

132.000 - ZONING Ord. No. 17 Adopted: August 31, 1970

An Ordinance enacted under Act 184, Public Acts of 1943, as amended, governing the unincorporated portions of the Township of Cottrellville, St. Clair County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Township into districts and establishing the boundaries thereof; providing for changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this Ordinance.

PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township of Cottrellville, by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air, and reasonable access; and facilitating adequate and economical provisions of transportation, water, sewers, school, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan now therefore:

THE TOWNSHIP OF COTTRELLVILLE ORDAINS:

FOOTNOTE(S):

⁽¹⁷⁾ **Cross reference**— Junkyards, general provisions, § 22.004.

ARTICLE I

132.100 - SHORT TITLE

132.101 - [Short title.]

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

ARTICLE II

FOOTNOTE(S):

⁽¹⁸⁾ **Note**— All other animal types not in schedules 1. and 2. are to be calculated as one thousand pounds live weight equals one animal unit.

⁽¹⁹⁾ **Note**— The term manmade ditch or device means constructed by man and used for the purpose of transporting wastes.

⁽²⁰⁾ **Note**— All other animal types not in schedules 1. and 2. are to be calculated as one thousand pounds live weight equals one animal unit.

132.200 - CONSTRUCTION OF LANGUAGE AND DEFINITIONS

132.201 - Construction of language.

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

- a. The particular shall control the general.
- b. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- c. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- d. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- e. A "building" or "structure" includes any part thereof.
- f. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- g. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- h. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:
 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

Terms not herein defined shall have the meaning customarily assigned to them.

(Ord. of 7-25-07)

132.202 - Definitions.

Accessory use, or accessory. An "accessory use" is a use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is located.

When "accessory" is used in the text, it shall have the same meaning as accessory use.

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

- a. Residential accommodations for servants and/or caretakers.
- b. Swimming pools for the use of the occupants of a residence, or their guests.
- c. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- d. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and had no exterior signs or displays.
- e. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- f. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.

- g. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- h. Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- i. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- j. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
- k. Boat houses for the accessory storage of boats of any principal use on a zoning lot or parcel.

Adult book store. An establishment having as a portion of its stock and trade, books, magazines and other periodicals which are restricted to persons over the age of 18 years and which is distinguished or characterized by its emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" or an establishment with a segment or section devoted to the sale or display of such material.

Adult motive picture theater. An establishment used for presenting material restricted to persons over the age of 18 years and which is distinguished or characterized by its emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

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

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

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

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

Automobile service station. A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

Auto repair station. A place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

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

Bed and breakfast. A secondary use within a single family dwelling unit in which transient guests are provided sleeping rooms and limited food service.

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

Building. A structure erected on site, a mobile home or mobile structure, a premanufactured or precut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

Building height. The vertical distance measured from the established grade to the highest point of the roof surface. 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.

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

Cabaret. Any place wherein food and any type of alcoholic beverage is sold or given away on the premises and the operator thereof holds a yearly license to sell such beverages by the glass and which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, either live or films.

Child care center (also known as a day care center). A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care centers are licensed by the State of Michigan under Public Act 116 of 1973, as amended. "Child care center or day care center" does not include:

- (1) A Sunday School, a vacation bible school, or a religious instruction class that is conducted by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not to exceed four (4) weeks during any twelve (12) month period.
- (2) A facility operated by a religious organization where children are cared for not more than three (3) hours while parents or guardians attend religious worship services.

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

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

Convalescent or nursing home. A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.

Covered boat wells and docks. An accessory structure, built on or recessed into the shoreland and/or extending into the river with a permanent roof or covering, that provides dockage and/or storage of a privately owned boat(s) or watercraft(s). Within this definition, a hoist may be included for the lifting of a boat or watercraft. Also within this definition, simple routine maintenance may be performed on a privately owned boat(s) or watercraft(s). This definition shall not include public services for revenue, nor services for public storage or maintenance purposes.

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

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

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

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

Dwelling, single-family. A building containing not more than one dwelling unit designed for residential use, complying with the following standards:

- (1) It complies with the minimum square footage requirements of this ordinance for the zone in which it is located.
- (2) It has a minimum width across any front, side or rear elevation of twenty-four (24) feet and complies in all respects with "The Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 P.A. 230, as amended", including minimum heights for habitable rooms, where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the "Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under provisions of 1972 P.A. 230, as amended", then and in that event such federal or state standard or regulation shall apply.
- (3) It is firmly attached to a permanent foundation constructed on site in accordance with the "Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 P.A. 230, as amended", and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to 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 Mobile Home Commission and shall have a perimeter wall as required above.
- (4) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- (5) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- (6) The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in a closet area, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
- (7) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than twelve (12") inches on all sides; or alternatively with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has a roof pitch ratio of not less than 5:12 (five vertical to twelve horizontal); has not less than two (2) exterior doors with the first in the front of the dwelling and the second one being in either the rear or side of the dwelling; and contains permanently installed steps connected to said exterior door areas or to permanently installed porches connected to said door areas where a difference in elevation requires the same.

Except that, additions may be made to dwellings which existed prior to the effective date of this ordinance and which do not comply with some or all of the above requirements relative to roof pitch, overhang, or building width; provided that the roof pitch, overhang, or building width of the proposed addition will meet or exceed that of the

existing dwelling.

The compatibility of design and appearance shall be determined in the first instance by the township zoning inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the zoning board of appeals within a period of 15 days from the receipt of notice of said zoning inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of manufactured housing communities within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of manufactured housing communities throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home, provided such innovative design concepts are first submitted for review and approval by the Township Planning Commission.

- (8) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- (9) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type of 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 applicable Michigan Construction Code Commission under the provisions of 1972 P.A. 230, as amended, Provisions and Requirements.

Dwelling, two-family. A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in dwelling single family.

Dwelling, multiple-family. A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in dwelling single family.

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

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

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

Family. One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

Family (child) day care home (licensed). A private home (dwelling) in which one (1) but fewer than seven (7) children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. "Family day care home" includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. Family day care homes are licensed by the state under Public Act 116 of 1973, as amended.

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

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

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

Requirements for a farm by this zoning ordinance are given under Section 132.402(1) and (2).

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

- (1) More than the numbers of animals specified in any of the following categories are confined:
 - a. One thousand (1,000) slaughter and feeder cattle,
 - b. Seven hundred (700) mature dairy cattle (whether milked or dry cows),
 - c. Two thousand five hundred (2,500) swine each weighing over twenty-five (25) kilograms (approx. fifty-five (55) lbs.),
 - d. Five hundred (500) horses,
 - e. Ten thousand (10,000) sheep or lambs,
 - f. Fifty-five thousand (55,000) turkeys,
 - g. One hundred thousand (100,000) laying hens or broilers (if the facility has continuous overflow watering),
 - h. Thirty thousand (30,000) laying hens or broilers (if the facility has a liquid manure system),
 - i. Five thousand (5,000) ducks, or
 - j. One thousand (1,000) animal units as a result of any combination; or ^[18]

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

- Pollutants are discharged into navigable waters through a manmade ditch, flushing system or other similar manmade device; or ^[19]
- Pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility; or

- Pollutants otherwise come into direct contact with the animals confined in the operation.

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

- a. Three hundred (300) slaughter or feeder cattle,
- b. Two hundred (200) mature dairy cattle (whether milked or dry cows),
- c. Seven hundred fifty (750) swine each weighing over twenty-five (25) kilograms (approx. fifty-five (55) pounds),
- d. One hundred fifty (150) horses,
- e. Three thousand (3,000) sheep or lambs,
- f. Sixteen thousand five hundred (16,500) turkeys,
- g. Thirty thousand (30,000) laying hens or broilers (if the facility has continuous overflow watering),
- h. Nine thousand (9,000) laying hens or broilers (if the facility has a liquid manure handling system),
- i. One thousand five hundred (1,500) ducks, or
- j. Three hundred (300) animal units as a result of any combination: ^[20]

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

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

Additional requirements for feedlots and raising of fur-bearing animals are found under Section 132.1313.

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 buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor area, usable (for the purpose of computing parking). That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or 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.

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

- (1) "Foster family home" is a private home (dwelling) in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code (MCL 710.21-710.70) are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- (2) "Foster family group home" means a private home in which more than four (4) but fewer than seven (7) minor

children, who are not related to an adult member of the household by blood, marriage, or who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code (MCL 710.21-710.70) are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

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

Grade. 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.

Group (child) day care home. A private home(dwelling) in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. Group day care homes are licensed by the state under Public Act 116 of 1973, as amended.

Hardship, unnecessary. An unnecessary hardship is governed by the four following rules. An applicant's personal hardship, that does not relate to the land, is not sufficient to support a variance.

- (1) Unnecessary hardship is a circumstance of a property owner's land such that if used in strict compliance with the zoning ordinance, the property cannot yield a reasonable return (not "the owner's greatest desired return").
- (2) Furthermore, an unnecessary hardship must be unique, and not a condition that prevails generally throughout the zoning district.
- (3) The owner must also establish that the use of the property will not change the character of the neighborhood if the variance is granted.
- (4) The circumstance of the asserted hardship must not be self-created.

Home occupation. An occupation that is traditionally and customarily carried on in the home, being primarily incidental to the principal residential use. (See Article IV, Section .0402 [132.402]).

Junk yard. An open area where waste, used or second hand 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 or more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

Kennel, commercial. Any lot or premise on which three (3) or more dogs, cats or other household pets are either permanently or temporarily boarded. Kennel shall also include any lot or premises where household pets are bred or sold.

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

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

Lot, corner. A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty-five (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 one hundred fifty (150) feet and the tangents to the curve, at the two points

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

Lot, interior. Any lot other than a corner lot.

Lot, through. 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 yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

Lot, zoning. A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

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

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

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

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

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

- 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, 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 along 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 a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of record. A parcel of land, the dimensions of which are shown on a document or map on file with County Register of Deeds or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

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

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

Major thoroughfare. An arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term on the Major Thoroughfare Plan to identify those streets comprising the basic structure of the Major Thoroughfare Plan.

Massage parlors. An establishment, unless otherwise licensed by the state, restricted to persons over the age 18 years and used for housing equipment and employing persons who give massages, body rubs, or muscle relaxing exercises to other persons, necessitating human contact between such employee and any other person.

Master plan. The Comprehensive Community Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or the Legislative Body.

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

Mobile home (Trailer coach). Any vehicle designed, used, or so constructed as to permit its beginning as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

Mobile homes which do not conform to the standards of dwelling single family of this Ordinance shall not be used for dwelling purposes within the township unless located within a mobile home park or a mobile home plat zoned for such uses.

Cross reference— Mobile homes, Pt. 115.

Mobile home park (Trailer court). Any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes are located.

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

Municipality. The Township of Cottrellville.

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

Non-conforming use. A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nude modeling studio. An establishment restricted to persons over the age of 18 years used for hosting and exhibiting persons in the nude acting as models for other persons to paint, photograph, videotape, digitally record, draw, sketch or the like.

Nursery, plant materials. A space, building or structure, or combination thereof, for the storage of live trees, shrubs 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.

Nuisance factors. An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic.

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

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

Parking space. An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Premises for nude entertainment. An establishment which is restricted to persons over the age of 18 years and used for hosting and exhibiting persons in the nude or "specified anatomical areas" of the human body.

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

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

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

Recreation, Active. Active recreation is often conducted in a more formal setting and implies a degree of physical engagement above the normal daily level of activity (whether as participant or spectator), often involves use of sports equipment, and typically involves a specialized improvement to a defined area(s) of land for the particular activity(ies) to be enjoyed. This category includes things like, but not limited to; sports fields and courts (baseball, soccer, tennis, volleyball, football, basketball, horseshoes, running tracks), playgrounds, outdoor swimming pools, golf courses & driving ranges, shooting & archery ranges, improved ice skating & hockey rinks, skateboard & roller hockey areas, picnic areas with improvements (pavilions & grills), any areas of motorized activity, and other recreational activities which are determined by the Planning Commission to be similar.

Recreation, Passive. Passive recreation implies a degree of physical engagement that is more relaxed than the normal daily level of activity, tends to be more individualized in nature, and typically involves limited or no improvement(s) to less defined areas of land for the (sometimes more general) activities to be enjoyed. This category includes things like, but not limited to: walking, bicycling, cross-country skiing trails, sitting areas, natural & nature study areas, hunting & fishing areas, wildlife & bird watching areas, sunbathing, sight seeing, unimproved picnic areas, canoeing, kite flying, campfires, star gazing, and other recreational activities which are determined by the Planning Commission to be similar.

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

Room. For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing 1, 2 or 3 bedroom units and including a "den", "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

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

Sign. The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

Sign, accessory. A sign which is accessory to the principal use of the premises.

Sign, non-accessory. A sign which is not accessory to the principal use of the premises.

Specified anatomical areas. Less than completely and opaquely covered; human genitals, pubic region, buttocks, post-pubertal female breast below a point immediately above the top of the areola, human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, fellatio, cunnilingus, sodomy, bestiality, or flagellation; and fondling or other erotic touching of human genital pubic region, buttocks, or post-pubertal female breast.

Stables, public. Means a building(s) or land where for remuneration or sales, horses are kept, boarded, ridden, shown, or are otherwise hired out for use.

State licensed residential facility. A structure constructed for residential purposes that is licensed by the state pursuant to Act No. 287 of the Public Acts of 1972, as amended, which provides resident services for six (6) or less persons under 24-hour supervision or care for persons in need of that supervision or care.

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

Story, half. An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7' 6"). For the purposes of this Ordinance the usable floor area is only that area having at least four feet (4') clear height between floor and ceiling.

Street. A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Temporary use of building. A use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

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

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

- a. *Front yard:* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- b. *Rear yard:* An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- c. *Side yard:* An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

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

provisions of the township zoning ordinance or authorized variance therefrom.

Zoning exceptions and variances.

- a. *Exception:* An exception is a use permitted only after review of an application by the Board of Appeals or Commission other than the Administrative Official (Building Inspector), such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by this Ordinance.
- b. *Variance:* A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

- c. The "exception" differs from the "variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this Ordinance appear as "special approval" by Planning Commission, Legislative Body, or Board of Appeals. These land uses could not be conveniently allocated to one zone or another, or the affects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:
 1. They require large areas,
 2. They are infrequent,
 3. They sometimes create an unusual amount of traffic,
 4. They are sometimes obnoxious or hazardous,
 5. They are required for public safety and convenience.

(Amended: Ord. No. 17D, 1-15-75; Ord. of 6-1-83; Ord. No. 17N, 10-30-96; Ord. No. 17T, 5-3-2000; Ord. of 8-27-03; Ord. of 6-4-03; Ord. of 7-25-07)

Cross reference— Junkyards, § 22.001; noise, § 73.002; garbage, etc., § 81.001; relating to soil removal, § 83.002; relating to water supply system revenue bonds, § 85.001; sewer use and rates, § 86.002; mobile homes, § 115.001.

ARTICLE III

FOOTNOTE(S):

⁽²¹⁾ **Cross reference**— A-1 District, Pt. 132, Art. IV; R-1 District, Pt. 132, Art. IV; RM-1 District, Pt. 132, Art. V; B-1 District, Pt. 132, Art. VI; B-2 District, Pt. 132, Art. VII; I-1 District, Pt. 132, Art. VIII; Mobile Home Park District, Pt. 132, Art. XXI.

132.300 - ZONING DISTRICTS AND MAPS

132.301 - Districts established.

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

A-1

Agricultural District

R-1

One-Family Residential District

RM-1

Multiple-Family Residential District

[MHP]

Mobile Home Park District

B-1

Local Business District

B-2

General Business District

I-1

Light Industrial District

(Ord. of 7-25-07)

132.302 - District boundaries.

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

132.303 - Same—Rules regarding.

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

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
7. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Appeals shall interpret the district boundaries.
8. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the

center of any public right-of-way.

132.304 - Zoning of vacated areas.

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

132.305 - [Provisions.]

All buildings and uses in any District shall be subject to the provisions of Article X, "General Provisions" and Article XI, "General Exceptions."

ARTICLE IV

FOOTNOTE(S):

⁽²²⁾ **Cross reference**— Zoning districts and maps, Pt. 132, Art. III.

132.400 - A-1 AGRICULTURAL DISTRICT

132.401 - Intent.

The A-1 Agricultural District is designated to be the most restrictive of the residential districts for rural residential purposes. This district is also intended to provide for agricultural and agriculturally related uses. These areas of the township generally have lower population densities, generally poor soils for on-site sewage disposal, no public sewer, limited or no public water service, and limited other public services. Plans for improving public services are limited due to the relatively low population and larger, more open areas.

(Ord. of 7-25-07)

132.402 - Principal uses permitted.

In an A-1 Agricultural District, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

- (1) Farms (see definition) when located on a parcel of land ten (10) acres or more in area located outside the boundaries of either a proprietary or supervisor's plat.

A farm shall be subject to the health and sanitary regulations of St. Clair County and the State of Michigan. No farm shall be operated for the disposal of garbage, sewage (except when such sewage is applied by State approved methods for the purpose of fertilizing the soil on a farm and when approved by the Township Board), rubbish, offal or rendering plants, or for slaughtering of animals (except such animals as may have been raised on the premises immediately prior thereto and for the use and consumption by persons residing on the premises).

- (2) Raising of livestock and farm animals (but not including feedlots, see definition) for the purpose of this ordinance, shall constitute a farm and require at least ten (10) acres. No livestock or animal buildings or pens shall be located closer than fifty (50) feet from any abutting R-1 or RM-1 district. (Michigan's "generally accepted

agricultural and management practices" (GAAMPS) may require a greater setback to avoid a nuisance suit.) All livestock and farm animals shall be kept within a fenced enclosure. All livestock or animal buildings and enclosures shall be kept in a well maintained condition.

Comment: The farm operator is advised that to avoid potential nuisance suits, the raising of livestock and farm animals should be conducted and sited in accordance with the Michigan "generally accepted agricultural and management practices" (GAAMPS) under PA 261 of 1999. The Township under this ordinance is not incorporating the GAAMPS by reference in this ordinance.

- (3) An Accessory Residential Animal Hobby on non-farm lots or parcels outside of an existing residential plat, subdivision, and condominium development, unless such development is originally designed to provide for said accessory residential animal hobbies as provided herein.

Raising of hobby animals on parcels of land less than ten (10) acres in area shall be limited to one (1) animal unit for the first five (5) acres, plus one additional animal unit for each two (2) additional acres. Such use shall be accessory to an existing residence located on the same lot or parcel. Animals kept for a bona fide youth club or class project are included under this permitted use. All hobby animals shall be kept within a fenced enclosure or other appropriate barrier sufficient to contain hobby animals on the premises. No hobby animals or animal buildings, pens, or corrals shall be located closer than fifty (50) feet from any abutting property line, except that hobby animal paddocks (see definition) may extend to a fence at the established property line.

Note—All other hobby animal types not in the table below are to be calculated as one thousand pounds live weight equals one animal unit.

All hobby animals or animal buildings and enclosures shall be kept in a well-maintained condition, and waste products shall not create a health hazard or an animal nuisance. Storage or piling of waste products shall be confined to areas where hobby animal buildings and quarters are permitted (accessory building) and away from wells, water bodies, and drainage ways. Notwithstanding the below table, offspring of said animals may be kept on the premises for the time period which is customary for the species involved.

A plot plan (not a full site plan) is required for this use (See section 132.1416.6).

On five (5.0) to 6.99, seven (7.0) to 8.99, or nine (9.0) to 9.99 acre parcels the following numbers of hobby animals shall be allowed.

Type of Hobby Animal	Number of Hobby Animals Allowed On		
	5-6.99 Acres	7-8.99 Acres	9-9.99 Acres
Cattle (slaughter & feeder)	2	3	3
Horse	2	3	4
Mature dairy cattle (milked or dry)	-	2	3
<i>EQUIVALENTS</i> ¹			

Swine ²	2	5	7
Sheep, lambs, goats	10	20	30
Turkeys	30	60	90
Laying hens	30	60	90
Ducks, geese	5	10	15
Ostrich, emu, llama	2	4	6

¹The animal equivalents shown here are based on U.S. Code of Federal Regulations: 40 CFR122, Appendix B (§ 122.23)

²Each weighing over 25 kilograms, approx. 55 lbs.

- (4) Sale of agricultural products raised or grown on the farm premises (including roadside stands, subject to the provisions in the paragraph immediately following below) for such sales, and sale of agricultural related items such as seeds and fertilizers when carried on entirely within the dwelling or accessory buildings and when carried on as an accessory use to a farm.

In the case of roadside sales and roadside stands, a given sale shall not extend for more than a three (3) month season. There shall be no more than two (2) seasonal sales permitted in a calendar year. The roadside stand shall be located not less than ten (10) feet from the existing road right-of-way; and an open area for patron's parking shall be provided subject to the same ten-foot setback and shall be improved sufficiently to permit safe and reasonable ingress and egress. All structures or buildings used for the sale shall be of portable construction, temporary, non-permanent, and not anchored to the site. Said structures must be removed from the front yard of the premises within ten (10) days from the termination of a given seasonal sale.

A plot plan (not a full site plan) is required for this use (see section 132.1416.6).

- (5) Dwellings, single-family.
- (6) Open space preservation development (residential clustering) as provided in Section 132.1421.
- (7) Foster family homes (1—4 children) and foster group homes (5—6 children). See definitions.
- (8) Family day care homes (1—6 children). See definition.
- (9) State licensed residential facilities for six (6) or fewer persons, subject to the notification and subject to a limit of a one thousand five hundred-foot radius spacing between facilities. See definition.
- (10) Swimming pools subject to the requirements of Section 132.1424.
- (11) A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. An application for zoning compliance under Sections 132.1604 and 132.1605 shall be made. The following additional conditions and restrictions shall apply:
- a. Such home occupation shall be carried on entirely within the dwelling and exclusively by the inhabitants thereof.
 - b. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or

is provided incidental to the service or profession conducted therein.

- c. Such occupation shall not require internal or external alteration or construction features, equipment, machinery, or outdoor storage.
 - d. Such occupation shall not exceed the use of more than twenty-five (25) percent of the total floor area of the dwelling, but in no event more than five-hundred (500) square feet of floor area.
 - e. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off street, and other than in the required front yard.
 - f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot on which the occupation is conducted. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interferences, or causes fluctuations in line voltage off the premises.
 - g. No signage shall be allowed for a home occupation.
- (12) Publicly owned and operated libraries, parks, parkways, and recreational facilities.
 - (13) Public, parochial and other private elementary schools offering courses in general education, and not operated for profit.
 - (14) Cemeteries which lawfully existed at the time of adoption of this Ordinance.
 - (15) Accessory buildings and uses, customarily incident to any of the above permitted uses.

(Ord. of 7-25-07)

132.403 - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to review and approval of the Planning Commission under the provisions of Article XIII:

- (1) Feedlots (see definition) and the raising of fur bearing animals as provided in Section 132.1313.
- (2) Commercial composting facilities as provided in Section 132.1314.
- (3) Kennels and animal clinics as provided in Section 132.1315.
- (4) Plant and tree nurseries and greenhouses with sales areas.
- (5) Bed and breakfast facilities (see definition) as provided in Section 132.1316.
- (6) Group (child) day care home (see definition) as provided in Section 132.1317.
- (7) Places of worship (churches, synagogues, mosque, temple, etc.) and other facilities normally incidental thereto subject to the following conditions:
 - a. Buildings of greater than the maximum height allowed in Article XII, "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.
 - b. All access to the site shall be in accordance with Section 132.1418.
- (8) Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit. Access to the site shall be in accordance with Section 132.1418.
- (9) Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
- (10) Private non-commercial recreational areas; institutional or community recreation centers; non-profit swimming

pool clubs as provided in Section 132.1318.

- (11) Large scale recreation as provided in Section 132.1319.
- (12) Golf courses, which may or may not be operated for profit, as provided in Section 132.1320.
- (13) Communication towers as provided in Section 132.1326.
- (14) Private use landing areas as provided in Section 132.1322.
- (15) Cemeteries when located on sites of 50 acres or more as provided in Section 132.1323.
- (16) Mining and extraction as provided in Section 132.1324.
- (17) Contractor's and Storage of Commercial Vehicles and Equipment as provided in Section 132.1325.
- (18) Uses similar to the uses listed in this section.
- (19) Accessory buildings and uses customarily incident to the uses listed in this section.

(Ord. of 7-25-07)

132.404 - Area and bulk requirements.

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

(Ord. of 7-25-07)

ARTICLE V

FOOTNOTE(S):

⁽²³⁾ **Cross reference**— Zoning districts and maps, Pt. 132, Art. III.

132.450 - R-1 ONE-FAMILY RESIDENTIAL DISTRICT

132.451 - Intent.

The One-Family Residential District (R-1) is designed to provide residential areas where urban services and facilities (including central sewer and water supply systems) either currently exist or are more likely to be extended in the future. Such residential land uses will generally be served by paved roads and will be in areas more readily served by police and fire services. Some areas may be in transition from agricultural and other more rural land uses to residential ones. The intent is to develop and protect areas in this district for current and future residential and related land uses.

(Ord. of 7-25-07)

132.452 - Principal uses permitted.

In an R-1 One-Family Residential District, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

- (1) Dwellings, single-family.
- (2) Home occupations, as originally regulated under Section 132.402 (11).
- (3) Swimming pools subject to the requirements of Section 132.1424.
- (4) Foster family homes (1—4 children) and foster group homes (5—6 children). See definitions.

- (5) Family day care homes (1—6 children). See definition.
- (6) State licensed residential care facilities for six (6) or fewer persons. See definition.
- (7) An Accessory Residential Animal Hobby, as originally regulated under Section 132.402(3).
- (8) Farms, as originally regulated under Section 132.402(1).
- (9) Raising of livestock and farm animals, as originally regulated under Section 132.402(2).
- (10) Sale of agricultural products, as originally regulated under Section 132.402(4).
- (11) Publicly owned and operated libraries, parks, parkways, and recreational facilities.
- (12) Public, parochial and other private elementary schools offering courses in general education, and not operated for profit.
- (13) Accessory buildings and uses customarily incident to the uses listed in this section.

(Ord. of 7-25-07)

132.453 - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to review and approval of the Planning Commission under the provisions of Article XIII:

- (1) Bed and breakfast facilities (see definition) as provided in Section 132.1316.
- (2) Group (child) day care home (see definition) as provided in Section 132.1317.
- (3) Places of worship (churches, synagogues, mosque, temple, etc.) and other facilities normally incidental thereto, as originally regulated under Section 132.403(7).
- (4) Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit, as originally regulated under Section 132.403(8).
- (5) Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
- (6) Private non-commercial recreational areas; institutional or community recreation centers; non-profit swimming pool clubs as provided in Section 132.1318.
- (7) Golf courses, which may or may not be operated for profit, as provided in Section 132.1320.
- (8) Uses similar to the above uses.
- (9) Accessory buildings and uses customarily incident to the uses listed in this section.

(Ord. of 7-25-07)

132.454 - Area and bulk requirements.

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

(Ord. of 7-25-07)

ARTICLE VI

FOOTNOTE(S):

⁽²⁴⁾ **Cross reference**— Zoning districts and maps, Pt. 132, Art. III.

132.500 - RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

132.501 - Intent.

The RM-1 Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the non-residential districts and lower density Single-Family Districts. The Multiple-Family District is further provided to serve the limited needs for the apartment type of units.

(Ord. of 7-25-07)

132.502 - Principal uses permitted.

In an RM-1 Multiple-Family Residential District, no building or land shall be used and no building shall be erected, except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance.

- (1) Multiple-family dwellings.
- (2) Community garages serving the principal residential building(s), containing space for no more than two (2) passenger vehicles for each dwelling unit.
- (3) Maintenance and management building(s) to serve multiple-family dwellings.
- (4) Private swimming pool designed and operated only for occupants of the principal building and their personal guests.
- (5) Two-family dwellings.
- (6) Dwellings, single-family.
- (7) Home occupations, as originally regulated under Section 132.402(11).
- (8) Swimming pools subject to the requirements of Section 132.1424.
- (9) Foster family homes (1—4 children) and foster group homes (5—6 children). See definitions.
- (10) Family day care homes (1—6 children). See definition.
- (11) State licensed residential care facilities for six (6) or fewer persons. See definition.
- (12) Publicly owned and operated libraries, parks, parkways, and recreational facilities.
- (13) Accessory buildings and uses customarily incident to the uses listed in this section.

(Ord. of 7-25-07)

132.503 - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to review and approval of the Planning Commission under the provisions of Article XIII:

- (1) Senior housing when the following conditions are met:
 - a. All housing for seniors shall be provided as a planned development consisting of at least five (5) acres and may provide for the following:
 - (1) Cottage type dwellings and/or apartment type dwelling units.
 - (2) Common services containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.

- b. All dwellings shall consist of at least three hundred fifty (350) square feet per unit (not including kitchen and san
 - c. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site exclusive of any dedicated public right-of-way.
- (2) Convalescent or rest homes, homes for the aged, indigent or handicapped, and orphanages, licensed by the state and subject to the conditions of Section 132.1327.
 - (3) Medical clinics, pharmacies, and branch units of hospitals when integrated into the immediate residential development(s) of an RM-1 District.
 - (4) Child care centers (day care centers) as provided in Section 132.1328.
 - (5) Group (child) day care home (see definition) as provided in Section 132.1317.
 - (6) Places of worship (churches, synagogues, mosque, temple, etc.) and other facilities normally incidental thereto, as originally regulated under Section 132.403(7).
 - (7) Public, parochial and private elementary, intermediate and/or secondary schools offering courses in general education, not operated for profit. Access to the site shall be in accordance with Section 132.1418.
 - (8) Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
 - (9) Private non-commercial recreational areas; institutional or community recreation centers; non-profit swimming pool clubs as provided in Section 132.1318.
 - (10) Golf courses, which may or may not be operated for profit, as provided in Section 132.1320.
 - (11) Uses similar to the above uses.
 - (12) Accessory buildings and uses customarily incident to the uses listed in this section.

(Ord. of 7-25-07)

132.504 - Area, bulk, and street requirements.

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

Streets within multiple family developments. Where developments in this district have internal streets provided to serve attached or detached dwelling units which have individual driveways leading to or serving as the parking area for each dwelling unit, said streets shall be designed and constructed to meet the standards set for in the St. Clair County Road Commission's "Procedures for Plat Street Development."

(Ord. of 7-25-07)

ARTICLE VII

FOOTNOTE(S):

⁽²⁵⁾ **Cross reference**— Zoning districts and maps, Pt. 132, Art. III.

132.550 - MHD MANUFACTURED HOME DEVELOPMENT DISTRICTS

132.551 - Intent.

The MHD, Manufactured Home Development Districts are a higher-density residential district. The rules are those set forth by the Michigan Manufactured Home Commission, except for the following regulations designed to provide adequate space and land use separation in harmony with the Township's other zoning districts.

(Ord. of 7-25-07)

132.552 - Principal uses permitted.

In an MHD Manufactured Home Development District, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

- (1) Dwellings, single family.
- (2) Two-family dwellings.
- (3) Foster family homes (1—4 children) and foster group homes (5—6 children). See definitions.
- (4) Family day care homes (1—6 children). See definition.
- (5) State licensed residential care facilities for six (6) or fewer persons. See definition.
- (6) Home occupations, as originally regulated under Section 132.402(11).
- (7) Publicly owned and operated libraries, parks, parkways, and recreational facilities.
- (8) Manufactured Housing Communities (previously sometimes known as mobile home parks), as defined and subject to the requirements as established and regulated by Act 419 of the Public Acts of 1976, as amended, and subject to the provisions of a., b., and c. below.
 - a. Review and preliminary approval of manufactured housing community plans.
 1. Review. Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community, or construction of any building within the community not previously approved, a plan shall be presented to the Planning Commission for its review and approval.
 2. Application. All plans submitted to the Planning Commission for review under this section shall contain the following information:
 - i. Every preliminary site plan submitted for review by the Planning Commission shall be a complete application and in accordance with the requirements of this ordinance. Fifteen (15) copies of the preliminary site plan shall be submitted with the application.
 - ii. The name and address of the property owner and developer.
 - iii. The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, architectural, or planning firms responsible for the preparation of the site plan.
 - iv. The date, north arrow and scale. The scale shall not be less than one (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.
 - v. All property lines are to be shown in dimension.
 - vi. The location and height of all existing structures on and within the subject property, and existing within one hundred (100) feet of the subject property.
 - vii. The typical location and typical dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, and community buildings.
 - viii. The location of all proposed open space and recreation areas with written assurance that it meets the

requirements of Rule 946 of the Manufactured Housing Commission.

- ix. The location of all proposed landscaping and buffering.
 - x. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
 - xi. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
 - xii. Location of all fire hydrants, if applicable.
 - xiii. The number of manufactured housing sites proposed.
 - xiv. The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal.
 - xv. Utility and other easements.
 - xvi. Existing wetlands.
 - xvii. A description of stormwater management facilities with written assurance that surface drainage facilities will meet the requirements and standards of Part of the MDEQ (Michigan Department of Environmental Quality).
 - xviii. Proposed sign locations.
 - xix. A statement of all required setbacks and separation distances.
3. Provided, however, that detailed construction plans shall not be required to be submitted to the Township.
 4. Fee. Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.
 5. Decision.
 - i. The plan shall be reviewed by the Planning Commission for compliance with the design standards for manufactured housing communities contained in this Chapter, and the regulations of the Michigan Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the Ordinance and regulations, it shall be approved.
 - ii. The plan shall be approved, approved with conditions, or denied within sixty (60) days after received by the Township, unless the applicant consents to allow a longer period of review.
 6. A copy of the final construction plan shall be submitted to the Township upon approval by the Michigan Department of Consumer and Industry Services.
 7. Noncompliance. Any substantial noncompliance with the approved preliminary site plan, shall be reported to the Manufactured Housing Division of the Michigan Department of Consumer and Industry Services for remedy along with all pertaining evidence.
- b. Manufactured Housing Community Requirements: State-licensed manufactured housing communities (also previously known as mobile home parks) are a permitted use in the MHD, Manufactured Home Development district subject to the following requirements. It is the Township's intention to provide for this high density land use in a manner similar to that which other high density residential land uses are accommodated.
 1. Site Size. A fifteen (15) acre site shall be the minimum site size.
 2. Access and Roads.
 - i. The proposed site location shall be governed by the requirements of Section 11 of the Mobile Home

Commission Act and Rule 920(1)(b) of the Manufactured Housing Commission Rules.

- ii. Two access points shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall be interpreted as satisfying this requirement.
- iii. All internal roads shall be constructed of concrete or bituminous asphalt and be supported by a suitable sub-grade in compliance with the standards of the American Association of State Highway and Transportation Officials ("AASHTO").
- iv. Maximum cul-de-sac length shall be one thousand (1,000) feet. A blunt-end road is prohibited. An internal road that has no exit at one (1) end shall terminate with an adequate turning area which is to be approved by the local fire department serving the subject location. Parking shall not be permitted within the turning area.
- v. Safe-sight distance shall be provided at intersections.
- vi. An offset at an intersection or an intersection of more than two internal roads is prohibited.
- vii. The following types of internal roads shall have driving surfaces that are not less than the following widths:
 - (01) One-way, no parking16 feet
 - (02) Two-way, no parking21 feet
 - (03) One-way, parallel parking, one side23 feet
 - (04) One-way, parallel parking, two sides33 feet
 - (05) Two-way, parallel parking, one side31 feet
 - (06) Two-way, parallel parking, two sides41 feet
- viii. All entrances to communities that have 300 or more home sites shall be a minimum of thirty (30) feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road, and shall be constructed as follows:
 - (01) All turning lanes shall be a minimum of ten (10) feet in width and sixty (60) feet in depth, measured from the edge of the pavement of the public road into the community.
 - (02) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of sixty (60) feet.
 - (03) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road with a curved line that has a minimum radius of fifteen (15) feet. The intersection of the public road and the ingress and egress road shall not have squared corners.
 - (04) Entranceway structures, including but not limited to, walls, columns and gates marking the entrance to a manufactured housing community, may be permitted, and may be located in a required setback, except that required corner clearance as provided under section 132.1413 shall be maintained. Such entranceway structure(s) shall comply with the Michigan Building Code. A driveway permit shall be obtained from the St. Clair County Road Commission or Michigan Department of Transportation (MDOT) as may be appropriate and must approve such proposed entranceway structures if located within the public road right-of-way.
- ix. An orderly street name system and unit numbering system shall be established by the community owner and the plan of such system approved by the local fire department serving the subject location

or other controlling public authority as may be appropriate. Manufactured home space numbers shall be located uniformly on each space, housing unit, or identification marker, throughout the community, and street names shall be adequately marked at all internal road intersections.

- x. Appropriate traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.
3. Driveways.
- i. Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials.
 - ii. The minimum width of driveways shall be ten (10) feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.
4. Resident Vehicle Parking.
- i. All home sites shall be provided with two (2) parking spaces.
 - ii. If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:
 - (01) The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable sub-grade in compliance with the standards of AASHTO.
 - (02) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than nine (9) feet and the combined length shall not be less than forty (40) feet. If spaces are side by side, then the combined width of the two (2) parking spaces shall not be less than eighteen (18) feet and the length shall be not less than twenty (20) feet.
 - (03) If the two (2) resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within thirty (30) feet of the home site and each parking space shall have a clear parking width of nine (9) feet and a clear length of twenty (20) feet.
 - (04) If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of nine (9) feet and a clear length of twenty (20) feet.
5. Visitor Parking Facilities.
- i. A minimum of one parking space for every three (3) home sites shall be provided for visitor parking.
 - ii. Visitor parking shall be located within five hundred (500) feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.
 - iii. If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of nine (9) feet and a clear length of twenty (20) feet.
6. Sidewalks.
- i. Public Sidewalks. Concrete sidewalks, five (5) feet in width, shall be required along that portion of a community fronting along public road(s). Such sidewalk shall be located within the road right-of-way or easement, beginning one (1) foot inside the right-of-way line.
 - ii. Sidewalks shall be constructed in the community and maintained for the safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. Sidewalks shall be installed along one side of all internal

collector roads within the community and to the public right-of-way and to all service facilities including but not limited to central laundry, central parking, and recreation areas.

- iii. All sidewalks shall be constructed in compliance with all of the following requirements:
 - (01) Sidewalks shall have a minimum width of 4 feet and shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 et seq. of the Michigan Compiled Laws, an act which regulates sidewalks for handicappers.
 - (02) All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.
- iv. An individual sidewalk with a minimum width of three (3) feet shall be constructed between at least one (1) entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or the common sidewalk.
- v. No portion of any off-street parking area shall be considered part of the sidewalk system.

7. Lighting.

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

8. Utilities Required to be Constructed by Developer.

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

community may be established by the St. Clair County Drain Commissioner, pursuant to Section 11(3) of Public Act 96 of 1987, as amended.

9. Individual home site size, spacing, setback, and fence requirements and pool location.
 - i. Home site area. The manufactured housing community shall be developed with sites averaging five thousand five hundred (5,500) square feet per manufactured housing unit. This five thousand five hundred (5,500) square feet average may be reduced by twenty (20) percent provided that each individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of the average site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code, and section 132.552 (8) b. 11. (Open Space Requirements of this Article VII, that follow below).
 - ii. Required distances between homes and other structures.
 - (01) Home sites shall be arranged to allow for, and manufactured homes shall be located to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:
 - (A) For a home not sited parallel to an internal road, twenty (20) feet from any part of an attached structure of an adjacent home that is used for living purposes.
 - (B) For a home sited parallel to an internal road, fifteen (15) feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
 - (C) Ten (10) feet from either of the following:
 - (01.) The parking space on an adjacent home site.
 - (02.) An attached or detached structure or accessory of an adjacent home that is not used for living purposes.
 - (D) Fifty (50) feet from permanent community-owned structures, such as either of the following:
 - (01.) Club houses.
 - (02.) Maintenance and storage facilities.
 - (E) One hundred (100) feet from a baseball or softball field.
 - (F) Twenty-five (25) feet from the fence of a swimming pool.
 - (02) Attached or detached structures or accessories that are not used for living space shall be a minimum of ten (10) feet from an adjacent home or its adjacent attached or detached structures.
 - (03) Any part of an accessory structure, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures shall be set back the following minimum distances:
 - (A) Ten (10) feet from the edge of an internal road.
 - (B) Seven (7) feet from a parking bay off a home site.
 - (C) Seven (7) feet from a common sidewalk.
 - (D) Twenty-five (25) feet from a natural or man-made lake or waterway.
 - (04) A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side:

- (A) Support pillars that are installed adjacent to the edge of an internal road shall be set back four (4) feet or more from the edge of the internal road or two (2) feet or more from the edge of a sidewalk.
 - (B) Roof overhangs shall be set back two (2) feet or more from the edge of the internal road.
 - (05) Steps and their attachments shall not encroach into parking areas more than three and one-half (3½) feet.
- iii. Setbacks from property boundary lines.
- (01) Homes, permanent buildings and facilities, and other structures shall not be located closer than twenty (20) feet from the property boundary line of the community.
 - (02) If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than fifty (50) feet from the boundary line. If the boundary line runs through the center of the public road, then the fifty (50) feet shall be measured from the road right-of-way line.
- iv. Fences on individual home sites. Fences on individual home sites shall be uniform in height, not-to-exceed thirty-six (36) inches, and shall be constructed in such a manner as to provide firefighters an access to at least two (2) gates.
- v. Pool location. Free standing swimming pools, spas, hot tubs and similar devices shall not be located between any home and roadway. Swimming pools, spas, hot tubs and similar devices are further regulated under Section 132.1424. Swimming pools, if provided, shall be in compliance with Act 368 of the Public Acts of 1978, as amended, and the rules promulgated thereunder.
10. Screening/landscaping: Manufactured housing communities shall provide the following screening, buffering and landscaping:
- i. If a manufactured home development abuts an existing residential development, the development shall provide screening along the boundary line abutting the adjacent development, if not in conflict with existing utilities.
 - ii. In all cases, a community shall provide screening along the boundary abutting a public right-of-way.
 - iii. The landscaping shall consist of evergreen trees or shrubs which are spaced so they provide a continuous screen at maturity.
 - iv. Landscape material shall consist of evergreen trees a minimum of four (4) feet in height at installation and evergreen shrubs a minimum of three (3) feet in height at maturity.
 - v. Alternative screening techniques (earth berms, fences, etc.) may be approved by the Planning Commission based upon a landscape plan for the site if they conceal the manufactured home development as effectively as the required landscaping described above.
 - vi. Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.
11. Open space requirements.
- i. A community that contains fifty (50) or more sites shall have not less than two (2) percent of the community's gross acreage dedicated to designated open space, but in no case less than twenty-five thousand (25,000) square feet. At least one-half (½) of the required open space, up to two (2) acres,

shall be dedicated to community recreation uses, such as, but not limited to, picnic areas, athletic fields, playgrounds, walking trails, basketball courts, and lawn game areas.

- ii. Required setbacks may not be used in the calculation of open space area. No part of a waste water lagoon(s) and any appurtenances thereto shall be considered a part of any required open space.
12. Site constructed buildings, dwellings, and additions to manufactured homes.
- i. Site constructed buildings within the community such as community buildings or laundries, but not including manufactured homes and their HUD approved accessory buildings, shall be reviewed by the Township at the time of submission for a building permit under the Michigan Building Code, unless approved as part of the original plan for the community. Provision of an emergency storm shelter(s) of adequate capacity for the full development is recommended. A community building(s), maintenance building(s), or other site building(s) of appropriate construction for protection and general availability of space for shelter use, may be used and identified as a storm shelter(s).
 - ii. The maximum height of any community or similar building shall not exceed thirty-five (35) feet, or two (2) stories in height, whichever is less. Storage or service buildings shall not exceed fifteen (15) feet, or one (1) story in height.
 - iii. Community or service buildings shall not be located adjacent to an adjoining parcel that is either zoned or developed for single-family residential purposes, unless wall or greenbelt (sections 132.1414 and 132.1423) is provided for that area.
 - iv. Site-built single-family dwellings may be located in a community as follows:
 - (01) One (1) single-family dwelling may be permitted for the exclusive use of the community owner or manager in a community of thirty (30) acres or less.
 - (02) Two (2) single-family dwellings may be permitted for the exclusive use of the community owner, manager, or caretaker in a community in excess of 30 acres.
 - (03) Any such single-family dwellings permitted under this section shall comply in all respects with the requirements of single-family dwellings in the R-1, One-Family Residential District.
 - v. Any addition to a manufactured home unit that does not comply with the standards of the U.S. Department of Housing and Urban Development for manufactured homes and any site built garages or carports shall comply with the Michigan Building Code. A carport or garage shall not exceed five-hundred seventy-six (576) square feet.
13. Signs. There shall be a maximum of one (1) sign per road frontage which has an entrance which shall bear only the name of the community. The sign may be lighted, provided that the source of the light is not visible and is not of the flashing or intermittent type. One (1) sign, not exceeding thirty-two (32) square feet in area shall be permitted for the first entrance provided to the community. For multiple entrances, a sixteen (16) square foot sign shall be permitted at each entrance after the first. Signs may be doubled-faced, but each side of the sign shall have identical copy and be flush with the other side. Signs shall not exceed eight (8) feet in height.
- Signs purely for traffic regulation and direction within the manufactured housing community may be utilized as required.
14. RV Storage. If boats, boat trailers, and utility trailers are permitted to be parked within the manufactured housing community, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this ordinance and

shall be adequately locked, fenced and permanently buffered.

Such storage shall not be located adjacent to an adjoining parcel that is either zoned or developed for single-family residential purposes, unless wall or greenbelt (Sections 132.1414 and 132.1423) is provided for that area.

15. Compliance with Regulations. The design, layout, construction and use of a manufactured housing community shall in all other respects comply with the regulations on the design, construction and use of manufactured housing communities, the sale and leasing of manufactured housing lots and all other aspects of the construction and use of manufactured housing communities, as set forth in the rules of the Michigan Manufactured Housing Commission, as amended from time to time.
- c. Manufactured homes within manufactured housing communities: Operation of communities.
1. Home size. Manufactured homes within a community shall not contain less than seven hundred sixty (760) square feet of area, as measured by the outside dimensions, nor have an outside width of less than thirteen (13) feet.
 2. Installation. The installation of manufactured housing on each site within the community shall conform with the requirements of Rule 602 and Rule 602A of the Manufactured Housing Commission Rules. All utility connections to homes within the community shall be performed in accordance with the requirements of Rule 603 of the Manufactured Housing Commission Rules.
 3. Skirting shall be installed around all manufactured housing units and meet all of the following requirements:
 - i. All skirting shall be installed prior to the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed ninety (90) days. All skirting shall meet the requirements established by the rules of the Michigan Manufactured Housing Commission.
 - ii. Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.
 4. Storage of personal property.
 - i. Except as otherwise noted in this Ordinance, no personal property, including tires, shall be stored outside or under any manufactured housing, or within carports which are open on any side. Towing mechanisms, including axles, are not subject to this provision.
 - ii. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on either a finished wooden deck, a concrete or bituminous asphalt patio or equivalent type of surface associated with the home.
 - iii. Storage sheds with a maximum area of one hundred forty-four (144) square feet may be placed upon any individual manufactured housing site for the storage of personal property.
 5. Towing mechanisms: Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however be stored under manufactured homes within a community.

6. Use: A manufactured home shall be used only as a single family dwelling. This provision shall not be construed as prohibiting the siting of model manufactured homes on licensed sites in a manufactured housing community.
 7. Vehicle repair/inoperable vehicle storage: No major vehicular repair, changing of oil or use of other potentially hazardous materials or procedures is permitted within the community. Further, no vehicles which are inoperable for a period of 72 consecutive hours shall be stored and/or remain in any outdoor area associated with the developed community property. Also see Section 132.1339 (regarding new open parking or storage of vehicles, junk, etc.).
 8. Occupancy: No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary, prior to building official inspection and approval.
 9. Manufactured home sales: New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed dealer or broker, provided that manufactured housing development management permits the sale, pursuant to Section 28A of the Mobile Home Commission Act, Act 96 of 1987 as amended.
 10. Community maintenance: The owner or operator of any community shall be responsible for all private street maintenance within the confines of the community and shall be responsible for all snow removal within the confines of the community and shall be responsible for picking up trash and garbage within the confines of the community.
 11. Storage of combustible items: Individual fuel oil, liquid petroleum, or other fuel tanks or combustible personal property shall not be permitted to be stored in or under any home.
 12. Garbage containers: Each home site shall be provided with approved garbage containers that meet the requirements of the Manufactured Housing Commission. The containers shall be kept in sanitary conditions at all times. It shall be the responsibility of the community operator to ensure that all garbage containers do not overflow and to ensure that all areas within the community are maintained free from any trash or other discarded materials.
 13. Fire extinguishment equipment: Every community shall be equipped with fire extinguishment equipment in good working order, with type, size and number so located as to be in compliance with Rule 702A of the Manufactured Housing Commission Rules. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with the regulations of the State Police Fire Marshal Division.
- (9) Community garages serving a manufactured housing community, containing space for no more than two (2) passenger vehicles for each dwelling unit.
 - (10) Maintenance and management building(s) to serve a manufactured housing community.
 - (11) Community building(s) designed and operated only for the residents of a manufactured housing community and their personal guests, which may include a community lounge, a laundry, a swimming pool, and/or other recreational facilities incidental to the community.
 - (12) Swimming pools subject to the requirements of Section 132.1424.
 - (13) Accessory buildings and uses customarily incident to the uses listed in this section.

(Ord. of 7-25-07)

132.553 - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to review and approval of the Planning Commission under the provisions of Article XIII:

- (1) Child care centers (day care centers) as provided in Section 132.1328.
- (2) Group (child) day care home (see definition) as provided in Section 132.1317.
- (3) Places of worship (churches, synagogues, mosque, temple, etc.) and other facilities normally incidental thereto, as originally regulated under Section 132.403(7).
- (4) Public, charter public, parochial and private elementary, intermediate and/or secondary schools offering courses in general education, not operated for profit. Access to the site shall be in accordance with Section 132.1418.
- (5) Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
- (6) Private non-commercial recreational areas; institutional or community recreation centers; non-profit swimming pool clubs as provided in Section 132.1318.
- (7) Golf courses, which may or may not be operated for profit, as provided in Section 132.1320.
- (8) Uses similar to the above uses.
- (9) Accessory buildings and uses customarily incident to the uses listed in this section.

(Ord. of 7-25-07)

132.554 - Area and bulk requirements.

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

(Ord. of 7-25-07)

ARTICLE VIII

FOOTNOTE(S):

⁽²⁶⁾ **Cross reference**— Zoning districts and maps, Pt. 132, Art. III.

132.600 - B-1 LOCAL BUSINESS DISTRICT

132.601 - Intent.

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

(Ord. of 7-25-07)

132.602 - Principal uses permitted.

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

1. Hardware store (444130).
2. Convenience food stores (445120).
3. Specialty food stores (4452), including fruit and vegetable markets (445230), meats markets (445210), fish and seafood markets (445220), specialty food retail stores (including dairy product store (445299)) and candy, nut, and confectionery store (445292).
4. Baked goods or other foods (445291) and doughnut shops and ice cream parlors (722213).
5. Beer, wine, and liquor stores (445310).
6. Pharmacies and drug stores (446110).
7. Book stores (451211) and news dealers and newsstands (451212), except adult uses (see Section 132.702(38)).
8. General merchandise and variety and dollar stores (452990), generally not exceeding ten thousand (10,000) square feet in gross building area.
9. Florists (453110).
10. Stationery store (453210), not including office supplies.
11. Gift, novelty and souvenir shop (453220).
12. Art shops (453920) and photographic studios (541921 and 711510), except those defined as adult entertainment uses (see Section 132.702(38)), and interior decorating studios (541410).
13. All other miscellaneous store retailers (45399), including art supply stores, tobacco and cigar stores, candle shops, and collectors' items.
14. Post office (491110) and similar governmental office buildings which are open to the public and serving persons living in the adjacent residential areas. [Rural route only, post office transfer facilities are not permitted in this district.]
15. Business establishments which perform services on the premises, such as, but not limited to banks (522110), savings and loan companies (522120), credit unions (522130), insurance offices (52411, 52412).
16. Real estate offices, real estate developer office, and related uses (531) and lessors of non-financial intangible assets (533), but not including (532) rental and leasing services providing tangible goods (e.g. automobiles, consumer goods and appliances).
17. Professional, scientific, and technical services (54); including law offices (5411), accounting and related services (5412), architectural, engineering, drafting, surveying, (541380), and related services (5413), interior design (541410), industrial design (541420), graphic design (541430), computer systems design and related services (5415), management, scientific, and technical consulting services including human resources consulting (5416), and advertising and related services (5418), subject to the limitations contained in Section 132.604.
18. Office buildings for any of the following: executive, administrative, professional, management companies (55) and administrative support services (561) including writing, clerical, stenographic, and sales, subject to the limitations contained in Section 132.604.
19. Professional services including the following: offices and clinics of doctors and osteopaths (621111), dentists (621210), and similar or allied professions, but not animal clinics.

20. Repair shops, tailor shops (811490), consumer electronic repairs and maintenance including watches, radios and televisions (811211), shoe and leather goods repair (811430).
21. Personal service establishments which perform services on the premises, such as, but not limited to, barbershops (812111), beauty shops (812112), and health spas and fitness centers without accommodations (713940), except those defined as adult entertainment uses (see Section 132.702(38)).
22. Mortuary establishments (812210), when adequate assembly area is provided for off-street parking for vehicles, to be used in funeral processions. Such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.
23. Dry cleaning establishments (no processing on site) or pickup stations, dealing directly with the consumer (812320) and coin-operated laundries (812310). (Central dry cleaning plants serving generally more than one (1) retail outlet and institutional or industrial launderers (812331 and 812332) shall be prohibited.)
24. Religious organizations (813110), including churches, mosques, temples, synagogues, etc.
25. Publicly owned buildings (9211, 922120, 922160, 922190, 923110, 923120, 923130, 924110, 924120, 925110, 925120, 926130) and public utility offices. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards, but without storage yards; and water and sewage pumping stations (221310, 221320) when operating requirements necessitate the locating of such facilities within the district in order to serve its immediate vicinity.
26. Other uses similar to the uses listed in this section.
27. Accessory structures and uses customarily incident to the permitted uses listed in this section.

(Ord. of 7-25-07)

132.603 - Uses permitted upon special approval.

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

1. Child care centers (624410)[day care centers](see Section 132.1328).
2. Bed and breakfast establishments (721191)(see Section 132.1316).
3. An accessory use customarily related to a principal use authorized by this section.

(Ord. of 7-25-07)

132.604 - Required conditions.

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

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
2. All business, serving, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building except as otherwise provided in this chapter. The outside storage of goods or materials is strictly prohibited.
3. Indoor storage of materials, beyond that normally incident to the permitted uses listed in this division, shall be prohibited.

4. Vending machines shall only be located indoors and shall not be visible from the exterior of the building.

(Ord. of 7-25-07)

132.605 - Area and bulk requirements.

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

(Ord. of 7-25-07)

ARTICLE IX

FOOTNOTE(S):

⁽²⁷⁾ **Cross reference**— Zoning districts and maps, Pt. 132, Art. III.

132.700 - B-2 GENERAL BUSINESS DISTRICT

132.701 - Intent.

- (a) The B-2 general business districts are designed to cater to the needs of a larger consumer population than is served by the local business districts, and are generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic. The B-2 districts are also intended to provide sites for more diversified business types and those serving passersby or vehicular traffic.
- (b) The regulations set forth in this division shall apply in all B-2 districts, and no building, structure or premises, except as otherwise provided in this chapter, shall be erected, altered, or used except for one (1) or more of the uses listed in this division.

(Ord. of 7-25-07)

132.702 - Principal uses permitted.

In all B-2, General Business Districts, no building or land shall be erected or used except for one (1) or more of the following uses; the parenthetical number (000000) listed by each use is taken from the North American Industry Classification System (NAICS), 1997 published by the U.S. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading. However, where it is determined by the Planning Commission that the effects of a listed use may tend to extend beyond the site, then special land use approval shall be required:

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

- retail nursery and garden centers (444220).
7. Supermarkets and other grocery stores (445110).
 8. Health and personal care stores (446), including pharmacies and drug stores (446110), cosmetics, beauty supplies, and perfume stores (446120), optical goods stores (446130), health food supplement stores (446191), and all other health and personal care stores (446199).
 9. Clothing and clothing accessories stores (4481), including clothing for men, women, children and infants, family, clothing accessories, and other clothing such as bridal gowns, fur apparel, hosiery, leather coats, lingerie, swimwear, and uniforms. Custom dress retailers such as bridal gown shops and custom dress makers (448190) and fashion design services (541490) are included.
 10. Shoe stores (448210) and shoe and leather product repair shops (811430).
 11. Jewelry, luggage, and leather goods stores (4483).
 12. Sporting goods stores including bicycle, bowling, golf pro, camping, sporting gun, exercise equipment, sports clothing and uniform shops (451110).
 13. Hobby, toy, and game stores (451120).
 14. Sewing, needlework, and piece goods stores (451130).
 15. Musical instrument and supplies stores (451140).
 16. Pre-recorded tape, compact disc, and record stores (451220).
 17. Office supplies and stationary stores (453210) and office service establishments (561110 and 56143).
 18. Used merchandise stores (453310), including antique shops, used books shops, used clothing stores, used household-type appliance stores, used merchandise thrift shops, and flea markets in accordance with Section 132.704.
 19. Pet and pet supplies stores (453910).
 20. Electronic shopping and mail-order houses (454110), only in conjunction with a retail showroom which shall be a predominant feature of the facility.
 21. Vending machine operators (454210). This industry comprises establishments primarily engaged in retailing merchandise through vending machines at a location that they service.
 22. Radio stations and studios (513112) and Television broadcasting offices and studios (513120).
 23. Rental and leasing services (532), including passenger car rental and leasing (53211), truck, utility trailer, and recreational vehicle (RV) rental and leasing, consumer goods rental (5322) including electronics and appliances, formal wear, home health equipment, recreational goods and general rental centers (532310), but not including Commercial and industrial machinery and equipment rental and leasing (5324).
 24. Videotape, DVD, CD, and/or other media device rental shop (532230), except rental of adult motion pictures (see Sec. 132.702 (#38)).
 25. Graphic design services, including commercial art studios (541430).
 26. Educational services (611), including business and secretarial schools (611410), computer training (611420), professional and management development training (611430), technical and trade schools provided no vehicles or heavy machinery are used on site (61151), fine arts schools (611610), sports and recreation instruction (611620), and language schools (611630).
 27. Social services (624), but not including temporary residential services.
 28. Theatrical producers (711310) and dinner theaters (711110).

29. Museums and art galleries (712110).
30. Amusement arcades (713120), Indoor tennis courts and club facilities, Indoor rinks, ice and roller skating, sports club and physical fitness facilities (713940), bowling alleys and bowling centers (713950), billiard parlors and rooms, indoor archery ranges, dance halls (713990).
31. Eating and drinking places (722110), cafeterias (722212), drinking places (bars and taverns (722410), except drive-in, fast food, or carry out restaurants (722211), and except those adult-oriented entertainment uses (see Section 132.702(38)).
32. Re-upholstery and furniture repair (811420).
33. Personal services (8121), except those adult-oriented entertainment uses (see Section 132.702(38)).
34. Automobile parking for fee (812930).
35. Membership organizations (813410), including community service clubs, fraternal organizations, and lodge halls.
36. Temporary outdoor sales: The temporary outdoor display and sale of live plants, cut flowers, or Christmas trees, which are not part of an otherwise approved open-air business, provided such display or sale is for a period of not more than sixty (60) days per year and is in accordance with Section 132.704.
37. Open Air Business Uses, except those permitted under Section 132.703(5) as special approval uses, in accordance with Section 132.1331.
38. Adult businesses (See definitions); including adult bookstores, adult motion picture theaters, massage parlors (812199), nude modeling studios, premises for nude entertainment, cabarets, and escort services may be permitted in the B-2, General Business [and I-1, Light Industrial] Districts subject to the following requirements;
 - a. It shall be unlawful to establish any adult bookstore, adult motion picture theater, massage parlor, nude modeling studio, or premises for nude entertainment except in the B-2, General Business or I-1, Light Industrial Districts.
 - b. No such uses may be permitted in the B-2, General Business or I-1 Light Industrial District, within two hundred fifty (250) feet (as measured from the nearest lot line of the protected use to the nearest lot line of the location of the proposed use) of any: dwelling; district zoned A-1, R-1, RM-1, or MHD; church, school, playground, or youth center.
 - c. Any of the above stated adult entertainment uses shall not be located within a one thousand-foot radius (as measured from the nearest lot line of the protected use to the nearest lot line of the location of the proposed use) of any other such use.
 - d. Public display (visible from the exterior) of merchandise for sale or viewing shall be prohibited.
39. Other uses similar to the uses listed in this section.
40. Accessory structures and uses customarily incident to the permitted uses listed in this section.

(Ord. of 7-25-07)

132.703 - Uses permitted subject to special approval.

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

1. New automobile and truck agency sales and showrooms (441110) and used automobile and truck sales (441120),

recreational vehicles (441210), motorcycles (441221), boat dealers (441222) or other motor vehicle sales areas (441229) [other than homeowners' gardening equipment and related] as provided in Section 132.1329.

2. Lumber yards and suppliers of prefabricated buildings and kits (444190) as provided in Section 132.1330.
3. Automobile service stations (447) for the sale of gasoline, oil, and minor accessories only (447110), and where no repair work is done other than incidental service, but not including steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work, and such other activities whose external effects could adversely extend beyond the property line.
Gasoline stations with convenience stores (447110) and fueling stations without minor repair services or with other product or services (447190) are included in this category.
 - a. The curb cuts for ingress and egress to and from a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection measured from the edge of the planned road right-of-way or from adjacent A-1, R-1, RM-1 or MHD districts.
 - b. The minimum lot area shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Automobile service stations which are intended solely for the sale of gasoline, oil, and minor accessories and having no facilities for repair or servicing of automobiles (including lubrication facilities) may be permitted on lots of ten thousand (10,000) square feet, subject to all other provisions required in this chapter.
4. Department stores (452110) and warehouse clubs and superstores (452910).
5. Open air sale of manufactured and mobile homes, parts, and equipment (453930), as provided in Section 132.1331.
6. Taxi service office (485310) and Limousine service office (485320).
7. Motion picture theaters (512131), and outdoor theaters, including drive-in theaters (512132), except adult motion picture theaters (see Section 132.702(38)).
8. Mini-warehouses (531130) used to provide temporary storage needs for businesses, apartment dwellers and other individuals on a self-service basis as provided in Section 132.1333.
9. Veterinary and animal clinics (541940) as provided in Section 132.1315.
10. Hospitals (622).
11. Community housing services with overnight accommodations (62422) including temporary shelters (624221).
12. Sports arenas and sport stadiums (711310), amusement and theme parks (713110), commercial outdoor recreation (713120, 713940, 713950, 713990), except racing (711212).
13. Gambling facilities (7132) including casinos (713210) and casino hotels (721120).
14. Hotels, motels (721110), and health spas and fitness centers with accommodations (721110), and tourist courts, as provided in Section 132.1334.
15. Drive-in, fast food, or carry out restaurants (722211), provided in Section 132.1335.
16. Repair services not otherwise provided for as permitted uses in this district (811).
17. Motor vehicle repair and service facilities not previously described as permitted uses in this district (8111), as provided in Section 132.1336, except car washes (811192).
18. Motor vehicle washing, conveyor, or non-conveyor type (811192) as provided in Section 132.1337.
19. Personal services not previously described as a permitted use in this district (812199).

20. Outdoor storage and/or outdoor sales areas for permitted uses in Section 132.702.

(Ord. of 7-25-07)

132.704 - Required conditions.

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

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
2. All business, serving, or processing, except for off-street parking or loading and those open air uses indicated as being subject to special conditions in Section 132.1331 shall be conducted within completely enclosed buildings.
3. Vending machines shall only be located indoors and shall not be visible from the exterior of the building.

(Ord. of 7-25-07)

132.705 - Area and bulk requirements.

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

(Ord. of 7-25-07)

ARTICLE X

FOOTNOTE(S):

⁽²⁸⁾ **Cross reference**— Zoning districts and maps, Pt. 132, Art. III.

132.800 - I-1 INDUSTRIAL DISTRICT

132.801 - Intent.

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

and establish the pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the township's tax revenue.

(Ord. of 7-25-07)

132.802. - Principal uses permitted.

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

1. Any of the following uses when conducted wholly within a completely enclosed building, or within a designated area enclosed on all sides with a five-foot obscuring wall or earth berm. The berm or wall shall be completely obscuring on those sides where abutting or adjacent to A-1, R-1, RM-1, or MHD districts. Walls and berms shall comply with the provisions of Sections 132.1414 and 132.1423.
 - a. Contractor's buildings, vehicles, equipment and supplies (23), including storage facilities for vehicles, equipment, building materials, sand, gravel, stone, and lumber provided such items are enclosed within a building or within an obscuring wall or fence on those sides abutting all residential districts, and on any yard abutting a public thoroughfare. In any I-1 district the extent of such fence or wall may be determined by the planning commission on the basis of usage. Such fence or wall shall not be less than four (4) feet six (6) inches in height, and may, depending on land usage, be required to be eight (8) feet in height. A chain-link type fence, with heavy evergreen shrubbery inside of the fence, shall be considered to be an obscuring fence.
 - b. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to, breakfast cereal (311230), candy (311320) (311330)(311340), frozen foods (31141), ice cream & frozen desserts (311520), bakery goods [commercial bakeries (311812)(311813)(311821)], snack foods (31191), coffee and tea (311920), flavoring syrups & concentrates (311930), seasoning, dressing, and sauces (311941), spice & extract (311942), and other miscellaneous food manufacturing (311999), soft drinks, bottled water & ice (31211).
 - c. The manufacture, compounding, processing, packaging, or treatment of textile products (313)(314), apparel (315), leather and applied products including footwear, luggage, purses (316).
 - d. Converted paper product manufacturing (3222), including corrugated boxes, cereal & similar paperboard boxes, paper bags, stationery, envelopes, tablets, office supply paper products.
 - e. Printing and related support activities (323) and Publishing industries (511) including newspaper, periodical, book, database & directory, and other publishing.
 - f. Pharmaceutical and medicine manufacturing (3254) and cosmetic creams, lotions, and oils (325620).
 - g. Plastic products manufacturing (3261).
 - h. Pottery, ceramics, and plumbing fixture manufacturing (32711).
 - i. Cutlery and handtool manufacturing (33221).
 - j. Hardware manufacturing (332510), Spring and wire product manufacturing (3326).
 - k. Machine shops (3327).
 - l. Computer and electronic product manufacturing (334), electrical equipment, appliance, and component

- manufacturing (335) but not including battery manufacturing (33591).
- m. Wholesale establishments (42), not including recyclable material wholesalers (421930) and not including grain elevators and livestock wholesalers (422520).
 - n. Trucking facilities (484).
 - o. School and employee bus transportation and maintenance facilities (485410), charter bus industry facilities (485510).
 - p. Motor vehicle towing (488410) including both light towing and heavy motor vehicle towing and incidental services such as temporary storage of vehicles and emergency road repair services.
 - q. Warehousing establishments (493).
 - r. Courier's service with office, package handling facilities, truck and other vehicle docks and receiving and shipping facilities (e.g. UPS, FedEx, US postal service rural route carrier facilities as distinguished from a traditional post office open to the public, etc.)(492110).
 - s. Mini-warehouses used to provide temporary storage needs for businesses, apartment dwellers and other individuals on a self-service basis. (531130).
 - t. Testing labs (541380) and scientific research and development (5417).
2. Municipal uses such as water treatment plants (221310) and reservoirs, sewage treatment plants (221320), and all other municipal buildings and uses, including outdoor storage.
 3. Lumber and planing mills (321912) when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I-1 district.
 4. Lumber yards and suppliers of prefabricated buildings and kits (444190).
 5. Auto service stations (447190), auto repair and maintenance stations (8111).
 6. Direct selling establishments (4543) including fuel dealers and bottled water providers.
 7. Motion picture and sound recording industries (512).
 8. Radio stations and studios (513112) and Television broadcasting offices and studios (513120).
 9. Passenger car rental and leasing (53211), truck, utility trailer, and recreational vehicle (RV) rental and leasing (532120), and commercial and industrial machinery and equipment rental and leasing (5324).
 10. Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building [Scientific research and development services (5417) and test laboratories (541380)].
 11. Educational services (611), including business and secretarial schools (611410), computer training (611420), professional and management development training (611430), technical and trade schools including use of vehicles and heavy machinery on site (61151), fine arts schools (611610), sports and recreation instruction (611620), and language schools (611630).
 12. Electric and gas service buildings and yards; public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations; and water and gas tank holders.
 13. Adult businesses (See definitions); including adult bookstores, adult motion picture theaters, massage parlors (812199), nude modeling studios, premises for nude entertainment, cabarets, and escort services may be permitted in the I-1, Light Industrial [and B-2, General Business] Districts subject to the following requirements;
 - a. It shall be unlawful to establish any adult bookstore, adult motion picture theater, massage parlor, nude modeling studio, or premises for nude entertainment except in the B-2, General Business or I-1, Light Industrial Districts.

- b. No such uses may be permitted in the B-2, General Business or I-1 Light Industrial District, within two-hundred fifty (250') feet (as measured from the nearest lot line of the protected use to the nearest lot line of the location of the proposed use) of any: dwelling; district zoned A-1, R-1, RM-1, or MHD; church, school, playground, or youth center.
 - c. Any of the above stated adult entertainment uses shall not be located within a one thousand-foot radius (as measured from the nearest lot line of the protected use to the nearest lot line of the location of the proposed use) of any other such use.
 - d. Public display (visible from the exterior) of merchandise for sale or viewing shall be prohibited.
14. Other uses of a similar and no more objectionable character.
15. Accessory buildings and uses customarily incident to any of the permitted uses listed in this section.

(Ord. of 7-25-07)

132.803. - Uses permitted upon special approval.

The following special approval uses may be permitted in the I-1 district by the Planning Commission after public hearing and review of the proposed site plan and subject to the procedures and provisions of Article XIII. The parenthetical number (000000) listed by each use is taken from the North American Industry Classification System (NAICS), 1997 published by the U.S. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading.

- 1. Heating and electric power generating plants (22111) and all necessary accessory uses, provided the such plants are fueled with natural gas, hydrogen, or other similarly clean burning gas(es). The planning commission may require an obscuring wall or earth berm on those sides where abutting or adjacent to A-1, R-1, RM-1, or MHD districts. Walls and berms shall comply with the provisions of sections 132.1414 and 132.1423.
- 2. Air transportation services (481) and support activities for air transportation (4881).
- 3. Private use landing areas (see section 132.1322).
- 4. Brick and structural clay tile manufacturing (327121), ceramic wall and floor tile manufacturing (327122), other structural clay product manufacturing (327123) including clay sewer pipe, drain tile, flue lining tile, architectural terra-cotta, and other structural clay products.
- 5. Glass and glass product manufacturing (3272).
- 6. Cement and concrete product manufacturing (3273), including ready-mix concrete manufacturing (327320).
- 7. Coating, engraving, heat treating, and allied activities (3328).
- 8. Other fabricated metal product manufacturing (3329).
- 9. Machinery manufacturing (333), including agricultural, construction, and mining machinery manufacturing (3331), industrial machinery manufacturing (3332), commercial and service industry machinery manufacturing (3333), ventilation, heating, air-conditioning, and commercial refrigeration equipment manufacturing (3334), metalworking machinery manufacturing (3335), engine, turbine, and power transmission equipment manufacturing (3336), other general purpose machinery manufacturing (3339). Commercial and industrial machinery equipment (except automotive & electronic) repair and maintenance (811310).
- 10. Battery manufacturing (33591), including Storage battery manufacturing, i.e. lead acid storage batteries and rechargeable nickel cadmium batteries manufacturing (335911) and primary battery manufacturing (335912).
- 11. Transportation equipment manufacturing (336), except motor vehicle metal stamping (336370).
- 12. Furniture and related product manufacturing (337).

13. Miscellaneous manufacturing (339) including medical equipment manufacturing and supplies manufacturing (33911 jewelry and silverware manufacturing (33991), sporting and athletic goods manufacturing (33992), doll, toy, and gan manufacturing (33993), office supplies manufacturing (33994), sign manufacturing (33995), musical instrument man (339992).
14. Outdoor theaters (512132)(see section 132.1332).
15. Communication towers (513322)(see section 132.1326).
16. Veterinary services (541940) and kennels (812910) as provided in section 132.1315.
17. Feedlots (see definition) and livestock wholesales (422520) and the raising of fur bearing animals as provided in section 132.1313.
18. Racetracks (711212), including midget auto and karting tracks (see section 132.1338).
19. Industrial launderers (812332).
20. Junkyards, vehicle salvage/wrecking yards, waste or scrap recycling operations, and refuse transfer stations as provided in Section 132.1339.

(Ord. of 7-25-07)

132.804. - Area and bulk requirements.

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

(Ord. of 7-25-07)

132.900 and 132.1000 - RESERVED FOR FUTURE USE

ARTICLE XI

FOOTNOTE(S):

⁽²⁹⁾ **Cross reference**— Zoning districts and maps, Pt. 132, Art. III.

⁽³⁰⁾ **Note**— Including any other public airport that files an airport layout plan or an airport approach plan with the Township. The Airport Hazard Area shown on the Township Zoning Map for the Marine City Airport is intended to represent the Mich. Bureau of Aeronautics map; Part 77 for Marine City, File Number 77-06 as approved and as may be updated from time to time.

132.1100 - AOZ AIRPORT OVERLAY ZONING DISTRICT

132.1101 - Purpose.

It is the intent and purpose of this Article to provide the necessary safety and protection to the users of the Marine City Airport and to the people who live, work and use property in its vicinity. ^[30]

(Ord. of 7-25-07)

132.1102 - Hazard area.

This Article establishes regulations for all land uses located within twenty thousand (20,000) feet from any point along the edge of the planned runways for the Marine City Airport. In effect, this Article establishes a large bowl of air around and above the airport for a distance of twenty thousand (20,000) feet from all points along the edges of the planned runways and from the bottom imaginary plane of which the heights of all trees and structures shall be at least twenty-five (25) feet distant below the said plane.

(Ord. of 7-25-07)

132.1103 - Hazards.

Structures and trees which project above the height limitations are considered hazards to flying and endanger lives and property. The prescribed height limits are not arbitrarily set, but are based on past experience and studies made by the Michigan Aeronautics Commission and by the Federal Aviation Administration. Height limits are based upon the established elevation of the airport or upon the elevation of the end of the nearest runway.

(Ord. of 7-25-07)

132.1104 - Existing nonconforming trees and structures.

This Article does not affect existing structures, the height of which exceeded the limits imposed by this Article as of the effective date hereof. New construction, and construction increasing the height of existing structures, within the prescribed distances of the airport, must conform to the provisions on height limitations specified in Section 132.1110. This Article also restricts such use of land within the vicinity of the airport as will unreasonably interfere with radio communications systems and other navigational aids or devices used by the airport and aircraft, or would reduce visibility or would create confusing lights.

(Ord. of 7-25-07)

132.1105 - Provisions for variances.

This Article contains provisions for the granting of variances of the height limits by the Zoning Board of Appeals in event of practical difficulty or unnecessary hardship, if the requested variance would not be contrary to the public interest and safety. It is the intent of the Township Board and the Zoning Board of Appeals, with the cooperation of the public, to have this Article administered in a reasonable and just manner in keeping with the responsibilities involved.

(Ord. of 7-25-07)

132.1106 - Definition of Terms.

1. AIRPORT - means the Marine City Airport and all appurtenances used or acquired for airport buildings or other airport facilities, and all other appurtenant rights-of-way or other interests either heretofore or hereafter established.
2. AIRPORT HAZARD - means any structure or tree which within the airport hazard area which exceeds the height limitations established by this Article, or any use of land or of appurtenances thereto within the airport hazard area which interferes with the safe use of the airport by aircraft.
3. AIRPORT HAZARD AREA - means any area of land or water, or both, lying within the radius prescribed in Section 132.1110 and on the map entitled Airport Hazard Area.
4. ABOVE MEAN SEA LEVEL - when used in this Article or on the accompanying Marine City Airport Maps*, denotes elevations above sea level as based upon and determined by reference to United States Coast and Geodetic

Survey datum.

5. NONCONFORMING USE - means any structure, tree or use of land which does not conform to regulations prescribed in this Article or any amendment thereto as of the effective date of such regulations.
6. PERSON - means any individual, firm partnership, corporation, company, association, joint stock association, municipal corporation or other body politic, and including any trustee, receiver, assignee or other similar representative thereof.
7. STRUCTURE - means any object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, overhead transmission lines, radio and television aerials and antennae, but not including highways and their appurtenances.
8. TREE - means any object of natural growth.
9. ZONING ADMINISTRATOR - means the Cottrellville Township official who is designated by the Cottrellville Township Board and charged with the administration and enforcement of the provisions of this Article.

(Ord. of 7-25-07)

132.1107 - Airport Overlay Zoning District Regulations.

1. *Airport Hazard Area.* There is hereby established an airport hazard area, which area or zone consists of all the lands within Cottrellville Township lying beneath the airplane takeoff and approach, transitional, conical and horizontal surfaces of the airport, said land being located within a circle having a radius extending horizontally from the edges of all runways as prescribed in Section 132.1110. and on the map entitled Airport Hazard Area.
2. *Legal height and land use limitations.* From and after the effective date of this Article, it shall be unlawful for any person to erect any structure or allow any tree to grow to a height in excess of the limitations prescribed by the terms of this Article and the attached maps; or to establish any use of lands contrary to the provisions of this Article.
3. *Unlawful land uses.* Notwithstanding any other provisions of this Article, it shall be unlawful to put any lands within the Airport Hazard Area to any use which would:
 - a. Create electrical interference with radio communication between the airport and aircraft or create interference with navigational aids employed by aircraft;
 - b. Make it difficult for flyers to distinguish between airport lights and other lights or result in glare in the eyes of flyers using the airport;
 - c. Create air pollution in such amounts as to impair the visibility of flyers in the use of the airport;
 - d. Would otherwise endanger the landing, taking off or maneuvering of aircraft; or
 - e. Would attract birds.
4. *Nonconforming existing heights of land uses.* The provisions of Subsection 2. (Legal height and land use regulations) of this Section shall not apply to structures, trees or other nonconforming uses as the same may exist in the airport hazard area on the effective date thereof, unless subsequent thereto the Zoning Administrator determines the same to be abandoned, or eighty (80) percent torn down, destroyed, deteriorated, or decayed, in which cases the trees or structures shall not be reoccupied and used except in conformance with the Article and other requirements of this Zoning Ordinance, and the nonconformance portions of the trees or structures shall be removed to the extent necessary to gain conformance to this Article.
5. *Alternatives to nonconforming heights and land uses.* The provisions of Subsection 2. (Legal height and land use regulations) of this Section shall apply to changes or alterations in existing structures, trees or other nonconforming uses after the date hereof, and any increase in the height thereof, with the same force and effect as though the same

were new uses.

(Ord. of 7-25-07)

132.1108 - Administration of this Article.

1. *Height limitation standards.* It may be necessary for the Zoning Administrator to refer to the published standards for the approach, transitional, conical and horizontal surfaces as described in Approach Standards and/or Regulations of the Michigan Aeronautics Commission and/or the Federal Aviation Administration. The Zoning Administrator shall calculate proper height limitations by interpolating between the aerial elevations and determined from the Airport Hazard Area Map with specific reference to the exemplary cross-section for determining height limitations for trees and structures.
2. *Administrative Official.* The Cottrellville Township Zoning Administrator is hereby charged with the duty of administering and enforcing the provisions of this Article. The duties of the Zoning Administrator shall include those of issuing permits as hereinafter required, but the Administrator shall not have or exercise any of the powers or duties herein delegated to the Zoning Board of Appeals. The Zoning Administrator may adopt such administrative procedures as may be necessary in connection with the administration and enforcement of this Article, subject to the approval of the Township Board.
3. *Zoning Board of Appeals.* The Zoning Board of Appeals, as established by this Zoning Ordinance shall have jurisdiction over the granting of variances under this Article, except that the granting of such variances shall be conditioned by the recommendations which are submitted to the Zoning Board of Appeals by the Michigan Aeronautics Commission and/or the Federal Aviation Administration prior to the granting of such variances. The Zoning Board of Appeals shall adopt rules and procedures under the provisions of this Article so that it can be properly administered and variances granted in a uniform and equitable manner.
4. *Certificates of variance.* Applications for certificates of variance shall be submitted on such forms as shall be provided for by the rules of the Zoning Board of Appeals, and if the application be granted, the applicant shall be provided a certificate of variance in such form as shall be prescribed by such rules. Provided that said certificate shall include the provision that it is not to be effective for a period of thirty (30) days following the date of its issuance, and immediately upon issuance a copy thereof shall be filed with the Michigan Aeronautics Commission and a copy with the Township Board. In acting upon applications for variance, variances shall be allowed where a literal application of such regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest and approach protection standards, but would do substantial justice and be in accordance with the spirit of the regulations of this Article; provided, however, that any such variance may be allowed subject to any reasonable condition or conditions subsequent that the Zoning Board of Appeals may deem necessary to effectuate the purpose of this Article. Provided further that nothing in this Section shall be construed to permit a use which would conflict with any other zoning regulations applicable to the same area.
5. *Application procedure.* Applications for Zoning Permits shall be made upon forms furnished by the Zoning Administrator, and the Administrator shall within fifteen (15) days from the filing thereof determine whether the height limitations as regulated by this Article, would or would not be violated if such application be granted and shall grant or deny said application accordingly (said Administrator not being vested with authority to permit a variance) and advise applicant of the action within three (3) days after the same has been determined. The force and effect of a denial shall be to leave the applicant free to apply to the Zoning Board of Appeals for a variance. It is intended that the maximum height limitation to be imposed by this Article shall be twenty-five (25) feet or below the 1':100' flight

approach path as required in Section 132.1110, whichever is greater. Provided further that the issuance of a permit shall not be construed to permit a use that violates any other zoning ordinance requirements or other regulations applicable to the same area, lot or parcel.

6. *Exception for emergency utility repairs.* No permit under the provisions of this Article shall be required for the emergency repair or replacement of nonconforming public utility structures, other than buildings, when the height of such structures will not be increased by such emergency repairs or replacement. It is intended that in the application of this provision any combination of circumstances calling for immediate action or remedy in the repair or replacement of such nonconforming public utility structures shall be deemed an emergency.

(Ord. of 7-25-07)

132.1109 - Judicial appeals.

Appeals to Circuit Court. Any person, including the Michigan Aeronautics Commission or the Federal Aviation Administration on behalf of and/or in the name of the State or Federal government, aggrieved by an decision of the Zoning Administrator or Zoning Board of Appeals, may appeal to the Circuit Court of the County of St. Clair as provided in Section 30 of Act No. 23, of the Public Acts of the State of Michigan for the year 1950 (Extra Session), The Airport Zoning Act.

(Ord. of 7-25-07)

132.1110 - Height regulations.

No tree or structure shall come closer than twenty-five (25) feet to an imaginary surface or plane extending outwards and upwards at the rate of one (1) foot rise for every one hundred (100) feet of horizontal distance within twenty thousand (20,000) feet of the nearest point of all runways.

(Ord. of 7-25-07)

132.1111 - Federal regulations (FAR PART 77).

This FAR is hereby made a part of this Article. This Article is not intended to conflict with existing State and Federal approach protection regulations. The Federal Aviation Administration requires that they be given notice of any construction or alteration:

1. That would be more than two hundred (200) feet above ground level at its site.
2. That would be above an imaginary surface extending outwards and upward at one hundred (100) to one (1) slope within twenty thousand (20,000) feet of the nearest point of a runway more than three thousand two hundred (3,200) feet in length.
3. That would be above an imaginary surface extending outward and upward at 50:1 slope within ten thousand (10,000) feet of the nearest point of a runway less than three thousand two hundred (3,200) feet in length.

(Ord. of 7-25-07)

ARTICLE XII

FOOTNOTE(S):

⁽³¹⁾ **Note**— 132.1202 contains the regulations referred to in the schedule above. Example, the "(A)" at the end of the schedule's title corresponds to Item A. in 132.1202.

132.1200 - SCHEDULE OF REGULATIONS

132.1201 - SCHEDULE OF REGULATIONS LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT (A)

Zoning District	Minimum Zoning Lot Size Per Unit		Min. Yard Setbacks (B) (Per Lot in Feet)			Max. Height of Structures (E),(F)		Min. Floor Area Per Unit	Max. % of Lot Area Covered	
	<i>Area in Sq. Ft.</i>	Width (in feet)	Front (C)	Each Side (D)	Rear	(In Stories)	(In Feet)	(Sq. Ft.)	(By All Buildings)	
A-1	Agricultural(L)(R)(T)	174,240 (4 acres)	300 (C)	40 (C)(L)	20	40	2	40 (G)	(S)	25
R-1	One-family residential w/o public sewer(L)(R)(T)	108,900	300 (C)(S)	35	10	35	2	40	(S)	15
R-1	One-family residential w/ public sewer(L)(R)(T)	10,200	85×120(C)(S)	35	10	35	2	40	(S)	25
RM-1	Multiple-family residential (H)(R)	(I)(J)	—	50	30	30	3	40	(K)	25
MHD	Manufactured home development (H)(R)	15 acres					2	40		
B-1	Local business	—	—	25 (O)(P)(Q)	(N)	20	2	40		

B-2	General business	—	—	40 (O) (P)(Q)	(N)	20	3	40		
I-1	Light industrial	—	—	60 (O) (P)(Q)	(P)	30 (P)	—	40		

(Ord. of 7-25-07)

132.1202 - District regulations.

NOTE: Letters shown as footnotes in Section 132.1201 correspond with letters of items below.

- A. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, except in conformity with the building area, placement and height regulations of the district in which the building is located; and except in conformity with the lot area, width and coverage regulations of the district in which the building is located.
- B. Minimum yard setbacks. For lots adjacent to a county road, state highway, or other street where the planned right-of-way is different from the existing right-of-way, the abutting required setback(s) shall be measured from the edge of the planned right-of-way to the building or structure. The planned rights-of-way are shown and/or described in the official township thoroughfare plan, which is contained in the Cottrellville Township Master Plan (adopted June 2002) and as may be amended. In determining the location of the edge of the planned right-of-way, the centerline of a planned right-of-way shall be considered to coincide with the centerline of the existing thoroughfare, unless there is documentation available to the contrary (e.g. state highway ROW). In the absence of a defined street right-of-way, the planned right-of-way for setback purposes shall be sixty-six (66) feet. Where there is a question of the appropriate edge of a planned right-of-way to use, the Planning Commission shall make a determination.
- C. Frontage and street access requirements. Buildings and lots shall comply with Sections 132.1417 and 132.1418.
- D. Side yards. In the case of a rear yard abutting a side yard, or where a side yard is adjacent to a front yard across a common separating street, the side yard abutting a street shall not be less than the minimum front yard of the district in which located (see illustration at right). Also see footnote L. for possible inclusion in yard averaging.

 132-1202-1.jpg

Side Yards Abutting a Street

- E. Permitted height. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that enclosures for mechanical equipment or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smoke-stacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. The erection of communication towers, including commercial radio and television transmitting, relay, or other types of antenna towers, where permitted shall be subject to the regulations set forth in Section 132.1326.
- F. See Article XI and Section 132.1408 regarding airport zoning height regulations.
- G. Height of Farm Buildings. See Section 132.1404.
- H. Single-family dwellings and two-family dwellings in the RM-1 Districts. Where one- and two-family dwelling units are permitted, minimum lot area and minimum lot width shall be determined as follows:

Single-family dwellings

Without public sewer:

Minimum lot width300 feet

Minimum lot area108,900 sq. ft.

All setbacks, structure heights, lot coverage, and floor area shall comply with the R-1 District Requirements.

With public sewer

Minimum lot width85 feet

Minimum lot area10,200 sq. ft.

All setbacks, structure heights, lot coverage, and floor area shall comply with the R-1 District Requirements.

Two-family dwellings

With public sewer

Minimum lot width130 feet

Minimum lot area20,800 sq. ft.

All setbacks, structure heights, lot coverage, and floor area shall comply with the R-1 district requirements.

- I. Multiple-family dwelling projects: Calculation of maximum number of units. In multiple-family dwelling projects, the total number of rooms of eighty (80) square feet or more (not including kitchen, dining and bathrooms) shall not be more than the area of the parcel, in square feet, divided by sixteen hundred (1,600). All units shall have at least one living room and one (1) bedroom, except that not more than ten (10) percent of the units may be of an efficiency

type, and not more than twenty (20) percent one (1) bedroom units. In the case of an apartment complex intended specifically for senior citizens or handicapped persons, the Planning Commission may allow the twenty (20) percent limitation on one (1) bedroom apartments to be increased to a maximum of ninety (90) percent.

For multiple-family dwellings projects, for the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

Efficiency: 1 room

One bedroom: 2 rooms

Two bedrooms: 3 rooms

Three bedrooms: 4 rooms

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

In multiple-family dwelling projects, the area used for computing density shall be the total site area exclusive of any dedicated public right-of-way, either interior or bounding roads.

- J. Multiple-family dwelling projects: Calculation of space between buildings. In multiple-family dwellings projects, front, side or rear yards need not refer to spacing between buildings for a planned development for two (2) or more buildings on the same parcel. In such cases the minimum distance between any two buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than thirty (30) feet. (See following formula.)

In multiple-family projects, areas devoted to off-street parking, drives or maneuvering lanes shall not cover more than thirty (30) percent of the area of any required yard or any required minimum distance between buildings.

In a multiple-family district the maximum horizontal length of any one (1) building shall be one hundred eighty (180) feet, measured along any single front, side, rear or other exterior wall elevation.

 132-1202-2.jpg

In a multiple-family district the formula for regulating the required minimum distance between two (2) buildings is as follows:

$$S = \frac{LA + LB + 2(HA + HB)}{6}, \text{ where}$$

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

LA = Total length of building A.

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

LB = Total length of building B.

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

HA = Height of building A.

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

HB = Height of building B.

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

K. Multiple-family dwelling projects: Minimum floor areas. Minimum floor area per dwelling units in square feet for multiple-family dwellings are as follows:

Efficiency unit: 500 sq. ft.

One bedroom unit: 600 sq. ft.

Two bedroom unit: 800 sq. ft.

Three bedroom unit: 1,000 sq. ft.

Four bedroom unit: 1,200 sq. ft.

L. Averaged yard setback. In a case where the front yards (or respectively rear yards) of two or more existing permitted principal structures:

1. Are located in any block in existence on the effective date of this zoning ordinance, and
2. Are within the same zoning district, and
3. Are on the same side of the street, but
4. Have less than the required minimum front (or respectively rear) yards,

then any principal structure subsequently erected on that side of the street shall not have less than and need not have greater than the average depth of the front yards (or respectively rear yards) of said two or more existing principal structures.

Averaged side yard. In a case where there is an undeveloped lot of record which has a side yard included within a row of two or more developed front yards (or respectively a row of rear yards), then any principal structure subsequently erected on said lot shall not have an affected side yard with less than and need not have an affected side yard greater than the average depth of the existing developed yards facing on that street.

- M. Business uses: Parking in front yard (conditions). Off-street parking may be permitted to occupy a required front yard after approval of the parking plan layout and points of ingress and egress by the Planning Commission provided that there shall be maintained a minimum unobstructed and landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest planned right-of-way. Said landscaped area shall conform to the provisions of Sections 132.1422 and 132.1423 of this ordinance.
- N. Business uses: Waiver of side yard(s). The Planning Commission may waive one (1) or both side yard requirements of buildings in the B-1 and B-2 Districts provided that adequate access to the rear of the property is provided by one (1) of the following manners:
1. There shall be provided on every lot in B-1 and B-2 Districts on which is located a permitted building at least one (1) side yard not less than twenty (20) feet wide for access to the rear yard. If the permanent building is not placed on the property line of the remaining side to allow for a common wall, then a setback of at least three (3) feet is required for maintenance; or
 2. A dedicated alley or service aisle or permanent easement of access to the rear of the property is provided; or
 3. An overall master site development plan is presented to the Planning Commission, agreed upon by all affected property owners; which plan includes building elevations for said commercial center, adequate off-street parking and loading area, access to all buildings and the rear of the property for police and fire vehicles.

Side yard requirements for the B-1 and B-2 Districts shall not be waived if any one of the following conditions exists:

1. Where side yards are adjacent to a public right-of-way,
 2. Where side yards abut property zoned in an A-1, R-1, RM-1 or MHD District, or
 3. Where the continuous development of stores exceeds five hundred (500) feet.
- O. Industrial uses: Parking in yard (conditions). Off-street parking may be permitted in a portion of the required front yard provided that such off-street parking is not located within fifty (50) feet of the front lot line. Any portion of a required front yard not used for off-street parking shall be planted in lawn, landscaped, and maintained in a healthy and growing condition.

Required side or rear yards may be used for off-street parking or loading and unloading provided that in such instances the Planning Commission shall review and approve the proposed parking and site plan to determine that sufficient access to the rear of the building is provided for fire fighting or other emergency type equipment.

- P. Industrial uses: Additional conditions.
1. 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 A-1, R-1, RM-1 or MHD District.
 2. A heavily planted, completely obscuring, year-round greenbelt not less than twenty (20) feet wide, an obscuring wall or a landscaped earth berm (as approved by the Planning Commission) shall be provided on those sides of the property used or planned for open storage, parking or service drives, loading, unloading or servicing and

which abuts land in any A-1, R-1, RM-1 or MHD District. The extent of such greenbelt, wall or berm may be determined by the Planning Commission on the basis of usage. Such wall shall not be less than six (6) feet in height and may, depending upon land usage, be required to be eight (8) feet in height. Said greenbelt, wall or berm shall be subject further to the requirements of Sections 132.1414 and 132.1423.

- Q. Commercial and industrial uses: Access to office, commercial, or industrial uses shall generally not be through property zoned A-1, R-1, RM-1, or MHD. (See Section 132.1418).
- R. Minimum floor areas per unit for single- and two-family dwellings are as follows:
- One-bedroom unit: 750 sq. ft.
- Two-bedroom unit: 864 sq. ft.
- Three-bedroom unit: 1,000 sq. ft.
- Four-bedroom unit: 1,200 sq. ft.
- Plus 120 sq. ft. for each additional bedroom over four (4).
- S. Averaged lot size.
1. The intent of this section is to permit the subdivider or developer to vary his lot sizes and lot widths so as to average the minimum size of lot per unit as required in Article IX, "Schedule of Regulations", for each One-Family Residential District. If this option is selected, the following conditions shall be met:
 - a. In meeting the average minimum lot size, the subdivision shall be so designed as not to create lots having an area or width greater than ten (10) percent below that area or width required in the "Schedule of Regulations", and shall not create an attendant increase in the number of lots.
 - b. Each final plat submitted as part of a preliminary plat shall average the minimum required for the district in which it is located.
 - c. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.
- T. Subdivision Open Space Plan.

Intent: The intent of the Subdivision Open Space Plan is to promote the following objectives:

- (a) Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
- (b) Encourage developers to use a more creative approach in the development of residential areas.
- (c) Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and by allowing the developer to by-pass natural obstacles on the site.
- (d) Encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.
 1. Modifications to the standards as outlined in Article IX, "Schedule of Regulations", may be made in the One-Family Residential Districts when the following conditions are met:
 - a. The lot area in all One-Family Residential Districts, which are served by a public sanitary sewer system, may be reduced up to twenty (20) percent. In the A-1 District this reduction may be accomplished in part by reducing lot widths up to twenty-five (25) feet. In the R-1 Districts this reduction may be accomplished in part by reducing lot widths up to ten (10) feet. These lot area reductions shall be permitted provided that the dwelling unit density shall be no greater than if the land area to be subdivided were developed in

the minimum square foot lot areas as required for each One-Family District under Article IX, "Schedule of Regulations". All calculations shall be predicated upon the One-Family Districts having the following gross densities (including roads):

A-1 = 0.8 dwelling units per acre

R-1 = 3.2 dwelling units per acre

- b. Rear yards may be reduced to thirty (30) feet when such lots border on land dedicated for park, recreation, and/or open space purposes, provided that the width of said dedicated land shall not be less than one hundred (100) feet measured at the point at which it abuts the rear yard of the adjacent lot.
- c. Under the provisions of item (a) above of this section, for each square foot of land gained within a residential subdivision through the reduction of lot size below the minimum requirements as outlined in the "Schedule of Regulations", at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision in a manner approved by the City.
- d. The area to be dedicated for subdivision open space purposes shall in no instance be less than four (4) acres and shall be in a location and shape approved by the Planning Commission.
- e. The land area necessary to meet the minimum requirements of this section shall not include bodies of water, swamps or land with excessive grades making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage. The entire area may, however, be located in a flood plain.
- f. This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to the Legislative Body and the subdivider or developer.
- g. This plan, for reduced lot sizes, shall be started within six (6) months after having received approval of the final plat, and must be completed in a reasonable time. Failure to start within this period shall void all previous approval.
- h. Under this planned unit approach, the developer or subdivider shall dedicate to total park area (see item (a) above) at the time of filing of the final plat on all or any portion of the plat.

(Ord. of 7-25-07)

ARTICLE XIII

132.1300 - SPECIAL LAND USE APPROVAL REQUIREMENTS

132.1301 - Special land use approval requirements.

The formulation and enactment of this ordinance is based upon the division of the township into districts in each of which is permitted specified uses that are mutually compatible. In addition to such permitted compatible uses, however, certain other uses may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impacts on neighboring uses or public facilities there is a need to carefully regulate them with respect to their location. These uses, due to their peculiar location needs or the nature of the service offered, may have to be established in a district where they cannot be reasonably allowed as a permitted use.

(Ord. of 7-25-07)

132.1302 - Authority to grant permits.

The Planning Commission, as provided by this article, shall have the authority to grant special land use approval permits, subject to such conditions of design, operation, and safeguards as may be determined for all special approval land uses specified in the various provisions of this ordinance.

(Ord. of 7-25-07)

132.1303 - Application and fee.

Application for any special land use approval permit permissible under the provisions of this ordinance shall be made to the Planning Commission through the Township Clerk by filing an official special approval land use permit application form; exhibits and information; and depositing the required fee as established by resolution of the Township Board.

(Ord. of 7-25-07)

132.1304 - Data, exhibits and information required in application.

An application for a special land use approval permit shall contain: the applicant's name and address in full; a statement that the applicant is the owner involved or is acting on the owner's behalf; the address of the property involved; a site plan in accordance with Section 132.1416, except as provided herein, and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this ordinance.

(Ord. of 7-25-07)

132.1305 - Public hearing and notices.

Upon receipt of an application for a special land use permit which requires a decision on discretionary grounds, one (1) notice that a request for special land use approval has been received shall be published in a newspaper that circulates in the township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupants is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

1. Describe the nature of the special land use request.
2. Indicate the property that is the subject of the special land use request.
3. State when and where the special land use request will be considered.
4. Indicate when and where written comments will be received concerning the request.
5. Indicate the date, time, and place where the public hearing on the special land use will be held.

(Ord. of 7-25-07)

132.1306 - Required standards and findings for making determinations.

The Planning Commission shall review the particular circumstances and facts of each proposed use with respect to the proposed site, lot, or parcel. In addition to the specific standards applicable to certain types of special land uses, as set forth beginning with Section 132.1310, the following required general standards shall comprise the Planning Commission's criteria for reviewing and approving or rejecting a special land use application:

1. Will be in accordance with the general objectives, intent, and purposes of this ordinance.
 - a. Will be consistent with maintenance of the public health, safety, and welfare.
 - b. Will be of such location, size, and character that it will be in harmony with all applicable regulations of the zoning district in which it is to be located.
2. Will be served adequately by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, or that persons or agencies responsible for establishment of the proposed use shall be able to provide adequately any such service.
3. Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in A-1, R-1, RM-1 and MHD Districts.
4. Will be compatible with adjacent uses of land and the natural environment.
 - a. Will be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.
 - b. Will be designed such that the location, size, intensity, site layout, and periods of operation of any such proposed use shall eliminate any possible nuisance emanating there from which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights.
 - c. Will be designed such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings.
 - d. Will not cause substantial injury to the value of other property in the neighborhood in which it is located.
5. Will promote the use of land in a socially and economically desirable manner.
6. Will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the township.

(Ord. of 7-25-07)

132.1307 - Determination and imposition of conditions.

If the facts in the case establish that the findings and standards set forth in this ordinance apply to the proposed use, and have been met, the Planning Commission shall grant special approval. In granting a special approval use permit, the Planning Commission may impose such reasonable conditions of use as is determined necessary to protect the best interest of the township and the surrounding property, and to achieve the objectives of this ordinance. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being

of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power, and purposes, which are affected, by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be established in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions that subsequently are so changed.

(Ord. of 7-25-07)

132.1308 - Approval and appeal procedures.

1. Approval, Grant of Permit. Upon holding a public hearing, and findings that the applicant has satisfactorily met all the requirements of this Article, the Planning Commission shall within thirty (30) days grant a special land use approval permit. The Planning Commission's decision on a special approval land use application shall be incorporated in a statement that contains the conclusions relative to the special approval under consideration and that specifies the basis for the decision, and any conditions imposed. Upon approval, a special land use approval permit shall be issued to the applicant. The Planning Commission shall forward a copy of the permit to the applicant, Clerk, and Zoning Administrator. This record shall be on file in the Clerk's Office as well as being made a part of the site plan or building records for that parcel. The statement of conditions will be recorded in the County Register of Deeds.
2. Appeal to Circuit Court. Decisions of the Planning Commission on special land uses shall be final. A person having an interest affected by a special land use decision of the Township Planning Commission may appeal to Circuit Court within the time allowed by law.

(Ord. of 7-25-07)

132.1309 - Voiding of special approval land use permit.

1. A special land use permit shall lapse and cease to be in effect:
 - a. If the special use has not commenced within eighteen (18) months of the approval date, or
 - b. If work has not commenced on structures or other property improvements shown on a site plan approved in the process of granting the permit, or
 - c. If the special use has been abandoned for a period of six (6) months, or
 - d. If work to complete the building of structures or to make other property improvements shown on the approved site plan has been abandoned for a period of six (6) months.
2. The Planning Commission may grant a special land use permit holder one or more six- (6) month extensions of time if good cause is shown and the request for an extension is received by the Planning Commission chairperson prior to the permit's expiration.
3. If the special land use permit sent to the applicant and on file in the Township Clerk's Office and recorded in the County Register of Deeds is dated and includes a notice of the above circumstances under which the permit can lapse and become void, the Township is under no further obligation to notify the property owner before a permit is declared void.

4. Violation of an approval requirement or of a condition imposed in accordance with 132.1307 shall be considered a violation of this ordinance and grounds for the Zoning Administrator to suspend such special approval land use permit until review by the Planning Commission. After notice to the permit holder and a hearing, the Planning Commission shall determine if a violation has indeed occurred. In the case of a violation, the Planning Commission shall direct such corrective action as it deems necessary to bring conformance with this ordinance, or the Planning Commission shall cancel the special approval land use permit in question.

(Ord. of 7-25-07)

132.1310 - High-pressure gas or high-voltage electrical transmission lines.

High-pressure gas transmission lines and high-voltage electric transmission tower lines may be permitted in any district subject to the following special land use approval requirements:

1. *General regulations.*

- a. All such utility lines shall follow existing utility corridors, where possible and reasonable, as determined by the Planning Commission.
- b. The loss of any active agricultural use on property shown as Prime or Unique Farmland on the Soil Conservation Service's Important Farmland Map of St. Clair County shall be minimized to the greatest extent feasible consistent with the public interest and common good as determined by the Planning Commission.
- c. Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities, and similar facilities. Existing vegetation shall be maintained, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.
- d. Non-compliance 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.
- e. 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.
- f. The person or company granted privileges hereunder shall inform the Township Clerk on a continuing basis of the name, address and phone number of its employee who is responsible for receiving complaints and communications from the township.
- g. 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.

2. *Requirements for high-voltage electric transmission lines of 120kV or greater:*

- a. 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.
- b. 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.
- c. Where operating voltages will exceed 345 kV, the township shall evaluate an area one-quarter (¼) 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.

- d. The electric field strength for all voltage levels shall not exceed 0.8 kV per meter, as measured at the edge of the of-way.
- e. 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.
- f. "Danger-No Trespassing" signs shall be placed at all road crossings and the Planning Commission may require fencing at those road crossings that it determines are in need of additional protective measures.
- g. Any area destroyed by necessity in the construction of such approved facilities may be subject to conditions imposed by the Planning Commission for its immediate restoration by replanting or similar techniques.
- h. Noise levels at the edge of the corridor right-of-way, that is the pressure level of sounds, shall not exceed the following decibel levels when adjacent to the following types of uses:

Sound Level	Adjacent Use	Where Measured
60dBA	Residential	Common Property Line
60dBA	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, shall be required.

- i. During the construction or repair of any facilities approved hereunder, the following shall be required:
 - (1) All internal roads shall be kept dust free by chemical treatment.
 - (2) Any damage to public or private roads, fences, structures or facilities shall be repaired immediately.
 - (3) No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete.
 - (4) All construction operations shall be confined to daylight hours - Monday through Saturday - unless permitted in writing by the Planning Commission.
- j. 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.
- k. 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.

- l. If any court or the Michigan Public Service Commission or other governmental body finds that such lines and systems are necessary, such shall, upon exhaustion of appeals, be dismantled under regulation by the Planning Commission.
- m. 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.
- n. After the construction of the line is completed and before regular operation is begun, the operating company shall retain the services of an independent testing laboratory, which shall test said line for compliance with the standards contained herein, and submit a report of the test results to the township.

(Ord. of 7-25-07)

132.1311 - Telephone exchange and static transformer stations, gas regulator stations, and other public utility buildings.

These uses may be permitted in all districts subject to the following special land use approval requirements;

1. No public business office or any storage yard or storage building is operated in connection therewith.
2. The exchanges, transformer stations or transformer mats are located not less than fifteen (15) feet from any interior side property line, twenty-five (25) feet from its front property line, and thirty (30) feet from its rear property line.
3. All required yards are to be landscaped and maintained.

(Ord. of 7-25-07)

132.1312 - Wind energy conversion systems (windmills).

1. *Definitions.*
 - a. *Wind energy conversion systems (hereinafter referred to as WECS):* Any device that converts wind energy to mechanical or electrical energy.
 - b. *Wind rotor:* The blades plus hub to which the blades are attached used to capture wind for purposes of energy conversion.
 - c. *Tower height:* The height of the actual tower, plus one-half (½) the rotor diameter on horizontal axis installations, and on vertical axis installations, the distance from the base of the tower to the top of the unit.
 - d. *Survival wind speed:* The maximum wind speed a WECS in automatic, unattended operation (not necessarily producing power) can sustain without damage to structural components or loss of the ability to function normally.
2. *Applicable zones.* WECS may be permitted in any zoning district subject to the following special land use approval requirements of this section.
3. *Applicability of ordinance.* The standards that follow shall apply to systems intended for the provision of the electrical or mechanical power needs of the owner/operator of the system; also, such a system shall be for one (1) main building and its accessory buildings only. For systems intended for uses other than the above, Planning Commission approval shall be required. Said approval shall cover the location of the system (shown on a survey of the property) on the site, the noise generated by the system, assurances as to the safety features of the system, and

compliance with all applicable state and federal statutes and regulations. Planning Commission approval shall specifically be required for arrays of more than one (1) wind energy conversion system and for systems wherein one (1) wind energy conversion system is intended to provide the electric power for more than one (1) main building.

4. *Standards for and regulation of WECS.*

- a. *Construction:* Tower construction shall be in accordance with the latest edition of the Michigan Building Code, and any future amendments and/or revisions to it.
- b. *Electric-magnetic interference (EMI):* Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause harmful interference with radio and/or television broadcasting or reception, and shall comply with the provisions of Title 47, Chapter 1, Part 15 of the Federal Code of Regulations and subsequent revisions governing said emissions.
- c. *Setbacks:* The structural design shall be signed and sealed by a professional engineer, registered in the State of Michigan, certifying that the structural design complies with all of the standards set forth for safety and stability in all applicable codes then in effect in the State of Michigan and all sections referred to herein above. The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to one and one-half (1½) times the height of the tower.

The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the WECS or its supporting structure will not cause any portion of it to fall within five (5) feet of utility lines.

- d. *Maximum height:* The maximum height permitted (without variance from the Zoning Board of Appeals) shall be fifty (50) feet unless otherwise prohibited by any state or federal statutes or regulations.
 - e. *Minimum blade height:* The minimum distance between the ground and any protruding blades utilized on a WECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades.
 - f. *Labeling requirements:* A minimum of one (1) sign shall be posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the WECS.
 - (1) The maximum power output of the system and the wind speed at which it is achieved.
 - (2) Nominal voltage and maximum current.
 - (3) Manufacturer's name and address, serial number and model number.
 - (4) Maximum survival wind speed and the emergency and normal shut down procedures.
5. *Utility company notification.* The local electric utility provider shall be notified in writing of any proposed interface with that company's grid prior to installing such interface and shall conform with any legislated requirements governing installations of WECS so as to comply with the Utility Tariff specifications.
6. *Safety.* The WECS' manufacturers shall document that the WECS model has been tested and certified by Underwriter's Laboratory, or other such applicable independent accrediting agency, and that when installed in accordance with recommended specifications shall have a maximum survival wind speed of not less than eighty (80) miles per hour.
7. *Noise.* The maximum level of noise to be generated by a WECS shall be sixty (60) decibels, as measured on the dBA scale, measured at each property line at any time.
8. *Miscellaneous.*
- a. All electric line/utility wires shall be buried under ground except in A-1, Agricultural Districts.
 - b. Any mechanical equipment associated with and necessary for operation, including a building for batteries and

storage cells shall be enclosed with a six-foot fence. The supporting tower shall also be enclosed with a six-foot fence unless the base of the tower is not climbable for a distance of twelve (12) feet.

- c. When a building is necessary for storage of cells or related mechanical equipment, the building may not exceed one hundred forty (140) square feet in area nor eight (8) feet in height, and must be located at least the number of feet equal to the height of the tower from any property line.
- d. The tower and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the tower and related structure shall be dismantled and removed from the property within sixty (60) days.

(Ord. of 7-25-07)

132.1313 - Feedlots and raising of fur bearing animals.

1. Feedlots (see definition) may be permitted in the A-1, Agricultural and I-1, Light Industrial Districts subject to the following special land use approval requirements;
 - a. Any pen, corral, or structure where livestock and/or farm animals are maintained as a feedlot, or where swine are raised shall be sited in accordance with the Michigan "generally accepted agricultural and management practices" (GAAMPS) under PA 261 of 1999. The applicant shall demonstrate in his site plan that GAAMPS standards are to be met.
 - b. The raising of fowl, poultry, quail, or other game birds or their by-products shall be conducted within an adequately fenced area or an enclosed building and shall be sited in accordance with the Michigan "generally accepted agricultural and management practices" (GAAMPS) under PA 261 of 1999. The applicant shall demonstrate in his site plan that GAAMPS standards are to be met. The killing and dressing of fowl are permitted provided that the operation is conducted within a building. All waste parts or offal must be immediately disposed of and no outdoor storage of offal shall be permitted.
2. The raising of fur bearing animals including mink, may be permitted upon special approval in the A-1, Agricultural District when located on a continuous parcel of land ten (10) 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.

(Ord. of 7-25-07)

132.1314 - Commercial composting facilities.

1. *Intent.*
 - a. The intent of this section is to regulate the location and establishment of commercial composting facilities and their development and continued use. Development shall be regulated in such a fashion as to protect natural resources and the general health, safety, and welfare of the community as a whole. Regulation is also intended to preserve, protect, and enhance the social and economic well-being of those proposing the uses, in addition to the residents and property owners in the immediate surrounding area. It is also intended that the regulations ensure compliance with appropriate state, county, and local regulations, guidelines, and policies.
 - b. This section is not intended, nor shall it be construed to prohibit an individual from composting yard wastes from the individual's own household, or upon the individual's own land, as long as the composting does not create a nuisance or hazard to health. Yard wastes and solid waste accumulated as part of an improvement or planting of

privately owned farmland may be disposed of on the property if the method used is not injurious to human life or property, does not unreasonably interfere with the enjoyment of life and property, and does not violate any other state, county, or local act, ordinance or regulation.

- c. Activities conducted in accordance with the Michigan right to farm act, Public Act No. 93 of 1981 (MCL 286.471 et seq.), are exempt from this section.
2. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.
 - a. *Compost* means a complex, highly stable material formed as a result of the breakdown or decomposition of compostable materials, the end product of the composting process, also known as humus.
 - b. *Compostable material.* Compostable or organic matter and material shall include typical yard wastes and clippings such as and limited to leaves, grass clippings, vegetable or other garden debris, shrubbery or brush, and tree trimmings less than four (4) feet in length and two (2) inches in diameter that can be converted to compost humus. This term does not include stumps, roots, agricultural wastes, animal waste, sewage sludge, or garbage.
 - c. *Composting* means a yard waste management alternative to burning and/or landfilling in which compostable yard waste is collected, processed, and recovered rather than being disposed of. Composting involves the biological decomposition of organic matter under controlled conditions characterized by piles that generate heat under aerobic conditions. Sheet composting shall not be considered as a possible special approval use under this section.
 - d. *Contaminants* means material received along with the yard waste which cannot be composted or organic materials which are toxic, or decomposition components of organic materials which are toxic, or heavy metals which are toxic and therefore should be removed from the yard wastes ideally prior to collection, or in preparation for bundle brush, cardboard boxes, burlap wrapping, or other initial collection processes, and therefore any remaining elements should also be further removed at any stage thereafter.
 - e. *Yard waste.* Yard wastes shall be limited to leaves, grass clippings, vegetable or other garden debris, shrubbery or brush, tree trimmings less than four (4) feet in length and two (2) inches in diameter, and wood chips that can be converted to compost humus. This term does not include stumps, roots, agricultural wastes, animal waste, sewage sludge, or garbage.
3. Commercial composting facilities may be permitted in the A-1, Agricultural District subject to the following special land use approval requirements;
 - a. A complete site management plan following the provisions of subsection 4. (below) of this Section.
 - b. Letters of consistency and approval from the St. Clair County solid waste committee, the St. Clair County Health Department, and the Michigan Department of Environmental Quality-surface water quality division. In addition to letters of consistency, the applicant shall submit a letter of acknowledgement from the St. Clair County Road Commission which indicates that it is fully aware of the proposed project and of the potential impact of the proposed project on the county road system, that an understanding has been reached between the developer and the Road Commission concerning mitigation of potential impacts, and that the Road Commission has no objections to the project as proposed.
 - c. Site requirements.
 - (1) *Parcel size.* A parcel to be used for composting shall be a minimum of 20 acres in size and shall not exceed 60 acres for a single operation. The site shall be capable of accommodating a maximum of 3,000 cubic yards of leaves or other yard wastes for every one (1) acre of land. Adequate space must be provided for required

setbacks, buffers, berms, and drainage systems along with room for staging areas, initial processing, windrows, screening areas, curing areas, storage of finished products, office, storage and service buildings, vehicle and processing equipment storage, internal roads, and stormwater retention basins.

- (2) *Frontage.* The parcel should have frontage for the entire width of the lot on a public road; however, applications will be accepted and reviewed for sites with less than full width frontage. Determinations of acceptance shall be based upon the characteristics and merits of the particular site and the ability of the site to comply with the overall intent of this Section as well as protecting the general health, safety, and welfare of the neighboring properties, the community as a whole, and the developer.
- (3) *Spacing of facilities.* Minimum spacing of 2,000 feet shall be maintained between individual composting operations.
- (4) *Access.* The site must have direct access to an all-season public road and all-season route. The access route must avoid residential areas.
- (5) *Protection of surrounding land uses.* Areas within the A-1, Agricultural District which are predominantly residential in nature should be avoided. If permitted, the site plan and site management plan shall clearly denote steps to be taken to mitigate adverse impacts such as noise, dust, odor, blowing yard waste debris or trash, etc. Those sites which are predominantly used as agricultural, yet abut an existing residential use shall clearly show on their site plan steps which will be taken to mitigate adverse impacts such as those listed in this subsection. Mitigation steps shall include existing and augmented vegetative buffers, use of dust control materials on internal roads, frequent monitoring of windows for excessive or unusual odor, turning of compost piles at times when prevailing winds limit exposure of surrounding residents to odors and equipment fumes, and rejection of material bags which may contain other types of contaminants.
- (6) *Platting of site.* Proposed sites shall not be located on lands which have been previously subdivided or platted, in accordance with Public Act No. 288 of 1967 (MCL 560.101 et seq.).
- (7) *Farmland and open space preservation lands.* Sites proposed to be located on lands which have been previously issued a development rights agreement under part 361 of Public Act No. 451 of 1994 (MCL 324.36101 et seq.) are prohibited for the duration of the agreement.
- (8) *Soils.*
 - (a.) Soils considered appropriate for large scale composting facilities (i.e., operations of twenty (20) acres or larger) include those listed in this subsection which possess common characteristics of loam and loamy clay textures, slow to moderately slow permeability, high and moderate available water capabilities, rapid to medium water intake rates, and those capable of facilitating surface and subsurface drainage.

APPROPRIATE SOILS FOR COMPOSTING FACILITIES AND REQUIRED DRAINAGE

Soil Series	Drainage Required
Allendale Loamy Fine Sand (AeA)	Surface and subsurface
Avoca	Random surface & subsurface, as needed
Blount	Surface
Conover	Surface

Corunna	Surface and subsurface
Lenawee	Surface and subsurface
Londo	Surface needed in depressions
Metamora	Random surface and subsurface, as needed
Miami	Not needed
Parkhill	Surface and subsurface
Pert	Surface generally needed
Sims	Surface and subsurface

(b.) Requests for establishing composting facilities on soil types other than those listed require review and approval of the Township Engineer in consultation with a soil scientist. Consideration of other soil types shall be based upon their permeability, capacity to absorb water and needed or proposed artificial drainage. Sites must have the ability to absorb or shed surface and subsurface water, reducing the probability of:

- i. Standing water;
- ii. Seasonal high-water tables of less than one foot; and
- iii. Restricting operation of equipment on the site.

- (9) *Floodplains and wetlands.* Composting facilities shall not be permitted within a one hundred-year floodplain, or within fifty (50) feet of a defined wetland. The application and site plan submitted in conjunction with a special land use request shall include a statement and map of the boundaries of any wetlands and/or one hundred-year floodplains as appropriate. Final determinations on the location of wetlands shall be made by the Michigan Department of Environmental Quality. This setback shall be maintained in a natural vegetative state, unless other improvements are advisable to protect floodplains and/or wetlands.
- (10) *Protection of surface water.* Composting facilities must be isolated from navigable waterways and surface water, including inland rivers, ponds, watercourses and county drains. Sites shall be at least one thousand (1,000) feet from a navigable waterway and at least five hundred (500) feet from other surface waters. This setback shall be maintained in a natural vegetative state, unless other improvements are advisable to protect surface waters.
- (11) *Location near airports.* The Federal Aviation Administration, in Order 5200-5A, prohibits the establishment and operation of any waste disposal facility (including yard waste composting facilities) within five thousand (5,000) feet of any "runway end" of a runway used by piston-powered aircraft, and within ten thousand (10,000) feet of any "runway end" of a runway used by turbine-powered aircraft. If the proposed facility falls within these distances, a letter of compliance from the appropriate Federal Aviation Administration office must be filed with the Township prior to consideration of an application for a special land use.
- (12) *Setbacks.*

- a. All structures and fixed equipment must be shown on the site plan and be setback in accordance with the re A-1, Agricultural District, except as greater setbacks may be required under this Section.
 - b. *Potable water supply.* All operations associated with composting shall be setback a minimum of two hundred (200) feet from existing wells and/or well casings.
 - c. *Residential structures.* All operations shall be setback at least five hundred (500) feet from existing residents.
 - d. *Public rights-of-way.* Operations must be setback at least one hundred (100) feet from the front planned right-of-way and at least one hundred (100) feet from any property line running parallel to an improved public right-of-way.
 - e. *Property lines.* Operations and operational activity must be setback from side and rear property lines (which do not parallel an improved public right-of-way) at least one hundred (100) feet.
- (13) *Drainage and grading.*
- (a.) The site shall be graded in such a fashion as to eliminate all ponding and have a uniform gradient of two (2) to three (3) percent (2.5 being optimal, two (2) percent minimum). Artificial drainage, surface and subsurface, shall be provided in accordance with the information and requirements found in subsection 3.c.(8.), and additional requirements which may be established by the Township Engineer. All surface and subsurface drainage shall be shown on the site plan.
 - (b.) The site plan shall show both existing and proposed grades and elevation contours at two-foot intervals or less.
 - (c.) All stormwater runoff from surface, as well as that collected through subsurface drainage systems, shall be retained on-site and designed to be used for watering composting windrows, as needed. Stormwater shall be retained in a retention pond or basin and shall not be released into the local drainage system or any surface water. This retention pond or basin shall be clearly shown on the site plan together with the stormwater management system designed for the site. The stormwater management system shall be designed to prevent runoff from entering the staging, initial processing, curing and final product storage areas. The proposed site design shall minimize and prevent as much as possible, ponding of water in these areas, along access roads, or within that area containing active composting windrows.
- (14) *Emergency access.* All areas of the proposed site with active operations shall maintain access for emergency vehicles by means of internal all-weather service roads approved by the Township Engineer.
- (15) *Buffers.*
- (a.) Setbacks from side and rear property lines shall be maintained as buffers from surrounding land uses. Property lines shared with existing residential land uses shall contain adequate vegetation to screen windrows, staging, and curing areas, as well as outside storage areas, from view of residential property while vegetation is in foliage. In lieu of natural vegetation or supplementing with installed vegetation, a four-foot berm within the setback may be substituted. The berm must be seeded with grass to eliminate erosion and planted on top with a mixture of evergreens and deciduous trees planted at minimal intervals of ten (10) feet.
 - (b.) Front yards and setbacks shall be landscaped with grass, trees, shrubs and berms. Required setback landscaping shall be shown on the site plan, identifying the location and species being planted.
- (16) *Access.*
- (a.) Site access shall be controlled by a locking gate at the entrance to the facility. The gate and accompanying fencing shall be designed as to reduce the probability of after-hours and illegal dumping on the site.

Public access to the site shall be from a public road in accordance with the requirements of subsections 3.c.(2) and (4). Interval service roads shall allow for year-round access to the rear of the property and include, as a minimum, a turnaround at the terminus of this road. Internal roads or drives open to the public shall be designed as to accommodate maximum traffic flow with minimal congestion.

- (b.) Internal roads open to the public, as well as service roads which provide access to the rear of the lot, shall be elevated above surrounding grade and shall be graded in a manner which allows for adequate drainage. The road base shall be constructed of stone or gravel or some other material found acceptable to the Township Engineer.
- (17) Testing of soil and groundwater.
- (a.) Prior to the public hearing, soil and groundwater from the site must be sampled and analyzed by an independent laboratory with results forwarded to the St. Clair County Health Department and a copy to the Township zoning administrator. Samples shall be taken at several locations within the proposed site and at two levels, one shallow and the second deeper, immediately above the first encountered aquifer. These samples shall be tested to establish a base level for chemical contaminants which may be present in the soil and groundwater. A second test shall be performed on soil taken from shallow depths in that area which is proposed to be used for compost windrows. This second test shall be used to establish a base level for biological oxygen demand (BOD).
 - (b.) If a site is found to contain chemical contaminants at an unacceptable level, a permit will not be issued until the source of the contamination is discovered and the Michigan Department of Environmental Quality has made a determination that the site can be used for the proposed composting facility.
 - (c.) Once in operation, composting facilities shall have their soil and groundwater tested and analyzed annually for chemical contaminants and biological oxygen demand as stated in this subsection by an independent laboratory, and forward the results to the St. Clair County Health Department with a copy to the Township zoning administrator.
 - (d.) If soil or groundwater is found to have levels of chemical contaminants at a level higher than that found in the base sample, and if biological oxygen demand levels tested below existing windrows are found to be elevated, the facility will be required to refuse acceptance of additional yard wastes. In placing this restriction on the facility, the township shall also restrict removal of finished product from the site until the finished compost is found not to be contaminated above acceptable levels. Testing of the finished product shall be conducted by an independent laboratory with the analyzed results forwarded to the St. Clair County Health Department and a copy to the Township zoning administrator.
 - (e.) Once a decision has been made that the level of chemical contaminants is higher than that found in base samples of soil, groundwater, and biological oxygen demand levels, and a determination has been made by the St. Clair County Health Department and the Michigan Department of Environmental Quality, upon review of analyzed data submitted by the independent testing laboratory, that soil or groundwater is contaminated above acceptable levels, or biological oxygen demand levels are found to be at an unacceptable level, the Zoning Administrator shall suspend the zoning compliance permit. The zoning compliance permit shall be reinstated once a finding has been made by the Michigan Department of Environmental Quality that the site can once again be actively occupied and used by the compost facility.
- (18) *Signs.* One non-illuminated monument sign containing the name and address of the facility shall be installed in the required front yard. The sign shall not exceed thirty-two (32) square feet in area and six (6) feet in height. The entrance shall be provided with a permanent sign, not to exceed twelve (12) square feet in area,

displaying hours of operation and materials accepted. Signs prohibiting dumping, not to exceed one square foot in area, shall also be installed at seventy-five-foot intervals along the front property lines and along side property lines abutting a road.

- (19) *Storage areas.* Outside equipment storage areas shall be screened from view from public streets and abutting residential land uses. Storage of any equipment or vehicles not directly associated with the primary use of the land shall be prohibited.
 - (20) *Storage of contaminants.* No more than ten cubic yards of contaminants which have been removed from incoming material may be stored at one time on the site. Contaminants must be stored in an enclosed container on an impermeable surface and screened from view from abutting public streets and surrounding residential land uses. The location of the enclosed container and the location and type of screening to be used shall be shown on the site plan.
 - (21) *Water source.* Composting facilities must be provided with a source of water for moisture needed during the composting process. The source and location shall be shown on the site plan.
 - (22) *Fencing.* A minimum six-foot chain-link fence shall be provided along all property lines shared with a public right-of-way. Side and rear property lines perpendicular to a public right-of-way must be provided with a minimum six-foot chain-link fence originating at the property corner and running one hundred (100) feet along the side (or rear) property lines.
4. *Site management plan.* Applicants shall submit a site management plan as a component of their application for a special land use permit. The site management plan shall contain, as a minimum, the following information:
- a. The name, address, and telephone number of the owner of the land of the subject site;
 - b. The name, address, and telephone number of the applicant making a request for the special land use permit;
 - c. The name, address, and telephone number of the person who will be managing the actual composting facility;
 - d. An outline of the management structure, complete with names, titles, addresses, and telephone numbers;
 - e. Location, size and legal description of the total land area proposed for such use;
 - f. The projected capacity of the facility, including shredded leaves, grass, and brush; and targeted quantities to be processed, incoming and outgoing;
 - g. A statement on the population intended to be served by the facility (where the compostable material will be received from, including evidence of contracts), and how this material will be brought to the site;
 - h. Types of materials to be composted and what form the materials will be accepted in; and procedures for monitoring incoming and outgoing material, and controlling the disposal or refusal of unacceptable materials;
 - i. Method of composting to be used (sheet composting is prohibited);
 - j. Types and number of equipment to be used (i.e. shredders, front-end loaders, windrow turning machine, screening and shakers, etc.);
 - k. The location, type, size, and proposed contents of all fuel storage facilities, and details on primary and secondary containment systems for all hazardous materials stored on-site;
 - l. Personnel, with the number to be employed and duties of each;
 - m. An outline of the operational cycle and timetable beginning with acceptance of material on-site to the sale or other disbursement of the final product(s) and disposal of any waste byproducts. This outline shall include plans for the processing or staging of material (i.e., chipping, mixing materials, windrow formation, material layering, watering), the compost activity (i.e., windrow turning, monitoring moisture content and temperature, windrow combining, curing and finishing, including screening), and the distribution of the final product;

- n. Operational details, including the hours of operation and days of the week that the facility will be open throughout the year;
 - o. A list of the chemicals or accelerating agents to be used, including bacteria, fungi, or nitrogen, including established guidelines for use and storage of these agents;
 - p. A statement on the methods to be used to monitor and ensure protection of the environment (odor, dust, noise, blowing yard waste debris and/or trash, anaerobic problems, methane production). This shall include an outline of the necessary steps which will be taken to reverse a breakdown in the composting system or pollution problem;
 - q. Plans for the disposition of non-marketable compost;
 - r. A plan for the disposition of the final products. This plan shall encompass targeted users, projected quantities to be produced and distributed, and the manner of distribution and sales (i.e., retail, individual bags, truckloads, or wholesale). The applicant shall present to the township a copy of the applicant's registration issued by the Michigan Department of Agriculture as evidence of compliance with part 85 of Public Act No. 451 of 1984 (MCL 324.8501 et seq.);
 - s. Evidence on the previous use, or non-use, of the proposed site for waste disposal;
 - t. Statements indicating that the applicant is aware of, has read, and understands, as they apply to the proposed composting operation, public acts of the state, including part 31 of Public Act. No. 451 of 1994 (MCL 324.3101 et seq.), part 55 of Public Act No. 451 of 1994 (MCL 324.5501 et seq.), part 361 of Public Act No. 451 of 1994 (MCL 324.36101 et seq.) and part 85 of Public Act No. 451 of 1994 (MCL 324.8501 et seq.). This plan shall also include a copy of the applicant's soil erosion and sedimentation control permit, as evidence of compliance with part 91 of Public Act of 1994 (MCL 324.9101 et seq.); and
 - u. A contingency operations plan which addresses action to be taken in the event of a natural disaster, (building, equipment, brush and/or grass, or yard waste) fires, equipment failure, extended adverse weather, severe storms, unauthorized receipt or dumping of hazardous material, or a breakdown in the composting process resulting in odor, dust, or off-site surface water or groundwater contamination. These plans shall address reserve or alternate equipment, alternative handling methods, agencies to be contacted or alerted, and alternative operational plans.
5. *Acceptance of intrastate out-of-county waste.* Yard waste composting facilities regulated by this Section shall not accept, for composting, yard waste that is generated within that state of Michigan, but outside of St. Clair County unless the acceptance of such generated yard waste is explicitly authorized in the approved St. Clair County solid waste management plan.
 6. *Availability of facility for township resident use.* The proposed facility must be available for use by all residents of Cottrellville Township during regular operating hours. The facility shall be open to township residents each Saturday of the month for a minimum of six hours from April 1 to December 1. The operator may charge township residents a fee for tipping and purchase of finished product.
 7. *Inspections and reports.*
 - a. The township shall require an escrow account to be established for each composting facility to cover the cost of annual inspections and reports. The amount shall be established by the township board after consultation with the zoning administrator and the township engineer. The escrow account balance shall be reviewed annually and any additional amount to be paid in annually shall be determined by the township board. Failure to maintenance the escrow account balance as required by the township board shall be deemed a violation of the special land use permit.

- b. The zoning administrator shall schedule annual inspections for each composting facility to ensure compliance with : use requirements and any conditions that may have been applied. The zoning administrator shall also note any con composting facility that have significantly changed in a manner that was not foreseen after the original special land approved. The zoning administrator may request review of, and a report on the composting facility and conditions k township engineer and/or other appropriate expert(s), the cost of which shall be borne by the applicant through dir payment and/or withdrawal from the escrow account. The zoning administrator shall make a report to the Township Commission on each annual inspection.
 - c. The Township may also require an annual summer inspection for rodents, which may be scheduled with the regular annual inspection or upon receipt of a signed complaint of the sighting of rodents, to be conducted by a licensed pest control company. Copies of the resulting report shall be transmitted directly to the Township zoning administrator by the pest control company. If rodents are detected, appropriate measures shall be taken to capture or exterminate the rodents in an environmentally safe manner. Costs for rodent inspection and control shall be borne by the applicant through direct payment and/or withdrawal from the escrow account.
 - d. The composting facility shall be open to inspection by the local fire inspector, the St. Clair County Health Department officials, and the Township zoning administrator at all times.
8. *Performance guarantee.* A cash bond or an irrevocable bank letter of credit in an amount sufficient to cover the estimated cost of improvements associated with a project regulated under this Section as a guarantee for their completion shall be deposited with the township clerk. The amount of the guarantee shall be determined by the township board upon receipt of a recommendation from the township engineer. These improvements shall mean those features and actions associated with the project which are considered necessary by the township engineer (with consultation with the township planner and zoning administrator as necessary) to protect natural resources, or the health, safety, and welfare of the residents of the township and future users or inhabitants of the proposed project, or project area. Improvements shall include roadways, grading on- and off-site, utilities, fencing, berming, screening, drainage, and source of water. Improvements do not include the entire project with all elements of it, or the entire area of subject parcel of land if it is not proposed to be fully utilized.

(Ord. of 7-25-07)

132.1315 - Kennels and veterinarian clinics.

Kennels public, private, or commercial (as regulated under Article 4, Section 8, St. Clair Co. Dog Control Ordinance) and veterinarian clinics, including the offices may be permitted in the A-1, Agricultural, B-2, General Business and I-1, Light Industrial Districts subject to the following special land use approval requirements;

1. The subject property is so located as not to hinder any natural residential development which may exist or which may be already be occurring within the area,
2. The subject property contains a minimum contiguous parcel of land, five (5) acres or more in area,
3. No runs, associated kennels, or run building shall be closer than 100 feet to any abutting property line,
4. In the B-2 Districts there shall be no outside runs or keeping of animals. In the A-1 and I-1 Districts all runs or breeding areas shall be enclosed by a chain link fence not less than six (6') feet in height,
5. Parking. One (1) parking space is provided for every five kennel runs. For office space, waiting room(s), and similar space open to the public; one parking space is required for each 15 square feet of usable floor area, one parking space is required for each examining room or similar area, and one parking space is required each person working on the premises.
6. If the use is of a commercial nature in the B-2 District, all parking and drives shall be constructed and paved.

7. The Planning Commission may require adequate means of noise control, including but not limited to buffering, use inside night time (also potentially day time) housing of animals, and any other reasonable means to insure adequate protection and enjoyment of neighboring properties. Failure by the developer of a kennel to demonstrate in his pro adequate means of noise control will be provided, shall be grounds to deny approval by the Planning Commission.

(Ord. of 7-25-07)

132.1316 - Bed and breakfast facilities.

Bed and breakfast facilities may be permitted in the A-1, Agricultural, R-1, One-Family Residential, and B-1, Local Business Districts subject to the following special land use approval requirements;

1. One (1) off-street parking space shall be provided for each leasable bedroom in addition to the two (2) parking spaces required for the residential dwelling.
2. One (1) non-illuminated sign, identifying the establishment, not to exceed four (4) square feet in area and not closer to the street line than fifteen (15) feet shall be allowed.
3. The subject dwelling shall be the principal residential dwelling unit on the property and shall be owner-occupied at all times.
4. The dwelling shall have at least two (2) exits to the outdoors.
5. Not more than six (6) sleeping rooms in the dwelling may be used for rental purposes.
6. No more than forty (40) percent of the dwelling may be used for rental sleeping rooms.
7. Not more than eighteen (18) overnight guests may be accommodated at any time,
8. The rooms utilized for sleeping shall be a part of the primary dwelling at the time of enactment of this amendment and not specifically constructed for rental purposes,
9. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two (2) occupants with an additional thirty (30) square feet for each occupant.
10. Lots or parcels must meet the area and width requirements as specified by Article IX, Schedule of Regulations.
11. The applicant must provide a floor plan drawn to scale for the Planning Commission's consideration.
12. The sale of any commodity, product or services that are not accessory shall not be provided.
13. Each owner/operator of a bed and breakfast shall keep a guest registry, which shall be available for inspection by an appropriately assigned Township official at any time.
14. The length of stay for each guest shall not exceed fourteen (14) days within any thirty-day period.
15. Vehicular access to the bed and breakfast facilities shall be via private entrance drive. The use of shared drives shall not be permitted.
16. Such bed and breakfast establishments shall be located five hundred (500) feet or more apart, unless the Planning Commission finds justification to waive this limit.

(Ord. of 7-25-07)

132.1317 - Group (child) day care home.

Group day care home with seven (7) to twelve (12) children (as defined under Public Act of 116 of 1973, as amended, see definition) may be permitted in the A-1, Agricultural, R-1, One-Family Residential, RM-1, Multiple-Family Residential, and MHD, Manufactured Home Development Districts subject to the following special land use approval requirements;

1. Adequate ingress and egress, parking and circulation shall be provided on the site.
2. The lot or parcel on which such use is located shall be located no closer than one thousand five hundred (1,500) feet to any of the following:
 - a. Another group day care home.
 - b. An adult foster care group home licensed by the Michigan Department of Social Services.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more persons, licensed by the Michigan Office of Substance Abuse Services.
 - d. A community corrections center, resident home, halfway house, or similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
3. The construction and use shall be licensed by the Michigan Department of Social Services prior to beginning operation which has minimum regulations and requirement regarding play space.

(Ord. of 7-25-07)

132.1318 - Private non-commercial recreational areas; institutional or community recreation centers; non-profit swimming pool clubs.

Private non-commercial recreational areas; institutional or community recreation centers; non-profit swimming pool clubs may be permitted in the A-1, Agricultural, R-1, One-Family Residential, RM-1, Multiple-Family Residential, and MHD, Manufactured Home Development Districts subject to the following special land use approval requirements;

1. 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 as designated on the Major Thoroughfare Plan, and the site shall be so planned as to provide all access in accordance with Section 132.1418.
2. Front, side, and rear setbacks shall be at least one hundred (100) feet wide, and shall be landscaped with trees, shrubs, and grass. All such landscaping or structures (fences, walls, berms) permitted within these setbacks shall be used to obscure the use from, or shall be used to positively (desirable rather than negative impacts) relate this special land use to land and uses in an abutting A-1, R-1, RM-1 or MHD District and to any public right-of-way.
3. Off-street parking shall be provided so as to accommodate not less than one-half (½) of the member families and/or individual members. The Planning Commission may modify the off-street parking 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 computing 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 determined by the Planning Commission on the basis of usage.
4. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with protective improvements in accordance with the Michigan Building Code.

(Ord. of 7-25-07)

132.1319 - Large scale recreation.

Large scale recreation uses, including driving ranges with or without an arena, gun clubs, archery ranges, camper and/or tent parks, hay rides, picnic grounds, swimming facilities, kiddie-type rides, and tracks and other constructed courses for off-road vehicles whether for personal use or public use, (but not including circuses, outdoor drive-in theatres, motorcycle and auto racetracks, and horse or dog tracks) may be permitted in the A-1, Agricultural Districts subject to the following special land use approval requirements;

1. Site requirements.
 - a. All approved uses shall be on a contiguous parcel of twenty (20) acres or more in area.
 - b. All vehicular ingress and egress from the site shall be directly onto a thoroughfare having a designed right-of-way on the township's adopted thoroughfare plan of not less than eighty-six (86) feet.
 - c. Review of the proposed site plan must show that a proper relationship exists between the major or secondary thoroughfare and all proposed service roads, driveway, and parking areas to encourage pedestrian and vehicular traffic safety.
2. Yard and building placement requirements.
 - a. All development features, including the principal building, shall be related to minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of one hundred (100) feet to any property line adjacent to an R-1, RM-1 or MHD District and to any public right-of-way; provided that, where topography conditions are such that the building would be screened from view, this requirement may be modified by the Planning Commission.
 - b. No activity shall take place within 30 feet of the perimeter of the recreation area. All such activities shall be adequately screened from property within an abutting R-1, RM-1, or MHD District by means of a protective wall or greenbelt as described in Sections 132.1414 and 132.1423.
 - c. Related accessory commercial uses may be permitted in conjunction with a large scale recreational use, when they are clearly incidental to the main recreational character of the use. Such related accessory uses shall not include the sale, servicing, or repair of any vehicles or equipment used on the site except those owned by the proprietor.
 - d. Permitted accessory uses which are generally of a commercial nature shall be housed in a single building. Minor accessory uses which are strictly related to the operation of the primary recreational use itself, such as a maintenance garage, may be located in a separate building.
 - e. All off-street parking shall be constructed to the standards of this Ordinance.
3. Other requirements.
 - a. Gun clubs. When a gun club is proposed, it shall be clearly established that the activities shall in no way endanger the health, safety or welfare of any persons and will not become a nuisance in any manner. All new gun and hunt 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, shall have an environmental stewardship plan including best management practices. The environmental stewardship plan should be based on guidelines of the Michigan United Conservation Club (MUCC) or other similar reputable source. All new shooting ranges shall meet or exceed the design standards of the National Rifle Association (NRA). Operations using firearms shall not begin before 8:00 A.M. nor continue beyond 9:00 P.M.
 - b. Combat game areas. This type of use shall be conditioned similarly to gun clubs, except that the use of an engineer or architect shall not be required and the NRA design standards are not applicable.
4. Off-street parking. Off-street parking shall be permitted in accordance with this Ordinance, except that the

Zoning Board of Appeals may waive requirements for paved parking areas, maneuvering lanes and drives for campgrounds, parks, and other recreational uses where, because of their rural or rustic nature, hard-surfaced parking would detract from the nature of the recreational experience.

5. Adequate restroom facilities must be provided for all customers.

(Ord. of 7-25-07)

132.1320 - Golf courses.

Golf courses may be permitted in the A-1, Agricultural, R-1, One-Family Residential, RM-1, Multiple-Family Residential, and MHD, Manufactured Home Development Districts subject to the following special land use approval requirements;

1. The site shall be so planned as to provide all access in accordance with Section 132.1418.
2. 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.
3. All development features including the principal building and any accessory buildings or structures are so located and related to minimize the possibility of any adverse effect upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than one hundred (100) feet from any property within an abutting A-1, R-1, RM-1 or MHD District or public rights-of-way; provided that where topographic conditions are such that the building(s) would be screened from view, the Planning Commission may modify this requirement.
4. Major accessory uses which are generally of a commercial nature, such as a restaurant and bar, shall be housed in a single building with a club house. Minor accessory uses which are strictly related to the operation of the golf course itself, such as maintenance garage and pro shop, may be located in separate buildings.
5. Whenever a swimming pool is to be provided, said pool shall be provided with a protective improvements in accordance with the Michigan Building Code.
6. Off-street parking shall be provided in accordance with the provisions of Section 132.1405.

(Ord. of 7-25-07)

132.1321 - Reserved for future use.

132.1322 - Private use landing areas.

Landing areas for the private use of the property owner may be permitted in the A-1, Agricultural and I-1, Light Industrial Districts subject to the following special land use approval requirements;

1. Said landing area is subject to all applicable rules and regulations of the Federal Aviation Administration and the Michigan Aeronautics Commission which agencies shall approve the preliminary plans submitted to the Township.
2. No landing area for private use shall be established within five (5) miles of a public use facility certified by the Michigan Aeronautics Commission without approval of said Commission. No landing area for private use shall be established within a two-mile radius of another private use landing area.
3. All landing areas shall have a minimum runway with an eighteen hundred-foot landing length in each direction from a clear approach slope of 20:1 and a one hundred (100) foot usable width with an additional fifty (50) foot minimum width on each side which is free of obstructions. The approach slope with a width of not less than two

hundred (200) feet shall be based on a clearance of all objects within the approach area, including a roadway clearance of fifteen (15) feet or seventeen (17) feet over an interstate highway, a railway clearance of twenty-three (23) feet, and a clearance at the property line of twenty-five (25) feet.

4. No landing area shall be approved that would interfere with the right of nearby and adjacent owners and occupants of property to peaceful enjoyment of their property.
5. Hazards to navigation. No obstruction of whatever character, object of natural growth, or use of land, upon the premises of the landing area which prevents the safe use of such facilities for the take off or landing of aircraft shall be permitted.
6. Yard and placement regulations.
 - a. The site shall not abut or be across the street any R-1, RM-1, or MHD District.
 - b. Landing areas shall be located on a contiguous parcel of land not less than twenty-five (25) acres in area. The parcel shall have a width of not less than four hundred fifty (450) feet. The parcel shall have a depth of not less than eighteen hundred (1,800) feet. It is not required that the necessary clear zones be contained within the site, however, if future development intrudes upon the required clear zones, use of the landing area shall immediately cease, unless adequate and appropriate easements are first obtained and recorded by the private use landing area owner.
7. In the A-1 District, the property owner shall construct a residence within two (2) years or be required to obtain a two-year renewable license from the governing township authority.
8. All lights used for landing areas and other lighting facilities shall be arranged so as not to reflect towards adjoining non-landing area uses.
9. Prohibited uses.
 - a. The open storage of junked or wrecked vehicles or aircraft shall not be permitted.
 - b. Use of a private use landing area is limited solely to the single owner. No commercial activity or operations (such as the sale of gasoline or oil, the soliciting or engaging in charter flying or student instruction, the provision of shelter or the tie-down of an aircraft (except owner's), the overhaul or repair of an aircraft or of engines, or otherwise offering aeronautic facilities or services to the public) shall be permitted on the premises.
10. Private use helicopter landing areas shall conform to all of the above regulations, except for those regulations intended to clearly apply only to airplane landing areas. Placement and operation of helicopters landing facilities shall otherwise comply with all regulations of the Michigan Aeronautics Commission and the Federal Aeronautics Administration.

(Ord. of 7-25-07)

132.1323 - Cemeteries.

Cemeteries may be permitted in the A-1, Agricultural subject to the following special land use approval requirements;

1. *Maximum area of recorded plots.* The location of a cemetery may be permitted in a quarter section (or equivalent 160 acre block of land), when the quarter section does not have more than fifty-one (51) percent of its land area in recorded plats.
2. *Continuity of roads.* The continuity of all roads present or planned for adjacent areas shall be satisfactorily resolved to provide for present and future, safe and prompt access and egress to, from, and through such areas.
3. *Road access.* All access shall be provided from a major thoroughfare or collector thoroughfare (with a planned

right-of-way of not less than eighty-six (86) feet), as shown in the adopted Cottrellville Township Master Plan.

4. *Screening.* All sides of the cemetery shall be screened from any residential view by providing a continuous and completely obscuring decorative wall, fence, or buffer strip planting as described in Sections 132.1414 and 132.1423.
5. *Drainage.* Approval shall be given contingent on a satisfactory drainage plan approved by the Township Engineer and the County Health Department.
6. *Site coverage.* Any crypt, mausoleum, or other buildings or structures wholly or in part above the ground, other than monuments, shall together occupy not more than twenty-five (25) percent of the total lot area.
7. *Setback.* No part of any crypt, mausoleum, or other building containing bodies or remains, other than a subterranean grave shall be less than one hundred (100) feet from the nearest lot line.
8. *Avoidance of floodplains.* Any grave, crypt, mausoleum, or other building containing bodies or remains shall not be located within any officially designated floodplain.
9. *State regulations.* The proposed cemetery complies with all provisions in acts relating to cemeteries enacted by the people of the State of Michigan.

(Ord. of 7-25-07)

132.1324 - Mining and extraction.

Because the commercial removal of soil, sand, gravel, stone and other earth materials is likely to involve substantial amounts of nuisance (primarily noise and dust, with resulting air pollution) and large amounts of trucking and in some (but not necessarily all) cases the land is spoiled for any subsequent use with resulting loss of taxable revenues, such use may be permitted in the A-1, Agricultural Districts subject to the following special land use approval requirements;

1. There shall be not more than one (1) entrance way from a major thoroughfare to said lot for each five hundred (500) feet of street frontage.
2. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before 7:00 a.m. or after 7:00 p.m.
3. On said lot, no digging or excavating shall take place closer than one hundred (100) feet to any lot line or public right-of-way.
4. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
5. Any odors, smoke, fumes or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lots as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road and shall conform to the Township Anti-Noise and Public Nuisance Ordinance (Part 73).
6. Such removal processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, water-course, or water body outside the lines of the lot on which such use shall be located.
7. Such removal processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing or storage shall cease to be

conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.

8. All fixed equipment and machinery shall be located at least one hundred (100) feet from any neighboring lot or parcel line and five hundred (500) feet from any R-1, RM-1, or MHD district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth, but in no case less than one hundred (100) feet from any lot line or right-of-way.
9. If a commercial removal of soil, sand, gravel, stone or other earth materials by reasons of its depth or other conditions constitutes or is reasonably likely to constitute a danger to public health, safety or welfare, then a fence shall be erected around it. The fence shall be six (6) feet in height, shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the edge of any slope. The Planning Commission may take into account existing land conditions (e.g. rivers, drains, lakes, swamps) and manmade improvements or facilities (e.g. interstate highways, railroads) which may also serve as barriers, thereby reducing the need for fencing.
10. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
11. The operator shall file with the Planning Commission a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil, proposed and final landscaping, and the location of future roads, drives, drainage courses and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated cost of carrying out the plans for restoration shall be included with said plans.
12. The operator shall file with the Township of Cottrellville a performance bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall be fixed by the Township. The bond shall be released upon written certification of the Zoning Administrator that the restoration is complete and in compliance with the restoration plan.
13. The operator shall file with the St. Clair County Road Commission a bond for maintenance of and dust control on the public road(s) providing access to the site.

(Ord. of 7-25-07)

132.1325 - Contractor's and storage of commercial vehicles and equipment.

Contractors, such as but not limited to, excavators, landscapers, and snow removal businesses and the storage of commercial vehicles and equipment, such as but not limited to, pickup trucks, vans, well driller's vehicles and equipment, delivery vehicles, snow plow, lawn maintenance equipment, tank trucks, semi-tractors and trailers, and construction equipment (a permitted use in the I-1, Light Industrial Dist.) may be permitted in the A-1, Agricultural Districts only when accessory to a dwelling, and subject to the following special land use approval requirements;

1. All such uses shall be located on a township major thoroughfare, secondary thoroughfare, or collector road.
2. All equipment or stored materials shall be set back at least one hundred (100) feet from all property lines, provided the Planning Commission may increase this requirement where additional protection is required for

adjacent properties and/or uses.

3. Adequate off-street parking shall be provided to serve the expected number of users of the commercial vehicles and for the storage of the commercial vehicles.
4. That the number of commercial vehicles or pieces of equipment on-site shall be limited to five (5). For purposes of counting, a truck and trailer normally used together and stored together will be counted as one (1) vehicle. A piece of equipment that is stored on the trailer of a truck/trailer combination shall not be counted as an additional vehicle.
5. Vehicles stored within a building will not be counted for the above limitations.
6. Any hazardous materials, such as but not limited to; gasoline, diesel fuel, and motor oils, shall conform to all requirements for hazardous materials.
7. Storage of materials, such as but not limited to; topsoil, dirt, gravel, limestone, and crushed concrete, stored on the premises for use in commercial activity will be limited to occupying no more than three thousand (3,000) square feet of contiguous ground, free standing piles, and in bins. There shall be adequate means are to be provided to prevent these materials from spreading to adjacent properties or waterways due to wind or rain.
8. An inventory of all equipment on the property must be filed with the Township by February 1 of each year. On-site property inspections by the Township zoning administrator or his/her agents shall be permitted with twenty-four (24) hours prior notice.
9. Whenever the proposed use is adjacent to an A-1, R-1, RM-1 or MHD District or residential use, the Planning Commission may require that a landscaped greenbelt (and berm if necessary) be provided in order to provide proper screening of the vehicle(s), equipment or material storage for the abutting A-1, R-1, RM-1 or MHD District or residential use.
10. Other conditions may be required by the Planning Commission to insure protection of the adjoining neighborhood, such as, but not limited to, truck trips per day, total amount of material removed and/or stored on an individual site on a daily basis, special measures to reduce noise levels, and similar limitations determined to be necessary to protect the health, safety, and general welfare of nearby residents and land uses and the community as a whole.
11. Hours of permissible operation between: 7:00 a.m. and 11:00 p.m.
12. The operator shall apply for a special haul route with the St. Clair County Road Commission as may be required by the Road Commission. The operator shall abide by all conditions imposed by the Road Commission which may include, but is not limited to, a financial surety, maintenance conditions, and/or improvement. At the time of application for a special land use permit, the operator shall include in his/her application, the expected Road Commission requirements and a copy of the approved special haul route permit shall subsequently be provided to the Zoning Administrator.

(Ord. of 7-25-07)

132.1326 - Communication Towers.

Communication towers may be permitted in the A-1, B-2 and I-1 District(s) subject to the following special land use approval requirements;

1. The tower must be setback from all property lines a distance equal to its height for reasons of safety and aesthetics. Except that the setback may be reduced by the Planning Commission with due consideration of aesthetic circumstances, if the developer submits evidence that the tower is designed in the event of failure, to

collapse within a more confined distance. Land included within such minimum required setbacks shall remain undivided and undeveloped with other structures not accessory to the tower.

2. Towers shall be of the freestanding type without guy wires.
3. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
4. All bufferyard requirements within the zoning ordinance shall be met.
5. All towers shall be equipped with an anticlimbing device to prevent unauthorized access.
6. The plans of the tower construction shall be certified by a registered structural engineer.
7. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
8. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
9. Communication towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two-mile radius of a public or private airport or one-half-mile radius of a helipad.
10. All facility components and structures accessory to the maintenance and operation of a tower or antenna shall comply with all regular setback requirements for the district in which located. However, in no case shall said accessory components and structures be located within thirty (30) feet of a property line.
11. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
12. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
13. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the Michigan Building Code.
14. All signals and remote control conductors of low energy which extend substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
15. Towers shall be located so that they do not interfere with reception in nearby areas. If problems occur after construction, the tower owner and/or lessee shall provide a remedy.
16. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
17. The base of the tower shall occupy no more than five hundred (500) square feet.
18. Minimum spacing between tower locations shall be two (2) miles (regardless of municipal boundaries) in order to prevent a concentration of towers in one area.
19. Height of the tower, including antennae, shall not exceed one hundred ninety-nine (199) feet from grade.
20. 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 in the future, lighting shall be of the dual mode day/night type (red at night, strobe during the day) and be designed to refract upward so as to limit ground scatter to a maximum of seventy-five (75) candela at the site property line or leasehold line (if leased).
21. Existing on site vegetation shall be preserved to the maximum extent practicable.
22. 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.

23. The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme shall be designed to minimize off-site visibility of the antenna.
24. Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the special use approval shall be subject to revocation by the Planning Commission. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
25. 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.
26. Parking and drive areas must be surfaced with 22A gravel with adequate base to support maintenance vehicles. All driveway entrances shall meet the requirements of the St. Clair County Road Commission and a permit shall be obtained from the Road Commission for each driveway entrance.
27. Except for the driveway opening, along the entire perimeter of the tower site property, including its related structures and fencing, and within the area leased or owned by the applicant, the developer shall plant a landscaping buffer, which the lessee or owner shall subsequently maintain. The buffer, at a minimum, shall consist of two (2) staggered rows of trees that are a minimum of six (6) feet tall when planted with a height at maturity of at least twenty (20) feet. Trees shall be planted on twenty-foot centers. Trees shall be eighty (80) percent evergreens and twenty (20) percent deciduous, mixed in species, using only species approved by the American Nurserymen's Association or a similar organization which may be specified elsewhere by Township ordinance.

The Planning Commission may waive this requirement if the site is buffered by adequate existing natural vegetation.
28. All towers that cease to be used for a period of six (6) continuous months shall be removed at the owner's expense, including all equipment and structures, and the owner shall restore the site to its original condition within three (3) months of written notice and request by the Township. If a tower is scheduled to be back in use within six (6) months of the date of the Township's notice, as provided herein, the owner may apply to the Zoning Board of Appeals (ZBA) for an extension. Upon proof that use of the tower will recommence within six (6) months of the notice to remove, the ZBA may grant an extension, not to exceed six (6) months.
29. The policy of the Township is to minimize the number of communication towers within its jurisdiction. Therefore, the Township shall require the co-location of communication towers. Pursuant to this policy, the following standards apply to communication towers:
 30. All new and modified communication towers shall be designed and constructed so as to accommodate co-location of at least three users.
 31. A special land use permit for the construction and use of a new communication tower shall not be granted unless and until the applicant demonstrates that a feasible co-location opportunity is not already available for the coverage area and capacity needs.
 32. An antenna(s) with supporting accessory ground equipment and structures (no additional separate tower) may be co-located on an existing high voltage electric transmission line tower in any zoning district, subject to all requirements of this Section 132.1326. The Planning Commission may also consider co-location on other extraordinarily tall structures, such as, but not limited to smokestacks, water towers, and power houses in any zoning district.
33. The following communication facilities are exempt from the above provisions, provided that they meet the

requirements of the zoning district in which they are located and provided that the maximum height of these facilities shall be sixty (60) feet:

- a. Citizen band radio facilities
 - b. Short wave facilities
 - c. Ham and amateur radio facilities
 - d. Television reception antennae
 - e. Satellite dishes
 - f. A farmer's communication system or other similar private communication systems.
34. Government facilities which are subject to state and federal law or regulations that preempt municipal regulatory authority.

(Ord. of 7-25-07)

132.1327 - Orphanage, foster home, home for the aged, indigent, or physically or mentally handicapped.

An orphanage, foster home, or a home for the aged, indigent, physically or mentally handicapped, a rest or convalescent home may be permitted in the RM-1, Multiple-Family Residential District subject to the following special land use approval requirements;

1. All vehicular ingress and egress from the site shall be directly onto a public road having a planned right-of-way of not less than eighty-six (86) feet.
2. The maximum extent of development and occupancy shall not exceed thirty (30) persons, patients, or residents per acre of land.
3. No building other than a structure for strictly residential purposes shall be closer than sixty (60) feet to any property line.
4. State licensed homes for six (6) or fewer residents shall be a permitted use in all districts where single-family homes are a permitted use.

(Ord. of 7-25-07)

132.1328 - Child (day) care centers, nursery school, and day nursery.

Nursery schools, day nurseries, and childcare centers, (see definition) may be permitted in the RM-1, Multiple-Family Residential and MHD, Manufactured Home Development, and B-1, Local Business Districts subject to the following special land use approval requirements;

1. The childcare center shall be licensed by the Michigan Division of Child Day Care Licensing, which includes minimum outdoor play area requirements.
2. Adequate ingress and egress, parking and circulation shall be provided on the site, including a drop-off/pick-up area for children, outside of any public right-of-way.

(Ord. of 7-25-07)

132.1329 - New and used automobile and truck agency sales and showrooms, and other vehicle sales areas.

New automobile and truck agency sales and showrooms (441110) and used automobile and truck sales (441120)*, recreational vehicles (441210), motorcycles (441221), boat dealers (441222) or other motor vehicle sales areas (441229) [other than homeowners' gardening equipment and related] may be permitted in the B-2, General Business District subject to the following special land use approval requirements. (*Any person selling more than two (2) vehicles per year shall be defined as a used vehicle dealer and shall be located only in the B-2 as provided herein).

1. The vehicle sales must be located on a site having a frontage on a thoroughfare (See Thoroughfare Plan within the Township Master Plan) of not less than one-hundred twenty (120) feet and an area of not less than twenty-thousand (20,000) square feet.
2. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from any point of intersection formed by the existing or proposed right-of-way lines, whichever is greater.
3. Major repair and major refinishing shops shall be permitted as accessory when conducted entirely within an enclosed building.
4. No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.
5. The outside display of new and used automobiles, trucks, and/or other 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.
6. A fifteen-foot landscaped setback shall be provided between any existing or proposed right-of-way line, whichever is greater, and any outdoor display of new or used vehicles.
7. No outside loudspeaker or outside public address system shall be used.

(Ord. of 7-25-07)

132.1330 - Lumber and building material dealers.

Lumber yards and suppliers of prefabricated buildings and kits (444190) (permitted use in the I-1, Light Industrial Dist.) may be permitted in the B-2, General Business Districts subject to the following special land use approval requirements;

1. The site shall abut only land zoned B-2, General Business or I-1, Light Industrial.
2. All storage of building materials shall be within enclosed buildings, or storage sheds, except that outdoor storage may be permitted when within an area enclosed by an obscuring fence or wall not less than six (6) feet nor more than eight (8) feet in height. Screening slats placed in a chain link fence shall not be accepted as a suitable screening device.

(Ord. of 7-25-07)

132.1331 - Open-air display and sales of home owner's gardening equipment, lawn and yard supplies and products, seasonal or holiday products, or other open-air display of miscellaneous products.

Open-air display and sales of home owner's gardening equipment, lawn and yard supplies and products, seasonal or holiday products, or other open-air display of miscellaneous products may be permitted in the B-2 General Business Districts subject to the following special land use approval requirements;

1. Equipment, supplies, and/or products are displayed on a surface(s), at location(s), and organized in a manner determined by the Planning Commission to be appropriate such that safety is promoted, erosion and runoff are not created, customers are not inconvenienced, and neighboring properties are not adversely affected. Surfacing

may include gravel and/or pavement in accordance with the standards under Section 132.1406 for parking.

2. There be no display in areas that are required for parking, aisles, loading or sidewalks.
3. Ingress and egress to the site shall be at least twenty-five (25') feet from a street intersection or adjacent A-1, R-1, RM-1 or MHD District.

(Ord. of 7-25-07)

132.1332 - Motion picture theaters and outdoor theaters.

Motion picture theaters (512131), and Outdoor theaters, including drive-in theaters (512132) may be permitted in the B-2 Districts and Outdoor theaters may be permitted in the I-1 Districts subject to the following special land use approval requirements;

1. Points of ingress and egress for any theater shall only be from abutting major thoroughfare(s) (See Thoroughfare Plan as part of the Township Master Plan).
2. Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall only be permitted when the site in question is surrounded by a B-1, B-2, and/or an I-1 District(s).
3. All vehicles waiting or standing to enter an outdoor theater shall be provided off-street waiting space. No vehicle shall be permitted to wait or to stand within a dedicated right-of-way.
4. The outdoor theater areas shall be laid out and screened so as to prevent the movie screen from being viewed from adjacent streets. All sides of an outdoor theater not abutting a street shall be screened with a fence or wall so as to obscure from view all activities within the development, especially for any residential areas.
5. All lighting used to illuminate the area shall be installed so as to be confined within, and directed onto the premises of the outdoor theater site.
6. The proposed internal design shall receive approval from the Zoning Administrator (with assistance from the Township Building Inspector and/or Engineer as needed) as to adequacy of drainage, lighting, screening and other technical aspects of the development.

(Ord. of 7-25-07)

132.1333 - Mini-warehouses.

Mini-warehouses (531130) may be permitted in the B-2, General Business Districts (permitted use in the I-1, Light Industrial Dist.), subject to the following special land use approval requirements;

1. The site shall be at least two (2) acres in size and shall be located on a paved major thoroughfare (See Thoroughfare Plan as part of the Township Master Plan) and shall not directly abut an A-1, R-1, RM-1 or MHD District, unless all storage faces away from it and no drives, parking, or outside storage shall exist between the storage buildings and the property line.
2. The only access to the site shall be from a major thoroughfare(s).
3. All storage on the site shall be kept within enclosed buildings, except that up to fifty (50) percent of the storage units may be "open front" three-sided buildings for the storage of boats, recreational vehicles, snowmobiles, and automobiles. The "open front" of such buildings shall face the interior of the complex.
4. Buffering shall be required as provided by Section 132.1414.
5. All driveways, parking, loading, and vehicular circulation areas shall be surfaced with concrete, asphalt, or

asphaltic concrete. All one-way driveways shall provide for one (1) ten-foot parking lane and one (1) fifteen-foot travel lane. All two-way driveways shall provide for one (1) ten-foot parking lane and two (2) twelve-foot travel lanes. The parking lanes may be eliminated when the driveway does not serve storage cubicles. When no parking is provided within the building separation areas, said building separation need only fifteen (15) feet. There shall be at least one (1) parking space for each ten (10) cubicles. At the office, one (1) parking space shall be provided for each twenty-five (25) cubicles. Two (2) spaces shall be provided for the caretaker's residence, if any.

6. No business activities, manufacturing, or garage sales shall be conducted on the premises. The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of the business.
7. The servicing or repair of motor vehicles, boats, trailers, lawn mowers, and other similar equipment shall not be conducted on the premises.
8. The owner or operator shall properly police the property for removal of trash and debris and for compliance with public and private restrictions.
9. A residence for a resident caretaker or manager may be constructed on the premises. The residence shall comply with all provisions of this ordinance and the Michigan Building Code.
10. No explosive, hazardous, or radioactive materials shall be stored on the premises.
11. The Planning Commission must approve any proposed perimeter fencing or walls for compatibility with adjacent properties and the neighborhood.

(Ord. of 7-25-07)

132.1334 - Hotels, motels, and other facilities with accommodations.

Hotels, motels (721110), and health spas and fitness centers with accommodations (721110), and tourist courts or other facilities with overnight accommodations may be permitted in the B-2, General Business District subject to the following special land use approval requirements;

1. Vehicular ingress and egress from the site shall be onto a major thoroughfare (See Thoroughfare Plan as part of the Township Master Plan) having an existing or planned right-of-way of at least one hundred twenty (120) feet in width.
2. No kitchen or cooking facilities within the units are to be provided with the exception of the manager's or caretaker's units.
3. Each unit shall contain no less than two hundred fifty (250) square feet of floor area.
4. Units shall not be occupied as a place of permanent residence and a guest register shall be maintained.

(Ord. of 7-25-07)

132.1335 - Drive-in, fast food, or carry-out restaurants.

Drive-in, fast-food, drive-thru, or carry-out restaurants (722211) may be permitted in the B-2, General Business District subject to the following special land use approval requirements;

1. Must directly front upon and have its ingress and egress points from a major thoroughfare (See Thoroughfare Plan as part of the Township Master Plan).
2. Ingress and egress points shall be located at least thirty (30) feet from the intersection of any two (2) streets. The measurement shall be made from the intersection of the two (2) streets' existing right-of-way lines to the nearest

edge of the curb radius of the driveway.

3. The minimum distance of any driveway to the property line shall be seven (7) feet. The minimum distance between driveways on the site shall be sixty-five (65) feet measured from nearest edge of the two (2) curb radii.
4. Concrete curbing six (6) inches in height shall be properly placed and maintained along or parallel to all property lines (except where bumper guards are required and except across approved driveways) so as to prevent vehicular encroachment onto or over the adjoining property and to prevent vehicular damage to buildings and landscaping.
5. All outside trash receptacles (except those intended for use by the customer) shall be located within a six-foot high enclosure constructed of masonry material and covered with face brick and shall be provided with opaque gates of the same height. In addition, two (2) trash receptacles for use by the customer shall be placed in a manner reachable by the customers from their vehicle windows at each point where exit drives empty onto a public street; said receptacles shall be emptied as often as is necessary to insure their efficient and continued use by the customer.
6. If adjacent to an A-1, R-1, RM-1 or MHD District, no outside loudspeaker or outside public address system shall be permitted.

(Ord. of 7-25-07)

132.1336 - Motor vehicle repair and service facilities.

Motor vehicle repair and service facilities (8111) may be permitted in the B-2, General Business District (a permitted use in the I-1, Light Industrial Dist.) subject to the following special land use approval requirements;

1. All activities shall be conducted in an enclosed building.
2. All buildings shall be set back not less than forty (40) feet from all existing or proposed street right-of-way lines, whichever is greater.
3. There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of the facility and for retail sale during the hours of operation of the facility.
4. There shall be no outdoor parking of damaged motor vehicles except on a temporary basis not to exceed seventy-two (72) hours. Junk parts and junk vehicles shall not be kept on the outside of the building.
5. Parking shall be provided on the site at a ratio of one (1) parking space for each one hundred (100) square feet of site area.
6. The parking of tow trucks shall be permitted only in designated areas and shall not be permitted in the corner clearance areas.

(Ord. of 7-25-07)

132.1337 - Motor vehicle washing facilities (Car washes).

Motor vehicle washing, conveyor or non-conveyor type (811192) facilities may be permitted in the B-2, General Business District subject to the following special land use approval requirements;

1. All cleaning operations shall be completely enclosed within a building, excepting points of ingress and egress.
2. A hard-surfaced driveway of one (1) or more lanes shall be constructed on the parcel in such a manner as to provide for a continuous movement of cars into the wash rack.
3. The driveway so provided shall be not less than ten (10) feet wide for a single lane and not less than ten (10)

additional feet in width for each additional lane.

4. Where only a single lane is provided, it shall be used for no other purpose than to provide access to the wash rack. All lanes provided shall be suitably protected from interference by other traffic.
5. The total length of the required lane or lanes so provided for a conveyor-type wash rack shall be determined by the overall length of the building, including areas having sidewalls but no roof. In any building where the washing operation moves in other than a straight line, the length of the building, for the purposes of this section, shall be the distance measured along the centerline of the conveyor or wash line from the point of entry to the point of exit from the building. The overall length of the required lane or lanes, as measured along the centerline, shall be determined in accordance with the following formula:
 - a. Where the building is eighty (80) feet or less in overall length, the total required lanes shall be not less than four hundred (400) feet in length.
 - b. Where the building exceeds eighty (80) feet in length, the length of the required lane or lanes shall be increased fifty (50) feet for each ten (10) feet or fraction thereof by which the building exceeds eighty (80) feet in overall length.
6. For a non-conveyor-type auto wash, five (5) waiting spaces, each twenty (20) feet in length, shall be provided for each washing stall on the entrance side of the stall and two (2) spaces per stall shall be provided on the exit side for a drying area.
7. The site shall be designed in such manner that no operations are conducted off the parcel.
8. A building setback of at least sixty (60) feet must be maintained from the proposed or existing street right-of-way.
9. Ingress and egress points shall be located at least sixty (60) feet from the intersection formed by the existing or proposed right-of-way lines, whichever is greater, and shall be directly from a major thoroughfare (See Thoroughfare Plan as part of the Township Master Plan).
10. The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property.
11. Gasoline sales shall be permitted on the property subject to the requirements of Section 132.703.3.a., b., c.

(Ord. of 7-25-07)

132.1338 - Race tracks.

Motorized vehicle racetracks (including midget, auto, motorcycle and go-kart tracks, and not including tracks for personal use) and horse and dog racetracks may be permitted in the I-1, Light Industrial District subject to the following special land use approval requirements;

1. Because racetracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas, may cause noise levels which project beyond the property so used, and require sizable land areas which would be incompatible with business or A-1, R-1, RM-1 or MHD Districts, they shall be permitted when located adjacent to a major thoroughfare (See Thoroughfare Plan as part of the Township Master Plan) and shall be located on a parcel of land that abuts land zoned for industrial purposes on all sides of the racetrack parcel in question.
2. All parking shall be provided as off-street parking within the boundaries of the development.
3. All access to the parking areas shall be provided from a major thoroughfare.
4. All sides of the development not abutting a major thoroughfare shall be screened with a fence or wall so as to obscure from view all activities within the development.

(Ord. of 7-25-07)

132.1339 - Junkyards, vehicle salvage/wrecking yards, waste or scrap recycling operations, and refuse transfer stations.

These uses may be permitted in the I-1, Light Industrial Districts subject to the following special land use approval requirements. [Junkyards may also be subject to additional local licensing requirements by separate ordinance.] In cases where there are conflicting requirements, the most restrictive requirements shall govern.

1. These uses may only be located upon a site where abutting lands are zoned for B-1, B-2 or I-1 Districts on all sides.
2. All parking shall be provided as off-street parking within the boundaries of the development.
3. Any required front yard setback shall not be used for providing off-street parking, but must be landscaped.
4. All sides of the development shall be screened with an unpierced fence or wall at least eight (8) feet in height and not less than the height of the materials on the lot on which a stated use is located.
5. The above required fence or wall shall be no closer to the lot lines than the yard requirements for buildings or structures permitted in the district.
6. All junk, waste, or scrap materials shall be exclusively contained behind such fence or wall.
7. All roads, driveways, parking lots, and loading and unloading areas within such use shall be paved, oiled, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust to adjoining property and public roads.
8. In order to protect the community from the danger of the leaching or runoff of chemicals or substances into the groundwater or surface water, these uses shall not be located upon lands classified as "wetlands" as defined on the National Wetland Inventory Map or upon a determination by the MDEQ, nor upon lands lying within the 100-year floodplain, as defined on the Federal Flood Insurance Rate Map, or Federal Flood Hazard Boundary Map.

(Ord. of 7-25-07)

132.1340 - Depositing and/or storing earthen materials.

Depositing and/or storing earthen materials on any property located within Cottrellville Township shall first be approved as provided below. Earthen materials means any material which was first derived from or which retains a predominance of earth material qualities including topsoil, subsoil, gravel, sand, stone, clay, recycled cement, concrete and asphalt, mold cores from foundry operations, roadbed materials from current or former railroad rights-of-way, demolition materials such as cement block, brick, and mortar, and other similar earthen materials.

1. Intent. The intent of this section is to prevent the uncontrolled depositing of, or storing of earthen materials which may have an unknown origin or may have unknown qualities, or contaminated, toxic, or hazardous qualities.
2. Exempt materials.
 - a. Materials handled under land uses which are addressed as a "mining and extraction" use are exempt from this Section and shall be processed separately under Section 132.1324.
 - b. Materials handed under land uses which are addressed as a "commercial composting facility" use are exempt from this Section and shall be processed separately under Section 132.1314.
 - c. Fill material in any zoning district for sites of new construction or reconstruction, provided the source of the material is known and the zoning administration with due diligence determines the material to be clean and

free from contamination, toxicity, and hazard.

- d. Earthen materials which are sold at retail or wholesale as useful product as may be permitted in various zoning districts, provided the source of the material is known and the zoning administration with due diligence determines the material to be clean and free from contamination, toxicity, and hazard.
3. Proposed depositing and/or storing of earthen materials may be permitted in the A-1, Agricultural and I-1, Light Industrial Districts subject to the following special land use approval requirements;
 - a. A determination that the proposed earthen material is inert or is otherwise not a solid waste material under Michigan Department of Environmental Quality (MDEQ) regulations.
 - b. The characteristics of the earthen materials shall be considered against the site soils as is required under Section 132.1314 (Commercial composting facilities). In certain circumstances improvements may be required to prevent leaching into groundwater and/or runoff onto adjacent properties or into surface waters.
 - c. Conditions such as those under Section 132.1324 (Mining and extraction) shall also be considered and required as needed.

(Ord. of 7-25-07)

132.1341 - Reserved for future use.

ARTICLE XIV

FOOTNOTE(S):

⁽³²⁾ **Note**— Actual typical home site size may vary due to on-site conditions affecting well and septic placement as well as health department requirements. See paragraph 14, for potential well and/or septic field placement option.

⁽³³⁾ **Note**— Actual typical home site size may vary due to on-site conditions affecting well and septic placement as well as health department requirements. See paragraph 14, for potential well and/or septic field placement option.

132.1400 - GENERAL PROVISIONS

132.1401 - Conflicting regulations.

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

(Ord. of 7-25-07)

132.1402 - Scope.

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

(Ord. of 7-25-07)

132.1403 - Nonconforming lots, nonconforming uses of land, nonconforming structures, and nonconforming uses of structures and premises.

1. *Intent.* It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival unless otherwise provided herein.

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.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district unless otherwise provided herein.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged, save for as provided herein, passage of the Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.

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. *Nonconforming lots.* In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This ordinance shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district: provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.
3. *Definition and classification of nonconforming uses and structures.* Nonconforming uses and structures are those which do not conform to certain provisions or requirements of this Zoning Ordinance but were lawfully established prior to the time of its applicability. Class A nonconforming uses and structures are those which have been so designated by the Zoning Board of Appeals after application by any interested person or Zoning Administrator upon finding that the following standards are met: (1) the use or structure was lawful at the time of its inception, (2) the existing use or structure while not fitting into a customary zoning pattern does not constitute a nuisance and, in fact, fulfill a desirable and useful function and is not incompatible with existing or planned adjacent or nearby uses, (3) continuance thereof would not be contrary to public health, safety or welfare, (4) that the use or structure does not and is not likely to significantly depress the value of nearby properties, (5) that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform, (6) the use or structure is in reasonable conformity with the intent of the Comprehensive Land Use Plan; and if not in reasonable conformity with the Land Use Plan, has established a need because of employment, economy, necessity or in the development of the immediate area.

All nonconforming uses, buildings or structures not designated as Class A are Class B nonconforming uses, buildings or structures.

4. *Procedure for obtaining Class A designation, conditions.* A written application shall be filed with the Zoning Administrator setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains and including such other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the Zoning Board of Appeals shall be the same as in the case of an application for a variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based.

Reasonable conditions may be attached, including any time limit, 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. Any such conditions imposed shall: (a) provide protection of natural resources and the welfare of the users of the land use and the community as a whole; (b) be related to a valid use of the police power; (c) be related to purpose affected by the land use; (d) be necessary to meet the purpose of the Ordinance.

A recording of conditions imposed must be maintained. The conditions must remain unchanged except upon the mutual consent of the land owner and the Zoning Board of Appeals.

No vested right shall arise out of a Class A designation.

5. *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.
6. *Regulations pertaining to Class A nonconforming uses, buildings or structures.*
 - A. A Class A nonconforming use or structure may be used, altered or enlarged provided that it does not violate any conditions imposed by the Zoning Board of Appeals at the time of its designation or the dimensional requirements of the district it is located in.
 - B. No Class A nonconforming use of land, building or structure shall be resumed if it has been, for any reason, discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period.

If a Class A nonconforming use of land, building or structure ceases to exist or is discontinued for any reason for a continuous period of at least eighteen (18) months, any subsequent use of land, building or structure shall conform to the use regulations specified by this Ordinance for the district (zone) in which such land, building or structure is located.

- C. Nothing in this Ordinance shall prevent the restoration of a Class A nonconforming building or structure destroyed by fire, explosion, act of God, or act of the public enemy, subsequent to the effective date of its Class A designation or shall prevent the continuance of the use of such building or structure or part hereof as such use existed at the time of such impairment of such building or structure or part thereof provided that said restoration is entirely and completely executed within eighteen (18) months from the time of destruction and that the same use is made of the premises; except that for reasonable cause, the Building Official may grant one (1) extension of time for an additional period not exceeding ninety (90) days.
- D. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any Class A nonconforming building or structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Nothing in this Ordinance shall be deemed to prevent routine repairs and maintenance of a Class A nonconforming building or structure so long as such repairs and maintenance do not add to its nonconformity.

- E. Should a Class A nonconforming building or structure be moved for any reason, it shall thereafter conform to the regulations for the district (zone) in which it is located after it is moved.

Where Class A nonconforming use status applies to a building or structure and premises in combination, removal of the building or structure shall eliminate the nonconforming status of the land.

- F. Any Class A nonconforming use of a building or structure or land may be changed to another nonconforming use upon written findings of the Zoning Board of Appeals that the proposed use is (a) similar in operational characteristics as the former nonconforming use, (b) there is no increase in the intensity of use of the land, building or structure involved, (c) such change in use will have a less detrimental effect or negative impact on neighboring property than the existing nonconforming use it is replacing, and (d) the proposed use, although inappropriate to a neat zoning pattern, is desirable and useful in pursuit of the public interest or is more appropriate to the district (zone) than the existing nonconforming use.

In permitting such change in use, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance inclusive of upgrading the premises to comply as nearly as is practicable with the requirements of this Ordinance.

Prior to action by the Zoning Board of Appeals, all required documentation for a change from one nonconforming use to another shall be submitted to the Planning Commission for their review and written recommendation.

7. Regulations pertaining to Class B nonconforming uses and structures.

- A. *Intent.* It is the purpose of this Ordinance to eliminate Class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation.
- B. No Class B nonconforming use shall be resumed if it has been discontinued for a continuous period of at least twelve (12) months, or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50% of the reproduction cost of such structure.
- C. No Class B nonconforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceed 50% of the reproduction cost of such structure.
- D. A Class B nonconforming use in a building or structure may, upon application to and approval by the zoning administrator, be changed to another nonconforming use provided the existing nonconforming conditions are the same or are made less nonconforming and no structural changes are proposed to be made. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a nonconforming use. Upon application to and approval by the zoning administrator, any nonconforming characteristic of use may be upgraded in the direction of greater conformity.
- E. In the case of mineral removal operations, sites in existence may be worked in the usual and ordinary manner where the deposits dictate. When a site within its enlarged area no longer yields, the use is consummated. Existing sites may be expanded in area or depth as the location of minerals dictate, but no virgin areas may thus be exploited.
- F. No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at

the time of its inception.

- G. No Class B nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- H. If a Class B nonconforming structure is moved for any reason for any distance whatever it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- I. Ordinary repair and maintenance work may be done on any Class B nonconforming structure including repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding the State equalized value of the structure provided that the cubic content of the building as it existed at the time of adoption of this Ordinance shall not be increased.
- J. Change of tenancy or ownership. There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.
- K. Officially required repairs and maintenance. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to safe condition of any nonconforming structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

8. *Record of nonconformity.* Within one (1) year after the adoption of this Ordinance, or any amendment thereto, the Building Inspector shall prepare and complete a record of all known nonconforming uses of buildings, structures or land existing at the time of the adoption of this Ordinance or amendment.

Such record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Such record shall also contain any information regarding action by the Zoning Board of Appeals for designation of Class A status.

Such record shall be available at all times in the office of the Township Clerk.

(Ord. of 7-25-07)

132.1404 - Accessory buildings.

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to a main building.
2. Accessory buildings shall not be erected in any required yard, except a side or rear yard but shall not extend beyond the front of the main building.
3. An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any nonrequired rear yard, provided that in no instance shall the aggregate of combined ground floor area of the accessory buildings exceed 1,200 sq. ft. Size of accessory buildings may be increased by 200 sq. ft. for every one (1) acre or fraction of each acre over two (2) acres. Farm buildings on twenty (20) acres or more are exempt from size limits. Size of accessory buildings can not be waived by the Zoning Board of Appeals on any recorded plat.
4. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line.

In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

5. No detached accessory building in A-1, R-1, RM-1 or B-1 Districts with lots containing [two] 2 acres or less shall, except story or [sixteen] (16) feet in total height and no detached accessory building with lots exceeding [two] (2) acres shall [twenty] (20) feet in total height. Accessory buildings in all other districts may be constructed to equal the permitted height of structures in said district, subject to Board of Appeals review and approval if the building exceeds [twenty] total height. Farm buildings on [twenty] (20) acres or more are exempt from height limits.
6. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in rear of such corner lot. In no instance shall an accessory building be located nearer than ten (10) feet to a street right-of-way line.
7. When an accessory building in any Residence, Business or Office District is intended for other than the storage of privately owned motor vehicles, boats, motor home, tractor or personal property owned and used by the occupant, the accessory use shall be subject to the approval of the Board of Appeals.
8. Accessory parking or storage of manufactured homes (including mobile homes) prohibited.
The parking of a manufactured home (including mobile home) on lands not approved for manufactured housing community or for manufactured home sales shall be prohibited. (Temporary storage of a manufactured home in transit shall only be allowed on an approved manufactured homes sales lot in an appropriate district or at an appropriate warehousing or wholesale establishment or trucking facility in an industrial district.)
9. Covered boat wells and docks. When an accessory structure is a covered boat well or dock, it shall only be allowed along the St. Clair River after site plan review and approval by the Planning Commission, and it shall conform to the following requirements. A boat well or dock without a permanent roof or covering is exempt from site plan review and shall only be required to obtain a building permit.
 - a. A boat well or dock may be a covered subject to the review and approval provided under this section (Also see definition).
 - b. A boat well or dock shall have no above grade walls and otherwise shall be designed such that river views will be preserved.
 - c. There shall be no public services for revenue, nor services for public storage or maintenance purposes provided from such residential accessory structures.
 - d. A building permit for a boat well shall not be issued unless and until the applicant has:
 - (1.) Complied with all the provisions of this zoning ordinance, the Michigan State Construction Code, and the Inland Lakes and Streams act of 1972, as amended, and
 - (2.) Secured the written approval from the U.S. Army Corp of Engineers and the Michigan Department of Environmental Quality when such permit(s) is/are required within the jurisdiction of either of these two agencies.

(Amended: Ord. No. 13.000B, 11-30-88; Ord. No. 17R, 4-30-97; Ord. No. 17T, 5-3-2000; Ord. of 7-25-07)

132.1405 - Off-street parking requirements.

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

1. Off-street parking spaces may be located within a nonrequired side or rear yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard or a

side yard setback unless otherwise provided in this Ordinance.

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.
3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of Section 1003 [132.1004], Accessory Buildings of this Ordinance.
4. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
6. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
7. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
8. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited within an area which has been designated to fulfill the prescribed off-street parking requirements.
9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
10. 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 (½) shall be disregarded and fractions over one-half (½) shall require one (1) parking space.
11. For the purpose of computing the number of parking spaces required, the definition of Usable Floor Area [Floor Area, Usable] in Article II, Definitions, Section 201 [132.202] shall govern.
12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use		Number of Minimum Parking Spaces Per Unit of Measure
a.	<i>Residential:</i>	
	1.	Residential, one-family and two-family
		Two (2) for each dwelling unit.

	2.	Residential, multiple-family	Two (2) for each dwelling unit.
	3.	Housing for the elderly	One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.
b.	<i>Institutional:</i>		
	1.	Churches or temples	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
	2.	Hospitals	One (1) for each one (1) bed.
	3.	Homes for the aged and convalescent homes	One (1) for each two (2) beds.
	4.	Elementary and Junior high schools	One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of auditorium.

	5.	Senior high schools	One (1) for each one (1) teacher, employee, or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.
	6.	Private clubs or lodge halls	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.
	7.	Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses	One (1) for each two (2) member families or individuals plus spaces required for each accessory use, such as a restaurant or bar.
	8.	Golf courses open to general public, except miniature or "Par-3" courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar.

	9.	Fraternity or sorority	One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater.
	10.	Stadium, sports-arena, or similar place of outdoor assembly	One (1) for each three (3) seats or six (6) feet of benches.
	11.	Theaters and auditoriums	One (1) for each three (3) seats plus one (1) for each two (2) employees.
c.	<i>Business and commercial:</i>		
	1.	Planned commercial or shopping center	One (1) for each one hundred (100) square feet of usable floor area.

	2.	Auto wash (automatic)	One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to 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).
	3.	Auto wash (self-service or coin operated)	Five (5) for each washing stall in addition to the stall itself.
	4.	Beauty parlor or barber shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1½) spaces for each additional chair.

	5.	Bowling alleys	Five (5) for each one (1) bowling lane plus accessory uses.
	6.	Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without fixed seats	One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
	7.	Establishment for sale and consumption on the premises, of beverages, food, or refreshments	One (1) for each fifty (50) square feet of usable floor space.
	8.	Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses	One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used processing, one (1) additional space shall be provided for each two (2) persons employed therein.)
	9.	Automobile service stations	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.

	10.	Laundromats and coin operated dry cleaners	One (1) for each two (2) washing and/or dry-cleaning machines.
	11.	Miniature or "Par-3" golf courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
	12.	Mortuary establishments	One (1) for each fifty (50) square feet of usable floor space.
	13.	Motel, hotel, or other commercial lodging establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.
	14.	Motor vehicle sales and service establishments	One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room.
	15.	Nursery school, day nurseries, or child care centers	One (1) for each three hundred and fifty (350) square feet of usable floor space.

	16.	Retail stores except as otherwise specified herein	One (1) for each one hundred and fifty (150) square feet of usable floor space.
d.	<i>Offices:</i>		
	1.	Banks	One (1) for each one hundred (100) square feet of usable floor space.
	2.	Business offices or professional offices except as indicated in the following item (3)	One (1) for each two hundred (200) square feet of usable floor space.
	3.	Professional offices of doctors, dentists or similar professions	One (1) for each fifty (50) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair, or similar use area.
e.	<i>Industrial:</i>		

	1.	Industrial or research establishments, and related accessory offices	Five (5) plus one (1) for every one and one-half (1½) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
	2.	Warehouses and wholesale establishments and related accessory offices	Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

(Ord. of 7-25-07)

Cross reference— Traffic and vehicles, Pts. 41—50.

132.1406 - Off-street parking space layout, standards, construction and maintenance.

Whenever the off-street parking requirements in Section 1004 [132.1005] 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 therefore is issued by the Building Inspector. Applications for a permit shall be submitted to the Building Department 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. 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 parking)	12 ft.	8 ft.	28 ft.	20 ft.	28 ft.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.	36 ft. 6 in.	58 ft.
75° to 90°	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot lying in the area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

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

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

7. Obscuring wall or berm. The off-street parking area shall be provided with a continuous, decorative obscuring

wall or earth berm not less than four feet six inches (4' 6") in height measured from the surface of the parking area. This wall (or berm, combination of berm & wall) shall be provided on any and all sides where an B-1, B-2, or I-1 district is adjacent to an A-1, R-1, RM-1, or MHD district, or abuts a public street.

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

8. Surfacing and drainage.
 - a. The entire parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with a concrete or asphaltic surface approved by the Township Engineer. The parking area shall be surfaced prior to the issuance of a certificate of occupancy, or upon provision of an adequate performance bond. In the case of a performance bond, the parking area shall be surfaced within one year of the date that the certificate of occupancy is issued for the principal use. Time extensions due to earth settlement problems may be approved by the board of appeals.
 - b. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
9. Off-street waiting area for drive-through facilities. On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their vehicles by means of a service window, washing bay, or similar arrangement, there shall be provided six (6) off-street waiting spaces for each service window or service bay, not blocking parking spaces, drives, or sidewalks. This requirement is in addition to the parking space requirements for each land use. Each waiting space shall be twenty-three (23) feet long by ten (10) feet wide.
10. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
11. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
12. The Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section.
13. Parking - Side by side. All parking areas shall offer side-by-side or parallel parking, except for individual driveways serving a residential dwelling where tandem parking, meaning vehicles parked bumper to bumper, shall be permitted.

(Ord. of 7-25-07)

Cross reference— Traffic and vehicles, Pts. 41—50.

132.1407 - Off-street loading and unloading.

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

1. All spaces shall be provided as required in Article IX, "Schedule of Regulations" under Minimum Rear Yards (footnote as hereinafter provided for "I" Districts.
2. Within an "I" District, all spaces shall be laid out in the dimension of at least ten by fifty (10 × 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. 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. All spaces in I-1 Districts shall be provided in the following ratio of spaces to floor area:

Gross Floor Area (In Sq. Ft.)	Loading and Unloading Space Required
0—1,400	None.
1,401—20,000	One (1) space.
20,001—100,000	One (1) space plus one (1) space for each twenty thousand (20,000) square feet in excess of twenty thousand and one (20,001) square feet.
100,001 and over	Five (5) spaces.

3. All loading and unloading in an "I" District shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet.

(Ord. of 7-25-07)

Cross reference— Traffic and vehicles, Pts. 41—50.

132.1408 - Airport zoning requirements.

When an Airport Approach and Take-off Plan is prepared or revised for the Marine City Airport (or any other public airport that has filed its airport layout plan or airport approach plan with the Township), it shall be made a part of this Zoning Ordinance. It shall govern the heights of all building structures, trees and the land, building and structural uses and activities located upon all lots and parcels affected by the Airport Approach and Take-off Plan which would obstruct the air space required for the safe flight of aircraft on landing or taking off at the airport or is otherwise hazardous or creates hazards to such safe landing or taking off of aircraft as determined by the Michigan Aeronautics Commission. See Article XI, Airport Overlay District.

(Ord. of 7-25-07)

132.1409 - Dumpster enclosures.

A dumpster enclosure which houses a dumpster(s) and/or four (4) or more trash containers shall be enclosed with reinforced solid walls and gates with a latch and faced with solid wood boards (or plastic simulated wood boards). The walls and gates shall be a minimum of six (6) feet in height or a greater height sufficient to completely screen the dumpster(s) and trash containers from view. The gate structure may be made of galvanized steel or other durable materials. Access gates constructed of chainlink fencing is prohibited. Dumpster enclosures within a front yard or visible from the road shall have an exterior facing that is of the same material as the main building, a compatible decorative masonry material (e.g. finish brick), or other compatible decorative material approved by the Planning Commission. All dumpster enclosures regardless of location shall be accented with landscaping.

(Ord. of 7-25-07)


132.1410 - Signs.

The primary function of signage, as it relates to this ordinance, is to identify a particular use of a parcel of property. It is not the intent of this ordinance that the open spaces and lines of vision created by public rights-of-way be used for unrestricted advertising through the use of signage. Signs will be allowed in such a manner as to provide those similar uses in similar zones the opportunity for identification exposure regardless of parcel size, although the location and size of buildings will influence the amount of signage permitted. This consistent approach is necessary to remove the need for the types of signs which compete for attention of the motorist, thereby creating traffic hazards as well as creating visual blight. It is, therefore, within the health, safety and welfare responsibility of the township that this section is promulgated.

1. *Sign definitions.* The following definitions (also see illustration of sign types) are related to signs. Any sign type that is not defined within this ordinance shall be subject to review and approval by the Township Planning Commission.
 - a. Sign. Any announcement, declaration, display, billboard, illustration, structure and insignia when designed and placed so as to attract general public attention. "Sign" shall include any banner, bulbs or other lighting devices, streamer, pennant, inflated or deflated membrane device, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not.
 - (1.) Decorative display. A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
 - (2.) Directional signs. See Subsection 2.c. (General requirements, directional signs) below.
 - (3.) Freestanding sign. A sign, other than a ground sign or portable sign, which is not attached to a building and is capable of being moved from one (1) location to another on the site on which it is located.
 - (4.) Ground sign. A permanent display sign supported by one (1) or more columns, uprights or braces or mounted directly in and upon the ground surface and having a height not in excess of six (6) feet. Also included within this definition is a mounted corporate or business flag.
 - (5.) Marquee sign. A sign on or attached to a permanent overhanging shelter that projects from the face of the building and is supported entirely by the building.
 - (6.) Nameplate. A wall sign stating the name of a person, firm or name or description of a certain permitted use.
 - (7.) Pole sign. A display sign supported by one (1) or more columns, uprights or braces in the ground surface and having a height in excess of seven (7) feet.
 - (8.) Portable sign. A sign and sign structure which is designed to facilitate the movement of the sign from one zoning lot to another. The sign may or may not have wheels, changeable lettering and/or hitches for

towing. A sign shall be considered portable only if such sign is manifestly designed to be portable to facilitate its movement from one zoning lot to another. Signs capable of being moved, other than from one (1) zoning lot to another, shall be considered freestanding signs under this ordinance.

- (9.) Projecting sign. A sign which is affixed to any building or structure, other than a marquee, and any part of which extends beyond the building wall or structure more than fifteen (15) inches.
- (10.) Temporary sign. A display sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material (including pennants, streamers, and flags other than the official flag of any nation, state or organization respectfully displayed), inflated devices with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public events. Portable signs [definition (8) above] also fall under this definition of Temporary sign.
- (11.) Wall sign. A display sign which is painted on or attached directly to the building wall. Also included within this definition is a wall mounted corporate or business flag. Window signs are included within this definition.
- b. Sign, accessory. A sign which pertains to the principal use of the premises.
- c. Sign, non-accessory. A sign which does not pertain to the principal use of the premises.
- d. Sign alteration. The changing, enlarging or relocating of any sign, excluding routine maintenance and also excluding the changing of movable parts of an approved sign that is designed for such changes or the repainting or reposting of original display matter, shall be deemed an alteration.
- e. Erect. To build, construct, attach, hang, place, suspend, affix or paint.
- f. Sign area. The entire area included within the single continuous perimeter of a regular geometric form or combination of such forms which encloses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, and including the area within any illuminated border. An area so created shall include all solid surfaces as well as openings. Supporting framework, bracing, structural members, or decorative fence or wall that is clearly incidental to the display itself and not bearing copy or display material shall not be included in computation of sign area. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules shall be included in the 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 not more than eighteen (18) inches apart, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area. For internally illuminated awnings or canopies, the entire surface of the canopy is included in the sign area calculation.

 132-1410-1.jpg

2. *General requirements for all signs.* The following conditions shall also apply to all signs erected or located in any use
- a. All signs shall conform to all codes and ordinances of the Township and, where required, shall also be approved by the building inspector and a permit issued.
 - b. Public right-of-way. No sign, except those established and maintained by the Township, county, state or federal governments, shall be erected, located or placed in, project into or overhang a public right-of-way or dedicated public easement. The owner of any sign which has been removed by the Township from the right-of-way because it is in violation of this provision shall pay to the Township the actual costs of removal and storage or five dollars (\$5.00) per day, whichever is greater. If such sign is not claimed within five (5) days, it shall be destroyed.
 - c. Directional signs: Signs of a utilitarian nature with no advertising intended to provide orientation and to direct traffic and pedestrian movements. Such signs are for the purpose of promoting safety and ease of ingress, egress, and use of site facilities and services. Because directional signs are of a non-commercial, aid-to-the-public nature, they shall be permitted in all use districts subject to Planning Commission approval in those cases requiring site plan review and subject to zoning administrator approval in all other instances. Directional signs are to be of an appropriate size and character to accomplish their aid-to-the-public objective. Directional signs generally should be limited to a maximum of four (4) square feet in size.
 - d. No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located and provided further that no freestanding sign, where permitted, shall exceed three (3) feet in height.
 - e. No sign above a height of two (2) feet shall be located within, project into or overhang the triangular area formed at the intersection of street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of twenty-five (25') feet from their point of intersection.
 - f. Accessory signs shall be permitted in any use district and may be located in the required front yard except as otherwise provided herein.
 - g. Non-accessory signs shall not be permitted in any zoning district in Cottrellville Township, except as provided under Subsection 2.o.(2) below (For sale/rent signs) and except as provided by Subsection 4. below (Prohibited Signs).
 - h. Illumination of signs shall be only by means of white light at constant intensity. Signs may be internally or externally illuminated, however, all illumination shall be shielded, directed or shaded downward so as not to interfere with driver visibility, become hazardous to traffic or the vision of persons on adjacent streets or property. Flashing, animated, or intermittent type signs shall not be permitted. Electronic message signs shall not be permitted, except time and temperature (a total of 2 square feet including both), and gasoline prices (a total of 4 square feet including all). Time and temperature and gasoline prices signage shall be permitted in addition to the square footage allowed for a ground sign or wall sign.
 - i. Signs used for advertising land or buildings for rent, lease and/or for sale shall be permitted on the land or building intended to be rented, leased and/or sold.
 - j. Removal of certain signs. Any sign, including framing, now or here-after existing, which no longer advertises a bona fide business conducted or a product or entertainment, service or commodity offered or sold on the lot, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign shall be found within thirty (30) days after written notice from the Zoning Administrator. Notice shall be sent to the property owner of record, as indicated in Township tax rolls, by

certified mail. The owner may petition the zoning board of appeals for temporary approval to install blank sign faces when it can be demonstrated that the sign structure is likely to be reused within one (1) year by a future business and the sign framework is in sound structural condition.

- k. Connections to an energy source for lighting shall be in accord with all codes of the Township and shall not be exposed in any way that may constitute a safety hazard to the public.
- l. Notwithstanding any other provisions of this ordinance, non-commercial messages shall be permitted on any sign on which commercial messages are permitted.
- m. No sign shall include language or graphics referring to either specified anatomical areas or specified sexual activities.
- n. Special events sign(s). The Township Zoning Administrator may approve a (public or private) special events sign(s). Such special events signage shall generally be limited to one occurrence per month. The Zoning Administrator shall generally limit the type, nature, size, and location of sign(s) to those similar to the signs permitted in the subject district. In this instance, the Zoning Administrator may permit less permanent, less durable signs (e.g. a freestanding sign instead of a ground sign, a banner sign instead of a wall sign). The period of the special event shall be clearly defined and the sign(s) related thereto shall be removed immediately upon the expiration of the special event period. The special event sign(s) may be in addition to any existing permitted signage. However the goal shall be to limit the special event signage to that which is tasteful and which clearly defines the event, rather than numerous and products specific signs. No special event sign shall be strung across any public right-of-way, nor shall any special event sign project beyond the property line, except as authorized by the Planning Commission and any public road authority which may have jurisdiction.
- o. Temporary signs.
 - (1.) For sale or rental of individual buildings or properties, there shall be no more than one (1) such sign, except that on a corner lot two (2) signs, one (1) facing each street, shall be permitted. No such sign shall exceed six (6) square feet in area for each side of such sign. All such signs shall be removed within one (1) week after a lease or sale contract has been signed.
 - (2.) Development sign. Non-accessory sign(s) designated to promote the sale, lease, or rental of lots, units of ownership, or dwelling units within an entire real estate development (subdivision, condominium, etc.) may be permitted on a temporary basis in any use district, but must be located on a portion of the subject development. There shall be no more than one (1) such sign per development, except that on a corner or through lot which faces two or more streets, one (1) sign shall be permitted to face each street. A development sign shall not exceed a face area of forty-eight (48) square feet. Any such sign shall be removed at the point where all lots, units of ownership, or dwelling units have been originally sold, leased, or rented.
 - (3.) Signs advertising buildings under construction may be erected for the period of construction. Such signs shall be erected on the building or lot where such construction is being carried on and shall advertise only the architect, contractor, subcontractor, building or materials supplier(s) and equipment used. There shall be no more than one (1) such sign per individual contractor or supplier not to exceed a cumulative total of thirty-two (32) square feet. All such signs shall be removed at the point an occupancy permit is granted or at project completion if no occupancy permit is required.
 - (4.) In the B-1, B-2 or I-1 district, one (1) temporary sign may be displayed for any new business or owner for a period of time not to exceed twenty-eight (28) consecutive days, except as otherwise permitted by the Planning Commission.

- (5.) No temporary sign may have a single face area greater than thirty-two (32) square feet (unless otherwise specified), nor be of greater height than the top of the wall to which it is attached. If the temporary sign is not attached to a wall, the sign shall be displayed so the bottom edge of such sign is not less than seven (7) feet six (6) inches above grade and shall not exceed twelve (12) feet in overall height.
 - (6.) No temporary sign shall be strung across any public right-of-way, nor shall any temporary sign project beyond the property line except as authorized by the Planning Commission and any public road authority which may have jurisdiction.
 - (7.) Temporary signs shall be removed promptly at the end of the display period provided for above.
 - (8.) Temporary signs found by the Zoning Administrator to be in a torn or damaged condition must be removed by the owner within three (3) business days after his/her receipt of notice to do so from the Zoning Administrator. Temporary signs found to be unsafe shall be removed immediately upon receipt of notice from the Zoning Administrator.
3. *Permitted signs by zoning district.* All plans for the erection of signs shall be submitted to the Zoning Administrator for review and approval and shall be further subject to all codes and ordinances of the Township.
- a. A-1, Agricultural; R-1, One-Family Residential; RM-1, Multiple-Family Residential; and MHP, Manufactured Housing Community Districts, sign types allowed.
 - (1.) For each dwelling unit, one (1) nameplate not exceeding two (2) square feet in area, indicating the name of the occupant.
 - (2.) For structures or uses other than dwelling units, one (1) identification sign not exceeding ten (10) square feet.
 - (3.) For churches, one accessory sign not to exceed eighteen (18) square feet, except when located on a Major Thoroughfare or on a roadway with a posted speed of 45 MHP or greater, in which case the size, may be increased to thirty-two (32) square feet.
 - (4.) For rental and/or management offices in a multiple housing development, an identification sign not exceeding six (6) square feet.
 - b. B-1, Local Business and B-2, General Business Districts, sign types allowed. Ground sign, temporary and wall signs as defined in this section and subject to the following conditions:
 - (1.) Ground sign
 - (a) One (1) ground sign having a sign area of not more than seventy-two (72) square feet for a single face and one-hundred forty-four (144) square feet for a total of all sign faces shall be permitted. Such sign shall not exceed six (6) feet in height. In the event of a business condominium development, one (1) ground sign shall be permitted for each business condominium unit.
 - (b) Not more than one (1) ground sign may be erected accessory, to any one (1) development, regardless of the number of buildings, separate parties, tenants or uses contained therein, except that when any single development is located on a parcel of land that abuts on two (2) or more streets, one (1) ground sign may be erected along each street frontage.
 - (c) The distance measured between the principal faces of any ground sign shall not exceed eighteen (18) inches.
 - (d) Ground signs shall be setback from the planned right-of-way line in accordance with the following schedule:

Maximum Height of Sign	Min. Setback from Planned R.O.W.
2 ft.	6 ft.
2.5 ft.	8 ft.
3 ft.	10 ft.
4 ft.	14 ft.
5 ft.	16 ft.
6 ft.	20 ft.

- (e) Ground signs shall be utilized only for identification of the uses allowed in the zoning district and shall not be utilized to advertise products for sale.
- (f) Ground signs may be illuminated as regulated under Section 132.1410, subsections, 2.h. and 2.k. above.
- (g) Time and temperature and gasoline price signs shall be permitted (See Section 132.1410, 2.h. for limits) unless already provided or proposed as a wall sign.
- (h) All ground signs shall be securely built, constructed and erected upon an approved foundation extending at least forty-two (42) inches below the material surface of the ground.
- (i) All letters, figures, characters, items or representations in cutout or irregular form maintained in conjunction with, attached to or superimposed upon any sign shall be safely and securely built or attached to the sign structure. Loose or missing letters, figures, characters or items shall constitute a maintenance violation.

(2.) Wall signs.

- (a) Wall signs may be provided on all street sides, front sides or parking lot sides of a building, and the total combined surface area of all wall signs shall not exceed ten (10) percent of the area of the front elevation (including doors and windows) of the principal building or three (3) square feet for each lineal foot of building frontage, or one hundred (100) square feet, whichever is less. Where a single principal building is devoted to two (2) or more businesses or commercial uses, the operator of each such use may install wall signs. The maximum area of each such sign shall be determined by determining the proportionate share of the front face (including doors and windows) of the principal building occupied by each such use and applying such proportion of the total sign area permitted from the front wall of the building; or the percent agreed to by the occupants, total not to exceed the above area limitations. It is the responsibility of the applicant to provide the required information when applying for a sign permit.
- (b) Such sign may be illuminated as regulated under Section 132.1410, subsections, 2.h. and 2.k. above.
- (c) Time and temperature and gasoline price signs shall be permitted (See Section 132.1410, 2.h. for limits) unless already provided or proposed as a ground sign.
- (d) Materials required. All wall signs of a greater area than fifty (50) square feet shall have a surface or

facing of noncombustible material.

- (e) Limitation on placement. No wall sign shall cover wholly or partially any wall opening nor project beyond the ends or top of the wall to which it is attached.
 - (f) Projection and height. No wall sign shall have a greater thickness than twelve (12) inches measured from the wall to which it is attached to the outermost surface. Wall signs may project over the public right-of-way not to exceed twelve (12) inches, provided clearance of not less than seven (7) feet six (6) inches is maintained below such sign if such sign projects more than four (4) inches. Such sign shall not project above the roof line.
 - (g) Supports and attachments. All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails. The method of attachment shall be stated on the permit application.
- c. I - 1, Light Industrial Districts sign types allowed. All sign types allowed and as controlled for the B-1 and B-2 Districts.
 - d. Permitted signs accessory to churches, schools or nonprofit institutions; sign types allowed (all use districts). Churches, colleges, schools, buildings housing governmental functions and utilities of the Township, county or state or any subdivision thereof are permitted to erect signs. Such signs, when of a permanent nature, shall meet all the requirements of this ordinance and other ordinances of the Township except as provided herein and may include ground, portable, temporary, and wall signs as defined in this ordinance. Temporary signs advertising special events may be allowed for periods not to exceed two (2) weeks.
4. *Prohibited signs.* The following signs are prohibited within the Township except as otherwise provided for in subsection 2.o. (temporary signs). Any sign type that is not defined within this ordinance shall be subject to review and approval by the Township Planning Commission.
- a. Non-accessory signs, which includes billboards.
 - b. Pole signs.
 - c. String lights used in connection with business premises for commercial purposes, other than holiday decorations.
 - d. Any sign unlawfully installed, erected or maintained.
 - e. Signs on any fencepost, tree, utility pole, or similar object.
 - f. Any sign or banner erected upon or across any public right-of-way or dedicated public easement, except by permission of the Planning Commission as provided herein.
 - g. Signs which incorporate in any manner any flashing lights.
 - h. Electronic message signs of any kind, except time and temperature and gasoline prices as permitted herein.
 - i. Any sign or other advertising structure upon which is displayed any obscene, indecent or immoral matter. Any sign that includes language or graphics referring to either specified anatomical areas or specified sexual activities.
 - j. Signs which move, rotate, or have any moving or animated parts or image, whether movement is caused by machinery, electronics, wind or otherwise, including swinging signs.
 - k. Strings of flags, streamers, or pennants.
 - l. Inflated or deflated membrane devices, including any type of balloon or strings of balloons.
 - m. Signs painted directly onto exterior wall surfaces and signs on park-type benches or other facilities or

improvements.

- n. Freestanding signs (see definition), except by permission of the Zoning Administrator as provided herein. (See Section 132.1410, 2., n. Special Event Sign(s)).
 - o. Any sign on the roof of any building.
 - p. Marquee signs.
 - q. Projecting signs.
 - r. Portable signs (see definition).
 - s. Vehicles used as signs: Any sign on a motor vehicle or trailer, which is parked in front of or at a business, or otherwise in such a manner that it is visible from a public street or from an R-1, RM-1, or MHD residential zoning district, and that is used primarily for the purpose of advertising a business, product or service is prohibited. Such vehicles may be parked on site in Planning Commission approved parking spaces at the side, rear, or other less visible area of the site. Any parking space so used shall be in addition to the normally required parking spaces. Placement of signs or letters on vehicles for sale within their windows (other than basic vehicle information and pricing) or within open vehicle hoods or trunks is prohibited.
 - t. Accessory structures, devices, or features (other than a ground sign) serving to draw attention or otherwise serving as a sign are prohibited. These prohibited items include but are not limited to lighthouses, windmills, artificial representations of, or caricatures of animals, plants, or persons.
5. *Nonconforming signs.*
- a. All signs which were in existence as of the effective date of this Section and which were permanently affixed to real property that do not conform to the provisions of this Section shall be permitted to continue until such time as they are removed or until any structural or configuration changes are necessary, at which time they shall conform to the provisions of this ordinance. The provisions of this paragraph shall not apply to electrical maintenance, repainting, or changing of the message.
 - b. A property which is a nonconforming use of land under Section 132.1403, shall not be permitted to add additional signs to the buildings or property, other than those already existing at the effective date of this Section. Signs on nonconforming uses shall be maintained in good repair or be removed, and such removal shall be conditional to Section 132.1410, subsections 6. (Unsafe/damaged signs) & 7. (Sign maintenance) below.
 - c. No permits for the installation, erection or placement of any new signs shall be issued while a non-conforming sign or an unlawful sign remains in use upon the same premises.
6. *Unsafe or damaged signs.* Signs shall be subject to inspections, and when the condition of a sign is judged by the Zoning Administrator to be unsafe or damaged, the owner or occupant shall be required to obtain a professional engineer's or sign company report, certifying the condition of the sign. Failure to submit the report and make any specified corrections is a direct violation which will result in court action, if necessary and order for the sign removal.
7. *Sign maintenance.* All signs, including those for which a permit is not required, together with all their supports, braces, guys and anchors, shall be maintained in good working order; and when not galvanized or constructed of approved corrosion resistant, noncombustible materials shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair so as to present a neat and orderly appearance and so as not to create visual blight within the Township. All bulbs or component parts of the sign, including the electrical switches, boxes and wiring used in the illumination of the sign, must be well maintained and in good repair. Loose or missing letters, figures,

characters or items shall constitute a maintenance violation. Signs which lack maintenance shall be removed. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.

8. *Sign permits required.* It shall be unlawful for any person to erect, replace, repair (if cost of reconstruction or repair exceeds 50% of the reproduction cost of such sign), alter or relocate any sign within the Township, as defined in this section, without first obtaining a permit from the Zoning Administrator, with the exception of the following:
 - a. Signs which are not subject to regulation under this ordinance.
 - (1.) Wall signs, which are used as nameplates, not exceeding two (2) square feet in area; occupational signs denoting only the name and profession of the occupant in a commercial, public or other institutional building and not exceeding two (2) square feet in area.
 - (2.) (Non-electronic) Message boards not over twenty (20) square feet in area for governmental, educational and religious institutions when the same are located on the premises of said institutions; provided, however, if such signs are electrically illuminated, an electrical permit must be obtained.
 - (3.) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or aluminum.
 - (4.) Traffic or other municipal signs, legal notices, danger and such temporary emergency or non-advertising signs as may be approved by the Township.
 - (5.) Signs advertising the rental, sale, lease or open house of the property upon which they are located.
 - (6.) Flags of recognized federal, state, county or Township governments.
 - (7.) Decorative displays, provided any such display that occupies a public right-of-way shall be subject to approval of the Planning Commission and any public road authority which has jurisdiction.
 - (8.) "No hunting" signs, "no fishing" signs, "no trespassing" signs.
 - (9.) Political signs relating to the election of a person to public office, relating to a political party, or a matter to be voted upon at an election called by a public body, provided:
 - (a) They are placed outside the highway or road right-of-way and in no way create a traffic hazard due to reduced vision of motorists or pedestrians.
 - (b) Permission has been obtained from the property owner or occupant.
 - (c) That such signs are erected no earlier than sixty (60) days prior to the election and are removed no later than ten (10) days after the election.
 - b. Application for sign permit. Applications for permits shall be made upon forms provided by the Zoning Administrator and shall contain or have attached thereto the following information:
 - (1.) Name, address and telephone number of the applicant and landowner.
 - (2.) Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 - (3.) Position and location of the sign or other advertising structure in relation to nearby buildings or structures.
 - (4.) Two (2) blueprints or drawings of the plans and specifications and methods of construction and attachment to the building or in the ground.
 - (5.) Name of sign company, person, firm, corporation or association erecting the sign.
 - (6.) In all cases where wiring is to be used in connection with the structure, it shall comply with the electrical

code for the Township. The electrical inspector shall approve and affix his signature to the permit if it is deemed necessary by the electrical inspector.

- (7.) Such other information as the Zoning Administrator shall require to show full compliance with this section and all other ordinances of the Township.
- c. Sign permit fee. It shall be unlawful for any person to erect or alter any sign, except those signs specifically exempted herein, unless a permit shall first have been obtained from the Zoning Administrator for such erection or alteration and a permit fee paid to the Township according to the schedule as shall be established from time to time by resolution of the Township Board.
 - d. Sign permit revocable at any time. All rights and privileges accrued under the provisions of this section or any amendment thereto are mere licenses and may be revoked upon the violation of any of the conditions contained herein. If the work authorized under a sign permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void and a new permit shall be necessary to continue the project. Partially completed signs, if abandoned, shall be removed by the property owner or occupant upon notice from the Zoning Administrator. If the occupant fails to comply as may be required, the property owner shall be held responsible for removal.
 - e. Permit number. Every sign hereafter erected shall have placed in a conspicuous place thereon, in letters not less than one-half (½) inch in height, the date of erection, the permit number and the voltage of any electrical apparatus used in connection therewith.

(Ord. of 7-25-07)

132.1411 - Exterior lighting.

1. All outdoor lighting in all Use Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
2. All outdoor lighting in all Use Districts shall be directed toward and confined to the ground areas of lawns or parking lots.
3. All lighting in nonresidential districts 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 adjacent property.
4. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
5. All illumination of signs and any other outdoor feature 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.

(Ord. of 7-25-07)

132.1412 - Residential entranceway.

In all Residential Districts, so called entranceway structures including, but not limited to: walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in Section 1012 [132.1013], Corner Clearance, provided that such entranceway structures shall comply to all codes of the Municipality, and shall be approved by the Building Department and a permit issued.

(Ord. of 7-25-07)

132.1413 - Corner clearance.

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

(Ord. of 7-25-07)

Cross reference— Plant material, § 132.1009; signs, § 132.1010.

132.1414 - Walls (buffering requirements).

1. For those Use Districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required below (except otherwise required in subsection 4 of this Section 1013 [132.1014]):

Use	Requirements
a. Off-street parking area	4' 6" high wall
b. B-1 and B-2 Districts	4' 6" high wall
c. I-1 Districts - open storage areas, loading or unloading areas, service areas	4' 6" to 8' high wall or fence. (Height shall provide the most complete obscuring possible.) (See Section 801 [132.802], 4. and Section 1013 [132.802], 4.)
d. Auto wash and drive-in restaurants	6' 0" high wall
e. Hospital - ambulance and delivery areas	6' 0" high wall
f. Utility buildings, stations and/or substations	6' 0" high wall

2. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance required conformance with front yard setback lines in abutting Residential Districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the parking area effectively. Required walls may, upon approval of the Board of Appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Board of Appeals in reviewing such request.
3. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as

otherwise provided in this Ordinance and except such openings as may be approved by the Zoning Administrator. All walls herein required shall be constructed of materials approved by the Building Inspector to be durable, weather resistant, rust proof and easily maintained; and wood or wood products shall be specifically excluded.

Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Zoning Administrator.

4. The requirements for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district.
5. The Board of Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches (4' 6") in height, except where Section 1012 [132.1013] applies.

In consideration of request to waive wall requirements between nonresidential and residential districts, the Board shall refer the request to the Planning Commission for a determination as to whether or not the residential district is considered to be an area in transition and will become nonresidential in the future.

In such cases as the Planning Commission determines the residential district to be a future nonresidential area, the Board may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as hereinbefore described, for each subsequent waiver prior to the granting of such waiver by the Board.

(Ord. of 7-25-07)

132.1415 - Fences (residential).

The term "residential fence" as employed in this Section shall include any barrier constructed, planted, or otherwise erected by employing processed wood, chain link, masonry, a decorative hedge, an ornamental tree row, or other similar materials or plantings, or any combination thereof, for purposes of enclosing property and/or providing privacy to specific areas, within property boundaries.

Fences are permitted, or required subject to the following:

1. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, or whichever is greater.
2. Recorded lots having a lot area in excess of two (2) acres and a frontage of at least two hundred (200) feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from these regulations.
3. Fences on lots or record shall not contain barbed wire, electric current or charge of electricity.
4. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots 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 their total area.

132.1416 - Site plan review (all districts).

1. Site plan review required. Site plan review and approval of all development proposals (except as otherwise provided herein) is required by the following provisions. The intent of this section is to provide for consultation and cooperation between the developer and the planning commission so that both parties might realize maximum utilization of land and minimum adverse effect upon the surrounding land uses. Through the application of the following provisions, the intent is to help implement the goals and objectives of the township Master Plan, to help assure that development will be consistent with the Zoning Ordinance, and to generally promote the orderly development of the township.
2. Site plan review required. A site plan shall be submitted to the Planning Commission for review and approval for the following:
 - a. Any use in any zoning district, except for the following uses:
 - (1.) Agricultural buildings
 - (2.) Single-family dwellings
 - (3.) Two-family dwellings
 - (4.) Building and uses customarily accessory and incidental to the above uses
 - (5.) Manufactured housing communities shall be subject to preliminary site plan review under Section 132.552(8).
 - b. All site condominium or condominium projects.
 - c. Any use or development for which the submission of a site plan is required by any provisions of this ordinance
 - d. Additions, expansions, deletions, and revisions (except those under paragraph (3.) {Administrative approval} below). Any addition, expansion, deletion, or alteration of any of the above uses or a change from an existing use to a dissimilar use:
 - (1.) Wherein the proposed addition, expansion, deletion, or change would trigger different or additional zoning requirements, such as but not limited to: number and/or arrangement of off-street parking spaces, loading zone(s), points of ingress or egress, walls, greenbelt, buffer, screening, landscaping, etc.
 - (2.) Wherein the proposed addition, expansion, deletion, or revision would require a variance from the provisions of this ordinance, no matter what size it may be.
 - (3.) Administrative approval of minor addition(s), expansions, deletion(s), and/or revision(s) of site plans. Planning Commission review and approval may be waived and the site plan approved by the Zoning Administrator when, in his determination and the concurring determination of the Township Planner, the proposed addition, expansion, deletion, and/or revision of use or change in site characteristics will not involve changes substantial enough to warrant renewed planning commission review. A written memorandum documenting this decision shall be prepared by the Township Planner and signed by the Zoning Administrator and the Township Planner. A copy of the decision of administrative approval shall be provided to the planning commission.
3. Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this Ordinance. No site plan shall be approved until same has been reviewed by the Building Department in coordination with the Fire Department and the Police Department, for compliance with the standards of the respective departments.
4. The following information shall be included on the site plan:

- a. A scale of not less than 1" = 50' if the subject property is less than three (3) acres and 1" = 100' if three (3) acres or more.
 - b. Date, north point and scale.
 - c. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - d. The location of all existing and proposed structures on the subject property and all existing structures within 100' of the subject property.
 - e. The location of all existing and proposed drives and parking areas.
 - f. The location and right-of-way widths of all abutting streets and alleys.
 - g. The names and addresses of the architect, planner, designer, engineer, or person responsible for the site plan.
5. In the process of reviewing the site plan, the Planning Commission shall consider:
- a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
 - b. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - (1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - (2) Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - c. The Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
 - d. In those instances wherein the Planning Commission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, the Planning Commission may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the Planning Commission may recommend that money in escrow be placed with the Municipality so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or monies have been deposited with the Township Clerk.
6. Submission requirements for site plan.

Excepted uses.

- (1.) Agricultural buildings;
- (2.) Single-family dwellings;
- (3.) Two-family dwellings; and
- (4.) Buildings and uses customarily accessory and incidental to these excepted uses.

Notwithstanding the provisions for exceptions generally under this subsection, the requirements of Section 132.1408 (Airport Zoning Requirements) must always be met. These excepted uses are exempt from the submission requirements under subsection 4. above, but shall instead be required to submit a plot plan showing the following:

- a. The actual shape, location, and dimensions of the lot(s).
- b. The shape, size, and location of all proposed buildings and other structures to be erected, altered, or moved, and

the same for all existing buildings and structures.

- c. 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.
- d. Such other information concerning the lot (or parcel) or adjoining lots (or parcels) as may be essential for determining whether the provisions of this Ordinance would be met.

(Ord. of 7-25-07)

132.1417 - Frontage on a Public Street.

1. *Generally.* Except as otherwise provided in the zoning ordinance, every lot or parcel of record created after the effective date of the ordinance shall front upon a public road (county or city) or state highway for the required width of the lot as provided as provided in Article XII, Schedule of Regulations. Lot width shall be measured as defined in the definition of "lot width" in Section 132.202.
2. *Corner lots.* Corner lots shall maintain not less than the minimum required width on all road frontages.

(Ord. of 7-25-07)

132.1418 - Higher traffic access through residential streets generally prohibited.

The sites for new commercial, industrial, and other non-residential land uses shall be located and designed in such a way that access shall not be through residential areas. Likewise, multiple-family dwellings and manufactured housing communities shall be located and designed in such a way that access shall not be through single-family residential areas. Rather, these higher traffic generating land uses shall generally have direct access to a major thoroughfare, a secondary thoroughfare, or a collector road, or a service drive with direct access to one of the afore listed roads of higher classification. All of the above access considerations shall be subject to final review, modification, denial, or approval by the Planning Commission at the time of site plan review.

(Ord. of 7-25-07)

132.1419 - Planned unit residential development (PURD).

1. *Objectives.* The Township of Cottrellville being confronted with increasing land development pressures, and acknowledging that the technology of land development and the demand for housing are undergoing substantial and rapid changes, intends to encourage:
 - a. Allow flexibility of design on relatively large scale parcels or combinations of parcels, which would not ordinarily be possible under conventional zoning regulations;
 - b. Achieve economics of design relating to vehicular and pedestrian circulation, utility extensions, dwelling unit siting, etc.;
 - c. Encourage the preservation of desirable natural features, including woodlots, streams, floodplains, wetlands, major open spaces, and scenic views;
 - d. Allow a mix of land uses based on an approved comprehensive plan, including a variety of housing types and compatible commercial facilities and both outdoor open space and indoor recreational uses; and
 - e. Creation of neighborhood characteristics for the benefit of both PURD residents, other area residents, and the general public.
2. *Definitions.* The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- a. *PURD agreement* means an agreement, prepared by the applicant (being either the current landowner, the current landowner's agent) and reviewed by the Township Attorney and approved by the Township Planning Commission, which specifically details the development plans of the PURD, the covenants and restrictions proposed for the PURD, the site development and the improvements to be placed in the development. This agreement as may be necessary, shall allow access to public water and/or public sewer, subject to Township Board approval.
 - b. *Applicant* means the legal landowner or beneficial owner, or an agent for the same, of all the land proposed to be included in a PURD. The holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (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 Section.
 - c. *Common open space* is a parcel or parcels of land or an area of water, or a combination of land and water within the site designated for a PURD, and designated and intended for the use and enjoyment of residents of the PURD. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the PURD.
 - d. *Developer* is considered synonymous with "applicant" for the purposes of this Section.
 - e. *Homeowners' association* means an association to which all residents are required to belong as a condition of the deed, and set up with its own rules for self-government and assessment of dues for purposes related to maintenance of open space, other common elements, and provision of other necessary internal services.
 - f. *Plan* refers to any or all of the three (3) possible plan stages of a PURD, including administratively complete proposal, tentative development plan, and final development plan, which are defined as follows:
 - (1.) Administratively complete proposal means a proposal by an applicant has been found to be in substantial compliance with the submission requirements under this Section such that the Planning Commission and the public can initially understand and consider the proposal for a concept or final development plan.
 - (2.) Concept plan refers to any plan submitted to the Township Planning Commission for review and comment prior to submission of a final development plan for approval.
 - (3.) Final development plan means that plan for development of a PURD or divisible geographic section(s) thereof, approved subsequent to the approval of the proposal for a PURD designation and the tentative development plan by the Township Planning Commission under the provisions of this Section.
 - g. *Planning Commission* means the Planning Commission of the Township of Cottrellville, Michigan.
 - h. *Planned Unit Residential Development (PURD)* means an area of land, controlled by an applicant, to be developed as a single entity for a minimum of fifty (50) dwelling units and on an area of land containing forty (40) or more acres, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space regulations for any one (1) applicable district cited in this chapter.
 - i. *Single entity* means the proprietary interest of an applicant, as defined herein. Land to be developed as a single entity shall be consistent with a plan. Said land consistent with a plan will normally be in a single contiguous parcel or a single contiguous group of parcels, but need not always be so where the applicant makes a case for the unity and cohesiveness of the plan, which is approved by the Planning Commission.
 - j. *Township* means the Township of Cottrellville, St. Clair County, Michigan.
3. *Applicability.*
- a. The provisions of this Section shall only apply to an area of land, controlled by an applicant, to be developed as a single entity for a minimum of fifty (50) dwelling units and on an area of land containing forty (40) or more acres located in either the R-1, Residential District or the RM-1, Multiple Residential District or a combination of both.

Proposed PURD residential densities must be consistent the respectively appropriate existing or rezoned R-1 and/or RM-1 district(s).

- b. Notwithstanding the provisions of paragraph a. of this subsection, an application for a PURD on an area of land of less than forty (40) acres, or for less than fifty (50) dwelling units, or both may be filed, and a public hearing scheduled and held thereon as hereinafter provided, but no tentative approval of such an application shall be granted by the Planning Commission unless the Planning Commission shall first find upon a showing by the applicant that a threshold requirement(s) in subsection (a) of this Section should be waived because the PURD is in the public interest, and that one (1) or more of the following conditions exist:
 - (1.) Because of unusual physical features of the subject land itself or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise applicable is necessary or appropriate in order to conserve a physical or topographic feature of importance to the Township;
 - (2.) The subject land or its neighborhood has an historical character of importance to the Township or greater community that will be protected by employing the PURD provisions; or
 - (3.) The property is adjacent to or across the street from property which has been developed or redeveloped as a PURD and the proposed PURD will contribute to the maintenance of the amenities and values of the existing neighboring PURD.
4. *Permitted uses.* Uses permitted in a PURD may include and shall be limited to:
 - a. Dwelling units in detached, semi-detached, attached or multi-storied structures, or any combination thereof;
 - b. Dwelling units on a floor or floors above any non-residential or commercial space,
 - c. Accessory (or secondary) dwelling units (e.g. for a personal health caretaker, an aged or young adult family member, guest quarters, a home service person, a rental unit for student(s), etc.) provided;
 - (1.) It shall provide an independent, self-sufficient dwelling unit with kitchen, bath, and sleeping spaces and shall be connected at a minimum to public water and sewer and electric utilities.
 - (2.) It shall permanently remain in the same ownership as the primary dwelling unit,
 - (3.) The lot (or site condominium unit) is at least 150% of the minimum lot size that would be required under the R-1, Residential District,
 - (4.) Only one (1) accessory dwelling is allowed per one (1) primary detached dwelling unit,
 - (5.) It shall be detached from the primary dwelling by at least 10 feet or be attached to the primary only by a common entrance hall or breezeway,
 - (6.) One (1) additional off-street parking space is provided expressly for this unit, which is not blocked by spaces for the primary dwelling,
 - (7.) It shall be not less than 500 square feet in area or more than 800 square feet and shall contain no more than two (2) bedrooms,
 - (8.) Shall otherwise comply with the definition of a dwelling, single-family,
 - (9.) It shall be architecturally compatible with the primary dwelling, and
 - (10.) It is located and designed to be in harmony with the overall PURD concept and with adjacent land uses.
 - d. Non-residential uses of a religious, cultural, or outdoor recreational character which are deemed by the Planning Commission to be consistent with the overall PURD; and
 - e. Commercial uses generally permitted in the B-1, Local Business District and commercial indoor recreational uses, both of which provide significant service, not merely incidental service, to the residents of the PURD, together with such other uses deemed by the Planning Commission to be consistent with the overall PURD and the

Township Master Plan. The required significant service to residents of the PURD need not be exclusive (e.g. residents of surrounding areas may also be served).

- f. See subsection 9., Standards and Criteria for other requirements which qualify the permitted uses of a., b., and c.
5. *Water and Sewer Service.* A PURD may only be employed when municipal water and sewer service is provided to all substantially improved areas, including all residential, non-residential, and commercial uses. In accordance with Planning Commission review and approval, certain outdoor recreational uses which involve the gathering of numbers of persons may also be required to have municipal water and sewer service. Certain passive outdoor recreational uses such as natural open spaces and pedestrian and bicycle trails may be exempted by the Planning Commission from the provision of municipal water and sewer service.
6. *Administrative regulations; fees.* The Township Board, with recommendation from the Planning Commission, Township Planner, Township Attorney, and others of their choosing, may formulate administrative regulations regarding general (non-statutory) procedures and form of applications under this Section as may be desirable, provided these are also consistent with the adopted provisions of the Township zoning ordinance. Fees for the review of a proposal for a PURD designation, tentative development plan, and final development plan shall be in accordance with the schedule of fees adopted by resolution of the Township Board, and as may be amended from time to time.
7. *Processing procedures.*
 - a. Step I, Administratively complete proposal for conceptual review.
 - (1.) The applicant submits a letter indicating a desire to submit a PURD for consideration by the Township and pays the appropriate fee(s) as established by the Township Board to the township clerk. Said filing fee shall be used to defray the costs of predevelopment conference(s), Township Planner and Reviewing Agents (township zoning administrator, engineer, attorney, etc.) costs, public hearing costs including notices, and reviews by the Planning Commission. Enough copies of the letter shall be submitted to provide for the Township Clerk, members of the Planning Commission, Township Planner, Zoning Administrator and other Reviewing Agents, and official Township file copies.
 - (2.) The applicant then schedules a predevelopment conference(s) with the Township Planner. Other Reviewing Agents for the Township as determined by the Township Planner the may be involved as deemed necessary or desirable.
 - (3.) An applicant's proposal for a concept plan shall first be reviewed by the Township Planner for presentation of adequate information for the Planning Commission to be able to consider the essential elements of the concept plan including following items. All of the following information need only be presented in sufficient detail to illustrate the overall concept, to demonstrate the concept fits within the overall density limit, and to illustrate how any prospective problem areas might be addressed within concept. Upon a determination that a proposed concept plan is administratively complete, the proposal shall be referred to the Planning Commission for placement on their agenda for review and comment.
 - (a) A discussion of the rationale for employing the PURD procedure rather than developing the project conventionally,
 - (b) The existing land use(s) and characteristics,
 - (c) Whether PURD development phases are proposed,
 - (d) The proposed general mixture of permitted uses,
 - (e) How the overall residential density limit will be met,
 - (f) Percentages single-family, duplex, multiple-family, etc.,

- (g) Road access points,
 - (h) A general plan for the internal transportation circulation with parking areas,
 - (i) Provisions for pedestrian and non-motorized circulation pathways,
 - (j) General areas for open space,
 - (k) Any significant natural resources (floodplains, wetland areas, forested areas, rivers, streams, county drains, rock outcrops, any areas with rare or endangered species, any attractive viewsapes, etc.),
 - (l) Any areas with existing rights-of-way and easements which might prevent development in those areas,
 - (m) All undevelopable areas,
 - (n) How municipal water and sewer services shall be provided,
 - (o) Surrounding existing land uses,
 - (p) How the proposed PURD concept plan relates to the Township Master Plan.
- b. *Step II, Concept plan review.* Prior to the formal submission of a PURD application, the applicant shall submit a concept plan for review. The concept plan shall show the entire PURD concept area in schematic form indicating a generalized plan (and any significant options) with the essential elements required under subsection 7.a.(3.) above. Enough copies of the concept plan shall be submitted to provide for the Township Clerk, members of the Planning Commission, Township Planner, Zoning Administrator and other Reviewing Agents, and official Township file copies.
- (1.) The Planning Commission shall review the concept plan with the applicant, offer comments on such plan as it relates to the Township's Master Plan, surrounding zoning districts, surrounding existing land uses, existing public services, the PURD objectives, and the PURD standards and criteria.
 - (2.) This phase of review shall not be construed to require approval of the concept plan by the Planning Commission. Further, the concept plan is only intended to be used as a general guide to both the applicant and the Township.
 - (3.) Depending on the nature of the proposed concept plan and the density of residential development proposed, the Planning Commission may advise the applicant that he first needs to complete one or both of the following planning procedures to ensure planning and zoning consistency:
 - (a) Amend the Township Master Plan for the subject area, or
 - (b) Rezone some or all of the proposed specific PURD subject land to the appropriate R-1, One-Family Residential or RM-1, Multiple-Family Residential District consistent with the applicant's desired residential density.
 - (4.) Upon completion of the concept plan review, the applicant may proceed with a formal submission of a PURD application as outlined within this section of the zoning ordinance.
- c. *Step III, Final development plan.*
- (1.) The applicant submits the concept plan and a proposed final development plan (or a first phase thereof) together with a PURD agreement for consideration. Enough copies of the concept plan, final development plan, and PURD agreement shall be submitted to provide for the Township Clerk, members of the Planning Commission, Township Planner, Zoning Administrator and other Reviewing Agents, and official Township file copies.
 - (2.) The Township Planner reviews the application for administrative completeness with respect to the exhibit requirements and the standards and criteria of this Section. An additional predevelopment conference(s) may be scheduled as determined necessary by the Township Planner.

- (3.) If administratively complete, the final development plan application and PURD agreement shall be forwarded to
 - (a) Township Reviewing Agents (with Twp. attorney to particularly review the PURD agreement) and their reports together with the Township Planner report, are to be provided to the Planning Commission prior to the public hearing date, and
 - (b) the Planning Commission, who shall schedule a public hearing with prior notice provided in accordance with the Michigan Zoning Enabling Act, Act 110 of 2006, Section 103 [MCL 125.3103].
- (4.) The Planning Commission holds the public hearing at the scheduled date, time, and location.
- (5.) On the same date and location as the public hearing or within a reasonable time following the public hearing, the Planning Commission shall review and consider the applicant's concept plan and final development plan request (or any initial or subsequent phase thereof), together with the following:
 - (a) Comments and information provided at the public hearing and any written comments provided prior to the public hearing,
 - (b) The Township Planner's and Reviewing Agents' reports and recommendations, and
 - (c) Any other pertinent information available.
- (6.) The Planning Commission shall approve, deny, or approve with conditions the applicant's concept plan. The Planning Commission shall approve, deny, or approve with conditions the applicant's final development plan. The Planning Commission shall prepare a report stating its conclusions, its decision, the basis for its decisions, and any conditions imposed on an affirmative decision. Depending on the size and complexity of the proposed PURD (or phase thereof), the Planning Commission may want to address the proposal in logical components over a course of more than one meeting.
- (7.) If, approved or conditionally approved, the subject land of the final development plan shall be a designated PURD area, not subject to individual zoning district provisions under Article XII (Schedule of Regulations) unless one or more of these regulations are otherwise cited in this Section. An area so designated shall not be developed under the prior zoning district regulations unless the designation first expires or the applicant requests termination of the designation or a part thereof, to be reviewed and approved by the Planning Commission. Any land for which a PURD designation expires shall revert to its original zoning district (or in the event of subsequent zoning ordinance text amendment(s), the current zoning district which the Planning Commission determines most closely matches the original).
- (8.) The final development plan must be prepared as follows:
 - (a) Subdivision as defined by the land division act: The final development plan must be prepared in the form of a preliminary plat in detail sufficient to be granted tentative preliminary plat approval in conformance with the land division act, Public Act No. 288 of 1967 as amended (MCL 560.101 et seq.), township subdivision regulations, and the conditions established in the final development plan and PURD agreement, and/or
 - (b) Condominium subdivision plan as defined by the condominium act: The final development plan must be prepared in the form of a condominium subdivision plan in detail sufficient to be granted approval pursuant to the requirements of the condominium act, Public Act No. 59 of 1978 as amended (MCL 559.101 et seq.), township condominium regulations, and the conditions established in the final development plan and PURD agreement.
 - (c) Following approval of a final development plan by the Planning Commission, the Planning Commission chairperson signs a minimum of seven copies and distributes one copy to the applicant and five copies to the Township Clerk, and retains one for the Planning Commission files.

8. *PURD phases.* The applicant may propose to develop the PURD in clearly defined phases. Each subsequent phase after first, shall be processed in accordance with subsection 7. above (Processing procedures). Each subsequent phase shall be reviewed for consistency with the original concept plan as approved. The applicant shall explain any proposed minor variation for the original concept plan and the Planning Commission shall specifically approve, approve with conditions, or deny a proposed minor variation(s).
9. *Time limits for phases and final.* The applicant shall complete construction of the initial phase of the PURD within two (2) years following final preliminary plat or condominium subdivision plan approval by the Township. The final phase of the PURD shall be constructed within five (5) years following final preliminary plat or condominium subdivision plan approval by the Township. These limits may be extended for a reasonable period to be determined by the Planning Commission for cause shown, upon written request by the applicant. If, however, these time limits are not met and an extension has not been granted, the PURD Agreement is automatically rescinded and any remaining uncompleted portions of land of the PURD shall revert to the original zoning district (See subsection 7. Processing procedures, c. Step III, paragraph (7.) above).

10. *Standards and criteria for Planned Unit Residential Developments.* A plan shall be consistent with the following general standards for the density of use, use of land, the use, type, bulk, design and location of buildings, the common open space and public facilities requirements, and development of geographic divisions of the site:

- a. *Density of Use.* The overall site density shall be directed by the zoning district. In areas zoned R-1, the overall site density shall be limited to 3.5 dwelling units per acre. In areas zoned RM-1, the overall site density shall be limited to 12 units per acre.

The density limit (Yield Plan). The overall number of dwelling units permitted to be constructed shall not exceed the densities identified herein by district as applied to the gross site area less primary conservation areas as defined under Section 132.1421, paragraphs 4.a.

Example for a site within an RM-1 zoned area. 50) acres - 10 acres of floodplain × wetlands = 40 acres. 40 acres × 12 = 480 dwelling units for the yield plan.

The permitted density may be modified by the Planning Commission if one (1) or more density bonuses are approved.

Primary conservation areas may be permanently dedicated to a public entity or an appropriate nonprofit conservation organization, subject to Planning Commission approval. The dedication shall be evidenced by a recordable instrument acceptable to the Township Attorney.

- b. *Potential Density Bonus dwelling units.* The Planning Commission may approve bonus dwelling units provided they are located and designed as integral elements of the overall PURD. Proceeds from the sale of bonus dwelling units are to be used (in part) to provide a conservation endowment (ten (10) percent) and to provide an incentive (ninety (90) percent) to the applicant. Township spending from this conservation endowment fund shall be restricted to the interest from such fund and shall be used to help offset continuing monitoring, preservation and maintenance costs of designated public benefit area(s).
- (1.) Dwelling units above appropriate non-residential and commercial uses may be counted as 0.75 units toward the yield plan, and if directly fronting on a public gathering area (courtyard, park, commercial square, etc.) with a balcony or porch, may be counted as 0.50 units toward the yield plan.
- (2.) Accessory dwelling units may be counted as 0.75 units toward the yield plan.
- (3.) Dwelling units that would otherwise occupy and/or block a Planning Commission approved public viewscape (a particularly attractive view from a public road or other public location) may alternatively located elsewhere

on PURD site subject to Planning Commission approval. Further, for each two (2) units relocated out of a viewscape, the applicant shall be allowed one (1) additional bonus dwelling unit for the overall site (any fraction rounded up).

- (4.) If the applicant proposes to create a public scenic view or public scenic experience area, the Planning Commission may approve additional bonus development units in relation to any lost development area and in relation to the particular value to the public. Such created areas might include things like a scenic turnout, a river front public park with a boardwalk, a wooded trail with an overarching canopy, a tower or top floor lounge offering a view of a river or other scenic vista, a public park with a band shell, fishing dock, or other cultural amenity, significant interpretative educational improvements for a nature trail or natural area, etc.
- c. Consistent with the purpose of providing design flexibility in a PURD, the size, width and area of lots, and the height, placement and lot coverage by buildings, may be varied from what would ordinarily be required under Article XII (Schedule of Regulations), subject to approval of the development plan by the Planning Commission, provided that adequate light, air, access, fire protection, safety, sanitation and open space are made available to all dwelling units.
- d. The minimum floor areas per dwelling shall conform to Article XII, except that an accessory (or secondary) dwelling unit shall conform to the limits provided under this Section under subsection 4. Permitted uses c. Accessory dwelling units.
- e. Spacing between buildings housing multiple-family dwellings to be included as part of a PURD shall conform to the development requirements of Section 132.1201 and the footnotes there under.
- f. Parking spaces and parking areas including access drives shall be provided in accordance with Sections 132.1405, 132.1406, and 132.1407. Any front parking for multiple-family and commercial uses shall be balanced with parking in the side and/or rear areas such that parking does not act as a focal point for the use.
- g. Single-family dwelling units, duplexes, three- or four-plex residences, or other residential structures with individual garages (whether attached or detached), which face the front street shall not project beyond the front line of the dwelling(s). Garage entrances are encouraged to be located such that they face on the side or rear of a lot, face on an alley, or have other configurations not opening directly onto (not facing) the front street. Garages not facing the front street need not be recessed behind the front line of the dwelling(s).
- h. Use of front porches, patios, courtyards, flower garden walks or other amenities inviting or offering a front street, front sidewalk relation for residents are encouraged.
- i. The plan may provide for a variety of housing types. If the proposed PURD site is in an R-1, Residential District, the overall mix of unit types may include a maximum of forty (40) percent multiple-family dwelling units. Single-family dwelling units and multiple-family dwelling units may be constructed concurrently provided a minimum of three (3) single-family dwelling units are constructed for each two (2) individual dwelling units of a multiple-family nature.
- j. A minimum of fifteen (15) percent of the net developable area of land shall be irrevocably dedicated as common open space. At the applicant's option, the dedication may be to the Homeowners Association or to a public entity of the Township's choosing with the public entity's concurrence. The dedication shall be evidenced by a recordable instrument acceptable to the Township Attorney. All undevelopable areas including existing open bodies of water and regulated wetlands and all road rights-of-way and parking shall not be counted towards the net developable area of land. Such common open space shall be readily accessible and available to PURD residents and the general public. If the PURD is developed in phases, each phase shall be so designed as to provide a proportional amount of common open space in accordance with each phase.

- k. A minimum of five (5) percent of the net developable area of land shall be irrevocably dedicated as private recreational private open space for the use of the residents of the PURD. If the PURD is developed in phases, each phase shall be designed as to provide a proportional amount of private recreational and/or private open space in each phase. The shall be evidenced by a recordable instrument acceptable to the Township Attorney.
 - l. Non-residential uses shall be accessory to the PURD. A minimum of twenty-five (25) of the total number of dwelling units (any single-family units counted first) in a PURD must be constructed and ready for sale to individuals from the general public prior to the construction of any non-residential uses.
 - m. Commercial uses, commercial indoor recreational uses, and other uses which may be permitted hereunder, are limited to occupying up to a maximum of ten (10) percent of the net site area. A minimum of twenty-five (25) of the total number of dwelling units (any single-family units counted first) in a PURD must be constructed and ready for sale to individuals from the general public prior to the construction of any commercial portion of the project, except that site grading, roadway construction, and trunk utility installation relating to commercial portions may be concurrent with single-family dwelling unit construction.
 - n. A coordinated sign package proposal.
 - o. Homeowners' association. The applicant shall establish a home-owners' association to which all residents of the PURD must belong and shall relinquish control of the private recreational and private open space to the homeowners when eighty (80) percent of the dwelling units included in the PURD are sold to individuals from the general public, or within three (3) years of the commencement of construction, whichever occurs first.
 - p. Location and arrangement of structures. The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.
 - q. Architectural style of buildings. The architectural style of buildings shall not be a basis for denying approval of a plan unless the development is in an area previously designated by the Township Board as a historical area.
 - r. Covenants and easements. The plan shall contain such proposed covenants, easements and other provisions relating to the bulk, location and density of such residential units, nonresidential uses and public facilities and provisions for the ownership and maintenance of the common open space as are necessary for the welfare of the PURD 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.
11. *Exhibit requirements for Step III, Final Development Plan.* The following minimum information must be provided by the applicant at the time of filing of a final development plan on all or a portion (a phase) of a PURD.
- a. Concept Plan.
 - (1.) PURD location (including a vicinity map) and relation to surrounding land uses.
 - (2.) Concept rationale and description.
 - (3.) Land use mix in number of buildings, acreages and percentages (single-family, multiple-family, non-residential, commercial, developed and undeveloped open space, etc.). Any proposed mixed use buildings.
 - (4.) Density yield calculations, any proposed bonus dwelling units and the basis for requested bonus(es)).
 - (5.) An architectural model of the total area within the PURD, at a scale sufficient to show both horizontal and vertical site relationships and to show important sight lines (as may be valuable for viewsapes, safety, or other purposes), including roads, drives, parking areas, developed and undeveloped open spaces, pedestrian and non-motorized circulation systems. The various land uses and buildings, and any major wooded areas shall also be included in basic three (3) dimension representations. The proposed model shall be presented

at the public hearing. The site plan and two (2) model representations, if approved by the Planning Commission, with any required revisions, shall be retained at the Township Hall and shall be prominently displayed in the PURD sales office. Upon recommendation of the Township Planner, the Planning Commission may waive the requirement for an architectural model for simpler PURD site plans where the nature of the PURD can be adequately portrayed through the use of other exhibits.

- (6.) Concept illustrations and any architectural themes proposed.
 - (7.) Architectural renderings of typical structures and landscape improvements, in sufficient detail to depict the basic architectural intent of the improvements for the currently proposed PURD and all future phases.
 - (8.) Other major concept elements.
 - (9.) Any proposed phases and scheduling.
- b. Site Plan Submission Requirements.
- (1.) Existing site features.
 - (a) An overall area map at a scale of not less than one inch equals 2,000 feet showing the relationship of the PURD to its surroundings such as section lines and thoroughfares and collector streets.
 - (b) Boundaries of the proposed PURD, section or corporation lines within or adjacent to the tract, and overall property dimensions.
 - (c) Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the PURD site, including those areas across abutting roads.
 - (d) Location, widths, and names of existing or prior platted streets and private streets and public easements within or adjacent to the PURD site, including those located across roads.
 - (e) Location of existing sewers, water mains, storm drains, official county drains, and other underground facilities within or adjacent to the PURD site.
 - (f) Topography drawn as contours with a two-foot contour interval. Topography shall be based on a USGS datum and be extended a minimum distance of two hundred (200) feet outside the PURD boundaries.
 - (g) A site map showing the PURD relationship to any existing flood plains.
 - (h) A site map showing the PURD relationship to any existing regulated wetlands.
 - (i) Existing natural features including woods, streams, natural drainage ways, rock outcrops, ponds, other wetland areas, etc.
 - (2.) Proposed site features.
 - (a) Layout of streets indicating proposed street names, right-of-way widths, connections with adjoining platted streets, county roads, or state highways, and the widths and location of alleys, easements and public walkways and non-motorized trails.
 - (b) A streetlight plan and a lighting plan for separate pedestrian walkways, non-motorized trails, and other public spaces.
 - (c) Layout, numbers and dimensions of single-family lots (with and without any accessory dwelling) and duplex lots, including building setback lines and dimensions. The number of bedrooms for each specific type of dwelling unit shall be provided.
 - (d) Detailed site plans (one (1) inch equals one hundred (100) feet minimum scale or other approved scale) shall be provided for each multiple-family structure, non-residential structure, commercial structure, and developed open space area.
 - (e) The Planning Commission may require a detailed site plan for an area where there may be a concern

regarding a neighboring land use, at a scale deemed appropriate to understand the relationship of concern.

- (f) Layout of proposed multiple-family projects, including setbacks, buildings, drives, parking spaces, walkway systems, and landscaping. The number of bedrooms for each specific type of dwelling unit within a multiple-family structure shall be provided.
 - (g) Layout and indication of uses to be included in proposed non-residential and commercial projects, including setbacks, buildings, drives, parking spaces, courtyards, malls, squares, pedestrian ways, landscaping, and percentages of lot coverage.
 - (h) Detailed and coordinated sign package. Where all signs of future businesses or other uses cannot be completely predicted for the PURD or the current phase or future phases, the applicant shall provide a site plan sign policy at least as restrictive as the sign regulations under Section 132.1410 for review and approval of the Planning Commission. Any such approved sign policy shall become part of the PURD Agreement.
 - (i) Location and definition of function of both developed and undeveloped open spaces. Layout of facilities shall be included on developed open spaces.
 - (j) Depiction of major wooded areas and a description of the means to be employed to preserve them.
 - (k) Detailed plans for the sewer system and the connection(s) to a public sewer system, which must be approved by the Township Engineer, and as may be required by the Township Board for access of public sewer system capacity.
 - (l) Detailed plans for the public water system and the connection(s) to a public water system, which must be approved by the Township Engineer, and as may be required by the Township Board for access of public water system capacity.
 - (m) Detailed plans for the storm drainage system, which must be approved by Township Engineer, St. Clair County Road Commission, and St. Clair County Drain Commissioner as may be needed. Storm drainage must be provided to an approved outlet.
 - (n) Detailed plans for all other utilities (electric, gas, telephone, cable, etc.).
 - (o) A site grading plan approved by the Township Engineer and as may be required, a soil erosion and sedimentation permit from the St. Clair County Department of Public Works.
 - (p) Conceptual and detailed landscaping plans.
 - (q) Pedestrian circulation and non-motorized trailway plans.
 - (r) Detailed architectural renderings of proposed structures and landscaping for the currently proposed PURD or current phase.
- (3.) Supporting materials including:
- (a) PURD Agreement.
 - (b) Legal description of the total site and separate legal descriptions for any phases.
 - (c) A statement of the applicant's interest in the land proposed for development.
 - (d) A statement regarding the manner in which public open spaces shall be maintained.
 - (e) A statement regarding the manner in which private open spaces shall be maintained.
 - (f) A statement regarding the applicant's intentions regarding sale and/or lease of all or portions of the PURD, including land areas, residential units, non-residential facilities, and commercial facilities.
 - (g) Copies of covenants, grants of easements (including easements for public utilities, non-motorized trails,

and other public ways), and other restrictions to be imposed upon the uses of the land and structures.

(h) A statement of required modifications (variations) to the R-1 or RM-1 district regulations which would otherwise be applicable to the PURD.

(i) A detailed schedule indicating the proposed dates for the start of construction and completion of the PURD or each phase thereof. In the event of a subsequent phase, any requested deviation from the originally approved schedule.

c. Preliminary plat and/or site condominium plan of the PURD or phase proposed for development as may be appropriate, in conformance with the state land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.) as amended and Part 130 of Twp. Ordinances and/or a condominium subdivision plan prepared in conformance with the condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.) as amended.

12. *Performance guarantee.* A performance guarantee may be required for any portion of the PURD which may require delayed construction. The applicant shall post a performance guarantee in the form of a cash bond or an irrevocable bank letter of credit with the Township Clerk. An estimate for the required bond amount shall be prepared by the Township Engineer and approved by the Township Board.

(Ord. of 7-25-07)

132.1420 - Establishment or change of grades.

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

1. Independent authorities. It is to be understood by all parties that the authorities of the St. Clair County Drain Commissioner, the St. Clair County Road Commission, and the Michigan Department of Environmental Quality over their respective facilities and waterways must be respected and their approval(s) may be required as is applicable in each case.
2. Agricultural drainage systems. Nothing contained in this section shall be construed to prohibit or interfere with the installation or alteration of normal, proper, and generally accepted agricultural drainage methods and systems when part of a bona fide farm, provided that the proposed action will not cause any adverse effect upon adjacent properties.
3. No person may alter, divert or block, hinder the water flow of, or cause to be altered, diverted, blocked, or hindered the water flow of, any drain, drainage course, ditch, watercourse, or body of water whether natural or artificial, public or private, which causes an increase in the runoff of water onto adjacent properties, except as may be regulated and conditioned under this Section and the Condominium development provisions.
4. Where there is existing development in the area or where the adjacent lands are subdivided, the grades about the new development or construction shall be set to conform to the grades of the existing development or subdivision.
5. All new development shall be so accomplished as to contain all runoff on the site or direct runoff to storm facilities without crossing abutting developed or platted lands.
6. Grades of the site may be raised a total of 12 inches above the crown of an abutting public road if such increase in grade does not cause runoff onto abutting property. The first-floor elevation of the proposed construction shall be shown.
7. When a new building is constructed on a vacant parcel between two (2) existing developed properties, the finish grades about the new development shall be set to conform to the average of the finish grades of the existing developed properties on both sides.

8. In special cases where unusual topographic or natural features exist, or where existing soil conditions or other conditions require the St. Clair County Health Department to establish a finished grade in excess of the above requirements, it is the responsibility of the property owner to utilize whatever means are necessary to contain all storm water on the property to direct such stormwater to an outlet approved by the Zoning Administrator. Such containment and/or disposal methods may include, but are not limited to the following: earthberms, containment pond(s), swales, open drains, enclosed catchment and artificial lift and discharge mechanism(s). The proposed method of drainage is subject to the review and written approval of the Zoning Administrator specifying the specifics of his/her approval. The method of drainage selected shall not be that which is required to direct runoff away from adjacent properties, and which is necessary to protect the public health, safety and welfare of the Township.

9. Documentation required/zoning administrator approval-denial/appeal.

- a. Single-family dwellings, two-family dwellings and farm buildings. Owners of proposed single-family dwellings, two-family dwellings, and farm building(s) shall submit such documentation as the Zoning Administrator determines necessary to determine adequate compliance with items 1 through 6 above, and may waive the provisions of this Section where he/she determines them unnecessary. Such documentation shall include a written description of the proposed action, the reason for the proposed action, a plan drawn to scale showing the existing and proposed drainage patterns.

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

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

If the owner of the property wishes to pursue the proposed change further, they may seek more comprehensive review under subsection 9.b. below.

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

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

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

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

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

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

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

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

(Ord. of 7-25-07)

132.1421 - Open Space Preservation Development (Residential Clustering) Option.

1. *Statement of Purpose.* The purpose of this section is to provide an optional mechanism for development of single-family residences, where permitted, which assists in meeting the following goals: maintain the character of the area, maintain an image of open space, permanently preserve open space and natural resources, protect a portion of lands for agriculture and farming, and achieve a balance between farming, open space and residential growth. Specifically, Cottrellville Township recognizes:

- That the preservation of wetlands, woodlands, open space and agricultural land in the township is necessary to the conservation of local, state, and national economic resources and is necessary, not only to the maintenance of the economy of the state, but also for the assurance of desirable living conditions for present and future residents of the township;
- That the discouragement of unnecessary conversion of open space and agricultural land to urban uses is a matter of public interest and will be of benefit to the township residents overall in that it will discourage noncontiguous urban development patterns, which unnecessarily increase the costs of services to community residents;
- That development under the open space preservation development option provisions of this Section is a primary goal of the township. Development under the provisions of this option is intended to provide the preferred alternative to lot splitting or conventional subdivision or site condominium development in many areas of the township;
- That single-family residential developments approved through this development method shall:

- a. Maintain the township's open space and rural or semi-rural settings;

- b. Allow greater flexibility and encourage a more creative approach to residential development;
 - c. Preserve the township's natural resources, including woodlands, wetlands, floodplains, prime agricultural land, and similar natural assets;
 - d. Create a more desirable living environment through the preservation and conservation of the natural character of open fields, stands of trees, wetlands, brooks and streams, farmland and other similar assets;
 - e. Provide open space that directly benefits the residents of the development and the township; and
 - f. Protect the rural character of the district, retain rural vistas by requiring optimum setbacks of residential development from rural highways and improve traffic safety by prohibiting direct access from individual home sites to such highways.
2. *Eligibility under the Township Zoning Act (PA 184 of 1943 as amended.)* To utilize this development option, a site without public sewer service shall be located within a zoning district that has a one-half (½) acre [21,280 sq.ft.] or larger minimum lot size or a site with public sewer service shall be located within a zoning district that has a one-third (1/3) acre [14,520 sq.ft.] or larger minimum lot size. In Cottrellville Township the Open Space Preservation Development (Residential Clustering) Option shall be a principal use permitted in the A-1 Districts.
3. *Method of Land Division.* Home sites may be developed under this option as a subdivision, a site condominium, or land division.
4. *Open Space Retained.* To the greatest extent possible, all the natural features of the property such as large trees, natural groves, wetlands, floodplains, watercourses, natural drains and stream channels and similar assets that will add attractiveness and value to the property and will promote the health and welfare of the community shall be preserved. Retained open space and other protected resource areas shall be reasonably contiguous (not fragmented).
- a. *Primary Conservation Areas.* This category consists of:
 - (1.) Wetlands, lands that are generally inundated (under ponds, lakes, creeks, etc.), land within the 100-year floodplain, slopes exceeding 25%, and soils subject to slumping. These sensitive lands are deducted from the total parcel acreage to produce the "Adjusted Tract Acreage," on which density shall be based (for both conventional and conservation subdivisions). [These areas are deducted because as a rule they would not be buildable lands under traditional development.]
 - (2.) Land that would be required for street rights-of-way (a minimum 10% of the net tract area) and land under permanent easement prohibiting future development (Co. Drain easements, existing and planned public road ROWs, utility easements, etc.) shall also be deducted.
 - b. *Secondary Conservation Areas.* In addition to the Primary Conservation Areas, at least fifty (50%) percent of the remaining land shall be designated and permanently protected. Full density credit shall be allowed for land in this category that would otherwise be buildable under local, state, and federal regulations, so that their development potential is not reduced by this designation. Such density credit may be applied to other unconstrained parts of the site.

This category typically includes all or part of the following kinds of resources: mature woodlands, significant wildlife habitat areas, prime farmland, historic, archaeological, scenic views into the site from public roads.

At least twenty-five (25%) percent of the total of the minimum required secondary conservation area(s) shall, if suitable, be used for active recreation purposes excluding golf courses (also see "Recreation, Active" definition), but no more than fifty (50%) percent shall be utilized for that purpose, in order to preserve a reasonable

proportion of natural areas on the site. Natural and open space areas may be used for passive recreation purposes (see "Recreation, Passive" definition). The purposes for which natural and open space areas are proposed shall be documented by the applicant.

c. Protected areas shall be outside the boundaries of the proposed lots.

5. *Method of Preservation.* The areas in open space, recreation, agriculture, or commons shall be perpetually protected from development. The open space shall be preserved using one or a combination of the following methods, subject to the review and approval of the Township Attorney and the Township Planning Commission:
- a. *Home Owners Association (HOA).* Title to the open space lands and other protected resource areas may be held by a homeowner's association with required participation of all residents within the development. If an HOA is to hold title, a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected.
 - b. *Protective Covenants.* The covenants of the subdivision may include the preservation of lands within them. The exact locations of the open space and other protected resource areas shall be defined within this document. These covenants shall also state the types of uses that would be allowed in such open spaces and other protected areas. Covenants may be used with a home owners association but a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected.
 - c. *Condominium Association.* All elements that are reserved for open space and other protected resource areas shall be preserved as common elements as shown on the site plan, except those areas that may be dedicated to a unit of government. Any alteration to the open space and other protected areas under common element status shall require the submittal of a new site plan and approval by the appropriate bodies. If a condominium association is to hold title to any open space and/or other protected areas, a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected.
 - d. *Fee Simple Dedication to a Unit of Government.* The open space lands are dedicated to a unit of government (township, village, city, school district, county, state, or federal, etc.). This dedication may have provisions within it that state that in no way shall the unit of government be obligated to any cost due to the acquisition, and that the municipality has ample access to all areas of the open space for adequate maintenance purposes should they ever be needed. There shall also be deed restrictions preventing the unit of government from selling the property or using it for development purposes. If dedication to the township or another governmental body is to be used, a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected.
 - e. *Conservation Easements.* The easement over the open space lands and other protected resource areas shall be held by a legal owner/holder, such as a conservation agency, and that owner shall have the right to enforce any aspect of the easement. The easement shall state the uses that are allowed within the open space areas and other protected resource areas and which uses are disallowed. The agreement shall be as specific as possible as to what is allowed and where it is allowed to take place. If the easement is granted to any party other than a recognized independent conservation organization, the easement shall be co-signed by a recognized independent conservation organization to ensure a checks and balance system. Whichever organization holds the legal rights to the easement, they shall visit the site a minimum of once per year to inspect and record any violations that may be occurring within the open space areas and other protected resource areas and create and file a report of what is observed.

- f. *Public Trust.* The open space lands and other protected resource areas may be dedicated to a public trust. This : the accompaniment of money with it to provide funds for the trust to conduct annual surveys on the land to tur agencies which may require these reports. The two entities shall enter into an agreement which states that the t only purpose is to protect open lands and other protected resource areas, shall protect these spaces within the
- g. *Conveyance of Any Un-used Development Rights.* Any unused development rights of the subject property may be conveyed to a unit of government or a conservation agency while allowing present and future owners of the open space lands to continue to maintain farming activities or open lands for their own use but permanently giving up the right to ever develop it.
6. *Density Limit (Yield Plan).* The number of dwellings permitted to be constructed shall not exceed the number that would be permitted under conventional zoning regulations as determined by gross parcel area less primary conservation areas as defined in the paragraphs under 4. a. above, divided by the minimum lot area set forth in the schedule of regulations for the district involved. The permitted density may be modified if a density bonus(es) is approved by the Planning Commission.
7. *Density Bonus.*

a. *General.* To encourage developers to utilize this development option where a large amount of open space is permanently preserved instead of conventional forms of land division where little or no usable open space remains, the Planning Commission may permit the number of dwelling units to be increased by up to 30% depending upon the physical characteristics of the site and upon a determination by the Commission that the plan is well designed and that proposed development complies in all respects with the intent and purpose of this Section, provided all other requirements of this Section are met.

Proceeds from the sale of bonus lots are to be used to provide a conservation endowment (50%) and to provide an incentive (50%) to the developer. Spending from this conservation endowment fund shall be restricted to interest from such fund and shall be used to offset continuing open space monitoring and maintenance costs.

b. *Public Access.* To encourage appropriate and desirable lands to be set aside for public access to a portion of the site, a bonus of one (1) additional potential lot may be granted to the developer in exchange for a written and recorded easement to a unit of government for each two and a half (2.5) acres of public access land provided.

[Note: Land for connecting public paths or trails and adjoining buffer areas are one type of public access that may be desired. Public access to or along water bodies may be desired. Historic, archaeological, or cultural features, rare or unusual plants, or habitats are examples of other potential candidate resources for public access.]

Fifty (50%) percent of the proceeds from the sale of the bonus lot(s) shall be set aside for a public access endowment. The interest from the endowment shall be used to cover the additional public liability insurance requirements and cover other protection, maintenance, and inspection costs.

8. *Minimum Lot Size.* The conventional minimum lot area and width requirements set forth in the Schedule of Regulations shall not apply. The minimum lot area and width shall be large enough for anticipated rural or very low density suburban household activities and shall also be determined by land area and distances required to comply with yard and setback requirements and County Health Department on-site sewage disposal and well requirements (including isolation distances and sufficient land area for replacement septic fields).

9. *Frontage on Internal Road.* All lots shall front only upon a road which is internal to the development. No lots

may be created which front upon existing public roads.

10. *Road Standards.* All internal roads shall be designed and constructed to meet all requirements of the St. Clair County Road Commission (SCCRC) and as may be set forth in the township Subdivision Regulations or the township Site Condominium requirements. All internal roads shall be dedicated to the SCCRC, be accepted, and be incorporated into the SCCRC road system.

11. *Clustered Homesites.*

a. *General Evaluation Criteria.*

- (1.) Protects and preserves all floodplains, wetlands, and steep slopes.
- (2.) Preserves and maintains mature woodlands, existing fields, pastures, meadows, orchards, and creates sufficient buffer areas.
- (3.) If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads.
- (4.) Maintains or creates an upland buffer of natural native species vegetation adjacent to wetlands and surface waters.
- (5.) Designs around existing tree lines and hedgerows between fields or meadows, and minimizes impacts on large woodlands (greater than 5 acres).
- (6.) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares.
- (7.) Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
- (8.) Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern.
- (9.) Designs around and preserves sites of historic, archaeological, or cultural value, their environs, and their related features (e.g. stones walls, earthworks, and burial grounds).
- (10.) Protects rural roadside character.
- (11.) Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native specie shade trees and flowering shrubs with high wildlife conservation value.
- (12.) Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
- (13.) Includes a safe internal pedestrian circulation system, ideally connected to community pedestrian/bicycle system. The system must be integrated with open space, recreation, preservation areas, and provide convenient access from home sites.
- (14.) Provides open space that is reasonably contiguous. (Design and Management Handbook for Preservation Areas, by the Natural Land Trust is a good reference resource.)

b. *Specific Criteria.*

- (1.) *Location of House Sites.* House sites should generally be located not closer than 100 feet from Primary Conservation Areas, but may be situated within 50 feet of Secondary Conservation Areas to provide buffering distances and afford enjoyable views. The building "footprint" of proposed residences may be changed in any direction by less than 50 feet without approval. Changes involving 50 feet or more may be changed with approval from the Planning Commission.
- (2.) *Street and Lot Layout.* When lots and access streets are laid out, they shall be located in a way that

avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the County and to facilitate easy access throughout the development. Single-loaded residential access streets may maximize the number of homes with enjoyment of open space views, but may require more land to be disturbed.

- (3.) *Lot Lines*. These are generally drawn midway between adjacent house locations. Lots may be irregularly shaped, including L-shaped "flag-lots".
12. *Setbacks*. Dwellings shall be located in compliance with all yard and setback requirements of the district in which they are located. Dwelling units and structures shall be set back a minimum of fifty (50') feet from any perimeter lot line of the parent parcel, except that they shall be set back at least two hundred fifty (250') feet from any existing public road right of way which borders the perimeter of the project site. Dwelling unit clusters shall be spaced an appropriate distance apart from another cluster, as determined by the Planning Commission, compatible with the surrounding community character and to discourage a suburban subdivision appearance.
13. *Landscaping*. To maintain the rural or very low density suburban character of the district, the frontage along the perimeter public road(s) shall be heavily landscaped to screen clustered home sites from view of the public to the greatest extent feasible. Scenic vistas from the perimeter public road(s) shall be maintained (and perhaps enhanced) to the greatest extent feasible. A landscape plan for such areas shall be reviewed and approved by the Planning Commission. Existing natural screens, or new screens may be used. The Planning Commission may require the installation of a landscaped berm where necessary to meet the intent of this Section.
14. *Sewage Disposal and Water Supply*. Use of on-site wells and septic systems are anticipated in Cottrellville Township. However, community septic systems or package treatment plants and community wells in lieu of individual wells and septic fields may be permitted if approved by the County and/or State Health Department. Public water and sewage disposal systems shall not be extended to serve projects developed under this Section if the site lies beyond an urban services area boundary, as may be set forth within the Master Plan, except in such instances where such utilities already are located at the perimeter of the site.

Portions of the open space may be used, if approved by the Planning Commission and the County Health Department for individual or community wells, for underground drainage fields for individual or community septic systems and for "spray fields" for spray irrigation purposes in a "land treatment" sewage disposal system. However, "mound" systems protruding above grade and aerated sewage treatment ponds shall be limited to no more than ten (10%) percent of the required minimum open space.

15. *Pedestrian Linkages to Open Space*. To the greatest extent feasible, the open spaces should be located and interwoven with the dwelling unit clusters so as to be easily accessible to residents of the development, except in cases where the open space to be preserved is not intended for the use of the residents (as in the case of active farming or protection of endangered species). Linking pedestrian trails shall be provided within the open space(s).
16. *Site Plan*. Approval under this section requires that a site plan meeting the requirements of Section 132.1016 be reviewed and approved by the Planning Commission. In addition to a site plan, the Planning Commission may require the submittal of additional documents as specified or called for herein.
17. *Site Condominium, Subdivision Approval, or Land Division*. A project approved under this section shall also comply with all requirements of the township, county, and state for a site condominium, subdivision, or land division as may be applicable, and shall follow all such steps and procedures for approval required therein.

If clustering under land division is intended, documentation of the potential number of new parcels out of the parent parcel must be submitted. Notwithstanding other provisions of this ordinance, if developed under the land division method, the number of parcels or lots to be created shall not exceed the maximum number permitted under the state Land Division Act.

18. *Application and Approval Process.*

- a. *Preliminary Approval.* The applicant shall prepare and present the following exhibits to the Planning Commission for review and approval. The Planning Commission shall submit the applicant's exhibits to the Township Planner for a recommendation. As may be necessary or advisable, a recommendation from the Township Engineer may also be sought during the preliminary approval process.

- Applicant prepares and presents a "yield plan" for review and approval of the Planning Commission. The "yield plan" shall identify all primary conservation areas as defined in the paragraphs under 4. a. above, and shall accurately demonstrate the maximum number of lots or parcels which could be created if the property was developed conventionally.
- Applicant submits conceptual preliminary plan with all basic existing and proposed land features and structures shown separately. Aerial photos and simple transparencies may be used.
- Applicant submits conceptual landscape plan with all basic existing and proposed topography and vegetation features shown separately. Photos and simple transparencies may be used.
- A site walkabout may be scheduled for the applicant, planning commissioner(s), and the local government's staff and/or consultants.
 - b. Planning Commission site plan review procedures (see Section 132.1016) are required in all eligible districts (A-1) for this principal permitted use. All required steps shall be scheduled with a determination of approval, approval with conditions, or disapproval to follow accordingly.
 - c. Any legal instruments (easements, covenants, etc.) pertinent to the effectuating of the proposed open space preservation development must be reviewed and approved by the township attorney. Any approved easements, covenants, or other legal instruments which run with the land are to be recorded with the county register of deeds. No zoning compliance permit or building permit shall be issued until this has been accomplished.

Example

Parcel Size: 20 acres (A site like this with various natural limitations can be made more buildable under this development option.)

Normal Zoning — Agricultural District: 1.25 acre minimum lot size

Calculation of allowable number of lots:

20 acres = gross area

less 15% for internal roadways (3.0 acres)

less 1.0 acres for planned County Road ROW (parcel legal description running to the center of the road).

less 0.5 acres for a County Drain easement.

less 2.5 acres of regulated wetland, also 100 year floodplain, adjacent to county drain (a Primary Conservation Area)

20 — 3.0 acres — 1.0 acres — 0.5 acres — 2.5 acres = 13 acres [Adjusted Tract Acreage]

13 net acres/1.25 acre minimum lot size = 10.4

So...Ten (10) lots allowed [result of lot "yield plan"]

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

13 acres — 6.5 acres = 6.5 net acres [6.5 acres of Secondary Conservation areas to be permanently conserved:

- 4.0 acres of upland woods and stream to be held in common by resident owners.

- 2.5 acres on east side to be dedicated for public access. See bonus below.]

6.5 acres = net developable area

less 10% for roadway (reduced need)

$6.5 \times 0.90 = 5.85$ net acres

Area per buildable home site:

5.85 net acres/10 allowable units

typical home site = 0.585 acre ^[32]

Potential Bonus Lots (Section 132.1021, 7.a. Density Bonus)

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

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

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

Potential Bonus Lots (Section 132.1021, 7.b. Public Access Bonus)

- 1.5 acres for 50 ft. buffer area surrounding portions of wetlands
- + 0.5 acres for county trailway
- + 0.5 acre for wetland observation site and interpretative displays

2.5 acres open to the general public (out of 15 acres of site conservation area.)

2.5 Acres Public Access = 1 Additional Bonus Lots

Potential Total 10 + 3 + 1 = 14 Lots*

6.5 net acres/14 allowable units

typical home site = 0.46 acre ^[33]

(Ord. of 6-4-03; Ord. of 7-25-07)

132.1422 - Landscaping.

For any development other than single-family dwellings, two-family dwellings, agricultural buildings, and buildings and uses customarily accessory and incidental to these uses excepted, a detailed landscape plan shall be provided. Manufactured housing communities shall be excepted from landscape plan review, but shall instead be subject to preliminary site plan review as provided under Article VII. Such landscape plans shall be submitted (together with a site plan, if required) for approval by the Planning Commission. Each landscape plan shall meet the following requirements, unless modified by the Planning Commission for reasons which shall be put in writing and made part of a record of approval. Plant material spacing shall abide by Section 132.1423. Trees not permitted under Section 132.1423 shall not be used.

1. General landscaping. At least five (5) percent of the total site must be committed to green space with a minimum of a maintained grass lawn. The applicant may include flowers, shrubs, tree-like shrubs, evergreen trees, deciduous trees and other decorative plant materials (see Section 132.1423). General landscaping areas are not required to be irrigated.
2. Site accent landscaping. In addition to the general landscaping required above, site accent landscaping shall be provided by either a. a planting bed(s) adjacent to the main building(s) or b. a site accent bed(s) prominently featured in the front yard, or c. a combination of the two (2) as outlined below. The landscaping bed(s) shall be defined by a physical border separating it from lawn, sidewalk, and parking areas. The planting materials shall include a combination of vegetation (not including common lawn grasses) of the applicant's choice of the flowers, shrubs, tree-like shrubs, evergreen trees, deciduous trees, and other decorative plant materials (see Sec. 132.1423), subject to Planning Commission approval. The landscaping bed(s) may include a fountain, sitting area, archway, or other decorative feature. The landscaping bed(s) shall be watered by means of an automatic irrigation system. Site signage as permitted and regulated under this zoning ordinance may be located within a landscaping bed(s).
 - a. A planting bed(s) shall be provided adjacent to the primary building(s) which shall be equal to at least five (5) percent of the gross floor area of the primary building.
 - b. A site accent bed located in the front yard(s) shall be equal to at least two-and-a half (2.5) percent of the total site.
 - c. A combination of planting bed(s) and site accent bed(s) may be provided as an alternative to a. or b. above, in accordance with the following combination minimums.

Opts.	Planting Bed(s) (as % of Bldg.)		Site Accent Bed(s) (as % of Site)
(1)	4%	and	0.5%

(2)	3%	and	1.0%
(3)	2%	and	1.5%
(4)	1%	and	2.0%

3. *Required numbers of trees.* Within the landscape plan, a minimum of one (1) large deciduous tree shall be provided for each ten thousand (10,000) square feet of site area. The following numbers of trees (or appropriate combinations there of) may be considered equivalent to one (1) large deciduous tree: two (2) evergreen trees or four (4) tree-like shrubs (see Section 132.1423 for lists of each type of tree.) Required tree(s) may be located at any appropriate location on the site. An existing large, healthy, mature tree, if preserved, may be considered equivalent to two (2) new large deciduous trees.

For sites with less than ten thousand (10,000) square feet in area, at least one (1) tree or two (2) tree-like shrubs shall be included within the landscape plan. The Planning Commission may need to make modifications for the smallest sites.

Trees shall be located and protected in such a way that they are not subject to damage by construction equipment and activities, vehicles, lawn maintenance equipment, and animals.

4. *Mechanical equipment* (e.g. air conditioning units, electrical transformers, etc.) located at grade in a front yard or other location readily exposed to public view regardless of location shall be screened with plant materials.
5. *Maintenance.* The property owner shall be responsible for maintaining all landscaping and irrigation systems in perpetuity; including trees, shrubs and other plants by pruning, cultivating and weeding, and replanting as required for healthy growth and appearance. Trees and shrubs shall be pruned, thinned out and shaped in accordance with standard horticultural practice. Stakes and guy supports for trees and shrubs shall be repaired and trees and shrubs shall be reset to proper grades or vertical position as required. Stakes and guy supports shall be removed in accordance with standard horticultural practices. Damaged wrappings shall be restored or replaced in accordance with standard horticultural practices. Trees and shrubs and other plants shall be kept free of disease and harmful insects. The property owner shall be responsible in perpetuity for replacing all unhealthy and dead materials within one year of damage or death, or within the start of the next appropriate planting period, whichever comes first.

(Ord. of 7-25-07)

132.1423 - Plant materials.

Whenever in this Ordinance a landscaped greenbelt, earth berm, or planting is required, it shall be planted prior to the issuance of a Certificate of Occupancy. If the development is not completed within a growing season, a temporary Certificate of Occupancy shall be issued for a one-year period and a bond posted of sufficient amount to ensure that the landscaped greenbelt, earth berm, or planting will be completed in accordance with Ordinance provisions. Any required landscaped greenbelt, earth berm, or planting shall be maintained in perpetuity by the landowner or his agents. Suitable plant materials as listed below, or equal in characteristics to these materials, with the spacing and heights as required shall be provided.

1. *Plant material spacing.*

- a. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.

- b. Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows.
 - c. Evergreen trees shall be planted not more than thirty (30) feet on centers, and shall be not less than five (5) feet in height.
 - d. Narrow evergreens shall be planted not more than six (6) feet on centers, and shall be not less than three (3) feet in height.
 - e. Tree-like shrubs shall be planted not more than ten (10) feet on centers, and shall be not less than four (4) feet in height.
 - f. Large deciduous shrubs shall be planted not more than four (4) feet on centers, and shall not be less than six (6) feet in height.
 - g. Large deciduous trees shall be planted not more than thirty (30) feet on centers, and shall be not less than eight (8) feet in height.
2. A minimum of four (4) different species must be planted. At least two (2) of these four (4) different species must be coniferous or evergreens.
 3. There shall be a minimum of eight (8) large trees per 1,000 square feet of greenbelt area.
 4. *Trees not permitted.*
 - a. Box elder
 - b. Soft Maple (red-silver)
 - c. Elms
 - d. Poplars
 - e. Willows
 - f. Horse Chestnut (nut bearing)
 - g. Tree of Heaven
 - h. Catalpa
 5. Along the greenbelt shall be placed on the ground a covering to prevent growth of noxious weeds. This cover shall be, but not limited to, stones, bark chips or wood chips.

Suggested Plant Materials

Evergreen Trees: Minimum five (5) feet in height.

Juniper

Fir

Spruce

Hemlock

Pine

Douglas-fir

Narrow Evergreens: Minimum three (3) feet in height.

Column Hinoki Cypress

Blue Columnar Chinese Juniper

Pyramidal Red-Cedar

Swiss Stone Pine

Pyramidal White Pine

- Irish Yew
- Douglas Arbor-Vitae
- Columnar Giant Arbor-Vitae

Tree-Like Shrubs: Minimum four (4) feet in height.

- Flowering Crab
- Mountain Ash
- Redbud
- Hornbeam
- Magnolia
- Russian Olive
- Dogwood
- Rose of Sharon
- Hawthorn

Large Deciduous Shrubs: Minimum six (6) feet in height.

- Honeysuckle
- Mock-Orange
- Lilac
- Cotoneaster
- Evonymus
- Buckthorn
- Viburnum
- Forsythia
- Ninebark
- Hazelnut
- Privet
- Sumac

Large Deciduous Trees: Minimum eight (8) feet in height.

- Oak
- Hackberry
- Planetree (Sycamore)
- Ginkgo
- Sweet-gum
- Linden
- Hard Maple
- Birch
- Beech
- Honeylocust
- Hop Hornbeam

(Ord. No. 17M, 8-6-80; Ord. of 7-25-07)

132.1424 - Swimming pools.

All swimming pools as defined in the Michigan Building Code which are proposed to be erected in the Township shall comply with the Michigan Building Code and following requirements:

1. *Application.* The application for a zoning compliance permit to erect a swimming pool shall include the name of the owner, a plot plan, location of adjacent buildings, and nearby fences, other structures, and trees.
2. *Pool Location.* The minimum side yard setback shall comply with ARTICLE XII, Schedule of Regulations. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than four (4) feet between the pool outside wall and the rear property line, or less than four (4) feet between pool wall and any building on the lot. No swimming pool including required fence shall be located within an established easement.

(Ord. of 7-25-07)

132.1425 - Ponds.

1. Private ponds for fish, ducks, livestock watering, irrigation water, fire protection, recreation, collection of surface drainage or created for the purpose of obtaining fill dirt for on-site construction purposes (but not waste lagoons) shall be permitted in any district subject to the provisions below and after first obtaining a zoning compliance permit from the Zoning Administrator. The application for the permit shall contain:
 - a. The name of the owner(s) of the property.
 - b. Legal description of the property.
 - c. A site plan prepared with drafting instruments and drawn to a scale suitable to demonstrate compliance with applicable regulations.
2. No pond shall be constructed on vacant land, except where a permit has first been obtained for the construction of a dwelling and except to allow for agricultural ponds for watering of livestock on vacant land.
3. No pond shall be constructed without first obtaining a permit from the Michigan Department of Environmental Quality (DEQ) if such pond would be:
 - a. Five (5) acres or greater in area, or
 - b. Connected to an existing lake or stream, or
 - c. Located within five hundred (500) feet of the ordinary high water of an existing inland lake or stream.

The obtaining of a permit from the DEQ shall not relieve a person from also complying with the requirements of this Section 132.1425.

4. Applicants under this section are encouraged to obtain copies of publications concerning ponds from the U.S. Soil Conservation Service and the St. Clair County Cooperative Extension Service.
5. All ponds constructed after the effective date of this Ordinance shall comply with the following regulations:
 - a. To construct a pond, a landowner (or combination of landowners as provided under 5.j. below) must place it on a parcel (or combination of contiguous parcels) of five (5) acres or more in area and said parcel (or combination of parcels) must be occupied by a principal use, except for ponds to be used for agricultural irrigation and/or livestock watering which shall be located on a contiguous parcel of land of not less than forty (40) acres.
 - b. No pond shall be less than five thousand (5,000) square feet in area. No pond shall have a width of less than sixty (60) feet.
 - c. Excavated earth material created by construction of a pond shall be used to the maximum extent feasible for on-site purposes. However, excess excavated earth materials not feasible for use on-site may be removed or sold

and taken from the property in compliance with an approved site plan and the following requirements.

- (1.) If the applicant proposes that any excess excavated earth is to be removed from the property he shall first provide a written statement of the cubic yards to be removed. The applicant shall be limited to this stated volume and any amount in excess of the stated volume to be removed must first be approved as an amendment to the site plan. This statement or any amendments thereto shall either be shown on the site plan or physically attached to the site plan and shall be considered a part of the site plan for purposes of review and approval or denial.
 - (2.) Further, any excess excavated earth shall be removed within three (3) months after excavation, except under unusual circumstances (i.e., a long period of bad weather as might occur in winter or spring months) then the applicant may apply to the Planning Commission for one (1) extension of three (3) months.
- d. Excavations undertaken primarily for the purpose of commercial soil, gravel, or mineral removal and not primarily for the purposes set forth in this section above shall not be considered as "ponds" but instead shall be considered as "mining and extraction" uses under Section 132.1324 and subject to the applicable provisions of this Ordinance.
 - e. The pond at its deepest level shall not be greater than twenty-five (25) feet in depth, nor less than twelve (12) feet in depth.
 - f. The pond may occupy up to a maximum of fifteen (15) percent of the lot or property upon which it is placed.
 - g. The pond shall be a minimum of fifty (50) feet from any dwelling, any septic field or any domestic water supply, and a minimum of twenty-five (25) feet from any accessory building.
 - h. All ponds shall comply with the required front, rear, and side yard setbacks for the district in which the pond is to be located as set forth in Article XII (Schedule of Regulations), except that in no case shall any setback be less than twenty (20) feet. Front yard setbacks shall be measured from the edge of the "planned" road right-of-way as set forth in the Cottrellville Township Thoroughfare Plan.
 - i. There shall be no slope in excess of 25 percent (a 1 to 4 slope) until the pond reaches a depth of five (5) feet at the low water mark on all sides of the pond. Below this point, up to a fifty (50) percent (a 1 to 2 slope) is permitted. High and low water lines shall be shown on the site plan.
 - j. The side and rear yard setbacks set forth above shall not be construed to prevent a shared pond between properties, provided the property owners enter into a written agreement to provide for the pond's construction and maintenance to meet the above requirements. A signed copy of this agreement shall be attached to the site plan.
 - k. At least one (1) permanent safety station consisting of a Coast Guard approved life buoy or ring, 100 feet of ¼" rope and a ten-foot pole, all mounted on a post, shall be provided nearest the deepest portion of the pond and erected prior to the completion of the pond. Safety station shall comply with U.S. Soil Conservation Publication SCS-REC-121 (3-71). Signs warning of danger and emergency procedures shall also be placed at appropriate locations as indicated in aforementioned S.C.S. publication. Additional safety stations may be required by the Zoning Administrator in the case of large ponds.
 - l. If the pond is intended for swimming, the swimming area shall be free of all underwater obstacles such as sudden drop-offs or deep holes, trees, stumps, brush, rubbish, wire, junk machinery, and fences. The swimming area, if any, shall be marked with a float line.
 - m. All of the disturbed areas around the pond shall be seeded with adapted grasses and legumes.
 - n. The pond shall be located so as to prevent sewage or run off from barnyards from draining into the pond.
 - o. No pond shall be located directly beneath an overhead electrical line, wire, or conductor, nor within ten (10) feet

horizontally of any overhead electrical line.

- p. The use of any residential, agricultural, or farm pond by the general public for swimming, fishing, or the like, shall be prohibited.
- q. All approved ponds shall be completed within six (6) months from the date of issuance of the permit. The Zoning Administrator may grant one six-month extension of the permit for just cause.
- r. A soil erosion control permit shall be obtained from the St. Clair County Dept. of Public Works when required by the Soil Erosion and Sedimentation Control Act (PA 347 of 1972, as amended).
- s. Existing drainage patterns shall not be altered in a manner that would result in either increased or decreased run-off of water (over the pre-existing condition) onto adjacent properties. Ponds shall be constructed in such a manner that run-off, overflow, spillage, or seepage shall not encroach upon adjacent properties.
- t. A spillway to an approved drainage ditch may be required at the discretion of the Zoning Administrator.

(Ord. of 7-25-07)

132.1426 - Buildings to be Moved.

Any building or structure which has been wholly or partially erected on any premises located within the Township shall not be moved to and placed upon any other premises in this Township until a zoning compliance permit for such removal and relocation shall have been secured from the Zoning Administrator and such other township inspectors and/or authorities as may be required under existing law. Any such proposed relocated building or structure shall fully conform to all the provisions of the Ordinance in the same manner as a new building or structure.

(Ord. of 7-25-07)

132.1427 - Lot and Subdivision Limitations.

In the A-1 and R-1 Residential Districts only one principal building/single-family dwelling shall be placed on a "lot of record" (see definition), except where no "subdivision" of the land under Public Act 288 of 1967 (the State Land Division Act), as amended, has taken place, and where the land therefore remains as one "lot or parcel," as in the case of a "site condominium". In this instance, not more than one single-family dwelling shall be constructed upon an individual "unit of ownership" within a site condominium development.


No building shall be erected on land subdivided in violation of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act).

(Ord. of 7-25-07)

132.1428 - Minimum building setback line on the St. Clair River.

The building setback as it relates to that yard along the St. Clair River shall conform to the setbacks established by existing adjoining structures and shall in no instance be less than the setbacks otherwise required under Article XII (Schedule of Regulations).

In establishing the setback based on the existing structures, a straight line shall be drawn from the southernmost corner nearest the river of the building on the north to the northernmost corner nearest to the river of the building on the south. Any new structures shall be built behind this imaginary line (see illustration below).

 132-1428-1.jpg

(Ord. of 7-25-07)

132.1429 - Reserved for future use.

ARTICLE XV

132.1500 - GENERAL EXCEPTIONS

132.1501 - Area, height and use exceptions.

The regulations in this Ordinance shall be subject to the following interpretations and exceptions.

(Ord. of 7-25-07)

132.1502 - 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.

(Ord. of 7-25-07)

132.1503 - 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.

(Ord. of 7-25-07)

132.1504 - Height limit.

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or exempt communication towers; provided, however, that in all applicable instances Article XI and Section 132.1408 regarding airport zoning shall still apply. The Planning Commission may specify a height limit for any such structure when such structure requires special land use approval consideration under Article XIII.

(Ord. of 7-25-07)

132.1505 - Lot area.

Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted 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 Section 1002 [132.1003] (2), "Nonconforming Uses". Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

(Ord. of 7-25-07)

132.1506 - 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 (½) the width of such alley abutting the lot shall be considered as part of such lot.

(Ord. of 7-25-07)

132.1507 - 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 Board of Appeals.

(Ord. of 7-25-07)

132.1508 - Porches.

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.

(Ord. of 7-25-07)

132.1509 - Projections into yards.

Architectural features, 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.

(Ord. of 7-25-07)

132.1510 - 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.

(Ord. of 7-25-07)

132.1511 - Lots having river frontage.

Those residential lots and/or parcels having river frontage and abutting a public thoroughfare shall maintain the yard on the river side as an open unobstructed yard, excepting that a covered boat well and/or a covered dock shall be permitted after site plan review and approval by the Planning Commission (See Section 132.1404). Accessory structures shall be permitted in the setback between the abutting planned road right-of-way and the main building, provided the front yard setback required under Article XII for the proposed accessory structure is met.

(Ord. of 7-25-07)

ARTICLE XVI

FOOTNOTE(S):

⁽³⁴⁾ **Cross reference**— Building code, Pt. 110; construction code enforcing agency, Pt. 111.

132.1600 - ADMINISTRATION AND ENFORCEMENT

132.1601 - Enforcement.

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

(Ord. of 7-25-07)

132.1602 - Duties of the Zoning Administrator.

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

The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Section 132.1403.

The Zoning Administrator shall under no circumstances have the authority to make changes to this Ordinance, nor to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.

The Zoning Administrator shall not refuse to issue a zoning compliance permit or any other approval called for under this Ordinance when the conditions imposed by this Ordinance are complied with by the applicant, despite violations or possible violations of contracts outside the authority of this Ordinance (such as covenants or private agreements), which may occur upon the granting of said permit or approval.

(Ord. of 7-25-07)

132.1603 - Site Plan or Plot Plan.

The Zoning Administrator shall require either a site plan or a plot plan as called for under Section 132.1416, and if applicable as called for under Section 132.1408.

(Ord. of 7-25-07)

132.1604 - Permits.

The following shall apply in the issuance of any permit:

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 zoning compliance 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 zoning compliance 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 u zoning compliance permit and/or a building permit, as applicable, shall have been first issued for such work. The ter "altered" and "repaired" shall include any changes affecting setbacks, building heights, or other zoning conditions, s parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress or ingre: changes affecting or regulated by the Township of Cottrellville, Michigan Building Code, Housing Law, or this Ordina for minor repairs or changes not involving any of the aforesaid features.

(Ord. of 7-25-07)

132.1605 - Certificates of Zoning Compliance and Final Zoning Inspection.

No permanent Certificate of Occupancy shall be issued under the Michigan Building Code administered by the Township of Cottrellville until all requirements of this Ordinance have been met. A temporary certificate may be issued under circumstances where expressly permitted by this Ordinance.

All Certificates of Occupancy issued by the Building Inspector shall be accompanied by a Certificate of Zoning Compliance which bears the signature of the Zoning Administrator certifying that all requirements of this Ordinance have in fact been met and that he has made a field inspection to ascertain the same.

In cases where Certificates of Occupancy are not required under the Michigan Building Code, such as in the case of agricultural buildings, the Zoning Administrator shall nevertheless certify compliance with the terms of the Zoning Ordinance by issuing a Certificate of Zoning Compliance.

No Certificate of Zoning Compliance shall be issued where it appears that any land area required to conform to any provision of this Ordinance is also required as a part of any adjoining property to keep the development of use thereof in conformity with this Ordinance, or to keep it from becoming more nonconforming, if such land area was, an any time subsequent to the start of development or use of such adjoining property, in common ownership with such adjoining property.

Any Certificate of Zoning Compliance based on any material false statement in the application or supporting documents is absolutely void from inception (void ab initio) and shall be revoked.

No Certificate of Zoning Compliance shall remain valid if the use or structure it authorizes becomes nonconforming under the existing Ordinance provisions.

(Ord. of 7-25-07)

132.1606 - Fees.

Fees for inspection and issuance of Certificates of Zoning Compliance, other determinations of approval or denial, notice requirements, copies of documents, or any other actions required under this Ordinance, shall be collected by the Township Treasurer's Office in advance of any issuance. The amount of such fees shall be established by resolution of the Township Board and is intended to cover the cost of inspection, processing, administration, enforcement, and supervision of each requested action under this Ordinance.

(Ord. of 7-25-07)

ARTICLE XVII

132.1700 - ZONING BOARD OF APPEALS

132.1701 - Creation and membership.

There is hereby created a Zoning Board of Appeals (ZBA) which shall perform its duties and exercise its powers as provided in Public Act 110 of 2006 (MCL 125.3601 et seq.), and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Zoning Board of Appeals shall consist of the following three members appointed by the Township Board:

1. The first member shall be a member of the Township Planning Commission who shall serve for his/her term of Planning Commission office.
2. The remaining members of the Zoning Board of Appeals shall be selected from the electors of the township residing outside of the incorporated cities and villages. The members selected shall be representative of the population distribution and the various interests present in the township. One member may be a member of the Township Board who shall serve for his/her term of Township Board office. An elected officer of the township shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.
3. Terms shall be for three (3) years, except for members serving because of their membership on the planning commission or township board, whose terms shall be limited to the time they are members of the planning commission or township board respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
4. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the board. The alternate member(s) has the same voting rights as a regular member of the board when serving. The alternate member appointed to a case shall serve in the case until a final decision is made. An alternate member may be call to serve as a regular member of the board if;
 - a. The regular member is absent from or will be unable to attend one (1) or more meetings, or
 - b. A regular member needs to abstain for reasons of conflict of interest.

(Ord. of 7-25-07)

132.1702 - Removal of Members/Conflict of Interest.

A member of the Zoning Board of Appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(Ord. of 7-25-07)

132.1703 - Meetings.

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at other times as the Board within its rules of procedure may specify. All hearings conducted by said Board shall be open to the public.

The Zoning Board of Appeals shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk.

A Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Board is present.

132.1704 - Powers, jurisdiction, procedures.

The Zoning Board of Appeals shall have the following powers, areas of jurisdiction, and procedures.

1. It shall hear and decide appeals taken by a person aggrieved or by an officer, department, board, or bureau of the state or local unit of government. In addition, a variance in the zoning ordinance may be applied for and granted under section 4 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.54, and as provided under this act. The Zoning Board of Appeals shall state the grounds of any determination made by the Board.
2. An appeal under this Article shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by the filing with the officer (e.g. Zoning Administrator) from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds for the appeal. The body or officer (e.g. Zoning Administrator) from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all of the papers and other documents constituting the record upon which the action appealed from was taken.
3. An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed from, unless the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer (e.g. Zoning Administrator) cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the Zoning Board of Appeals or a circuit court.
4. Following receipt of a written request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and give notice as provided in section 103 of PA 110 of 2006 [MCL 125.3103].
5. Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the interpretation or appeal not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request or appeal and the time, date, and place of the public hearing on the same shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

An interpretation request may include a decision(s) regarding the fixing of use districts as shown upon the zoning map where street layout actually on the ground varies from the street layout as shown on the zoning map or where there may be other basis for interpretation of the zoning map.

6. At the hearing, a party may appear in person or by agent or attorney. A party may submit testimony and/or comment in writing. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.
7. If there are practical difficulties for nonuse variances (e.g. dimensional variances) as provided in subsection 8. or unnecessary hardship (See definition of hardship) for use variances as provided in subsection 9. in the way of carrying out the strict letter of the zoning ordinance, the Zoning Board of Appeals may grant a variance in accordance with this section, so that the spirit of the zoning ordinance is observed, public safety secured, and

substantial justice is done. The ordinance herein establishes procedures for the review and standards for approval of all types of variances. The Zoning Board of Appeals may impose conditions as is otherwise allowed under PA 110 of 2006.

a. Procedures.

- (1.) The Zoning Administrator shall first require a complete legal description of the property which is the subject of the request in order to provide for proper public notice.
- (2.) Fees. The Township Board may from time to time prescribe and amend by resolution a schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the request for appeal is filed said fee shall be paid to the Secretary of the Zoning Board of Appeals, which the Secretary shall forthwith pay over to the Township Treasurer to the credit of the general revenue fund of the Township of Cottrellville.
- (3.) The Zoning Board of Appeals 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.
- (4.) The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the zoning ordinance, or to grant a variance in the zoning ordinance, except as provided in subsection 10. below.
- (5.) The chairperson, or in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.
- (6.) In deciding upon a request for a variance or interpretation, the Board shall state in writing the grounds upon which it justifies its decision.

b. Standards for Dimensional Variances.

- (1.) The property is characterized by exceptional narrowness, shallowness, shape or area of a specific piece of property at the time the zoning ordinance became effective.
 - (2.) The property possesses exceptional topographic conditions, (e.g. rock outcrop, a wetland or water feature that would prevent normal property development which cannot otherwise be overcome without a variance, etc.) or other extraordinary or exceptional condition(s) (e.g. an existing utility easement) of the subject property.
 - (3.) None of the condition(s) which give rise to the request may be self-created by the applicant or past property owner after the effective date of the zoning ordinance.
 - (4.) The strict application of the ordinance would result in peculiar or exceptional practical difficulty(ies).
 - (5.) The proposed variance will not substantially harm the public good or substantially impair the intent and purposes of the zoning ordinance.
8. The Zoning Board of Appeals shall have the authority to grant nonuse variances relating; to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements (height, area, etc.) of the zoning ordinance or to any other nonuse related standard in the ordinance.
9. The authority to grant variances from uses of land is limited to the following:
- a. Permit the erection and use of a building or use of premises for public utility purposes.
 - b. Permit temporary buildings and uses for periods not to exceed six (6) months.

- c. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district do not require the erection of any capital improvement of a structural nature, not to exceed twelve (12) months granting of a twelve (12) month extension(s) being permissible. The Zoning Board of Appeals, in granting permit temporary uses, shall only 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 the 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, and general welfare of the inhabitants of the Township of Cottrellville, shall be established or modified at the discretion of the Zoning Board of Appeals.
 - (4.) In classifying uses as not requiring capital improvement, the Zoning Board of Appeals shall determine that said uses are either demountable structures related to the permitted use of the land; recreational developments, such as, but not limited to: golf-driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
 - (5.) The use shall be in harmony with the general character of the district.
 - (6.) No temporary use permit shall be granted without first giving notice as provided in section 103 of PA 110 of 2006 [MCL 125.3103].
10. The authority granted under subsection 9. is subject to the township zoning ordinance otherwise being in compliance with subsection 7. and a two-thirds (2/3) vote of the members of the Zoning Board of Appeals being necessary to approve a use variance.
11. Designation of Class A nonconforming uses and structures. The Zoning Board of Appeals may designate, revoke, extend, and authorize a change in a Class A nonconforming use and/or structure in accordance with the provisions of Section 132.1403.

(Ord. of 7-25-07)

132.1705 - Zoning Board of Appeals decision as final; Appeal to the Circuit Court.

The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the circuit court for the county in which the property is located as provided under section 606 of PA 110 of 2006 [MCL 125.3606].

(Ord. of 7-25-07)

ARTICLE XVIII

FOOTNOTE(S):

⁽³⁵⁾ **Cross reference**— Planning Commission, Pt. 131; board of appeals, Pt. 132, Art. XVII.

132.1800 - PLANNING COMMISSION APPROVAL

In cases where the Township Planning Commission is empowered to approve certain use of premises under the provisions of this Ordinance the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.

The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

The Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this Ordinance.

Any approval given by the Planning Commission, under which premises are not used or work is not started within six (6) months or when such use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect.

(Ord. of 7-25-07)

ARTICLE XIX

132.1900 - CHANGES AND AMENDMENTS

The Township Board may from time to time, on recommendation from the Planning Commission or on petition, amend, supplement or change the District Boundaries or the regulations herein, or subsequently established in the Michigan Zoning Enabling Act, Act 110 of Public Acts of 2006 [MCL 125.3101 et seq.], as amended.

(Ord. of 7-25-07)

ARTICLE XX

132.2000 - 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 to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

(Ord. of 7-25-07)

ARTICLE XXI

132.2100 - 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.

(Ord. of 7-25-07)

ARTICLE XXII

132.2200 - ENFORCEMENT, PENALTIES, AND OTHER REMEDIES

132.2201 - Violations.

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred (\$100) dollars and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

(Ord. of 7-25-07)

132.2202 - 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.

(Ord. of 7-25-07)

132.2203 - 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.

(Ord. of 7-25-07)

132.2204 - Each day a separate offense.

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

(Ord. of 7-25-07)

132.2205 - Rights and remedies are cumulative.

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

(Ord. of 7-25-07)

ARTICLE XXIII

132.2300 - 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.

(Ord. of 7-25-07)

ARTICLE XXIV


132.2400 - EFFECTIVE DATE

Public hearing having been held herein, the provisions of this Ordinance shall become effective upon the expiration of seven (7) days following its publication pursuant to the provisions of Section 401 [MCL 125.3401] of the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

Made and passed by the Township Board of the Township of Cottrellville, St. Clair County, Michigan on this _____/_____/_____ day of _____, 2007.

1. Date of Public Hearing: July 25, 2007.
2. Date of Adoption by Township Board: _____/_____/_____.
3. Date of Publication of Notice of Adoption _____/_____/_____.
4. Date Ordinance Shall Take Effect _____/_____/_____.

(Ord. of 7-25-07)

 Zmap.jpg

132.5000 - ZONING MAP AMENDMENTS

Ordinances relating to Section 132.300, Zoning Districts and Maps, and Section 132.1500, Changes and Amendments, are listed. Complete copies are available in the Township office.

Ord. No.	Date	Property	Zoning District
17A	11- 1-72	Part of Lot 17 renamed M-29, Supervisor O'Leary Plat; and Easterly 1000 ft. of P.C. 204 and P.C. 206, from the Westerly right-of-way of M-29; and Easterly 1000 ft. of P.C. 191 and P.C. 253 from the Westerly right-of-way of M-29 N for 1800 ft. from Northerly line of Roberts Rd.	RM-1

17B	4- 6-74	SW¼ of the S¼ of Sec. 18T3N R16E to start 385.7 ft. N of center of Shea Rd. and Mayer Rd., extending 560 ft. N fronting on Mayer Rd. to a depth of 660 ft.	I-1 (Industrial)
17C	5-10-74	Parcel B	B-1 (General Business)
17F	12- 8-76	Part of E½ of the SE¼ of NE¼ Sec. 2T3 NR16E, a 20 acre parcel	B-2 (General Business)
17H	2-16-76	Private Claim 187 lying W of M-29, 108.6 acres, except D.U.R. right-of-way of 50 ft.	MHP (Mobile Home Park)
17I	7-20-77	Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, <u>21, 22</u> , 23, 24, and 25 of Supervisors Roberts Plat	R-1 (Single Family Residential)

17K	5-16-79	Private Claim 598, T3N, R16E containing 23.649 acres	B-2 (General Business)
17L	7- 5-79	Private Claim 204	B-1 (Local Business)
17O	10-15-83	Property located between the south of K-Mart shopping and west of S. River Rd., 1.814 acres	B-1 (General Business)
17P	10-25-85	E $\frac{3}{4}$ of S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 6 T3N R16E, except for the NE corner in this area used by the airport.	A-1 (Agricultural)
13.000-B	8-21-91	Parcel B, SW corner of Shea Rd. to Marsh Rd., 6.36 acres	B-2 (General Business)
13.0000-C	10-30-91	SW corner of Marine City Hwy. to Mc- Kinley Rd., Sec. 5, 660 ft. by 660 ft., 10 acres	B-1 (Local Business)

13.0000-D	10-28-92	Part of Private Claim 191 and Lot 17 Sup. Oleary Plat in the vicinity of Roberts Rd.	B-2 (General Business)
13.0000-E	10- 6-93	Parcel A-2 Beginning at a point distant N. 89°47' E. 1219.42 feet from the NW corner of said Fr. Sec. <u>22</u> ; Th S. 0°55' E. 476.45 feet S. 89°47' W. 150.0 feet along the N. Line of said Fr. Sec. <u>22</u> , to the P.O.B., said parcel containing 1.64 acres (vacant) East 100 feet.	A-1 (Agricultural)