacent communities.
- I. All ingress and egress from said parcel must be directly from a public road
- J. Parking shall be required in accordance with the requirements of Section 15.07.
- K. All new gun clubs, shooting, and archery ranges and any additions to such uses shall be designed by an engineer or architect licensed by the state of Michigan.
- L. Operations shall not begin before 8:00 a.m., nor continue beyond 9:00 p.m. Noise levels at the property lines shall not exceed 40dBA. 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. Department of Standards.

SECTION 16.28 GREENHOUSES (INCLUDING FACILITIES FOR SALE TO THE PUBLIC)

- A. The parking area shall be designed so as not to disrupt abutting residential development with noise or headlights.
- B. There shall be side yard setbacks of at least fifty (50) feet on either side of the greenhouse.
- C. All loading and parking shall be provided in accordance with Section 15.07.
- D. The storage or display of any materials shall conform to all building setback requirements of a structure.

SECTION 16.29 HOME BASED BUSINESS

Home Based Businesses shall be permitted as special land uses in the RA and RSF Districts. Limited business uses primarily engaged in producing a product or providing a service, where the external physical effects will not extend beyond the property lines, subject to the following:

- A. Only owner/operated types of businesses shall be allowed.
- B. All such uses shall be completely enclosed within a building and shall be designed and operated by the owner/operator as a use accessory to his or her permitted residential use.
- C. There shall be no open storage of equipment, vehicles, materials or wastes.
- D. The product manufactured on-site shall not be sold primarily at retail on site, rather, the product shall be distributed elsewhere by the owner/operator.
- E. The number of employees shall be disclosed and agreed upon as part of the special land use permit.
- F. The building used for production or servicing shall not exceed the total floor area of the permitted residence.
- G. All areas for employee and customer parking shall be designed and arranged so as to be screened from public view.
- H. The owner/operator shall have restroom facilities available for all employees within 500 feet of their usual working place.
- I. A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department and the Township Building Code.

The Planning Commission may waive the requirement for a paved driveway and parking area for a home based business use upon making the following findings:

- A. The home based business use has no more than six (6) full time equivalent employees.
- B. The home based business use does not require the delivery or pick up of merchandise or materials in trucks or trailers with more than two axles.
- C. The uses of a gravel driveway and parking area would not create excessive noise, dust or other negative impacts that might affect adjacent structures.

SECTION 16.30 HOME OCCUPATION

Home Occupations shall be permitted by right in the RA, RSF, R-1, R-2 and MH Districts.

- A. No article or service shall be sold or offered for sale on the premises, except as such is produced on the premises by such occupation.

- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the dwelling unit, (exclusive of areas of unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches) shall be used for purposes of the home occupation, but in no event more than five hundred (500) square feet of floor area.
- C. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign not exceeding six (6) square feet in area, non-illuminated, and shall contain only the name and occupation of the resident of the dwelling.
- D. The outdoor storage of goods and materials shall be prohibited. No interior display shall be visible from the exterior of a dwelling unit used for purposes of a home occupation.
- E. No more than one (1) home occupation per dwelling unit shall be permitted.
- F. 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 provided by an off-street area, located other than in a required front yard.
- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.
- H. Such home occupation shall be carried on entirely within the principal dwelling and exclusively by the inhabitants thereof.

SECTION 16.31 HOSPITALS

- A. Minimum lot area shall be twenty (20) acres.
- B. The lot location shall be such that at least one (1) property line abuts a major thoroughfare. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said major thoroughfare.
- C. The building height of a hospital shall be no more than four (4) stories or forty five (45) feet.
- D. Minimum main and accessory building setback shall be one hundred (100) feet from any property line.

SECTION 16.32 JUNK YARDS

- A. Minimum lot size shall be twenty (20) acres.
- B. The setback from the front property line to the area upon which junk materials are stored shall be not less than fifty (50) feet and shall be provided with a greenbelt buffer. See Section 15.10 for greenbelt buffer requirements.
- C. Junkyards shall be screened from the roadway and from any adjoining property by an obscuring fence or wall eight (8) feet in height. Said fence or wall shall be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it. A solid masonry wall of decorative concrete block, brick or stone at least eight (8) feet in height, shall be required when adjacent to a street or highway. A ten (10) foot wide (minimum) landscaped greenbelt shall be maintained between the required wall and road right of way or easement. Planting requirements for Greenbelt (E) in Section 15.10 shall be provided.
- D. All activities and materials shall be kept within the enclosed area formed by the obscuring fence. Material shall not be stacked or piled above the plane established by the top of the obscuring fence.
- E. All structures, off street parking and fencing and used material storage yards shall be set back not less than fifty (50) feet from any street or highway right-of-way.
- F. All roads, driveways, and parking lots used by the general public shall be paved, and loading and unloading areas within any junk yard shall be paved, watered, or environmentally approved dust control measures so as to limit for adjoining lots and public roads, the nuisance caused by wind-borne dust.
- G. A roadway shall be provided, graded, and maintained from the street to the rear of property to permit emergency vehicle access.
- H. Display of merchandise outside of the required wall or fenced enclosure is prohibited.

SECTION 16.33 KENNELS, COMMERCIAL

A Commercial kennel is defined as any lot or premises on which five (5) or more dogs or similar domestic pets, are either permanently or temporarily boarded. A commercial kennel shall also include any breeding operation with five (5) or more such animals over one year of age. Commercial kennels are permitted in the RA District subject to the following requirements:

- A. General Requirements
 - 1. The minimum lot size shall be five (5) acres.
 - 2. The site shall abut either a public road or an internal industrial park street.
 - 3. All animals shall be adequately housed, fenced, and maintained so as not to be or become a public or private nuisance. The premises shall be

maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.

4. Kennels housing more than ten (10) dogs shall provide one (1) off-street parking space for each five (5) animals that can be boarded. Other uses shall provide parking to accommodate the maximum number of patrons using the facility at any one time.
5. Between the hours of 10:00 p.m. and 6:00 a.m. all animals shall be confined in a sound and odor-proof kennel building that is completely enclosed and climate-controlled. During all other hours, the animals may be exercised as provided for in Section 16.33 (7).
6. Any use permitted by the Township shall terminate immediately when the lot area requirements herein set forth are decreased in any manner or the provisions of this Section and Ordinance violated.
7. Outdoor animal exercise shall be conducted within the confines of a fenced exercise yard on the property, and limited to:
 - a. Leashed animals under the direct supervision of their owners or commercial kennel staff;
 - b. Small “play groups” of animals pre-selected for compatibility, supervised by kennel staff.

B. Exterior Standards

1. In the RA district, dog kennel buildings shall be considered accessory buildings to a single family residence and shall be subject to all regulations of Article 5 and Section 15.06, including maximum allowable floor area.
2. Exercise yards and kennel buildings shall be located no closer than one hundred fifty (150) feet to any abutting residential property line, and shall not be located in any required front, rear, or side yard setback area.
3. A dog kennel shall have at least the following two levels of outdoor exercise:
 - a. Individual outdoor pens separated by privacy panels to prevent the dogs from seeing one another.
 - b. A yard completely enclosed by an obscuring fence not less than four (4) feet high.
 - c. A second yard enclosed by a 5’ chain link fence is optional.
 - d. Unsupervised outdoor dog runs and pens are not permitted.

C. Interior Standards

1. The number of dogs housed, boarded, or kept in a kennel building shall not exceed one (1) dog for every fifty (50) square feet of floor area.

2. All kennel buildings shall be fitted with sound-proofing on walls, windows, and doors.
3. The interior of the kennel building shall be capable of being hosed down and sanitized. Water supply shall be available and floor drains shall be connected to the septic system.
4. All kennels shall have an isolation pen for dogs that bark uncontrollably, in order to reduce their influence on other dogs.
5. Privacy panels are required between pens
6. A variety of pen sizes shall be provided to accommodate both individuals and “families” or groups of compatible dogs.

SECTION 16.34 LANDING STRIP (PRIVATE)

- A. Minimum parcel size and lot dimension configuration must be adequate to permit a runway easement of at least two hundred (200) feet by two thousand (2,000) feet.
- B. The Planning Commission shall be assured that there is a clear and unobstructed glide slope approach to the landing strip.
- C. An emergency access road shall be provided and maintained to the landing strip for access by fire and emergency vehicles.
- D. The Planning Commission may approve the use if it finds that the use will not jeopardize the health, safety and welfare of the occupants of adjacent properties.

SECTION 16.35 LUMBER, BUILDING MATERIAL, PLANNING MILLS, AND STORAGE YARDS.

- A. The open storage of material shall be setback at least fifty (50) feet from any public road right-of-way.
- B. Open storage shall be screened on all sides by an opaque fence of at least eight (8) feet in height and all outdoor stored material shall not be piled or stored so as to exceed the eight of the opaque.
- C. Lumber yards and planning mills shall be located in the interior of the district so that no property line shall form the exterior boundary of a Residential District.
- E. An emergency access road shall be provided and maintained to the rear of the property for access by fire and emergency vehicles.

SECTION 16.36 MINI WAREHOUSE – SELF-STORAGE FACILITY

- A. The minimum size of the site devoted to such use shall not be less than ten (10) acres.
- B. Building setbacks shall be as follows: front yard not less than thirty-five (35) feet; side and rear yard not less than ten (10) feet.
- C. Building separation between self-storage buildings on the same site shall be fifteen (15) feet, as measured from side-to-side or front to rear, or equal to the building height, whichever is greater.
- D. The total lot coverage of all structures shall be limited to fifty (50) percent of the total lot area.
- E. A Buffer Strip shall be provided around the perimeter of the development in accordance with Section 15.10. The Planning Commission may also require a screen wall or obscuring fence at their discretion.
- F. Parking shall be provided in the ratio of one (1) space for each two thousand (2,000) square feet of gross building area. At a minimum, two (2) parking spaces must be assigned to, and located conveniently to, each individual storage building. In addition, two (2) spaces for the resident manager, and one (1) additional space for each additional employee shall be provided adjacent to the rental office.
- G. Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.
- H. All off-street parking areas and driveways shall be hard surfaced and drained in accordance with Section 15.08.
- I. All ingress and egress from this site shall be directly onto a collector or major thoroughfare.
- J. Building height shall not exceed one (1) story fifteen (15) feet, except that a caretaker or resident manager's unit may be allowed a building height to two (2) stories twenty-five (25) feet.
- K. No single storage building shall exceed five thousand (5,000) square feet.
- L. All storage on the property shall be kept within an enclosed building.

SECTION 16.37 MORTUARY ESTABLISHMENTS

- A. Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession.
- B. Such assembly area will be in addition to required off-street parking.
- C. A caretaker's residence may be provided within the main building of the mortuary establishment.

SECTION 16.38 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

- A. No building shall exceed two hundred (200) feet in length.
- B. Dual paved access throughout a multiple-family site is required for emergency vehicle access. No dead-end street shall be more than three hundred (300) feet in length and a suitable turning space shall be provided for vehicles at the terminus of all dead-end streets. Entrances to private roadways shall not have locked gates or barricades that would impede fire and safety vehicle apparatus response.
- C. All main access drives in a multiple site shall be free of on-street parking. The minimum width of pavement on an access drive shall be twenty-four (24) feet.
- D. Parking within the required side and rear yards shall be permitted, except that parking lots or access drives adjacent to single-family districts shall be located a minimum of ten (10) feet from the property line.
- E. No building shall be located closer than twenty-five (25) feet from internal access roads nor shall the longer dimension of a building be located closer than twenty (20) feet from parking areas or parking service drives. The shorter dimension of a building or an end wall without windows or doors may be located to within five (5) feet of parking areas or drives.
- F. All dwelling units shall be readily accessible by fire and emergency vehicles from a paved public street, paved private access road or an approved paved area. Private roadways dedicated as fire lanes shall be posted with signs indicating “fire lane, no parking.”
- G. No entrance to a dwelling unit or building shall be more than one hundred fifty (150) feet from a parking lot, measured along the sidewalk leading to the parking lot.
- H. When abutting a limited access freeway and/or railroad rights-of-way, a visual and noise buffer composed of one of the following must be provided:
 - 1) An eight-foot high earth berm with dense evergreen and deciduous plantings in a minimum of two rows to create a visual buffer consistent with the requirements of an extensive landform buffer (A-1) in Section 15.10.
 - 2) An eleven (11) foot masonry wall shall be erected as a noise buffer.
 - 3) A dwelling unit shall not be constructed within two hundred (200) feet of a freeway or railroad right-of-way and a greenbelt buffer shall be provided to screen the road / railroad.
- I. Any community building located on a multiple site shall have one parking space per each ten dwellings units.
- J. Internal site sidewalks shall be provided and located five (5) feet from and parallel to curbed access drives (twelve (12) feet from uncurbed drives), and also

located to provide convenient access to community buildings and parking areas from dwelling units. The width of sidewalks shall be a minimum of five (5) feet wide.

- K. Street and yard lights, attached to standards approved by the Township, shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be effectively related to building, trees, walks, steps, and ramps. Such lights shall be utilized at least during the period of one (1) hour after sundown to one (1) hour before sunrise.
- L. To facilitate fire protection during site preparation and construction of buildings, the following shall be required:
 - 1) Water mains and fire hydrants shall be installed prior to construction of the building foundation.
 - 2) Prior to construction of multiple residential buildings and other large structures, a paved or gravel roadbed capable of supporting access for heavy fire fighting equipment to the immediate job site at the start of construction and maintained until all construction is completed.
 - 3) Free access from the street to fire hydrants and to outside connections or standpipes, sprinklers, or other fire extinguishing equipment, whether permanent or temporary, shall be provided and maintained at all times.
 - 4) The contractor shall provide scheduled daily cleanup of scrap lumber, paper products, corrugated cardboard and other debris caused by his construction. If debris is stored in a pile, it shall be located at a distance well away from the structure.
 - 5) Special attention should be given to temporary storage buildings and field offices because of combustible loading and generally poor housekeeping. Temporary buildings shall not be grouped together, and a reasonable separation shall be provided to minimize the fire exposure probability.

SECTION 16.39 MUNICIPAL BUILDINGS

Municipal administration buildings used predominately for the general conduct of government. Such buildings include, but not limited to, Township halls and other headquarters of government where the governing body regularly meets, subject to the following conditions:

- A. All vehicular access to the site shall be from a major thoroughfare.
- B. Pedestrian sidewalks and walkways shall be provided after review and recommendations by the Planning Commission to the Township Board.
- C. All loading and unloading shall be located in the rear yard, and be so designated as to avoid undue interference with public use of off-street parking areas.

- D. The principal buildings on the site shall be set back from abutting properties zoned for residential use and public rights-of-way not less than seventy-five (75) feet.
- E. Buildings of greater than the maximum height allowed in Article 14, Schedule of Regulations may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.

**SECTION 16.40 PRIVATE NON-COMMERCIAL RECREATION AREAS;
INSTITUTIONAL OR COMMUNITY RECREATION
CENTER; NON-PROFIT SWIMMING POOL CLUBS**

- A. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve areas beyond the immediate neighborhood shall have at least one (1) property line abutting a major thoroughfare, and the site shall be so planned as to provide all vehicular access onto a major thoroughfare or a collector road.
- B. Front, side, and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting Residential Districts.
- C. Off-street parking shall be provided in accordance with the provisions of Section 15.07. The Planning Commission after review may recommend to the Township Board modifications of the off-street requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will therefore be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, by-laws of the organization shall be provided in order to establish the membership involved for confirming the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirement shall be reviewed by the Planning Commission on a as used basis and recommendations made to the Township Board.
- D. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.

SECTION 16.41 RACE TRACKS (INCLUDING MIDGET AUTO, KARTING, HORSE, AND SNOW MOBILE)

Because race tracks develop concentrations of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project beyond the property so used, they shall be permitted only in the LM Districts when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposed on all sides, and shall be subject to the following conditions and such other controls as deemed necessary by the Township Board to promote health, safety and general welfare.

- A. The minimum lot size shall be twenty (20) acres.
- B. All parking shall be dust free and be provided as off-street parking within the boundaries of the development.
- C. All access to the parking areas shall be provided only to a dust free major thoroughfare.
- D. All sides of the development not abutting a major thoroughfare shall be provided with a greenbelt, twenty (20) foot wide in accordance with Section 15.10 so as to obscure from view all activities within the development.

SECTION 16.42 RADIO AND TELEVISION TOWERS, BROADCASTING AND RECORDING STUDIOS

- A. Commercial and public radio and television towers shall have setbacks for each tower from adjacent right-of-way and/or property lines of not less than one (1) times the height of each tower above the ground. An open weave wire fence six (6) feet in height shall be constructed on the boundary property lines.
- B. Residential radio towers, citizens band radios, ham operations, and/or all-citizens residential radios, and attendant facilities shall be permitted in RA, RSF, and R-1 and R-2 Residential Districts only if said uses comply with the area maximum height requirements when attached to the roof of any principal residence. Freestanding towers shall be located centrally on the lot with a dimension of not less than one (1) times the height of the attendant tower as measured from the base to all points of each property line.
- C. In the case of recording studios:
 - 1) All structures and parking areas shall be located fifty (50) feet from any adjacent residential district.
 - 2) There shall be maintained between the side property line and any structure or parking area an obscuring greenbelt buffer within the fifty (50) foot setback.

SECTION 16.43 REGULATED USES

In the development and execution of this Ordinance, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one (1) or more of them are located in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e. not more than two such uses within one thousand (1,000) feet of each other which would create such adverse effects), or to prevent the deterioration or blighting of a nearby residential neighborhood.

The regulation of the uses herein, including sexually oriented businesses, is intended to promote the health safety, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the Township. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor the effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Township, and on findings incorporated in the cases of *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *Thomas v. Chicago Park District*, 122 S. Ct. 775 (2002), *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatres, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *East Brooks Books, Inc. v. City of Memphis*, 48 F.3d 220 (6th Cir. 1995); *Broadway Books v. Roberts*, 642 F.Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F.Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Djvu v. Metro Government*, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); *Bamon Corp v. City of Dayton*, 7923 F.2d 470 (6th Cir. 1991); *Threesome Entertainment v. Strittmather*, 4 F.Supp.2d 710 (N.D. Ohio 1998); *J.L. Spoons, Inc. v. City of Brunswick*, 49 F.Supp.2d 1032 (N.D. Ohio 1999); *Triplett Grille, Inc. v. City of Akron*, 40 F.3d 129 (6th Cir. 1994); *Nightclubs, Inc. v. City of Paducah*, 202 F.3d 884 (6th Cir. 2000); *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990); *Dj Vu of Nashville, Inc. et al. v. Metropolitan Government of Nashville and Davidson County*, 2001 U.S. App. LEXIS 26007 (6th Cir. Dec. 6, 2001); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *Connection Distrib. Co. v. Reno*, 154 F.3d 281 (6th Cir. 1998); *Sundance Assocs. v. Reno*, 139 F.3d 804 (10th Cir. 1998); *American Library Association v. Reno*, 33 F.3d 78 (D.C. Cir. 1994); *American Target Advertising, Inc. v. Giani*, 199 F.3d 1241 (10th Cir. 2000); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 2002 U.S. Dist. LEXIS 1896

(D. Md., Feb. 6, 2002); Currence v. Cincinnati, 2002 U.S. App. LEXIS 1258 (6th Cir., Jan. 24, 2002); and other cases; and on testimony to Congress in 136 Cong. Rec. S 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S 5636; 134 Cong. Rec. E 3750; and findings on secondary effects detailed in papers including but not limited to, "Stripclubs According to Strippers: Exposing Workplace Sexual Violence", by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View", by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Township finds that sexually oriented businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that Clyde Township is seeking to abate and prevent in the future.

A. Regulated Uses:

- 1) Adult physical culture establishment
- 2) Adult book or supply store.
- 3) Adult motion picture theater.
- 4) Adult Model Studio
- 5) Adult mini-motion picture theater.
- 6) Adult drive-in motion picture theater.
- 7) Arcades.
- 8) Group "A" cabaret.
- 9) Pawnshops.
- 10) Pool or billiard halls.
- 11) Public lodging halls.
- 12) Secondhand stores.

B. Any of the regulated uses listed in Section A above are permitted if:

- 1) The use is located within a zoning district where the use is specifically permitted and the use meets the dimensional requirements and applicable provisions of the Zoning Ordinance.
- 2) The establishment of such use will not result in more than two such uses within a one thousand (1,000) foot radius, measured to the nearest lot line of the proposed use.
- 3) The use located more than five hundred (500) feet of any of the following uses, measured to the nearest lot line of the proposed use:
 - a. All Class "C" establishments licensed by the Michigan Liquor Control Commission.
 - b. Coin-operated amusement centers.
 - c. Teenage discos or dance halls.
 - d. Ice or roller skating rinks.
 - e. Any public park

- f. Any church.
 - g. Any public or private school having a curriculum including preschool, kindergarten or any one or more of the grades, one (1) through twelve (12).
 - h. Residential or Residential Agricultural District
- F. All adult entertainment uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.
- G. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window, or other opening.
- C. Application to establish any of the above regulated uses shall be made to the Township Board who shall not approve any such request if there is already in existence two (2) or more such regulated uses within a one thousand (1,000) foot radius of the property line of the site of the proposed regulated use.
- D. Appeals. The board of Zoning Appeals, upon appeal from the Township Board may waive the locational requirements of any required uses if after public hearing, all the findings required in Section c, 1 through 4, can be made and after receiving a report and recommendation from the Township Board and Planning Commission. The owners and occupiers of all property within five hundred (500) feet of the proposed use shall be notified a minimum of thirty (30) days prior to the Zoning Board of Appeals hearing on the matter. Said notice shall include a postcard addressed to the Township, containing spaces for stating approval or disapproval of the proposed regulated use and including space for commentary. The total number of postcards returned prior to the hearing will be tallied. The votes yea and nay will also be tallied. These votes will be considered as evidence, in the Zoning Board of Appeals Decision.
- 1) That the proposed use will not be contrary to the public interest or interfere with the use and enjoyment of nearby properties and that the spirit and intent of this Ordinance will be observed.
 - 2) That the proposed use will not enlarge or encourage the development of a “skid row” area.
 - 3) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program or urban renewal.
 - 4) That all applicable regulations of the Ordinance will be observed.

- E. No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of ninety (90) days from the date of said order of denial, except on the grounds of new evidence found valid by the Board of Zoning Appeals.
- F. The expansion of an approved regulated use shall be subject to Township Board approval in accordance with the provisions of this Section. Further, if an established regulated use is discontinued for more than thirty (30) days, the use may not be reestablished without applying for and receiving approval in accordance with the provisions of this Section.
- G. Nothing in this Section shall prevent the reconstruction, repairing, or rebuilding and continued use of any building or structure, the uses of which make it subject to the controls of this Section which is damaged by fire, collapse, explosion or act of God.

SECTION 16.44 RIDING ACADEMIES AND STABLES, COMMERCIAL.

Commercial riding academies, boarding stables and breeding farms as licensed by the Michigan Department of Agriculture may be permitted in the RA district subject to the following:

- A. The minimum lot size shall be twenty (20) acres.
- B. All buildings, corrals, or other enclosures for animals shall be set back at least 250 feet from any property line abutting a residential use.
- C. The entire area of the site used for riding trails shall be fenced to prevent horses and riders from entering adjoining properties.
- D. Adequate off-street parking shall be provided for customers in the ratio of one space for every horse-boarding stall. All parking areas shall be screened from the view of an abutting residential use in accordance with Section 15.10.
- E. All areas for stockpiling manure shall be screened from view, shall not be located closer than 200 feet to any property line, and shall not be allowed to become a nuisance.
- F. Such facilities must comply with the applicable Generally Accepted Agricultural and Management Practices (GAAMP's) for manure management and utilization and care of farm animals adopted under the Michigan Right to Farm Act, Act 93 of 1981. Section 286.474 Section 4.

SECTION 16.45 ROADSIDE STAND

- A. The gross floor area of the temporary building shall be not less than fifty (50) square feet but not more than two hundred fifty (250) square feet.
- B. Suitable containers for rubbish shall be placed on the premises for public use.
- C. The temporary building shall be located not less than twenty-five (25) feet from the public right-of-way. Its height shall be no more than one (1) story.

**SECTION 16.46 SMALL AIRCRAFT AIRPORTS AND LANDING FIELDS;
COMMERCIAL AIRPORTS**

- A. Minimum area required for small aircraft airports and landing fields, and commercial airports, and/or facilities improvements shall not be less than one hundred sixty (160) acres.
- B. The area shall have its principal means of access to a paved public street and said pavement cover shall extend to the principal urbanized areas being served by said airport/landing field.
- C. The Township Board shall be assured that there is a clear and unobstructed 50:1 glide slope approach to all landing strips and that no obstruction falls within the required approach zones.

SECTION 16.47 TECHNICAL SCHOOLS

- A. Necessary steps shall be taken to ensure that any resulting dust, flushing, fumes, gas, noise, odor, smoke, vapor, or vibration do not create a condition more detrimental to the surrounding area.
- B. Any outdoor storage of rubbish, junked equipment, or parts is prohibited unless it is properly screened with a five (5) foot masonry wall. The material being stored shall not be stacked higher than the screening wall.
- C. In the case of vehicle mechanics programs, outdoor storage of vehicles for repair shall comply with the standards of 16.00 subsection 6.

SECTION 16.48 TOURIST ORIENTED RETAIL ESTABLISHMENTS

Such as, but not limited to, cider mills, antique dealers, woodworking, quilt shops and craft stores.

- A. All parking spaces shall be provided with bumper stops and be provided as off-street parking within the boundaries of the development.
- B. All structures and parking areas shall maintain a fifty (50) foot setback from adjoining residential districts.
- C. A greenbelt buffer in accordance with the provisions of Section 15.10 shall be established in the fifty (50) foot setback between the use and any residential district.
- D. The parking area shall be designed so as to not cause any detrimental effects to nearby residential development such as from noise or headlights.

SECTION 16.49 TRUCK TERMINAL

- A. Permitted in the LM District only, See Section 12.03.
- B. Minimum area required for a truck terminal shall not be less than ten (10) acres.
- C. Shall have direct access solely to a major thoroughfare.
- D. Parking shall be provided in accordance with Sections 15.07 and 15.08.
- E. Loading shall be designed in accordance with Section 15.09.

SECTION 16.50 WELDING SHOP

- A. Outdoor storage of goods or materials shall be prohibited.
- B. Permitted in the LM District only, see Section 12.03.

SECTION 16.51 WIRELESS COMMUNICATION TOWERS

Wireless Communication Antennas shall be permitted as Special Land Uses in the RA (Residential Agricultural), RSF (Residential Suburban Farms), R-1 and R-2 (Single-Family), MHP (Mobile Home Park), MF (Multiple-Family), C-1 (Local Commercial), C-2 (General Commercial), LM (Limited Manufacturing), and upon any publicly-owned land within the boundaries of the Township, and subject further to the following conditions:

- A. Operational requirements necessitate locating within the zoning district, and co-location on or joint use of any existing tower or antenna is not feasible.
- B. The minimum setback to any exterior property line for the wireless communication tower or antenna shall be equal to the height of the tower. The Planning Commission may reduce the required setback of a tower or antenna from an exterior property line which is not adjacent to residentially zoned property or a public right-of way or a private street, as provided in subsection R below.
- C. The tower or antenna shall not be unreasonably injurious to the safety or aesthetics of any nearby properties, and the design and appearance of the tower or antenna shall minimize distraction, maximize aesthetic appearance, and insure compatibility with any existing structure(s) and other surrounding structures and properties. Monopole towers and “stealth” designs shall be favored over lattice tower designs.
- D. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the township, co-location, or the provision of more than one antenna on a single tower at a single location, shall be strongly encouraged. In this regard, an applicant seeking to establish a new tower or antenna shall provide information regarding feasibility of co-location at existing sites. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.

- E. Should a new antenna co-locate on an existing wireless tower or existing electric transmission tower, Special Land Use Approval shall not be necessary and Site Plan Approval for a new antenna and any related equipment building, may be granted administratively, pursuant to the provisions of Section 17.01 of this ordinance. Where a new antenna is co-located on a structure other than an existing wireless tower or electric transmission tower, Special Land Use Approval shall not be necessary and Site Plan Approval for a new antenna and any related equipment building may be granted by the Planning Commission pursuant to the provisions of this ordinance.
- F. Co-location shall be deemed to be “feasible” for the purposes of this section where all of the following are met:
- 1) The applicant will undertake to pay fair market rent or other market compensation for co-location.
 - 2) The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
 - 3) The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment(s) in relation to the structure, antennas, and the like.
 - 4) Existing towers or structures are located within the geographic area which meet the applicant’s engineering requirements.
 - 5) The fees, costs, or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are not unreasonable. For the purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.
- G. In furtherance of the Township’s objective of strongly encouraging co-location, where feasible, should it be necessary to erect a new tower or antenna, the applicant shall provide a letter of intent to lease excess space on a facility and commit itself to:
- 1) Respond to any requests for information from another potential shared use applicant;
 - 2) Negotiate in good faith and allow for leased shared use, provided it can be demonstrated that it is technically practicable, and
 - 3) Make no more than a reasonable charge, based upon fair market value, for a shared use lease.
- H. A condition of every approval of a wireless communication antenna shall be adequate provision for the removal of all or part of the facility by users and/or owners upon the determination that the antenna has not been used for 180 days or more. Removal includes the proper receipt of a demolition permit from the

Building Official and proper restoration of the site to the satisfaction of the Building Official.

- I. To insure proper removal of the tower and/or antenna when it is abandoned, any application for a new antenna shall include a description of security to be posted at the time of receiving a Building Permit for the facility. In this regard, the security shall, at the election of the applicant, be in the form of: (I) cash; (ii) bank letter of credit; or (iii) an agreement in a form approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and the owner of the property to remove the facility in a timely manner with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal.
- J. All tower bases and related equipment shall be screened from view from any major arterial and any adjoining residential areas by a buffer strip designed in accordance with Section 15.10, Landscape and Screening Requirements. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- K. Monopole antenna structures shall be encouraged in all areas where technologically feasible. "Web" or "lattice" type towers shall be discouraged, unless absolutely necessary for structural reasons.
- L. All towers and related equipment shall be designed to be compatible and harmonious in terms of style and building materials to the surrounding area. When necessary to insure compatibility with the surrounding area, a visual simulation may be required of the applicant. A visual simulation consists of an artist's or architect's rendering of how the tower will appear in the area proposed, taking into account existing buildings and natural features.
- M. The maximum height of any new wireless communication tower or antenna shall as determined by the Planning Commission through the granting of Special Land Use Approval. The height permitted shall be the minimum height necessary to meet the applicant's engineering requirements for the site being considered, but in no instance shall exceed a maximum height of 200 feet. It is understood that the height of a wireless communication tower or antenna may exceed the maximum permitted height specified in Schedule of Regulations found in Article 14 of this ordinance. Should co-location be proposed upon an existing structure, thereby qualifying for administrative approval, the height proposed may be approved by the administrative official approving the site plan.
- N. Cell Tower Site Access
 - 1) All trees and brush shall be kept cleared for a minimum width of eighteen (18) feet for the full length of all cell tower site access drives.
 - 2) All topsoil, stumps, and unstable soil shall be removed and backfilled with appropriate granular material and surfaced with gravel, crushed limestone,

finely crushed concrete or similar material approved by the Township, for a minimum width of sixteen (16) feet for the full length of the driveway.

- 3) An appropriate area shall be provided for maintenance vehicles to turn around to exit the site. The site shall also have at least two off-street parking spaces. The turnaround area may be incorporated as part of the parking area for service personnel. The site shall also have at least two off-street parking spaces.
 - 4) The owner/lessee shall post a two foot by three foot sign facing the driveway with emergency procedures and contact information.
 - 5) 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.
- O. Prior to and as a condition of granting Special Land Use Approval for a new wireless communication tower, it shall be necessary for the applicant to demonstrate that it is not feasible to (a) locate the tower on any publicly-owned land within the Township upon which the public entity reasonably anticipates the need or desirability of a future wireless communication tower for public purposes; or (b) locate the tower on publicly-owned land not owned by the Township where such location would minimize the impact on other properties by providing a setback larger than the minimum requirements of the ordinance, while meeting all of the other requirements contained in this Section; or (c) locate the tower on property zoned for non-residential uses (C-1, C-2, LM) in order to minimize the potential impact on residential properties within the Township.
- P. Applicants who erect a new wireless communication tower shall design the tower and site to accommodate future co-location of at least two (2) additional antennae and associated accessory buildings, and shall make the tower available for use by public service agencies, provided that public service agency equipment mounted on the tower does not adversely affect any existing equipment and mounting the public service agency equipment is technologically feasible.
- Q. If the Planning Commission determines that the applicant has adequately demonstrated that it is not feasible to locate a new wireless communication tower in any of the zoning districts or publicly-owned areas noted in paragraph (O) above, Special Land Use Approval may be granted by the Planning Commission for a new wireless communication tower in the RA, RSF, R-1, R-2, MHP and MF Districts provided that Applicant has demonstrated compliance with each standard set forth in this Section and with each of the following requirements:
- 1) The applicant shall furnish maps which note the location of all wireless communication tower locations within the Township and within six (6) miles of the Township boundaries which have the capacity to accommodate additional wireless antennae systems. The map shall also contain the locations of any other existing structures capable of supporting a wireless antenna system.

- 2) Minimum spacing between tower locations (including those in other municipalities) shall be two miles in order to prevent a concentration of towers in one area.
 - 3) The map(s) provided by the applicant shall also contain the locations of any publicly owned sites within the primary search area together with any developed sites containing non-residential land uses. Eligible sites must consist of at least three (3) acres of land and be of such size and shape that they could host a tower location with minimal impact on the surrounding areas. Publicly owned sites and larger non-residential uses, such as churches, schools or other nonresidential uses permitted within residential districts, are preferred. Sites which are part of a recorded subdivision or condominium development shall only be considered when located within a common open area of at least three (3) acres set aside for residents of the development or for use by a public utility. The Planning Commission may modify the minimum site size in instances where a determination is made that there is sufficient area and adequate access to the subject site. In no case shall the parcel area be less than .75 acres.
- R. New wireless communication towers must be setback a distance of at least one (1) foot for each one (1) foot of overall tower and antennae height. The setback is measured from the base of the tower to the nearest property line or unit boundary line, in the case of a site condominium development. The applicant shall seek to provide a greater setback to exterior property lines which abut lands developed or potentially developed for any residential living units on adjoining properties. The minimum setback distance may be reduced, but not less than the minimum setback required in the zoning district, when it is clearly demonstrated by applicant that the adjacent property is unbuildable; surface areas occupied by lakes, streams or ponds having other riparian owners/users shall not be considered as unbuildable areas. Antennae located on electric transmission towers, existing wireless communication towers, or other tall structures shall be considered to have complied with the setback and height requirements. The setback to adjacent properties which are zoned for non-residential uses, and not including any setbacks from a public right-of-way or public or private street, may be reduced to one-half (1/2) the height of the tower.
- S. Communication towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public or private airport or one-half mile radius of a helipad.
- T. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- U. Accessory structures shall not exceed 600 square feet of gross building area and are subject to the setback requirements of the zoning district. Such structures shall be limited to uses associated with the operation of the tower.

- V. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
- W. Metal towers shall be constructed of, or treated with, corrosive resistant material. 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, regulation and standards. Tower with antennae shall be designed to withstand a uniform wind loading as prescribed in the Building Code. 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. 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.
- X. Costs for testing and verification of compliance of the various requirements of this Ordinance shall be borne by the owner of the tower.
- Y. Towers shall not be artificially lighted, it being the intent of the Township to encourage the use of towers of such height that does not require lighting which may adversely affect nearby properties. However, if required by the FAA or otherwise required by law, lighting shall be of the dual mode day/night type (red at night, strobe during the day) and be designed to refract up so as to limit ground scatter to a maximum of 75 candela or such other higher standard as may be required by law. The owners or lessee will, when requested by the Township, demonstrate that they are in compliance with this regulation.
- Z. Structures shall be subject to any State or Federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive State and Federal standards are adopted in the future, the antenna shall be made to conform to extent required by such standard or the Special Use approval will be subject to revocation by the Township.

ARTICLE 17
SITE PLAN REVIEW PROCEDURES

SECTION 17.00 REQUIREMENT ESTABLISHED

Site plan review is required prior to the establishment or construction of any principal permitted or accessory use or structure in all zoning districts including all Special Condition Uses. Site plan review is required for any change or expansion of a use or the erection of any structure including fencing; provided however, that agricultural uses and structures exempted by the Right to Farm Act are excluded from this requirement. Individual single family homes are also exempt, but are reviewed through the building permit process. Required site plans shall be submitted for review in accordance with the Ordinance requirements of this Article. For any such development that requires site plan approval prior to the issuance of a building or occupancy permit, the procedures outlined below will be followed and the use shall comply with the application requirements and review standards herein.

SECTION 17.01 APPLICATION

Applications for site plan approval must be filed with the Township at least twenty-one (21) days prior to the next regularly scheduled meeting of the Planning Commission. Incomplete applications may not be placed on the next available agenda for Planning Commission review based upon a recommendation of the township staff or consultants review comments. Review fees shall be established by the Township Board to cover the administrative and consultant review costs associated with site plan applications. The applicant shall pay such fees at the time of application. Once all comments and reviews of the staff and consultants indicate the plans are ready for Planning Commission consideration, they will be placed on the next available Planning Commission agenda.

1. Unless administrative review is permitted pursuant to subsection 2 below, all site plans shall be reviewed by the Planning Commission.
2. A site plan may be reviewed for approval administratively by the Building Inspector without formal review by the Planning Commission under the following circumstances:
 - a) Every site plan submitted for administrative review shall be in accordance with the requirements of this ordinance. Administrative review procedures are not intended to modify any ordinance, regulation or development standards. The Building Inspector must review the application to determine that no variances to the Ordinance are required.
 - b) When the plan proposes a change of use within an existing freestanding building or an interior modification of an existing building provided that such use is conducted within a completely enclosed building. The Building Inspector must find that the change in use will not substantially alter the character of the site and that the re-occupancy will not create additional parking demands, beyond ten percent (10%) of that which exists.

- c) When the site plan review application is solely for the installation of fencing. The Building Inspector may review and approve the application based upon a staked survey and other data as may be required to insure compliance. In unusual circumstances when a survey would serve no purpose relative to determining compliance, the Building Inspector may also waive the survey. If a variance is necessary, the applicant shall first obtain any necessary variance.
- d) When the plan only proposes the improvement, expansion, extension or abandonment of any utility line or easement.
- e) When the plan only proposes the modification or expansion of a previously approved off-street parking lot layout, provided the proposed modifications do not reduce the number of approved parking spaces to less than the minimum number of spaces required by the Ordinance.
- f) When the plan proposes minor revisions to a previously approved landscape planting layout, provided that the revisions comply with the minimum standards of this ordinance.

If during any administrative review process authorized under this subsection it is determined that the changes or modifications to the site proposed with the plan may significantly impact the site or adjacent areas, the site plan shall be forwarded to the Planning Commission for review and approval.

SECTION 17.02 DATA REQUIRED

Site plans shall contain the following information:

1. The name and address and signature of the legal property owner and applicant or petitioner.
2. The date, north arrow and scale. The scale shall be not less than one (1) inch equals fifty (50) feet for property under three (3) acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more.
3. All lot and/or property lines are to be shown and dimensioned.
4. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property.
5. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, and parking areas (include the number of spaces in each).
6. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys within 200' of the subject site.
7. The name and firm address of the professional civil engineering or architectural firm(s) responsible for the preparation of the site plan (including imprint of professional seal).

8. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
9. Loading and unloading areas.
10. Size and location of existing and proposed utilities including proposed connections to public sewer or water supply systems and stormwater drainage system.
11. Wherever there is reason to believe that any part of the site has a high water table or unstable subsoil conditions that would jeopardize the development, as proposed, the site plan submittal shall include a tabulated record and a keyed map of soil borings made by and certified by a registered civil engineer, or registered land surveyor.
12. Location of all fire hydrants.
13. A summary schedule should be affixed, if applicable, which gives the following data:
 - a. The number of dwelling units proposed, to include the number, size, and location of one-bedroom units, two-bedroom units, mobile home site, etc.
 - b. The residential area of the site in acres and in square feet, including the breakdowns for any sub-areas or staging areas (excluding all existing rights-of-way).
14. Size and location of all surface drainage facilities.
15. Existing and proposed contour shall be shown on all site plans two (2) foot interval minimum).
16. Front, rear, and side elevation drawings of all buildings to be constructed on-site.
17. Types of facing materials to be used on structures.
18. Typical floor plan.
19. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension, noise, vibration and emission levels and other data of all such equipment or machinery.
20. Exterior lighting locations, fixture cut-sheets and a photometric plan demonstrating compliance with Section 15.13 Exterior Lighting.
21. Location and extent of development of recreation areas, where necessary.
22. Landscape Plan prepared in accordance with Section 15.10.
23. Location and description of all natural features to be altered or retained on-site.
24. For multiple-family development site plans, there shall be shown typical elevation views of the front and side of each type of building proposed, as well as typical dimensioned floor plans for each type of dwelling unit.

25. Aboveground Storage and Use Areas for Hazardous Substances, Critical Materials, and Polluting Material.

- a. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- b. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers, which are protected from weather, leakage, accidental damage and vandalism.
- c. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or natural water bodies.
- d. Areas and facilities for loading / unloading of hazardous substances critical materials, and polluting materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater or soils.

26. Underground Storage Tanks

- a. Existing and new underground storage tanks (UST's) shall be registered with the authorized state agency in accordance with requirements of the U.S. Environmental Protection Agency and the State Police Fire Marshall Division.
- b. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with the requirements of the State Police Fire Marshall Division. Leak detection, corrosion protection, spill prevention and overfill protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by government officials.
- c. Out of service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshall Division, and the Michigan Department of Environmental Quality.
- d. UST's that were installed before December 1988 must have: 1) Corrosion protection for steel tanks and piping 2) Devices that prevent spills and overfills.
- e. All UST's must have leak detection in accordance with the U. S. Environmental Protection Agency Office of Underground Storage Tanks. Compliance documentation must be provided.

27. In lieu of the site plan data requirements enumerated above, the following information is required for those cases receiving administrative review as provided by Section 17.01.2.

- a. An accurate description of the subject property.

- b. A description of the proposed use including number of employees, nature of the proposed use, floor plan sketch, and other general information describing the use.
- c. A description of existing and proposed parking serving the site, including parking area improvements (paving, landscaping, etc.) existing and contemplated.
- d. A description of existing and proposed landscaping, sidewalks, and other site amenities.
- e. A description of buffering (i.e., walls, greenbelts) between the use and adjacent residential properties both existing and proposed.
- f. A description of site ingress and egress both existing and proposed.
- g. Any other information as required by the Building Inspector which will assist in evaluation the new use.

SECTION 17.03 REVOCATION

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

SECTION 17.04 FEES REQUIRED

Fees for the review of site plans shall be established by resolution of the Township Board. Review fees shall apply to site plans undergoing administrative review and approval as well as those which require the approval of the Planning Commission or Township Board.

SECTION 17.05 BASIS FOR APPROVAL

In the process of reviewing the site plan, the Planning Commission or Township board shall consider:

1. Whether single-family and condominium development has been designed using the subdivision ordinance design standards.

2. Whether the applicant has submitted the required information in a sufficiently complete and understandable form to allow an accurate description of the proposed use(s) and structure(s) in terms of density, location, area, height, bulk, placement, setbacks, performance, characteristics, parking and traffic circulation.
3. The location and design of driveways providing vehicular ingress to and egress from the site in relation to streets giving access to the site and in relation to pedestrian traffic. This information shall be used to determine whether a proper relationship exists between major thoroughfare and proposed service drives, driveways and parking areas so as to encourage the safety and convenience of pedestrian and vehicular traffic and to ensure that points of access to public thoroughfares have been minimized.
4. The traffic circulation features within the site and location of automobile parking areas; and may require revisions with respect to any matters as will assure:
 - a) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
 - b) Satisfactory and harmonious relations between the development of the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
5. Whether the location of buildings, access points, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and the occupants of surrounding areas.
 - a) The approving body may require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
 - b) In approving the site plan, the approving body may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the approving body may recommend that money in escrow be placed with the Township so as to provide for a marginal service drive in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided or monies having been deposited with the Township Clerk. Appropriate easements shall be recorded.
 - c) The approving body shall require marginal access drives for all subdivisions having residential lots facing onto major thoroughfares. Where practical, the approving body shall require a rear or side lot relationship to major thoroughfares.
 - d) Where the Township has adopted specific area or neighborhood improvement or redevelopment plans and recommendations involving, but not limited to, public rights-of-way, utilities and storm drainage, parking facilities, building placement, access drives, floor space density allocations, building façade and architectural treatment, no site plan and/or building permit shall be approved unless there is general compliance with such Township plan.

6. The installation, erection, and construction of transmission systems and easements for essential services. The Planning Commission shall determine whether the proper provisions have been made for the development of roads, easements, and public utilities to protect the general health, safety and welfare of the Township.
7. That the development of the site is such that it does not serve as a physical barrier or detriment to the development of adjacent land.
8. The extent to which natural features and characteristics of the land will be preserved has been addressed.
9. The use proposed for the site is a use permitted in the district and complies with all applicable requirements of the Clyde Township Zoning Ordinance and any other applicable code or ordinance.
10. The proposed use is consistent with the Township's Master Plan.

Should the approving body make a determination that a proposed site plan complies with the above findings site plan approval shall be granted.

SECTION 17.06 SITE PLAN APPROVAL FOR SPECIAL CONDITION USE

All approvals for site plans reviewed by the Planning Commission in conjunction with a Special Condition Use application in accordance with Article 18 shall be conditioned upon the approval of the Special Condition Use by the Township Board.

SECTION 17.07 PERFORMANCE GUARANTEES

To ensure compliance with the Zoning Ordinance and any condition imposed thereunder, the Planning Commission shall 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 the Clerk of the Township to ensure faithful completion of the improvements and also be subject to the following:

1. The performance guarantee shall be deposited at the time of the issuance of the building permit authorizing the activity of the project. The Township may not require the deposit of the performance guarantee prior to the time when the Township is prepared to issue a permit. The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of said public improvements.
2. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act 288 of the Public Acts of 1967, as amended.

3. As used in this section, “improvements” means those features and actions associated with a project’s natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage. The term “improvements” does not include other components of the development such as the principal building or accessory buildings.

SECTION 17.08 CONDOMINIUM SUBDIVISION APPROVAL

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominiums and condominium subdivision plans shall be reviewed by the Planning Commission and a recommendation for approval, approval with conditions, or denial shall be made to the Township Board. In determining whether to approve a condominium plan, the Planning Commission and Township Board shall consult with the Planning Consultant, Township Attorney, and if necessary, Township Engineer regarding the adequacy of the master deed, deed restrictions, utility systems and streets, condominium layout and design, and compliance with all requirements of the Condominium Act and this Ordinance.

A. Definitions Pertaining to Condominiums

The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and the Condominium Act. (See Article 2 – Definitions for these condominium-related definitions)

1. "Condominium Act" means Act 59 of 1978, as amended.
2. "Condominium subdivision" shall be equivalent to the term "subdivision" as used in this Zoning Ordinance and the Subdivision Regulations Ordinance.
3. "Condominium subdivision plan" means the site, survey and utility plans; floor plans; floodplain 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, and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised 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.
4. "Condominium unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
5. "Consolidating master deed" means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

6. "Contractible condominium" means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
7. "Conversion condominium" means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
8. "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.
9. "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 this Ordinance and the Condominium Act.
10. "Front yard setback" shall be equal to the distance between the front yard area line and the dwelling or building occupying that homesite or condominium unit.
11. "General common element(s)" are areas other than limited common elements, used by all members of the development, such as roads, utilities, storm water basins, common open space, etc.
12. "Limited common element(s)" are areas restricted for the exclusive use of one or more condo unit owners.
13. "Lot" shall mean the same as "Homesite", "Building Site" and "Condominium Unit".
14. "Manufactured home condominium project" means a condominium project in which manufactured homes are intended to be located upon separate sites which constitute individual condominium units.
15. "Master deed" means the condominium document recording the condominium project as approved by the zoning administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
16. "Rear yard setback" shall be equal to the distance between the rear yard area line and the condominium dwelling.
17. "Side yard setback" shall be equal to the distance between the side yard area line and the condominium dwelling.

18. “Commercial, office and industrial condominium project” shall mean a condominium project in which business buildings, whether on a common site or on individual site, constitute individual condominium units.

B. Condominium Subdivision Plan Review Process.

Condominium Subdivision Plans shall be reviewed in accordance with the following process:

1. Pre-application Conference: Applicant applies to the Township for a pre-application conference with the Township planning consultant, zoning administrator and Planning Commission Chair (or designee) to discuss the proposed condominium subdivision layout, ordinance requirements and review procedures.
2. Preliminary Condominium Design Plan Review: Applicant initiates preliminary review by submitting the required site plans to the Township in accordance with Section 17.00, Site Plan Review Procedures.
 - a. The preliminary site plan is distributed to the Township’s planning consultant, engineering consultant, and other agencies determined necessary during the pre-application conference, for review. The applicant is responsible for distributing required copies and fees to agencies other than the Township for review. If the preliminary site plan is complete and all relevant review comments have been received, it will be placed on the agenda of a Planning Commission meeting.
 - b. Planning Commission conducts preliminary site plan review and shall make a recommendation to the Township Board. The overall site design, lot and road layout, number and size of units, common areas and ordinance compliance are reviewed during the preliminary site plan review.
 - c. Preliminary Plan approval shall confer upon the applicant the right to develop detailed engineering plans for final review. Preliminary Plan approval shall be valid for one (1) year.
3. Final Condominium Design and Engineering Plan Review: Applicant initiates final site plan and engineering plan review by submitting to the Township a revised site plan and detailed engineering plans for roads, utilities, storm water management, and required survey monuments.
 - a. The revised site plans are distributed to the Township’s Planning consultant for review. The detailed engineering plans are distributed to the engineering consultant, St. Clair County Road Commission, St. Clair County Drain Commission, St. Clair County Health Department, utility companies, and other governmental agencies if determined necessary, for review. The applicant is responsible for distributing required copies and fees to agencies other than the Township for review. If the final site plan and engineering plans are complete, and all relevant review comments

have been received, it will be placed on the agenda of a Planning Commission meeting.

- b. The Planning Commission reviews the final site plan and makes a recommendation to the Township Board. The Township Board grants final site plan and engineering plan approval. The revised site plans are reviewed for consistency with the preliminary site plan, required revisions and ordinance compliance. The detailed engineering plans are reviewed to assure proper road design and drainage, adequacy of public utilities, sanitary sewage disposal, water supply, site drainage, and survey monuments.
 - c. If approved, the applicant may begin site grading, installation of survey monuments, and construction of roads, underground utilities and storm water detention basins, subject to a preconstruction meeting and receipt of all required permits. Final condominium design and engineering plan approval shall be valid for two (2) years.
 - d. The Township may issue building permits provided all utilities (except cable), rough grading, and the bituminous leveling course on the street are completed and inspected. A performance bond shall be posted for the remainder of the improvements.
4. Condominium Document Review: The applicant initiates condominium document review by submitting to the Township copies of the draft Master Deed and By-laws for review.
- a. The Township's attorney, planning consultant, and engineering consultant review the draft condominium documents. If the documents are complete and all relevant review comments have been received, it will be placed on the agenda of a Planning Commission meeting.
 - b. Planning Commission conducts review of Condominium Master Deed and By-laws, making sure they are consistent with the final preliminary site plan and engineering plans, and conformance with subsection 17.07 D. The Planning Commission shall make a recommendation for approval, approval with conditions, or denial to the Township Board.
5. Final Condominium Subdivision Approval: The applicant shall not initiate final condominium subdivision review until all site improvements are completed, inspected and approved by the Township's engineering consultant, and the Condominium Master Deed and By-laws are recorded with the County Register of Deeds. If these items are completed, the applicant shall submit to the Township copies of the final condominium plans and documents with evidence of completion and approval of all site improvements, and evidence of recording of the condominium documents with the County Register of Deeds. If these items have not been completed, a bond for the final improvements may be posted for

items such as landscaping, the wearing course of asphalt, and the like before final approval.

- a. The final plans and condominium documents shall be reviewed administratively by the Township's attorney, Planning Consultant, and Assessor.
- b. All amendments to approved condominiums documents shall be reviewed and approved by the Township prior to recording the documents at the County. The Zoning Administrator shall determine whether the documents should be reviewed by the Planning Commission and Township Board or whether they can be reviewed administratively.

C. Condominium Subdivision Plan - Required Content.

All condominium subdivision plans shall include the information required by Section 66 of the Condominium Act, Section 17.02, Site Plan Review and Approval of the Township Zoning Ordinance, and the following:

1. Preliminary Condominium Subdivision Plans:
 - a. A cover sheet.
 - b. Proposed name of condominium subdivision.
 - c. Names and addresses of the applicant, owner, and the planner, landscape architect, designer, engineer or surveyor who designed the condominium subdivision layout. The applicant shall also indicate his interest in the land.
 - d. Proof of ownership such as a policy of title insurance, or legal opinion with reference to ownership, approved by the Township attorney.
 - e. Statement of intended use of the proposed condominium subdivision such as residential single-family, industrial, commercial, and etc.
 - f. A survey plan of the proposed condominium subdivision, including a detailed legal description.
 - g. Boundary line of proposed condominium subdivision, section or municipal limits within or adjacent to the tract and overall property dimensions.
 - h. Date, north point and scale of site plan, 1"=100' is the minimum acceptable scale.
 - i. An overall area location map at a scale of not less than 1"=400'.
 - j. Topography based on United States Geological Topography or equivalent, at a minimum contour interval of 2 feet, superimposed on the site plan for the subject site and areas at least 100 feet outside of the project boundary.

- k. A flood plain plan, when appropriate, based on FEMA.
- l. Vegetation on the site carefully inventoried and sketched as to type and location on a map at the same scale as the preliminary condominium subdivision plan.
- m. Property lines of contiguous adjacent tracts of land within 200 feet from the proposed development.
- n. Layout, number and dimensions of condominium units, including building setback lines showing the width of each lot at the front setback line.
- o. Building elevations and floor plans.
- p. Location, widths, and names of existing and proposed streets and alleys, public areas and public easements within or adjacent to the tract being proposed for development, including connections with adjoining streets and streets located across abutting roads.
- q. Location of existing utilities, storm drains and other underground facilities within or adjacent to the tract being proposed for development.
- r. Drainage patterns.
- s. A conceptual utility plan showing all sanitary sewer, water, and storm sewer lines and easements for the installation, repair and maintenance of all utilities.
- t. The nature, location and approximate size of all land to be set aside for public use, all common elements to be dedicated or set aside for the use of property owners in the condominium subdivision, and any lands to be preserved in their natural state.

2. Final Preliminary Condominium Subdivision and Engineering Plans:

- a. Modifications to the site plan demonstrating compliance with all preliminary site plan review conditions of approval.
- b. Survey Monuments: All condominium developments which consist in whole or in part of condominium units which are building sites, mobile homes sites or recreational sites shall be marked with monuments as provided in the following:
 - 1). Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.

- 2). All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
 - 3). 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; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
 - 4). If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
 - 5). All required monuments shall be placed flush with the ground where practicable.
 - 6). All unit corners shall be marked in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
- c. A street construction and paving plan showing types of surfacing, method of drainage, and grade elevations. For private streets, a maintenance plan must also be provided.
 - d. A grading and storm water drainage plan that shows proposed finished floor elevations, finished grades at structures, proposed storm water collection system, storm outlet(s), ultimate downstream outlet, all necessary off-site drainage easements, and, when required, retention/detention basin design calculations. Any areas of filled or reclaimed land shall be identified and all development shall detain storm water so that the runoff from the property does not negatively impact upon adjacent properties or public and private rights-of-way.
 - e. A utility plan that shows all existing and proposed utilities and easements located on or serving the site, including sizes of water and sewer lines, wells, proposed hydrants, proposed meter size, and proposed fire suppression line into building. Proposed sanitary leads, proposed sanitary sewers or on-site disposal systems must also be shown, as applicable.

- f. Subsoil drainage: Whenever there is reason to expect that any part of the tract has a high water table or unstable subsoil conditions, a plan shall be submitted that includes a tabulated record and a keyed map of soil borings made by and certified by a registered civil engineer, or registered land surveyor.
- g. Water areas: A plan shall be submitted of any proposed water areas indicating depths, normal water levels, slopes and type of bank retention; method of controlling insects, water growths and vegetation.
- h. Note on plans and requirement in Master Deed: A certified survey of the corner stakes for all proposed buildings, with 10 foot offsets, shall be performed by a professional surveyor to establish setbacks and the location of the foundation prior to the issuance of building permits.

D. Condominium Documents - Required Content.

A master deed shall comprise the required condominium documents. The master deed shall conform to the requirements of the Condominium Act and the provisions provided below. The master deed shall be submitted with the following attachments:

- 1. Exhibit A document: By-laws for the Association of Co-owners.
- 2. Exhibit B document: a survey drawing, a final condominium subdivision plan and engineering plans, sealed by a registered civil engineer, as approved by the Township. A mylar copy of Exhibit B shall be submitted when the Applicant applies for Final Condominium Subdivision Approval.
- 3. Exhibit C document: a legal description of the subject site, sealed by a registered land surveyor, and approved by the Township.
- 4. Bylaws for the Association of Co-owners shall include the following minimum standards:
 - a. A trash collection plan.
 - b. A street snow removal plan.
 - c. A street maintenance plan providing for, at a minimum, annual maintenance.
 - d. A maintenance plan for common elements such as parks, cul-de-sac islands, boulevard landscaping, entranceway landscaping and signs, sidewalks and pathways, clubhouses, swimming pools, tennis courts and similar common elements.
 - e. A statement that all exterior site lighting shall be appropriate for the proposed use of the condominium subdivision, and that all lighting shall be directed downward and shielded from projecting onto adjoining properties by the use of cut-off fixtures.

- f. A statement that all streets, common sewer systems, sewage treatment plants, water supply systems, storm water management systems, and other common elements shall be owned, operated, and maintained by the Co-owners of the condominium in conformance with the Condominium Act and this Ordinance.

5. Restrictions and covenants for the Association of Co-owners.

E. Condominium Subdivision Approval

- 1. All Condominium Subdivision Plans shall conform to the plan preparation requirements, review and approval procedures; design, layout and improvements standards of this Section, and the Private Road Standards of this Ordinance, if applicable. A digital copy of the condominium plans may also be required by the Township in addition to the required number of paper copies. Review, approval or denial of a proposed condominium subdivision shall also be based on the following considerations:
 - a. Township, County and State regulations and ordinances.
 - b. The availability and adequacy of sewer, water and other utilities.
 - c. Open space preservation and natural resource protection.
 - d. Availability of recreation, and public service facilities.
 - e. Master Plan proposals.
 - f. The standards of this ordinance and the health, safety and welfare concerns of the Township.
- 2. A deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Township, as determined by the Township Engineer, to guarantee the installation and completion of any required public sanitary sewer, water supply, roads, and drainage facilities.
- 3. Approval Time Limits:
 - a. Preliminary Condominium Subdivision Plan approval is valid for a maximum of one year, unless an extension of the approval is applied for in writing by the applicant and granted by the Township Board. The required bond shall be updated in conjunction with the extension of the site plan. Preliminary Condominium Subdivision Plan approval establishes the layout and design of streets, lots, common areas and open spaces.
 - b. Final Preliminary Condominium Subdivision and Engineering Plan approval is valid for two years with the same conditions for extension as provided for in subsection “a” above. Final Preliminary Condominium Subdivision and Engineering Plan approval allows the applicant to begin

development of site improvements, such as roads, underground utilities and storm water management systems, subject to obtaining all required permits.

- c. Condominium Document approval is valid for one year, with the same conditions for extension as provided for in subsection “a” above. Condominium Document approval is required prior to submission for Final Condominium Subdivision review and approval.
- d. A copy of the recorded Condominium Documents shall be submitted to the Township for verification by the Township Attorney prior to Final Condominium Subdivision Plan approval.
- e. Final Condominium Subdivision Plan approval is valid for one year, with the same conditions for extension as provided for in subsection “a” above.

F. Condominium Subdivision Design Standards and Public Improvements

- 1. All condominium subdivisions shall be developed with public streets that conform to all minimum requirements, general specifications, typical cross-sections and other conditions set forth in the Subdivision Regulations Ordinance and any other requirements of the St. Clair County Road Commission. All streets shall also be approved by and dedicated to the St. Clair County Road Commission. In the event the applicant is unable to obtain approval from, and dedicate the proposed streets to the St. Clair County Road Commission, a separate application for approval of private condominium streets shall be filed with the Clyde Township Planning Commission. All private condominium streets shall conform to the standards of the Subdivision Regulations Ordinance.
- 2. The design, layout and improvement standards of the Subdivision Regulations Ordinance shall apply to condominium subdivision plans. Nothing in this ordinance shall be construed as requiring a condominium subdivision to obtain plat approval under the Subdivision Regulations Ordinance or the Subdivision Control Act.

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ARTICLE 18
REVIEW AND APPROVAL OF SPECIAL CONDITION USES

SECTION 18.00 APPLICATION

This Article is intended to provide regulations for Special Condition Uses as authorized in Section 502 of P.A. 110 of 2006 as amended, known as the "Michigan Zoning Enabling Act. Special Condition Uses are those that may be appropriate in some but not all, locations within a particular zoning district. Special Condition Uses are recognized as possessing characteristics of such a special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community. Development Standards for Special Condition Uses are detailed in Article 16, Site Development Requirements. The standards of this Article are intended to accomplish the following:

1. Establish general review standards for uses identified as Special Condition Uses to be used in addition to the use specific standards provided in Article 16;
2. Set forth a procedure for public input on decisions involving more intensive land uses;
3. Provide a mechanism to examine the impact of the use on the Township overall, and adjacent properties in particular.

The Township Board of Trustees, as provided herein, shall have the authority to approve Special Condition Use permits, subject to such conditions of design, operation and appropriate and reasonable safeguards as the Township may require for any Special Condition Use included in the various provisions of this Zoning Ordinance. The Planning Commission, as provided herein, shall hold a public hearing, review the application and make a recommendation to the Township Board of the appropriateness of the special use permit.

SECTION 18.01 DATA REQUIRED

Application for any Special Condition Use permit as provided under the provision of this Ordinance shall be made to the Township Clerk by filing an official Special Condition Use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the Township Board, and as may be amended from time-to-time. No portion of such shall be reimbursable to the applicant. An application for a Special Condition Use permit shall contain the following:

1. Applicant's name, address and telephone number.
2. Address and tax description number of the subject parcel.
3. Signature of the legal owner and the applicant (including basis of representation).
4. A certified survey drawing of the subject parcel.

5. A complete site plan containing all of the applicable data outlined in Article 17, Site Plan Review.
6. Supporting statements, evidence, data, information and exhibits which address those standards and requirements for assessing Special Condition Use permit applications outlined in Section 18.03, below. The Planning Commission may require a traffic impact assessment or traffic impact study prepared in accordance with Section 15.21 if deemed necessary to adequately evaluate the appropriateness of a use at a given location.

SECTION 18.02 PUBLIC HEARING REQUIREMENTS

Upon receipt of an application for a use requiring special condition approval, the Planning Commission shall hold a public hearing, one (1) notice of which shall be published not less than fifteen (15) days prior to the public hearing date in a newspaper of general circulation in the Township. Also, the applicant, property owners and occupants of structures within 300 feet must be notified individually, even if in another jurisdiction, but in structures containing four or fewer dwelling units, only one occupant of each unit must be given notice. If a structure has more than four dwelling units, a single notice may be given to the manager or owner of a structure to be posted at the primary entrance of the structure. The notice shall :

1. Describe the nature of the Special Condition Use request.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses with the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used. NOTE: If 11 or more adjacent properties are proposed for rezoning, no individual addresses of properties or specific individual property identifications are required to be listed.
3. State the date, time and place of the public hearing.
4. Indicate when and where written comments concerning the request will be received.

SECTION 18.03 STANDARDS FOR APPROVAL

1. After a review and recommendation by the Planning Commission, the Township Board shall review the particular circumstances and facts applicable to each proposed Special Condition Use in terms of the following standards and requirements and shall make a determination as to whether the use proposed to be developed on the subject parcel meets the following standards and requirements:
 - a. Will be harmonious with and in accordance with the general objectives of the Future Land Use Plan.
 - b. Will be designed, constructed, operated, maintained, in harmony with existing and intended character of the general vicinity and so that such use will not change the essential character of that area.

- c. Will not be hazardous or disturbing to existing or future neighboring uses.
 - d. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
 - e. Will be served adequately by essential public service and facilities, such as highways, street, drainage structures, police and fire protection and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
 - f. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
 - g. Will not involve uses, activities, processes, material, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.
 - h. Will be consistent with the intent and purposes of this Ordinance.
 - i. Will be compatible with the natural environment.
2. The Township Board may approve, deny, or approve with special conditions a request for Special Condition Use Approval. The decision on a Special Condition Use shall be incorporated in a statement containing the conclusions relative to the Special Condition Use under consideration, which specifies the basis for the decision, and any conditions recommended. If the facts regarding the Special Condition Use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met, the Township Board shall not approve the Special Condition Use.

SECTION 18.04 CONDITIONS OF APPROVAL

- 1. Prior to granting a Special Condition Use permit, the Township Board may impose such reasonable conditions or limitations upon the use as it deems necessary to protect the best interest of the Township and the general vicinity, to achieve the objectives of this Ordinance and to assure that the general public health, safety, and welfare will not be infringed upon.
- 2. The findings of the Township Board shall include a record of those conditions, which are recommended to be imposed. Any decision on such a request shall state the findings of fact and specify the conclusions drawn there from and any conditions imposed thereon. Conditions shall ensure compliance with the standards in this zoning ordinance, other township ordinances and applicable state or federal regulations. Any conditions imposed shall remain unchanged except upon the mutual consent of a majority of the Township Board and the landowner, and the Township Board shall maintain a record of all

conditions that are changed. All records of proceedings hereunder shall be kept and made available to the public.

3. A Special Condition Use permit shall be issued by the Township Board of Trustees upon approval. The Clerk shall forward a copy of the permit to the owner/applicant and Building Inspector. The Building Inspector shall not issue a building permit until he has received a copy of the Special Condition Use Permit approved by the Township Board.

SECTION 18.05 VALIDITY OF PERMIT

1. Any Special Condition Use permit granted under this Zoning Ordinance shall become null and void and all fees forfeited unless construction and/or use is commenced within twelve (12) months of the date of issuance of said Special Condition Use permit, except that the Township Board may at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions.
2. An approved Special Condition Use which ceases to continually operate for a one (1) year period shall be considered abandoned, and the permit shall become null and void.
3. A Special Condition Permit including any conditions shall run with the property described in the application and not to the owner of such property. Upon sale of the property the permit must be transferred if the Special Condition Use is to continue.
4. A violation of any requirements, conditions, or safeguards imposed hereunder shall be considered a violation of this Zoning Ordinance and constitute grounds for termination of a previously granted Special Condition Use permit in accordance with Section 18.07 below.

SECTION 18.06 AMENDMENTS, EXPANSIONS, RESUBMITTALS

1. Any proposed amendment to the approved site plan of a Special Condition Use shall require the approval of the Planning Commission.
2. The expansion of, change in activities, reuse or redevelopment of any approved Special Condition Use shall comply with the application, review and public hearing procedures contained in this Article. Multiple Special Condition Uses on one site shall require separate Special Condition Use permits.
3. An application for a Special Condition Use which has been denied wholly or in part shall not be resubmitted for a period of one (1) year from the date of denial, except where new evidence or proof of changed conditions relating to all of the findings noted by the Planning Commission are presented. A resubmitted application shall be considered a new application.

SECTION 18.07 REVOCATION OF PERMIT

A Special Condition Use Permit may be revoked if the permit holder fails to abide by its terms and conditions. The revocation procedure shall proceed as follows:

1. The permit holder shall be notified by the Township in writing of any violations to Township codes or provisions of the approved Special Condition permit;
2. The permit holder shall have thirty (30) days to correct all deficiencies to the satisfaction of the Township Board, or its designated administrators;
3. If after thirty (30) days any deficiencies remain, the Township Board shall conduct a public hearing following the same notification procedures in Section 18.02. Following the public hearing, the Township Board may then revoke the Special Condition Use Permit, or if the conditions warrant, allow a specified amount of additional time for the use to be brought into compliance.
4. A repeat violation shall be grounds for immediate revocation of the Special Condition Use by the Township Board following a public hearing.
5. The Building Inspector has the authority to issue a cease and desist order, until such time as a public hearing can be conducted, upon finding that the violation constitutes a serious threat to public health, safety, and welfare.

PLANNED UNIT DEVELOPMENT REGULATIONS

SECTION 18.08 PURPOSE

It is the purpose of this Article to encourage innovation and variety in land use, design, layout, and type of structures constructed; to achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage useful open space, and provide better housing opportunities particularly suited to the needs of the residents of Clyde Township, provided such opportunities do not unreasonably create any adverse economic, social or environmental impact on surrounding land uses.

The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on a lot. In certain developments, including but not limited to condominium, townhouse, and apartment developments, these requirements might result in design and land use arrangements with multiple buildings on a lot and a design less in the interest of public health, safety and welfare than if a controlled degree of flexibility in the regulation of land development were allowed. The PUD – Planned Unit Development is intended to permit and control the development of preplanned areas for various compatible uses allowed by the Township Zoning Ordinance and for other uses not so provided. It is a discretionary review and approval procedure that results in an approved development if all standards of this Article are met and denial if they are not. The zoning district does not change if a PUD is approved, but like a special land use, an approved PUD has all the rights and privileges of an approved use by right as long as all conditions attached to the approval are complied with.

It is intended that uses in a PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.

SECTION 18.09 OBJECTIVES

The following objectives shall be met by any application for any PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range planning and development of such Planned Unit Development:

1. To provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including but not limited to, open space, stands of trees, brooks, ponds, riparian areas, floodplains, hills, and similar natural assets.
2. To encourage the provision of open space and the development of recreational and, where included in the site plan, other support facilities in a generally central location within reasonable distance of all living units.
3. To encourage developers to use a more creative and imaginative approach in the development of areas.
4. To encourage underground utilities which can be more efficiently designed when master planning a larger area.
5. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and subsequently approved by the Township.
6. To promote flexibility in design and permit planned diversification in the location of structures.
7. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land uses, and utilities.
8. To combine and coordinate architectural styles, building forms, and building relationships within the Planned Unit Development.
9. To ensure a quality of construction commensurate with other new developments within Clyde Township.
10. To ensure that there is a recognizable and substantial benefit to the community achieved by the PUD.

SECTION 18.10 DEFINITIONS

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

1. **“Agreement”** means prepared by the landowner, 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 developments and the improvements to be placed in the development.
2. **“Common open space”** means a parcel of land, an area of water, or a combination of land and water within the site designated for a PUD, designed and intended for the use and enjoyment of residents of the PUD. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefits and enjoyment of residents of the PUD.
3. **“Developer”** means synonymous with the term "landowner" for the purposes of this article.
4. **“Homeowners' association”** means an association to which all residents are required to belong as a condition of the deed, and which is set up with its own rules for self-government and assessment of dues for purposes related to maintenance of open space and provisions of other necessary internal services.
5. **“Landowner”** means the legal or beneficial owner of all the land proposed to be including in a PUD. 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. (See “Developer”).
6. **“Plan”** means any or all of the three possible plan stages of a planned unit residential development , which are defined as follows:
 - a. ***Proposal for PUD designation.*** The proposal of a landowner for the designation of an area for planned unit development.
 - b. ***Tentative development plan.*** Any plan submitted for approval to the Board subsequent to or together with the submission of an application for PUD and prior to submission of a final development plan for approval.
 - c. ***Final development plan.*** That plan for development of a PUD or divisible geographic section thereof, approved subsequent to the approval of the proposal for PUD designation and the tentative development plan by the Board under the provisions of this chapter.
7. **“Planned Unit Development”** means 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.
8. **“Single ownership”** means the proprietary interest of a single individual, partnership, or corporation, or other legally recognized entity in the state.

9. **“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 the Township Subdivision Regulations.

SECTION 18.11 MINIMUM REQUIREMENTS

1. A Planned Unit Development shall be considered a unique use of land, which, although comprised of numerous structures of varying types, shall be accorded regulatory treatment under this Ordinance as a single entity. Subject to the limitations and requirements in this Article, the Township Planning Commission may, upon application, approve a Planned Unit Development through issuance of a special land use permit. Within each Planned Unit Development the use, area, height, bulk and placement regulations of the zoning district may be modified, provided that such modifications shall comply with the provisions of this Article and the standards established in Article 15, General Provisions. While it is the intent of the Article to promote diverse and innovative design, and it is to be anticipated that each Planned Unit Development will possess a unique and distinctive design, all Planned Unit Developments shall promote the spirit and intent of this Ordinance as well as the public health, safety and welfare, and each shall be given equal regulatory consideration, recognizing the principles of due process, in accord with the procedures specified in this Article.
2. A Planned Unit Development must be designed as an entity and shall be at least fifty percent (50%) completed within two (2) years. 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.

SECTION 18.12 ELIGIBILITY REQUIREMENTS

No Planned Unit Development shall be approved unless the applicant, through written submittal, and the Township Board, through certification of written findings of the Township Planning Commission, demonstrate that the land use and development meet the following eligibility requirements and the standards set forth in Section 18.15 (Basis of Determination).

1. Compliance with the dimensional and open space standards in Section 18.13 (District Requirements & Criteria) and the use standards of the district in which it is located, along with such other uses as may be approved through the PUD review and approval process.
2. The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to Clyde Township. Such benefit must otherwise be unfeasible or unlikely to be achieved by development under a single zoning district taking into consideration the reasonably foreseeable detriments of the proposed development and use(s); including, without limitation:
 - a. The long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity

and/or quality in need of protection or preservation on a local, state and/or national basis.

- b. Reducing to a significant extent the nonconformity of a nonconforming use or structure, i.e., modification of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.
 - c. The provision of additional amenities which would not otherwise be provided in a conventional development, including but not limited to more usable open space.
3. All land for which application is made must be owned or under control of the applicant(s) and the parcel must be capable of being planned and developed as one integral land use unit. Noncontiguous parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the Planning Commission and Township Board.
 4. The PUD shall remain under the control or authority of a single individual, corporate or organizational owner who is authorized to administer the PUD. Elimination of a single authority, such as by sale of part of the PUD shall not occur without approval of a site plan amendment.

SECTION 18.13 DISTRICT REQUIREMENTS AND CRITERIA

1. All Planned Unit Developments shall be in compliance with the following requirements:
 - a. All Planned Unit Developments shall be compatible with the objectives and specific elements of the Clyde Township Master Plan.
 - b. The Planned Unit Development concept may be applied in the following zoning districts: R-1, R-2, MF, RSF and MHP.
 - c. Provisions of this section shall apply only to tracts of land 80 acres or more.
 - d. Any land use authorized in this ordinance may be included in a planned unit development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development for the purpose of effectively dividing varied land uses which have been joined in and/or are adjacent to the development.
 - e. A maximum of four percent (4 %) of the total developed area may be utilized for uses that are permitted in the C-1 and C-2 Districts.
 - f. A building devoted primarily to office or commercial use shall be built or established prior to the residential buildings or uses for which it is developed or intended to serve.
 - g. The minimum area, dimensions, and setbacks of individual buildings and lots may be reduced, provided the total number and density of dwellings shall be increased

by no more than twenty percent (20%) greater than that which would ordinarily result under the district regulations.

- h. The maximum density allowed shall be based on the St. Clair County Health Department requirements for septic systems and residential water wells.
- i. A minimum of fifteen percent (15%) of the land developed in any Planned Unit Development shall be reserved for common open space and noncommercial recreational facilities, not including parking lots, for the residents and users of the area being developed.
- j. The developer shall establish a homeowners' association to which all residents of the PUD must belong and shall relinquish control of the platted common open space to the homeowner's included in the homeowners' association are sold to the general public or within three years of the commencement of construction, whichever occurs first.
- k. All Planned Unit Developments shall be compatible with existing adjacent developments.
- l. All Planned Unit Developments shall be of population density which will not overburden existing or immediately projected schools, parks, roadways, public utilities, and other public facilities.
- m. All Planned Unit Developments shall incorporate a transportation pattern consistent and complementary with existing and immediately projected transportation systems in the Township.
- n. All Planned Unit Developments shall be designed in a manner to ensure healthful living conditions and adequate light, air, and accessibility for fire and police protection for the inhabitants and users of the development as well as adjacent Township residents.
- o. 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 Land Division Act, Public Act 288 of 1967, as amended, and with the Township Subdivision Regulations.

SECTION 18.14 APPLICATION, REVIEW AND APPROVAL PROCEDURES

- 1. **Application:** Applications for a Planned Unit Development shall be submitted twenty-four (24) days prior to the next scheduled Planning Commission meeting through the Township Clerk who will review the application for completeness, then transmit to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with Section 18.15 Fees.

2. **Required Information:** An application for Planned Unit Development shall be accompanied by the following documents and information:
 - a. A Planned Unit Development application form supplied by the Township Clerk which has been completed in full by the applicant.
 - b. A site plan as specified in Article 17, Site Plan Review Procedures.
 - c. The plan shall contain 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 PUD 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.
 - d. A statement with regard to compliance with the objectives of a PUD stated in Section 18.09 (Objectives), the eligibility requirements of Section 18.12 Eligibility Requirements, the criteria for approval in Section 18.15 (Basis of Determination), and other criteria imposed by this Ordinance affecting the PUD under consideration.
3. **Public Hearing:** Upon receipt of an application for a use requiring special condition approval, the Planning Commission shall hold a public hearing, one (1) notice of which shall be published not less than fifteen (15) days prior to the public hearing date in a newspaper of general circulation in the Township. Also, the applicant, property owners and occupants of structures within 300 feet must be notified individually, even if in another jurisdiction, but in structures containing four or fewer dwelling units, only one occupant of each unit must be given notice. If a structure has more than four dwelling units, a single notice may be given to the manager or owner of a structure to be posted at the primary entrance of the structure. The notice shall:
 - a. Describe the nature of the Planned Unit Development application.
 - b. Indicate the property which is the subject of the Planned Unit Development application.
 - c. State when and where the Planned Unit Development application will be considered.
 - d. Indicate when and where written comments will be received concerning the application.
4. **Review and Approval:** Within forty-five (45) days following the public hearing, provided all materials are complete, the Planning Commission shall review the application for a Planned Unit Development, comments received at the public hearing, the site plan, and other materials submitted in relation to the application, and make a recommendation to the Township Board to either deny, approve, or approve with

conditions, the Planned Unit Development application in accordance with the purpose and objectives of this Article, the eligibility requirements of Section 18.12, the criteria for approval stated in Section 18.14, the open space requirements of Section 18.12 (District Requirements & Criteria), as well as such other standards contained in this Ordinance which relate to the Planned Unit Development under consideration. The Planning Commission shall prepare a written report stating its findings and conclusions on the request for a Planned Unit Development, any conditions relating to an affirmative decision, and submit the same to the Township Board for final action. Upon the approval, or approval with conditions, by the Township Board, the applicant may apply for Preliminary Plat approval, if applicable.

5. **Continuing Adherence to Approved Site Plan:** Any property owner who fails to develop and maintain an approved PUD according to the approved site plan shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties for same.
6. **Recording of Action:** The applicant shall record an affidavit which has received the approval of the Township Attorney with the St. Clair County Register of Deeds, containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved PUD site plan unless an amendment is adopted by the Township. In addition, all deed restrictions and easements shall be duly filed with the St. Clair County Register of Deeds and copies of recorded documents presented to the Township Clerk.
7. **Amendments:** Amendments to an approved site plan for a PUD shall be processed according to the procedure in Article 17, Site Plan Review Procedures.
8. **Scheduled Phasing:** When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the open space development and the residents of the surrounding area.
9. **Timing of Phases:** Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted, following review of a formal request for extension by the developer and approval of same by the Township Board. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the case of fraud or violation of the terms of the original approval.

SECTION 18.15 BASIS OF DETERMINATION

Prior to approval of a Planned Unit Development application, the Planning Commission shall ensure that the standards specified in this Section, as well as the applicable standards established

elsewhere in this Ordinance, shall be satisfied by the completion of the Planned Unit Development under consideration.

1. **General Standards:** The Planning Commission shall review the particular circumstances of the Planned Unit Development application under consideration in terms of the following standards and shall approve a Planned Unit Development only upon finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:
 - a. The Planned Unit Development shall be consistent with the Clyde Township Master Plan.
 - b. The Planned Unit Development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will create a pleasant pedestrian scale outdoor environment.
 - c. The Planned Unit Development shall not change the essential character of the surrounding area.
 - d. The Planned Unit Development shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other nuisance.
 - e. The Planned Unit Development shall not place demands on public services and facilities in excess of current capacity, unless planned improvements have already been scheduled for completion.
 - f. The Planned Unit Development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
 - g. The Planned Unit Development shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems.
 - h. The Planned Unit Development shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles and adequate space for turning around shall be provided.
 - i. The Planned Unit Development shall not result in any greater stormwater runoff to adjacent property after development, than before. The open space shall be

provided with ground cover suitable to control erosion and all vegetation shall be maintained continuously in a healthy living condition.

- j. The design of the Planned Unit Development shall exhibit a reasonable harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use or façade materials is to be discouraged but care shall be taken so that any such contrasts will not be so out of character with existing building designs and façade materials so as to create an adverse effect on the stability and value of the surrounding area.
 - k. The design of the Planned Unit Development shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
 - l. The Planned Unit Development shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.
 - m. The Planned Unit Development shall meet the standards of other governmental agencies, where applicable.
2. **Conditions:** The Planning Commission may impose conditions with the approval of a Planned Unit Development which are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Planned Unit Development approval and shall be enforced by the Building Inspector.
3. **Waiver of Planned Unit Development Standards:** The Township Board, following the recommendation of the Planning Commission, may waive any of the standards for a Planned Unit Development contained in this Article where all of the following findings are documented, along with the rationale for the decision:
- a. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
 - b. The spirit and intent of the Planned Unit Development provisions will still be achieved.
 - c. No nuisance will be created.
4. **Fees:** Fees for the review of PUD shall be established by resolution of the Township Board. Review fees shall apply to PUD plans undergoing administrative review and approval as well as those which require the approval of the Planning Commission or Township Board.

5. **Appeal to Circuit Court:** An appeal on a decision by the Township Board to approve, deny or approve with conditions a Planned Unit Development may be taken to Circuit Court, and may not be appealed to the Zoning Board of Appeals.

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ARTICLE 19 GENERAL EXCEPTIONS

SECTION 19.00 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other Ordinances of the Township it being the intention hereof to exempt such essential services from the application of this Ordinance; provided, however, that the installation, erection, placement, and construction of transmission systems shall be subject to the review and approval of the Planning Commission after submission of a site plan.

SECTION 19.01 VOTING PLACE

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

SECTION 19.02 HEIGHT LIMIT

The height limitations contained within the Schedule of Regulations of this Ordinance shall not apply to farm buildings, church spires, cupolas, belfries, flag poles, public monuments, water towers, ventilators, chimneys or other appurtenances required to be placed above the roof level and not intended for human occupancy. This provision is not intended to permit certain building elements which are non-functional or non-structural and typically take the form of a tower or similar monolithic element of greater height than the principal building elements whose only purpose is to attract attention. Such elements may be determined by the Planning Commission to be out of character with the nature of the past, present and desirable future development within Clyde Township.

SECTION 19.03 LOTS ADJOINING ALLEYS

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.

SECTION 19.04 YARD REGULATIONS

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the Zoning Board of Appeals.

SECTION 19.05 PORCHES AND TERRACES

An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.

Attached or unattached decks, terraces, patios and porches without a roof or other form of solid enclosure with a maximum height of three (3) feet measured at the mean finished grade, excluding an open railing, may extend a maximum of fifteen (15) feet into the required rear yard. In no instance shall such deck be less than ten (10) feet from any property line. Decks that exceed three (3) feet in height measured at the mean finished grade must comply with the yard setback standards for principal buildings. Such decks shall require the review and approval of the Planning Commission to determine the extent of the impact on the surrounding neighborhood.

SECTION 19.06 PROJECTIONS INTO YARDS

Architectural features, such as, but not limited to, window sills, cornices, and bay windows not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally demountable such as a fabric awning.

SECTION 19.07 ACCESS THROUGH YARDS

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards 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 (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

SECTION 19.08 LOTS HAVING LAKE OR RIVER FRONTAGE

Those residential lots and/or parcels having lake or river frontage and abutting a public thoroughfare shall maintain the yard on the lake or river side as an open 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 Article 14.00 of this Ordinance is met.

ARTICLE 20
ZONING BOARD OF APPEALS

SECTION 20.00 CREATION AND MEMBERSHIP

There is hereby created a ZONING BOARD OF APPEALS which shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, section 125.3601, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board also known as (ZBA) shall consist of the following five (5) members:

1. The first member of the ZBA shall be a member of the Township Planning Commission.
2. The remaining four (4) members shall be selected from electors of the Township, provided, however, that one of these may be a member of the Township Board, but he may serve as a regular or an alternated but not serve as Chairman of the ZBA. The members selected shall be representative of the population distribution and of the various interests present in the Township.
3. An employee or contractor of the Township may not serve as a member or an employee of the Township ZBA.

The total amount allowed the ZBA in any one (1) year as per diem, or as expenses actually incurred in the discharge of their duties, shall not exceed a reasonable sum of which sum shall be appropriated annually in advance by the Township Board.

The term of each member shall be for three (3) years, except that of the members first appointed: two (2) shall serve for two (2) years and the remaining members for three (3). A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for un-expired terms shall be filled for the remainder of the term.

The ZBA shall not conduct business unless a majority of the members are present.

The Township Board shall provide for the removal of a member of the ZBA for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing. A member of the ZBA who is also a member of the Planning Commission or legislative body (Township Board), shall not participate in a public hearing or vote on a matter that was before them as a member of the other body. In such case, use an alternate member of the ZBA instead. However, the member may consider and vote on other unrelated matters involving the same property. A member shall disqualify himself or herself from a vote in which he or she has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which he has a conflict of interest shall constitute malfeasance in office.

- A. The Township Board shall also appoint two alternate members of the

ZBA. Appointments shall be as follows: one alternate member shall be appointed for a period of two years, and the second alternate shall be appointed for a period of three years; thereafter, each alternated member shall be appointed for a full three year term. Any vacancies in the alternative membership of the Board shall be filled by appointment by the Township Board of Trustees for the remainder of the un-expired term.

- B. The alternate members may be called to serve as a regular member of the ZBA in the following cases:
 - (1) In the absence of a regular member, if the regular member is absent from or will be unable to attend two or more consecutive meetings of the ZBA;
 - (2) In the absence of a regular member, if the regular member is absent from or will be unable to attend meetings for a period of more than 30 consecutive days; or
 - (3) In a case in which a regular member has abstained for reasons of conflict of interest.
- C. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the ZBA. Alternate members shall receive equal compensation for the meetings attended as does a regular member.

SECTION 20.01 MEETINGS

All meetings of the ZBA shall be held at the call of the Chairman and at other times as the Board, in its rules of procedure, may specify. All hearings conducted by said Board shall be open to the public. The ZBA shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating said fact and shall file a record of its proceedings in the office of the Township Clerk and shall be public record. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse any order, requirement, or determination of the Building Inspector, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect a variation in this Ordinance. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it. The ZBA shall not make a final determination on a specific case until after a public hearing, conducted by the ZBA has been held. The ZBA shall affix a reasonable time for the hearing of the appeal and give due notice thereof by mail to the parties concerned including the fee holder owner of the property concerned.

SECTION 20.02 APPEAL

An appeal may be taken to the ZBA by any person, firm or corporation, or by any officer, department, board, or bureau affected by a decision of the Building Inspector or Administrative

Commission. Such appeal MUST be taken within, thirty (30) days of the APPROVED MINUTES by the filing with the Building Inspector or Administrative Commission from whom the appeal is taken and with the ZBA of a notice such time as shall be prescribed by the ZBA, a Notice of Appeal, specifying the grounds thereof and payment of such fee as may be established by resolution of the Clyde Township Board in those cases hereinafter described. The Building Inspector or Administrative Commission from whom the appeal is taken shall forthwith transmit to the ZBA all the papers constituting the records upon which the action appealed from was taken. The ZBA shall fix a reasonable time for the hearing of the ZBA and give due notice thereof to the parties, and decide the same within a reasonable time. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

No appeals shall be taken to the ZBA from a decision of the Planning Commission and Township Board in connection with a special condition use (also known as a special land use).

No appeal shall be taken to the ZBA from a decision of the Planning Commission in connection with an approved site plan unless such appeal has first been reviewed by the Planning Commission.

SECTION 20.03 STAY OF PROCEEDINGS

An appeal shall stay all proceedings in furtherance of the action appealed from unless the body or officer from who the appeal is taken certifies to the ZBA, after notice of appeal has been filed, that, by reason of facts stated in the certificate, a stay would, in the opinion of the body or officer, cause imminent peril to life or property, in which case, the proceedings may be stayed by a restraining order issued by the ZBA or a circuit court.

SECTION 20.04 POWERS AND DUTIES

The ZBA shall act upon all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of the Zoning Maps, and may fix rules and regulations to govern its procedures sitting as such ZBA. It shall hear and decide appeals from and review any order, requirements, decision or determination made by an administrative official charged with enforcement of this Ordinance. It shall also hear and decide all matters referred to it, or upon which it is required to pass, under the provisions of this Ordinance. The concurring vote of the members of said ZBA shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or body to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variance in this Ordinance. The decision of the ZBA shall set forth specifically the grounds upon which its decision is based. The ZBA shall have the power to permit the erection and use of a building, or an addition to an existing building, or a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure or use if the ZBA shall find use, height, area, building or structure reasonably necessary for the public convenience and service. The ZBA in deciding on any matter which they are requested to pass under this Ordinance may establish such reasonable requirements for the use of a site or structure on such site as will assure reasonable protection to abutting properties and adjacent districts.

The ZBA shall have the following specified powers and duties:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Building Inspector or any other administrative commission in carrying out, or enforcing, any provisions of this Ordinance.

2. Interpretation

To hear and decide in accordance with the provision of this Ordinance:

a. Appeals for the interpretation of the provisions of the Ordinance.

b. Requests to determine the precise location of the boundary lines between the zoning districts as they are displayed on the Zoning Map, when there is dissatisfaction with the decision on such subject.

3. Variances

The ZBA shall have the power to authorize, upon appeal, non-use variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, such requirements as off-street parking and loading space, and sign regulations, and other similar requirements as specified in the Ordinance. The ZBA shall not have the authority to grant use variances. To obtain a non-use variance, the applicant must show "practical difficulty," by demonstrating:

a. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity unnecessarily burdensome;

b. That a variance would do substantial justice to the applicant, as well as the other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;

c. That the plight of the owner is due to the unique circumstances of the property;
and

d. That the problem is not self-created.

SECTION 20.05 CONSIDERATION AND DECISION

In consideration of all appeals and all proposed variations to this Ordinance, the Board shall, before making any variations from the Ordinance 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 increase the congestion in public streets, or increase the danger of fire or endanger the public safety, 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 of Clyde. A majority vote of the total membership of the Board shall be necessary to reverse any other requirements, decision, or determination of the

Building Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.

SECTION 20.06 JURISDICTION

The ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the ZBA shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done. In granting a variance, the board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. Nothing herein contained shall be construed to give or grant to the ZBA the authority to make changes in the Zoning Ordinance or the Zoning Map, such power authority being reserved to the Township Board in the manner herein provided by law.

SECTION 20.07 FEES

The Township Board may, from time to time, prescribe and amend by resolution, a reasonable schedule of fees to be charged to applicants for appeals to the ZBA. At the time the Notice for Appeals filed, said fee shall be paid to the Township Clerk, which the Clerk shall forthwith pay over to the Township Treasurer to the credit of the general revenue fund of the Township. The Township Board may by resolution establish a fee to be paid by the person appealing under this Article in all cases, except those cases where a particular use under this Ordinance may be permitted only after approval of the ZBA.

SECTION 20.08 NOTICE

The Board shall make no recommendations except in a specific case. Public Hearings shall be conducted when specifically required herein, or when the Board deems such hearing to be advisable. A notice of the time and place of such public hearing shall be published in a newspaper of general circulation in the Township of Clyde at least fifteen (15) days prior to the hearing. Such notice shall contain the address, if available, and location of the property from which the ruling by the ZBA is sought, as well as a brief description of the nature of the Appeal.

Public notice of the time, date, and place of the meeting shall also be given in the manner required by Act 267 of the Public Acts of 1976.

SECTION 20.09 APPROVAL OF TEMPORARY STRUCTURES OR USES

The ZBA may permit temporary structures, signs and uses for periods not-to-exceed two (2) years in undeveloped sections of the Township and for periods not-to-exceed six (6) months in developed sections. The ZBA may also permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not-to-exceed twelve (12) months with

the granting of twelve (12) month extensions being permissible; uses, which do not require the erection of any capital improvement of a structural nature. The ZBA, in granting permits for the above 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 nor on the property wherein the temporary use is permitted.
2. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
3. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of Clyde Township shall be made at the discretion of the ZBA.
4. The use shall be in harmony with the general character of the district.
5. No temporary use permit shall be granted without first giving notice to the owners of the adjacent property of the time and place of a public hearing to be held as further provided for in this Ordinance.

SECTION 20.10 MISCELLANEOUS

No order of the Zoning Board of Appeals permitting the erection of a building shall be valid for a period longer than One (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such a use is established within such period; however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall contain in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

**ARTICLE 21
ADMINISTRATION AND ENFORCEMENT**

SECTION 21.00 ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Building Inspector or by such deputies of his department as may be designated by the Township Board. He is hereby authorized and empowered to issue a stop order and/or revoke the license or permit of any person whom he finds in violation of this Ordinance in any case he may find necessary, where there is imminent peril to the public health, safety or welfare. Any person aggrieved by such action may appeal to the Township Board in accordance with the following procedure:

1. File a written claim of appeal within fifteen (15) days after receipt of such order or revocation with the Township Clerk setting forth therein in reasonable detail the claimed grounds of appeal.
2. The Township Clerk shall then cause the appeal to be placed on the agenda of a regular or special Township Board meeting within thirty-five (35) days after receipt of such claim of appeal.
3. The Township shall conduct a hearing on the claim of appeal at which time the applicant and his attorney, if any, may appear to present his case.
4. The Board shall render its decision on the appeal within fifteen (15) days after the aforesaid hearing.

SECTION 21.01 DUTIES OF BUILDING INSPECTOR

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

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

The Building Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit. The Building Inspector shall be empowered to enforce all applicable state building requirements regarding obtaining building permits.

SECTION 21.02 PLOT PLAN

The Building Inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot 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 Ordinance are being observed.

SECTION 21.03 PERMITS

The following shall apply in the issuance of any permits:

1. **Permits Not to be Issued**
No building permit shall be issued for the erection, alteration, or use of any building or structure, or part thereof, or for the use of any land which is not in accordance with all provisions of this Ordinance.
2. **Permits for New Use of Land**
No land heretofore vacant shall hereafter be used, or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
3. **Permits for New Use of Buildings**
No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
4. **Permits Required**
No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms “altered” and “repaired” shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Township Building Code, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.
5. **Permits for Wrecking Buildings**
Before a building or structure can be wrecked, the owner, wrecking company, or person who secures the permit shall notify all utilities having service connections within the building such as water, electric, gas, sewer, and other connections. A permit to wreck a building shall not be issued unless a release is obtained from the utilities stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed and/or sealed and plugged in a safe manner; nor shall a wrecking permit be issued until a report has been received from the public utility companies concerned, that said wrecking operations may be accomplished in such a manner as not to

create a hazardous condition as a result of the proximity of such public utility installations.

Before a permit is issued for the wrecking of any building, such application for permit shall be referred to the Building Inspector for examination procedures of the premises to determine whether or not rodent extermination procedures are necessary.

After obtaining permit from the Building Inspector, the wrecker shall proceed to erect screening, fencing, boarding, or other protections as authorized by the Building Inspector and shall notify the same before proceeding with wrecking operations. The wrecking company, or person who secures the permit for the razing of the structure, will be held responsible for the compliance with these regulations and other laws and ordinances covering this subject. He will also be held responsible and liable for the acts of subcontractors or other persons who do any work of removal or destruction in the wrecking of the building. The methods to be used in wrecking shall not involve undue hazards to the public or unnecessary danger to the workmen and shall be in accordance with good practice. Crane, backhoe, bulldozer, high loader, ball, clam-bucket, chain, cable, and other similar mechanical devices shall not to be used to wreck buildings or structures except in individual cases wherein detailed plans and proposed procedures are submitted with the application for wrecking permit and are approved by the building official. Suitable provisions shall be made for the disposal of materials that are accumulated during the wrecking operations. No part of the structure shall be overloaded by excessive storage of materials or debris. Chutes, scaffolds, derricks, and hoists shall be strong and substantial, and safe for the purpose for which they are intended. Materials which in their removal, would cause an excessive amount of dust, shall be watered down to prevent the creation of a nuisance. No open fires or other sources of flame except necessary cutting torches will be permitted on the inside of the building which is being wrecked, not in close proximity to flammable materials outside of the building, and every precaution shall be taken to prevent the possibility of fire.

Blasting and use of explosives shall be done only by a person licensed by the State and/or County, as appropriate, to perform such work.

The requirements of this section are designated as the minimum necessary for average conditions and, in the case of unusual or dangerous situations, adequate provision shall be made and every precaution taken to protect the safety of the public and workmen. All abandoned basements or cellars and holes shall be filled to grade, and all excess materials, rubbish, and debris shall not be permitted to remain on the premises above grade. The Fire Department shall be notified before removing standpipes, sprinklers, or fire protection water supplies.

SECTION 21.04 CERTIFICATES

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

1. Certificates Not to be Issued

No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land which is not in accordance with all the provisions of this Ordinance.

2. Certificates Required

No building or structure, or part thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.

3. Certificates Including Zoning

Certificates of occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of, use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.

4. Certificates for Existing Buildings

Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.

5. Record of Certificates

A record of all certificates issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

6. Certificates for Dwelling Accessory Buildings

Buildings or structures accessory to dwellings shall not require separate certificates of occupancy, but may be included in the certificate of occupancy for the dwelling when shown on the plot plan, and when completed at the same time as such dwellings.

7. Application for Certificates

Application for certificates of occupancy shall be made, in writing, to the Building Inspector on forms furnished by that Department, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

Certificates of occupancy shall be completed in triplicate by the Building Inspector upon acceptable final inspection. The original to be issued to the applicant named on the building permit, one copy is to be given to the Township Supervisor, and the other copy is to be retained by the Building Inspector.

If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

SECTION 21.05 FINAL INSPECTION

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

SECTION 21.06 FEES

Fees for inspection and the issuance of permits or certificates of copies thereof, required or issued under the provisions of this Ordinance, may be collected by the Building Inspector in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

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ARTICLE 22
NONCONFORMING LOTS, NONCONFORMING USES OF LAND,
NONCONFORMING STRUCTURES AND NONCONFORMING USES
OF STRUCTURES AND PREMISES

SECTION 22.00 INTENT

1. Legal Nonconformities

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to remain until they are discontinued or removed but not to encourage their survival. Where discontinuance or removal is not considered feasible, this ordinance is intended to gradually allow the improvement of such non-conformities to a more conforming status. A nonconforming use of a structure, a nonconforming use of land, or a combination thereof shall not be extended, enlarged, expanded or replaced, except as provided herein, and shall not be used as grounds for adding other non-conforming uses, building or structures.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

2. Illegal Nonconformities

Any lot, use, building structure or any combination thereof that was not lawful at the date of adoption of this Ordinance or any amendments shall be classified as a illegal nonconformity and shall not receive any of the rights, privileges or protection conferred by this Article. Such illegal nonconformity shall be in violation of this Ordinance and shall be terminated and removed.

SECTION 22.01 NONCONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected, modified or expanded on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot

is located. A reduction of minimum setback requirements shall only be permitted upon granting of a variance by the Board of Zoning Appeals, in accordance with the provisions of Article 20.

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 or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

Upon application to the Township Board, the Board may, at its sole discretion, permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements provided in this Ordinance. Said application shall be filed with the Township Clerk on forms provided by the Township. Approval of any such application shall be subject to the following provisions:

1. Any newly created lot must be capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements set forth in this Ordinance.
2. Any lot created under these provisions shall be at least sixty (60) feet in width.
3. In the event that a lot created under these provisions is less than 12,500 square feet in area, then any structure constructed on the lot shall have direct hookup to a public sanitary sewer system.

SECTION 22.02 NONCONFORMING USES OF LAND

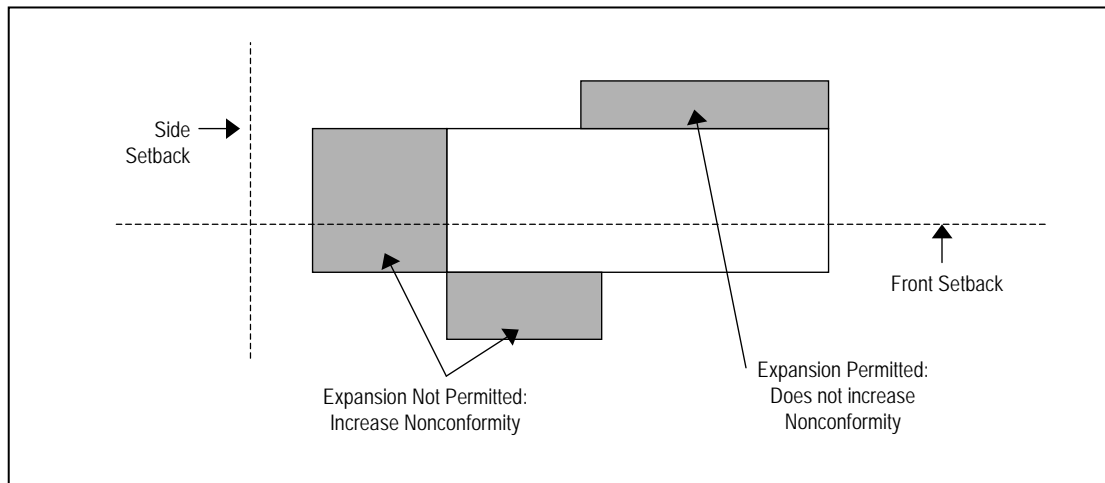
Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such use may be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
2. No such 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 adoption or amendment of this Ordinance;
3. If such nonconforming use of land ceases for any reason for a period of more than six (6) consecutive months or for eighteen (18) months during any three (3) year period, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

SECTION 22.03 NONCONFORMING STRUCTURES

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

1. No such structure may be enlarged or altered in a way which increases its nonconformity. If the nonconforming structure is a sign, it shall not be structurally altered so as to prolong the life of the sign or as to change the shape, size, type, or design of the sign. The following graphics provide examples of permitted expansions or alterations under this section.



2. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance.
3. Single-family residential dwellings located in a Local Commercial or General Commercial District, (C-1 or C-2), constructed prior to the adoption of this Ordinance, are exempt from the reconstruction requirements of 22.03(2) and are permitted to be rebuilt as single-family residential dwelling upon their existing foundations. *(ADOPTED JAN 27 2013)*
4. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.
5. In the event of more than one nonconforming structure, no change shall be allowed for one structure unless all structures are made conforming or substantially conforming. Provided however, if the structure is a single-family dwelling, and if the structure complies with the required front yard set-back, upon written application, the Township Board may approve a modification or addition to the dwelling, if after taking into account the following factors, the Township Board is satisfied that approval of the application, with or without conditions, or approval of something less

than is requested, would be reasonable and provide substantial justice to the adjacent property owners as well as the applicant.

- A. The size of the parcel and the size of surrounding parcels and the zoning requirements.
- B. The location and size of structures on the parcel, as well as the location and size of structures on immediately adjacent parcels, and the zoning requirements.
- C. The nature of the area and the density of structures and of the population in terms of being isolated or rural or a developed subdivision, etc.
- D. The use of the parcel at issue and Township policy as set forth in the ordinance.

Any decision of the Township Board may be appealed to the Zoning Board of Appeals within 21 days of the approval of the minutes relative to the meeting where the application was acted upon by the Township Board.

SECTION 22.04 NONCONFORMING USES OF STRUCTURE AND LAND

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located. If the nonconforming structure is a sign, it shall not be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance, where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the

district in which such structure is located, and the nonconforming use may not thereafter be resumed.

5. When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and land in combination, shall not hereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

SECTION 22.05 REPAIRS AND MAINTENANCE

On any nonconforming structure, or in any building devoted in whole or in part to any nonconforming use, ordinary repairs, or work on the repair or replacement of nonbearing walls, fixtures, wiring or plumbing may be done, provided however, neither the cubic content of the structure nor its square or cubic footage, as it existed at the time of becoming nonconforming, shall be increased, except as may be allowed by Section 22.03(4).

SECTION 22.06 OWNERSHIP

There may be a change of tenancy, ownership or management any existing nonconforming uses of land, structures and land in combination, provided there is no change in the nature of such nonconforming uses.

SECTION 22.07 CLASSIFICATION OF NONCONFORMING USES

1. Class A Nonconforming Uses
Class A nonconforming uses and structures are those which have been designated by the Zoning Board of Appeals after application by any interested person or the Building Inspector upon findings that (1) continuance thereof would not be contrary to the public health, safety or welfare, (2) that the use or structure does not and is not likely to significantly depress the value of nearby properties, (3) that the use or structure was lawful at the time of its inception, and (4) that no useful purpose would be service by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.
2. Procedures for Obtaining Class A Designation, Conditions
 - A. A written application shall be filed with the Township Clerk including the name and address of the applicant, a legal description of the property to which the application pertains and any 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 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.

- B. Conditions may be attached, including any time limits, where necessary to assure that the use, building or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this Ordinance.
 - C. No vested interest shall arise out of a Class A designation.
3. 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.
4. Regulations Pertaining to Class A Nonconforming Uses and Structures
- A. No Class A nonconforming use of land, buildings or structures shall be resumed if it has been, for any reason discontinued for a continuous period of at least twelve (12) months or if it has been changed to a conforming use for any period.
 - B. An individual 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.
 - C. The expansion of all Class A nonconforming uses, except those used as single family dwellings, shall require site plan approval by the Planning Commission prior to the issuance of a building permit. Refer to Section 17.00 of this Ordinance for site plan review regulations.

**ARTICLE 23
ORDINANCE AMENDMENTS**

SECTION 23.00 INITIATION OF AMENDMENTS

The Township Board may, upon recommendation from the Township Planning Commission, amend, modify, supplement or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Public Act 110 of 2006, as amended. Amendments to the text of this Ordinance may be initiated by the Township Board, the Planning Commission, or by petition from one or more residents or property owners of the Township. An amendment to the zoning district boundaries contained on the Official Zoning Map may be initiated by the Township Board, the Planning Commission or by the owner or owners of property, which is the subject of the proposed amendment. Whenever a petitioner requests a zoning district boundary amendment, he or she shall provide verification that he or she is 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. All proposed amendments to the provisions of this Ordinance or the Official Zoning Map shall be referred to the Planning Commission for public hearing and recommendation to the Township Board, prior to consideration thereof by the Township Board. There shall be a twelve (12) month waiting period between a Township Board denial for a zoning district boundary change and a new request.

SECTION 23.01 APPLICATION PROCEDURE

An amendment to this Ordinance or the Official Zoning Map, except those initiated by the Township Board or Planning Commission, shall be initiated by submission of completed application on a form supplied by the Township, including an application fee, which shall be established from time to time by resolution of the Township Board.

In the case of an amendment to the Official Zoning Map, the following information shall accompany the application form:

1. Completed rezoning application form and fee to cover administrative cost for public notices and review by consultants;
2. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties;
3. The name and address of the owner of the subject property and a statement of the applicant's interest in the subject property if not the owner in fee simple title;
4. The existing and proposed zoning district designation of the subject property;
5. A written description of how the requested rezoning meets Sec. 23.03 Criteria for the amendment of the Official Zoning Map;

6. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment shall accompany the application form;
7. A traffic impact study, as described in Section 15.21, if required based on Section 23.03 (5).
8. If requested by the Planning Commission or the Township Board, a community impact statement shall be submitted.

SECTION 23.02 AMENDMENT PROCEDURE, PUBLIC HEARING AND NOTICE

1. After the rezoning application is filed with the Township, it will be transmitted to the Chairman and Secretary of the Township Planning Commission or the Planning Commission may elect to initiate rezoning itself.
2. At the next regular meeting or special meeting of the Township Planning Commission, a date should be set for the public hearing on the rezoning as well as a special meeting of the Planning Commission at the same time. The chairperson is authorized by statute to call a special meeting of the Planning Commission and also schedule the public hearing upon receipt of the application from the Township Clerk or Supervisor. Then a special meeting just to schedule a special meeting and public hearing would not be necessary. However, the proposed zoning ordinance amendment (and map if applicable) should be on file before the hearing is scheduled or arrangements made to have it immediately on file; (the notices of the public hearing state that a copy is on file).
3. Upon receipt of an application for a use requiring special condition approval, the Planning Commission shall hold a public hearing, one (1) notice of which shall be published not less than fifteen (15) days prior to the public hearing date in a newspaper of general circulation in the Township. Also, the applicant, property owners and occupants of structures within 300 feet must be notified individually. The Public Hearing Notice shall also include the following:
 - a. Describe the nature of the request, including the proposed use, the street address of all properties that are the subject of the request or the parcel number where the street address is not available,
 - b. State when and where the public hearing will be held, state when and where written comments will be received and information concerning the request may be viewed. Note: If 11 or more adjacent properties are proposed for rezoning, no individual addresses of properties or specific individual property identification are required to be listed.
 - c. Not less than 15 days notice of the public hearing shall also be given by mail to each electric, gas pipeline and telephone public utility company and to each railroad operating within the district or zone affected by the rezoning or amendment that registers its name and mailing address with the Township Planning Commission for the purpose of receiving such notice. An affidavit of mailing must be maintained.

4. The Township Planning Commission should then meet at the scheduled time and place; the special meeting of the planning commission should be called to order with a roll call taken, and take any comments as a part of the “Open Meetings Act”, if any, that are unrelated to the public hearing; the planning commission should then “receive and file” the various affidavits that verify proper notice was given. The Planning Commission should then announce that the public hearing is open and proceed to take any comments from the public. When the public hearing is concluded, the Township Planning Commission can then proceed to discuss the amendment among themselves: as an important part of its review the Township Planning Commission should review the Township Master Plan to verify that the proposed rezoning is consistent with the Master Plan. The Township Planning Commission should make a recommendation for or against the proposed rezoning. Some changes in the proposal are possible at this point, but any potential change must stay within the framework of the notice and the original proposed Ordinance. A motion should then be made to forward the proposed zoning text and map to the St. Clair County Metropolitan Planning Commission together with a summary of any comments made at the public hearing and together the Township Planning Commission’s recommendation on the proposal. The same motion and information should then be forwarded to the Township Board.
5. That the Township Board cannot take action on the proposed rezoning until:
 - a. The St. Clair County Metropolitan Planning Commission makes a recommendation upon the proposed rezoning; or
 - b. The St. Clair County Metropolitan Planning Commission fails to make its recommendation to the Township Board within 30 days after having received the same from the Township Planning Commission. If the Township Board has not received a recommendation from the St. Clair County metropolitan Planning Commission within that 30 days, the County Planning Commission has waived its right to review the proposed ordinance and the Township Board may proceed without the same.
6. The Township Board approves or disapproves or modifies the proposed ordinance amendment and map:
 - a. If the proposal is approved, the Clerk should proceed to notify the Township and County Planning Commission, the individual requesting the rezoning, if any, and proceed to have the ordinance published as set forth below.
 - b. If the proposal is disapproved, no further action is required except to notify the appropriate individuals and commissions.
 - c. If the proposal is changed or modified by the Township Board, the Township Board must refer the proposed change and modification back to the Planning Commission, instructing the Township Planning Commission to file a report and recommendation on any proposed changes within a specific period of time. After receiving the report and recommendation back from the Township Planning Commission, the Township Board may then approve or disapprove the proposed

rezoning with or without the changes, provided that any changes have been considered by the Planning Commission. Any Proposed changes must stay within the framework of the original notice to the public and the original proposed ordinance.

- d. In the above process the Township Board is not required to hold a public hearing unless a public hearing is requested by the property owner. (suggestion: if a hearing is requested, the Township Board should direct one or more members of the Planning Commission to attend the public hearing) The notice for the public hearing must be published as above # 3.
7. If the ordinance is adopted, it should contain a specific clause stating it shall become effective 7 days after publication, subject to the provision of Section 401 of Public Act 110 of 2006.

SECTION 23.03 CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING MAP

The following criteria shall be considered by the Planning Commission and Township Board in the review of any petition for amendment to the Official Zoning Map:

1. Consistency with the master plan goals, objectives and land use plan map and any adopted sub-area or corridor studies.
2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed district.
3. Compatibility of all of the potential uses allowed in the proposed zoning district with the surrounding uses and zoning in terms of land suitability, environmental impacts, density, characteristics of the use, traffic impacts, availability of infrastructure and potential influence on property values.
4. Ability of Township services and utilities to accommodate the uses permitted in the requested district in a manner that would not harm the "health safety and welfare" of the Township.
5. Ability of the existing street system to safely and efficiently support the expected traffic generated by the uses permitted in the requested zoning district. A Rezoning Traffic Study (RTS) prepared in accordance with the requirements of Section 15.21 is required for any proposed change to the zoning map that is either (1) inconsistent with the Township's Master Plan, or (2) involves other than residential down-zoning.
6. Consideration of the market demand for the types of uses permitted in the requested zoning district in relation to the amount of land currently zoned and available to accommodate the demand within the Township.
7. Whether the boundaries of the proposed district are reasonable in relationship to the ability of the site to accommodate development within the dimensional regulations of the proposed district.

8. Could the Township reasonably eliminate the need for the rezoning request by amending the list of permitted or special land uses in the current zoning district to accommodate the anticipated use?
9. Whether the requested rezoning would create an isolated and unplanned spot zone.
10. Whether the request has been previously submitted within the past one (1) year, unless conditions have changed in the opinion of the Planning Commission.

SECTION 23.04 CRITERIA FOR AMENDMENTS TO ZONING ORDINANCE TEXT

The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the zoning ordinance text or responding to a petitioners' request to amend the ordinance text.

1. The proposed amendment would promote the implementation of the goals and objectives of the Township's Master Plan or other corridor and sub-area plans.
2. The amendment is necessary to correct an error or clarify the intent of the Ordinance.
3. The amendment will alleviate problems identified by the Zoning Board of Appeals with the implementation or interpretation of specific sections of the Ordinance.
4. The amendment incorporates changes necessitated by revisions to state legislation.
5. The amendment addresses potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
6. The amendment will assist the Township in its role of protecting the health and safety of the public and / or would protect public and private investment within the Township and enhance the overall quality of life for Township residents.
7. The amendment promotes compliance with changes in other Township Ordinances and County, State or Federal regulations.
8. The amendment is supported by the findings of professional planning reports or other documentation regarding functional requirements such as building codes, environmental regulations and similar technical data.

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ARTICLE 24 INTERPRETATION

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

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ARTICLE 25
VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; 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.

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ARTICLE 26
ENFORCEMENT, PENALTIES, AND OTHER REMEDIES

SECTION 26.00 PENALTIES AND ENFORCEMENT - MUNICIPAL CIVIL INFRACTION

Any person, firm, corporation or other entity who violates any provision of this Ordinance shall be responsible for commission of a municipal civil infraction, and, shall be liable for a civil fine in the following amounts: \$500.00 for a first offense; \$1,500.00 for a second offense; \$2,500.00 for a third offense and subsequent offenses. The determination of repeat offenses shall be based upon the three year period immediately preceding the violation date. Each day that a violation exists constitutes a separate offense. Such responsible party shall also be liable for the actual enforcement costs of the Township, as set forth in Chapter 87, Public Act 236 of 1961 of the Michigan Revised Judicature Act, in an amount not less than \$9,00 or more than \$500.00, and may be subject to liens, injunctions, or other equitable remedy permitted by law pertaining to municipal civic infractions. *(ADOPTED NOV 3, 2022)*

SECTION 26.01 PUBLIC NUISANCE PER SE

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 26.02 FINES, IMPRISONMENT

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and, upon conviction thereof, shall be liable to the fines and imprisonment herein provided.

SECTION 26.03 EACH DAY A SEPARATE OFFENSE

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

SECTION 26.04 RIGHTS AND REMEDIES ARE CUMULATIVE

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

ARTICLE 27
SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

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ARTICLE 28
REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance adopted by the Township known as Ordinance No.3 and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.