



GRANT TOWNSHIP ZONING ORDINANCE

ST. CLAIR COUNTY, MICHIGAN



Adopted by:

Grant Township Planning Commission June 26, 2012

Grant Township Board of Trustees July 9, 2012

Effective Date August 1, 2012



GRANT TOWNSHIP ZONING ORDINANCE

ACKNOWLEDGMENTS

EFFECTIVE DATE: AUGUST 1, 2012

Prepared Under the Direction of the Grant Township Planning Commission by the

St. Clair County Metropolitan Planning Commission

200 Grand River Avenue, Suite 202

Port Huron, Michigan 48060

Phone: 810-989-6950

Fax: 810-987-5931

<http://www.stclaircounty.org/metro>

GRANT TOWNSHIP BOARD OF TRUSTEES

- William Deater, Supervisor
- Nancy Sharum, Clerk
- Kathy Bert, Treasurer
- James "Ted" Rutkofske, Trustee
- David Lamb, Trustee

GRANT TOWNSHIP PLANNING COMMISSION

- Marvin McCallum, Chair
- Mark Matthews, Vice-Chair
- Karen Strevel, Secretary
- Daryl Talaski
- Stacy Hartman
- Gene Galinis
- David Lamb

GRANT TOWNSHIP ZONING ADMINISTRATOR

- Gary Sharum

PLANNING ASSISTANCE PROVIDED BY ST. CLAIR COUNTY METROPOLITAN PLANNING COMMISSION STAFF

- David Struck, AICP, Executive Director
- Geoff Donaldson, AICP, Senior Planner
- Lindsay Wallace, Senior Planner
- Kara Schrader, Planner II
- Lori Eschenburg, Planner I
- Penny Guyette, Account Clerk II
- Amanda Zabor, Secretary

TABLE OF CONTENTS

GRANT TOWNSHIP ZONING ORDINANCE

ARTICLE 1	TITLE AND PURPOSES	1-1
	Preamble.....	1-1
1.1	Title, Legal Basis and History	1-1
1.2	Purposes.....	1-1
1.3	Interpretation and Application	1-2
1.4	Effective Date.....	1-3
ARTICLE 2	DEFINITIONS	2-1
2.1	Purpose.....	2-1
2.2	Construction of Language.....	2-1
2.3	Definitions	2-2
ARTICLE 3	GENERAL PROVISIONS	3-1
3.1	Purpose.....	3-1
3.2	The Effect of Zoning.....	3-1
3.3	Conflicting Regulations	3-1
3.4	Restoration of Unsafe Buildings	3-1
3.5	Building Permits.....	3-2
3.6	Essential Services and Municipal Facilities	3-2
3.7	Lots of Record, Division of Lots, Merger of Lots, Combination of Lots	3-3
3.8	Required Yard or Lot.....	3-3
3.9	Operational Performance Standards	3-4
3.10	Off-Street Parking Requirements.....	3-5
3.11	Private Roads	3-9
3.12	Accessory Uses and Structures.....	3-14
3.13	Swimming Pools	3-16
3.14	Projections in Yards	3-17
3.15	Home Occupations	3-17
3.16	Principal Use.....	3-19
3.17	Temporary Buildings, Structures, and Uses	3-19
3.18	Compatibility with Nearby Structures.....	3-20
3.19	Environmental Impact Statement.....	3-21
3.20	Razing of Buildings	3-21
3.21	Keeping of Animals	3-22
3.22	Potable Water and Sewage Disposal	3-23
3.23	Road Frontage Requirements	3-23
3.24	Opaque Barrier	3-23
3.25	Greenbelt	3-23
3.26	Site Condominiums.....	3-24
3.27	Outdoor Ponds.....	3-28
3.28	Communication Towers	3-29
3.29	Traffic Impact Assessment	3-30
ARTICLE 4	OFFICIAL ZONING MAP, ZONING DISTRICTS, AND PERMITTED USES ..	4-1
4.1	Purpose.....	4-1
4.2	Zoning Districts and Maps	4-1
4.3	Rules for Interpretation of District Boundaries	4-1
4.4	Scope of District Provisions	4-2
4.5	Reserved for Future Use.....	4-3

4.6	Table of Authorized Uses by Zoning District.....	4-4
	Official Zoning Map	4-25
ARTICLE 5	SCHEDULE OF DISTRICT REGULATIONS	5-1
5.1	Purpose.....	5-1
5.2	Schedule of District Regulations	5-1
ARTICLE 6	AGRICULTURAL-SECURE DISTRICT (A-1)	6-1
6.1	Purpose.....	6-1
6.2	Agricultural-Secure District (A-1)	6-1
ARTICLE 7	AGRICULTURAL RESIDENTIAL DISTRICT (A-2).....	7-1
7.1	Agricultural Residential District (A-2)	7-1
7.1.1	Intent	7-1
7.1.2	Permitted Uses	7-1
7.1.3	Accessory Buildings, Structures and Uses, Parking and Signs	7-1
7.1.4	Special Approval Uses.....	7-1
7.2	Development Standards	7-1
7.3	Qualifications and Exceptions.....	7-2
ARTICLE 8	RESIDENTIAL DISTRICT (R1-A).....	8-1
8.1	Residential District (R1-A)	8-1
8.1.1	Intent	8-1
8.1.2	Permitted Uses	8-1
8.1.3	Accessory Buildings, Structures and Uses, Parking and Signs	8-1
8.1.4	Special Approval Uses.....	8-1
ARTICLE 9	MANUFACTURED HOME PARKS (MH)	9-1
9.1	Manufactured Home Parks (MH)	9-1
9.1.1	Intent	9-1
9.1.2	District Requirements.....	9-1
ARTICLE 10	COMMERCIAL DISTRICT (C).....	10-1
10.1	Commercial District (C)	10-1
10.1.1	Intent	10-1
10.1.2	Permitted Uses	10-1
10.1.3	Accessory Buildings, Structures and Uses, Parking and Signs	10-1
10.1.4	Special Approval Uses.....	10-2
10.2	Requirements for Permitted Uses.....	10-2
ARTICLE 11	LIGHT INDUSTRIAL DISTRICT (LI)	11-1
11.1	Light Industrial District (LI)	11-1
11.1.1	Intent	11-1
11.1.2	Permitted Uses	11-1
11.1.3	Accessory Buildings, Structures and Uses, Parking and Signs	11-1
11.1.4	Special Approval Uses.....	11-1
ARTICLE 12	OPEN SPACE DISTRICT (OS)	12-1
12.1	Open Space District (OS)	12-1
12.1.1	Intent	12-1
12.1.2	Permitted Uses	12-1
12.1.3	Accessory Buildings, Structures and Uses, Parking and Signs	12-1
12.1.4	Special Approval Uses.....	12-1
ARTICLE 13	RESERVED FOR FUTURE USE.....	13-1

ARTICLE 14	SIGN REGULATIONS	14-1
14.1	Intent	14-1
14.2	Description and Purpose	14-1
14.3	Definitions	14-1
14.4	Prohibited Signs	14-4
14.5	Exempt Signs	14-5
14.6	Signs Not Needing a Permit	14-5
14.7	Sign Permits and Applications	14-6
14.8	Design, Construction, and Location Standards	14-7
14.9	Sign Regulations Applicable to All Districts	14-8
14.10	Billboards	14-10
14.11	Nonconforming Signs, Illegal Signs, and Signs Accessory to Nonconforming Uses	14-10
14.12	Measurement of Signs	14-10
14.13	Permitted Signs by Zoning District	14-11
14.14	Violations and Penalties	14-14
ARTICLE 15	SPECIAL APPROVAL USE REGULATIONS	15-1
15.1	Purpose	15-1
15.2	Special Approval Land Use	15-1
15.3	Review Process	15-1
15.4	Basis for Determination	15-2
15.5	Fees	15-4
15.6	Appeal to Circuit Court	15-4
15.7	Permits	15-4
15.8	Reapplication	15-5
15.9	Site Plan Amendment	15-5
15.10	Special Approval Use and Conditional Use Standards	15-5
ARTICLE 16	SITE PLAN REQUIREMENTS	16-1
16.1	Purpose	16-1
16.2	Uses Requiring Site Plan Approval	16-1
16.3	Informal Review Process	16-1
16.4	Application Procedure	16-2
16.5	Site Plan Submittal Requirements	16-3
16.6	Planning Commission Review of Site Plan and Performance Guarantee	16-4
16.7	Fees	16-5
16.8	Site Plan Amendment	16-5
16.9	Conformity to Approved Site Plans	16-5
16.10	Appeals of Site Plan Decisions	16-6
16.11	As-Built Site Plans	16-6
ARTICLE 17	PLANNED UNIT DEVELOPMENT REGULATIONS	17-1
17.1	Purpose	17-1
17.2	Objectives	17-1
17.3	Definitions	17-2
17.4	Minimum Requirements	17-3
17.5	Eligibility Requirements	17-4
17.6	District Requirements and Criteria	17-5
17.7	Application, Review and Approval Procedures	17-6
17.8	Basis of Determination	17-8
ARTICLE 18	NONCONFORMING USE REGULATIONS	18-1
18.1	Purpose	18-1
18.2	Definitions	18-1
18.3	Continuance of Nonconformities	18-2

18.4	Major Nonconformities	18-3
18.5	Minor Nonconformities	18-3
18.6	Minor Nonconformities – Structures	18-4
18.7	Minor Nonconformities – Uses of Structures and Land	18-4
18.8	Repairs and Maintenance	18-5
18.9	Prior Construction Approval	18-5
18.10	Change of Tenancy or Ownership	18-6
18.11	Elimination of Nonconformities – Uses or Structures	18-6

ARTICLE 19 ADMINISTRATION AND ENFORCEMENT 19-1

19.1	Purpose.....	19-1
19.2	Enforcement.....	19-1
19.3	Duties of the Zoning Administrator	19-1
19.4	Duties of the Building Inspector	19-4
19.5	Duties of the Planning Commission.....	19-4
19.6	Plot Plan.....	19-4
19.7	Zoning Compliance Permits.....	19-5
19.8	Certificates	19-8
19.9	Inspections.....	19-9
19.10	Fees	19-9
19.11	Performance Guarantees and Performance Bonding for Compliance	19-10
19.12	Zoning Approval Runs with the Land.....	19-12
19.13	Appeals to the Zoning Board of Appeals	19-12
19.14	Conditional Approvals	19-13
19.15	Recording Conditions with the Register of Deeds	19-13
19.16	Public Hearings and Public Notification	19-14

ARTICLE 20 REVIEW AND DECISION MAKING BODIES 20-1

20.1	Purpose.....	20-1
20.2	Township Board	20-1
20.3	Township Planning Commission.....	20-1
20.4	Zoning Board of Appeals	20-3
20.5	Variances	20-7
20.6	Public Hearing and Notification Requirement	20-8
20.7	Conditions of Approval.....	20-8

ARTICLE 21 RESERVED FOR FUTURE USE 21-1

ARTICLE 22 RESERVED FOR FUTURE USE 22-1

ARTICLE 23 AMENDMENTS 23-1

23.1	Purpose.....	23-1
23.2	Initiation of Amendments	23-1
23.3	Fees	23-1
23.4	Amendment Procedures	23-1
23.5	Findings of Fact Required.....	23-2
23.6	Public Hearing.....	23-3
23.7	Planning Commission Recommendations	23-3
23.8	Consideration by the Township Board.....	23-3
23.9	Notice of Ordinance Adoption.....	23-4

ARTICLE 24 VIOLATIONS AND PENALTIES 24-1

24.1	Purpose.....	24-1
24.2	Violations and Penalties	24-1

**Article 1
Title and Purposes**

PREAMBLE

An Ordinance to provide for the establishment of Zoning Districts and regulations for those areas of Grant Township, St. Clair County, Michigan; to encourage and regulate the proper use of land; to provide for the administration, enforcement, and penalties for violation; to provide for the establishment of a Zoning Board of Appeals and to provide duties for a Planning Commission pursuant to the Michigan Planning Enabling Act (Public Act 33 of 2008), as amended, which incorporate the powers and duties of a zoning commission pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended; to provide for the repeal of all other Ordinances, or parts thereof, inconsistent herewith and contrary hereto; and saving from the December 16, 2008 Grant Township Zoning Ordinance, as repealed, the penalties and liabilities therein imposed.

Whereas, after careful study of this Ordinance, the Grant Township Planning Commission has recommended its adoption to the Grant Township Board of Trustees.

Therefore, Grant Township ordains:

**ARTICLE 1
TITLE, LEGAL BASIS, PURPOSES, INTERPRETATION
AND APPLICATION**

SECTION 1.1: TITLE, LEGAL BASIS AND HISTORY

1.1.1 Title: This Ordinance shall be known as the Grant Township Zoning Ordinance. All Articles, Sections, and other topical headings are for reference only and shall not be construed to be part of this Ordinance.

1.1.2 Legal Basis: This Ordinance is adopted pursuant to the authority and requirements of the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.

1.1.3 History: The original Zoning Ordinance of Grant Township was adopted May 8, 1969. It was substantially revised and updated by amendments in December 2008.

SECTION 1.2: PURPOSES

1.2.1 General Purposes: The districts and other provisions of this Ordinance are based upon the Future Land Use Map and policies of the Grant Township Master Plan. The Master Plan and this Zoning Ordinance are designed to: 1) promote the public health, safety, and general welfare; 2) provide adequate light and air, and protect air and water quality; 3) encourage the use of lands in accordance with their character and adaptability; 4) limit the improper use of

Article 1
Title and Purposes

land; 5) conserve natural resources and energy; 6) meet the needs of the state's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; 7) ensure that uses of land are situated in appropriate locations and relationships; 8) avoid the overcrowding of population; 9) lessen congestion on public streets and highways; 10) reduce hazards to life and property due to fire, flooding, erosion, pollution, excessive dust, fumes, smoke, noise, vibration, noxious odors or other hazards; 11) prevent the overburdening of existing or available public services and utilities; 12) facilitate the adequate provision of a system of transportation, sewage disposal, solid waste disposal, drainage, public water supply, education, recreation and other public requirements; 13) conserve the expenditure of funds for public improvements and services; 14) conform with the most advantageous use of land, resources and properties; 15) conserve land, community character and property values; and 16) prevent nuisances.

1.2.2 Other Purposes: It is not the intent of this Ordinance to legitimize activities which are prohibited by local Ordinance, state law, or federal law. If any portion of this Ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends that portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

SECTION 1.3: INTERPRETATION AND APPLICATION

1.3.1 Introduction: In interpreting and applying the provisions of this Ordinance, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

- A. This Zoning Ordinance does not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or Ordinances, except those specifically or implicitly repealed by this Zoning Ordinance, nor any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.
- B. Whenever any regulations made under authority of this Zoning Ordinance require a greater or impose other more restrictive standards than are required in, or under, any other Ordinance or statute, the provisions of the regulations made under authority of this Zoning Ordinance shall govern.
- C. Whenever the provisions of any other Ordinance or statute impose other more restrictive standards than are required by any regulations made under authority of this Zoning Ordinance, the provisions of such statute shall govern.

1.3.2 Language and Definitions: Many words, terms and phrases within this Ordinance have a meaning that may be different from their everyday use. Article 2, Language and Definitions, presents definitions of words, terms, and phrases used within this Ordinance. Section 2.2.1 presents rules for the interpretation of

Article 1
Title and Purposes

words and phrases in the Ordinance. Table 4-1 presents definitions of use classifications and Table 4-2 lists authorized uses in each zoning district.

SECTION 1.4: EFFECTIVE DATE

1.4.1 Effective Date: In accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, this Ordinance shall become effective August 1, 2012.

(Notice of Ordinance adoption was published in The Times Herald newspaper on July 25, 2012).

**ARTICLE 2
LANGUAGE AND DEFINITIONS**

SECTION 2.1 PURPOSE

2.1.1 Purpose: This Article is intended to clarify the meaning of any term used within this Ordinance for which the common definition may not serve the purpose of this Ordinance, or which is not a commonly used term outside of the context of this Ordinance.

SECTION 2.2 CONSTRUCTION OF LANGUAGE

2.2.1 Rules of Construction: The following rules of construction apply to the text, tables and illustrations of this Ordinance:

- A. The particular shall control the general.
- B. In the 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" or "occupied" includes "arranged for," "designed for," "intended for," "maintained for," or occupied for."
- G. The word "person" includes an individual, a corporation, a partnership, trust, firm, 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," 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.
- I. Terms not herein defined shall have the meaning customarily assigned to them. A dictionary may be consulted.
- J. The word "lot" includes the word "plot", "tract", or "parcel".
- K. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, schedules as included or attached and as enacted or subsequently amended.
- L. The "Township" is Grant Township in the County of St. Clair, State of Michigan; the "Board" is the Township Board of Trustees of Grant Township; the "Planning Commission" is the Grant Township Planning Commission; the "Board of Appeals" is the Zoning Board of Appeals or Board of Zoning Appeals of Grant Township.

**Article 2
Definitions**

- M. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day the Township is open.
- N. All statutory citations are to statutes as amended, including codifications and repeals if a new statute is adopted with a similar scope and purpose.

SECTION 2.3 DEFINITIONS

Accessory Building/Structure: A building or a structure subordinate to the principal use of a lot, or of a principal building or structure on the same lot, and serving a purpose clearly incidental to a permitted principal use of the lot or of the building and which accessory use or structure is compatible with the principal permitted uses or structures authorized under zoning regulations applicable to the property.

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

When "accessory" is used in this 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 in single-family dwellings.
- B. Residential accommodations for caretakers.
- C. Swimming pools for the use of the occupants of a residence or their guests.
- D. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- E. 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.

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

Alterations: A change, addition, or modification in construction or type of occupancy, any change in the structural numbers (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."

Article 2
Definitions

Apartments: Are the dwelling units in a multiple dwelling as defined herein:

- A. ***Efficiency Apartments:*** Is a dwelling unit containing not over three hundred and fifty (350) sq. ft. of floor area, and consisting of not more than one (1) room in addition to kitchen, dining, and necessary sanitary facilities, and for the purposes of computing density shall be considered as a one (1) room unit.
- B. ***One Bedroom Unit:*** Is a dwelling unit containing minimum floor area of at least five hundred (500) sq. ft. per unit, consisting of not more than two (2) rooms in addition to kitchen, dining, and necessary sanitary facilities, and for the purposes of computing density be considered as a two (2) room unit.
- C. ***Three or More Bedroom Unit:*** Is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of two hundred (200) sq. ft. For the purpose of computing density, a three (3) bedroom unit shall be considered as a four (4) room unit and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

Apartment Hotel: A building designed for or containing both dwelling units and individual guest rooms or suites of rooms, which building may include accessory uses such as a cigar store, coffee shop, etc., when such uses are accessible only from the lobby.

Applicant: A person who submits an application under one of the procedures therefore in this Ordinance.

Attached Dwelling: A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.

Auto Repair Station: A place where, along with the sale of engine fuel, 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.

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

Basement: That portion of a building which is partly or wholly below finished 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. A cellar is a basement. See also definition of "story."

Bed and Breakfast Operations: A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are

Article 2
Definitions

provided a sleeping room. In addition, in return for payment, a breakfast may be provided.

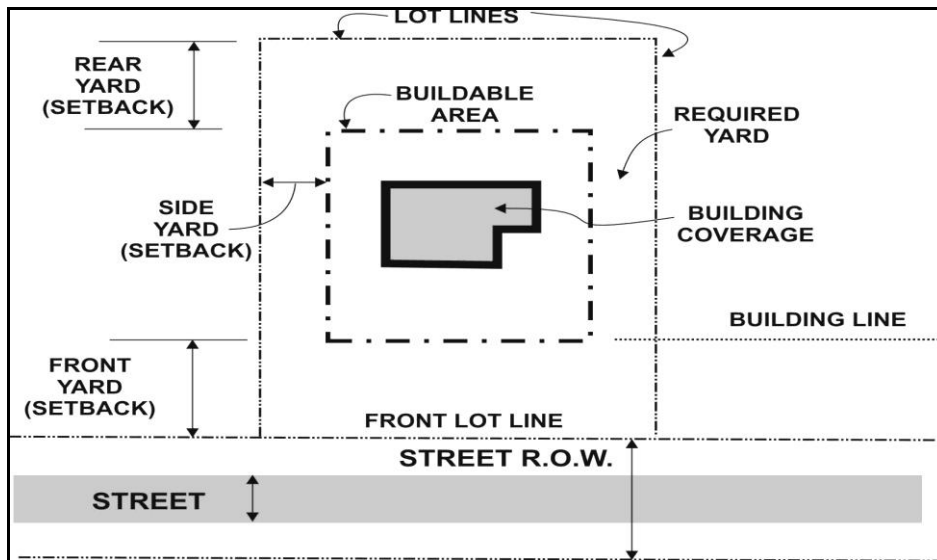
Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

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.

Boarding House/Rooming House: A dwelling in which lodging or meals, or both, are furnished to guests for compensation.

Buffer Strip: A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties even if not in a separately established buffer strip and may be so required by this Ordinance.

Figure 2-1
BUILDABLE AREA



Buildable Area: The area of a lot remaining after the minimum yard and open space requirements of the Zoning Ordinance have been met. See Figure 2-1.

Article 2
Definitions

Building: Any structure, either temporary or permanent, with a roof supported by columns, walls or other supports, and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind or for the conduct of business. This shall include, but is not limited to: single family homes, duplexes, mobile homes, sheds, garages, greenhouses and other principal and accessory buildings.

Building Height: In the case of a principal building, the vertical distance measured from the floor of the first story in the yard with the greatest number of stories to the highest point of the roof surface for flat roofs and A-frames, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs (see Figure 2-2). A cupola, widow's watch or tower that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. The measurement of the height of an accessory building or structure shall be determined as the greatest vertical distance from the average grade of any side to the highest point of the roof surface.

Building Line or Setback 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.

Building, Principal (same as Main Building): A building in which is conducted the main or principal use of the lot upon which it is situated.

Carry-out Food Establishment: A business establishment so developed that its retail or service character is dependent upon the preparation of food for consumption off the premises.

Cemetery: Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings.

Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

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.

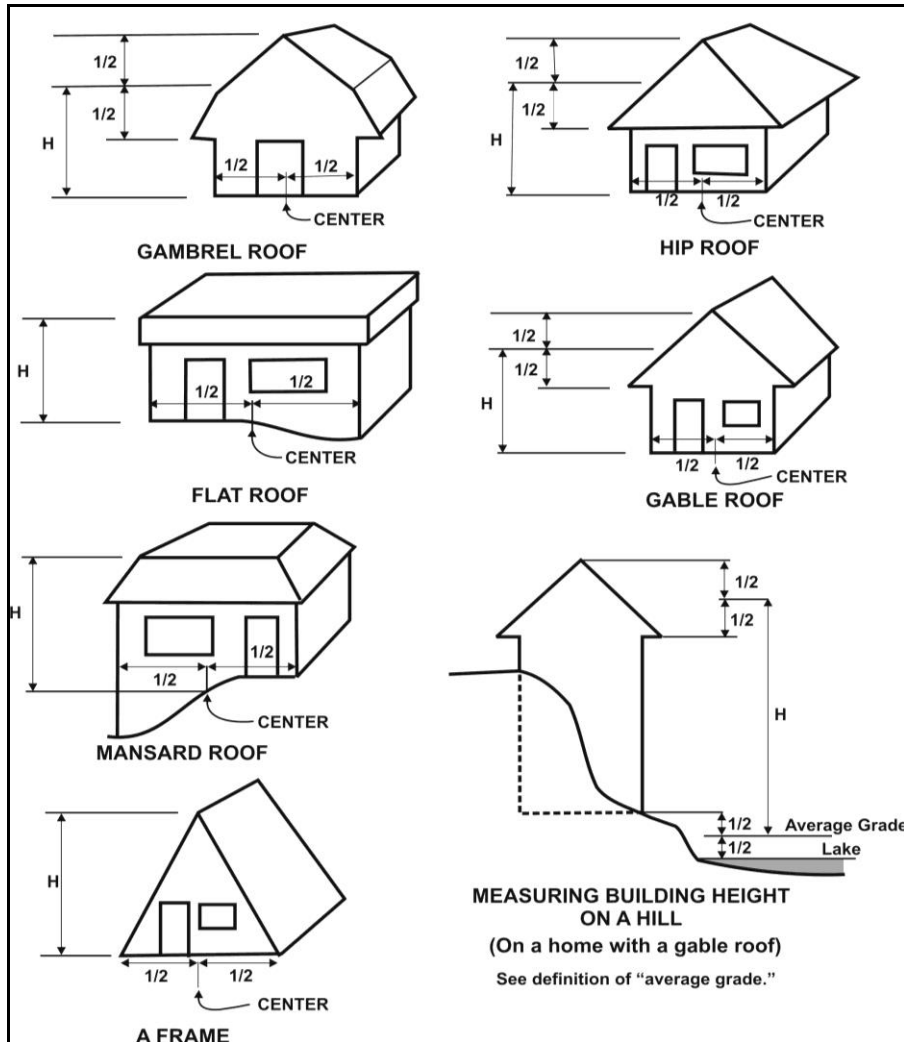
Club: An organization of persons or a group of persons associated for a common purpose or a special purpose for promotion or engaging in sports, recreational and social activities, arts, sciences, literature, politics or the like, but not operated for profit and open only to members and not to the general public.

Communication Tower: A radio, telephone or television relay structure, including but not limited to: monopole, skeleton framework, or other design which is attached directly

Article 2
Definitions

to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

Figure 2-2
BUILDING HEIGHT



Condominium Project: A plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Public Act 59 of 1978), as amended.

Condominium Subdivision or Site Condominium Development: A division of land on the basis of condominium ownership, pursuant to the Condominium Act (Public Act 59 of 1978), as amended, and which is not subject to the provisions of the Land Division Act (Public Act 288 of 1967), as amended.

Article 2
Definitions

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium subdivision which describes the size, location, area, horizontal and vertical boundaries, and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location, and size of common elements.

Condominium Unit or Site Condominium: That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot," for purposes of determining compliance of the site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

Conflict of Interest: Participation by a member of the Zoning Board of Appeals, Township Planning Commission, or Township Board in a public hearing, lobbying, or voting on a matter in which the property in question is owned, leased, rented or is proposed to be developed by the member; is owned or is to be developed by a relative, boss or friend of the member; or involves a party with whom the member shares a financial interest, such as a partner, borrower, lender, renter or investor; or is property which abuts or is near property owned by the member and the member does not feel he/she can objectively evaluate the request and vote in an unbiased manner. This definition applies to any matter being decided under the Zoning Ordinance. Conflict of interest provisions in other Ordinances shall guide other decisions unless the Township Attorney or a Court of Law rules otherwise.

Convalescent or Nursing Home: A structure whose principal purpose is the provision of sleeping, eating and gathering rooms where persons afflicted with illness, injury, or an infirmity are housed or lodged, often for extended periods of time, and who are furnished with meals and nursing care.

Deck: An unroofed structure used for outdoor living purposes which may or may not be attached to a building and which protrudes more than four (4) inches above the finished grade.

Deed Restriction: A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the St. Clair County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

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

Article 2
Definitions

District (or Zone): A portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provision of this Ordinance.

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

Driveway: A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any other requirements of the Township, the County Road Commission or State of Michigan (depending on which entity exercises authority over the street from which driveway access is derived).

Dwelling, Non-farm: A non-farm dwelling is a home built on land that is not involved in farming regardless of the number of acres.

Dwelling, Single-Family: A detached residential dwelling unit, other than a mobile home, designed for and occupied by one (1) family only.

Dwelling, Two-Family: A detached residential building, other than a mobile home containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

Dwelling, Multiple-Family: A residential building, other than a mobile home designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling Unit: A room or rooms connected together, constituting a separate, independent housekeeping establishment for 1 family occupancy, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathrooms, and sleeping facilities.

Erected: The word "erected" includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for a building or structure. Excavation, fill, drainage, and the like shall be considered a part of erection when done in conjunction with a structure.

Essential Services: The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment, and accessories in connection therewith, but not including buildings, reasonably necessary

Article 2
Definitions

for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

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

Farm: The land, plants, animals, buildings, structures, and ponds used for agricultural/aqua cultural activities, machinery, equipment and other appurtenances used in the commercial production of farm products.

Fence: An unroofed structure erected in such a manner and in such a location as to enclose, secure, partially enclose or secure, provide privacy for, decorate, define, or enhance all or any part of a lot.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior walls or from the centerline of walls separating two buildings. In particular, floor area includes: basement space; elevator shafts or stairwells; floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches, accessory buildings; attic floor space (whether or not floors have been laid) providing structural head room of seven feet six inches (7'-6"). Gross floor area shall not include; elevator or stair bulkheads, accessory water tanks, or cooling towers; uncovered steps, attic space less than seven feet six inches (7'-6") and open porches, terraces or breezeways, provided that not more than fifty (50) percent of the perimeter of such terrace, breezeway, or open porch is enclosed.

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

Floor Area, Usable (For the purposes of computing parking): The area used for, or intended to be used for, the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used, or intended to be used, principally for the storage or processing of merchandise, hallways, stairways, elevator shafts, restrooms, janitorial services, 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.

Footprint or Building Footprint: The ground area a building or structure covers.

Garage, Commercial Parking: A building or other structure that is:

- A. Used for the storage of boats for hire or parking motor vehicles.
- B. Not accessory to a use on the same or another zoning lot.

Article 2
Definitions

Garage, Private: An accessory building or accessory portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, motor homes, snowmobiles and similar vehicles owned and used by the occupants of the building to which it is accessory.

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.

Gasoline 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 and installation of minor accessories and services for motor vehicles, including but not limited to: oil, grease, batteries, tires, other operational fluids and minor accessories for automobiles, but not including major automobile repair.

Grade, Average: The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure (see Figure 2-4).

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

Grade, Natural: The elevation of the ground surface in its natural state, before man-made alterations.

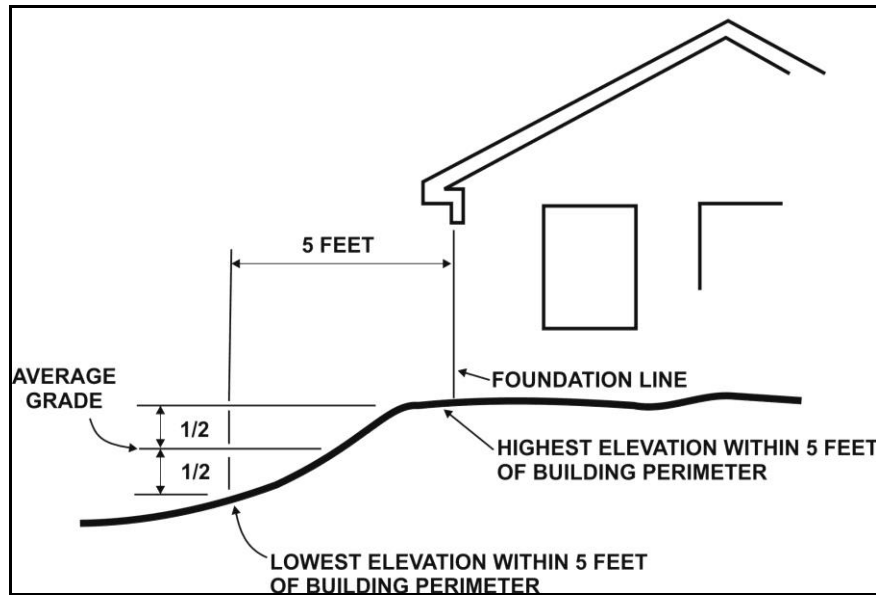
Home Occupation: An occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is incidental to the use of the dwelling unit for residential purposes.

Hotel: A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreation facilities.

Improvements: Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project area including, but not limited to: roadways, lighting, utilities, sidewalks, screening, drainage, parking areas, and landscaping.

Junk: The term "junk" shall include, but not by way of limitation, parts of machinery or motor vehicles, broken or unusable furniture, stoves, refrigerators, or other appliances, remnants of wood, metal, or other discarded material of any kind, whether or not the same could be put to any reasonable use. It shall be "unlawful for any person to store or accumulate or to permit the storage or accumulation of junk, except within a completely enclosed building."

Figure 2-3
AVERAGE GRADE



Junk Yard: An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes automobile salvage yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

Kennel, Commercial: Any lot or premises on which three (3) or more dogs are confined and kept for sale, boarding, breeding or training purposes.

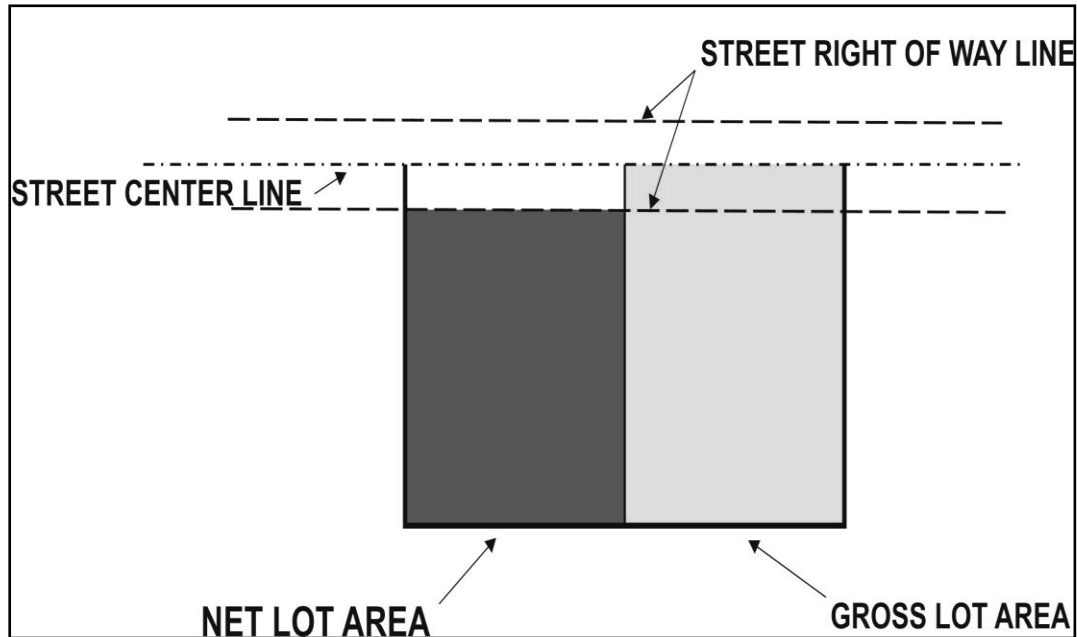
Loading Space, Off-Street: An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

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 Area, Gross. The area contained within the lot lines or property boundary including street right-of-way (see Figure 2-4).

Lot Area, Net. The total area of a horizontal plane within the lot lines of a lot, exclusive of any public street right-of-way abutting any side of the lot (see Figure 2-4).

Figure 2-4
NET AND GROSS LOT AREA



Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and 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 and thirty-five (135) degrees.

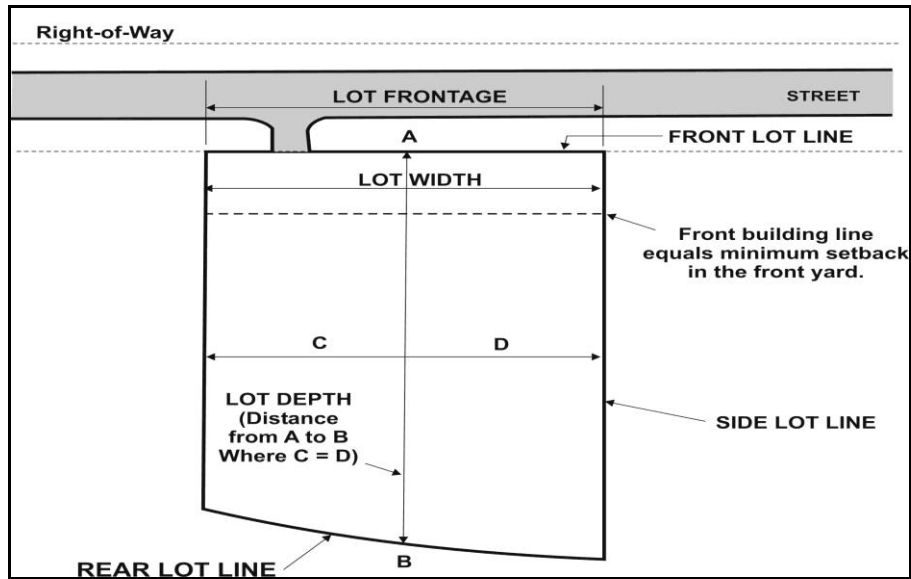
Lot Coverage: The amount of a lot, stated in terms of percentage, that is covered by all buildings and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks (four inches or less above the finished grade), patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines. (See Figure 2-5).

Lot, Flag: A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property. (See Figures 2-6 and 2-7).

Lot Frontage: The length of the front lot line. (See Figure 2-5).

Figure 2-5
LOT FRONTAGE, WIDTH, & DEPTH



Lot, Interior: Any lot other than a corner lot which, with the exception of a "through lot", has only one lot line fronting on a street (see Figure 2-6).

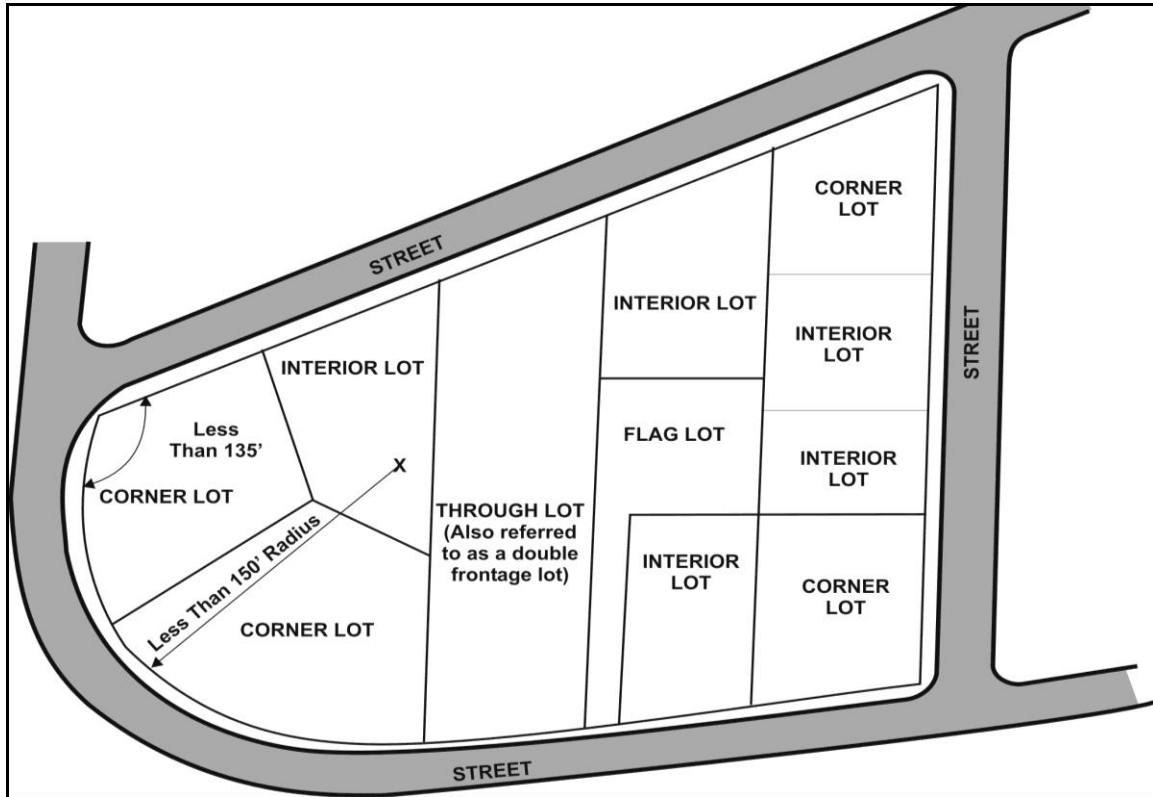
Lot Line: The lines defining the limits of a lot as described herein:

- A. **Front Lot Line:** In the case of an interior lot, that line separating said lot from the street, a private road, or other access easement. In the case of a through lot, that line separating said lot from either street private road, or other access easement. In the case of a flag lot, that line parallel to the main roadway, not the side lot line which is perpendicular to the main roadway. (See Figure 2-5 and 2-7).
- B. **Rear Lot Line:** The line opposite the front lot line. In the case of a through lot or a lot having frontage on more than one street, the line which is opposite the street address. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line. (See Figure 2-5 and 2-7).
- 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. (See Figure 2-5 and 2-7).

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

Article 2
Definitions

Figure 2-6
LOT TYPES



Lot, Through: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot (see Figure 2-6). In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

Lot Width: The horizontal straight line distance between the side lot lines, measured between the two points where the line establishing the setback for the front yard (also known as the front building line) intersects the side lot lines. (See Figure 2-5).

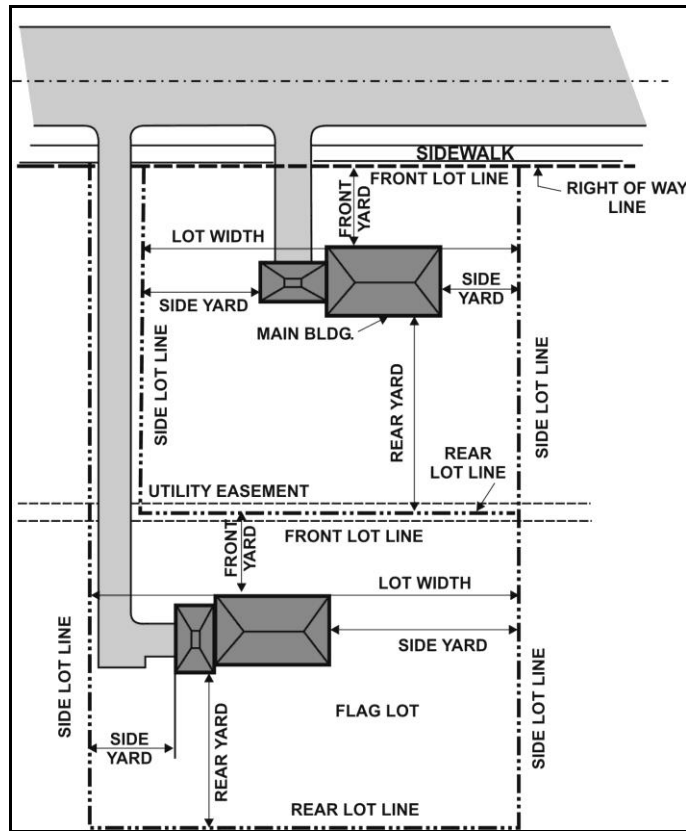
Lot, Zoning: A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

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 St. Clair County Register of Deeds, but may include one or more lots of record.

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

Article 2
Definitions

Figure 2-7
LOT LINES AND YARDS



Main Use: Is the principal use to which the premises are devoted and the principal purpose for which the premises exists.

Major Thoroughfare: An arterial street which is intended to serve as a large volume traffic way for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the major thoroughfare plan for Grant Township. Any street with a width, existing or proposed, of one hundred and twenty (120) feet or of one hundred and fifty (150) feet shall be considered a major thoroughfare.

Marginal Access Road: A service roadway parallel to a feeder road and which provides access to abutting properties and protection from through traffic.

Master Deed: The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

Master Plan: The adopted official statement of the Township Board that sets forth (in words, maps, illustrations, and/or tables) goals, policies, and guidelines intended to

Article 2
Definitions

direct the present and future physical, social, and economic development that occurs with the community and that includes a unified physical design for the public and private development of land and water.

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

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and, electrical systems contained in the structure, and which meets all requirements of 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. Mobile home does not include a recreational vehicle.

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.

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

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

Nonconforming Lot of Record: A lot lawfully existing at the effective date of this Ordinance, or amendments thereto, and which fails to meet the area and/or dimensional requirements of the district in which it is located.

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

Nonconforming 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.

Nuisance: 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: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable

Article 2
Definitions

effluent, noise of a congregation of people (particularly at night), passenger traffic, and invasion of non-abutting street frontage by traffic.

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

Off-Street Parking Lot: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

Open Space, Common: Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development, or by others if so authorized by this Ordinance or other municipal action.

Open Space, Dedicated: Common open space dedicated as a permanent recorded easement, or other means of permanent dedication that runs with the deed.

Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

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

Park: A parcel of land, building or structure used for recreational purposes including but not limited to: playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

Parking Spaces: An area of definite length and width used for the parking of a motor vehicle. Said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Permanent Foundation: A foundation for a structure that includes all frost-free foundations as regulated by the building code as well as concrete block, poured concrete, and slabs or other materials used to support the walls of a building, even if they do not extend down below the frost-free line.

Person: Means an individual, partnership, association, trust, or corporation, or any other legal entity or combination of legal entities.

Planned Unit Development: A tract of land or lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall

Article 2
Definitions

be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses as provided in this Ordinance.

Plat: A map of a subdivision of land recorded with the St. Clair County Register of Deeds pursuant to the Land Division Act (Public Act 288 of 1967), as amended, or a prior statute.

Porch: A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air conditioned and when the percentage of window area to wall area is less than fifty (50) percent.

Principal Structure: The main building on a lot or parcel, including but not limited to: residential, commercial, industrial, institutional structures and mobile homes.

Principal Use: The primary or predominant use of any lot or parcel of land.

Private Road: A private way or means of approach to provide access to two (2) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

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, telephone, telegraph, transportation, or water.

Recreational Unit: A tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own mode of power or is mounted on or drawn by another vehicle which is self powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreational unit includes but is not limited to the following:

- A. Travel (or camping) trailer, which is a vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.
- B. Motor home, which is a vehicular structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.
- C. Truck camper, which is a portable structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.
- D. Truck camper, which is a portable structure designed to be loaded onto, or affixed to the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping, or travel use. Truck campers are of two (2) basic types:

Article 2
Definitions

1. Slide-in camper, which is a portable structure designed to be loaded onto and unloaded from the bed of a pickup truck, constructed to provide temporary living quarters for recreational, camping, or travel use.
 2. Chassis-mount camper, which is a portable structure designed to be mounted on a truck chassis, and constructed to provide temporary living quarters for recreational, camping, or travel use.
- E. Boats or other recreational units which have the characteristics of the definition of recreational unit but are not listed above.

Restaurant: A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 80 percent of the gross sales receipts for food and beverages.

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Room: Is for the purpose of determining lot area, requirements and density in a multiple-family district; a living room, dining room, and bedroom, equal to at least eighty (80) sq. ft. 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 rooms as a bedroom for the purpose of computing density.

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

Sexually Oriented Businesses: Definitions for specific types of sexually-oriented businesses:

- A. **Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- B. **Adult Bookstore or Adult Video Store:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe specified sexual activities or specified anatomical areas. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises twenty

Article 2
Definitions

- percent (20%) or more of sales volume or occupies twenty percent (20%) or more of the floor area or visible inventory within the establishment; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises twenty percent (20%) or more of sales volume or occupies twenty percent (20%) or more of the floor area or visible inventory within the establishment.
- C. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
1. Persons who appear in a state of nudity;
 2. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
 3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 4. Persons who engage in lewd, lascivious or erotic dancing, including but not limited to: straddle dancing or lap dancing, or performances that are intended for the sexual interests or titillation of an audience or customers.
- D. **Adult Motel:** A hotel, motel or similar commercial establishment that:
1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right of way that advertises the availability of any of the above; and either
 2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- E. **Adult Motion Picture Theater:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- F. **Adult Theater:** A theater, concert hall, auditorium or similar commercial establishment that regularly and primarily features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of specified anatomical areas or by specified sexual activities.

Article 2
Definitions

- G. **Escort:** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.
- H. **Escort Agency:** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- I. **Massage Parlor:** An establishment where persons conduct, or permit to be conducted, or engage in, massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating, or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, ointments, oils, alcohol, or any other means of preparations to provide relaxation or enjoyment to the recipient by persons not licensed or certified by the State of Michigan as registered nurses, physicians, massage therapists, rehabilitation therapists, or myomassologists.]
- J. **Nude Model Studio:** Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- K. **Nudity or State of Nudity:** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to: payment or promise of payment of an admission fee, any individual's genitals, genital area, buttocks or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
 2. Material as defined in Section 2 of the Obscene Material Act (Public Act 343 of 1984), as amended.
 3. Sexually explicit visual material as defined in Section 3 of the Disseminating, Exhibiting, or Displaying Sexually Explicit Matter to Minors Act (Public Act 33 of 1978), as amended.
- L. **Person:** As used in Section 15.10.22 and in the definition of "straddle dance," an owner of a sexually oriented business, an employee, licensee, contractor, tenant, or invitee, on the premises of a sexually oriented business who entertains patrons, performs in a state of nudity, models lingerie, provides erotic dance or strip tease, or engages in other conduct intended to titillate the patrons of a sexually oriented business.
- M. **Sexual Encounter Center:** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

Article 2
Definitions

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

N. Sexually-Oriented Business: A business or commercial enterprise engaging in any of the following:

1. Adult arcade;
2. Adult bookstore or adult video store;
3. Adult cabaret;
4. Adult motel;
5. Adult motion picture theater;
6. Adult theater;
7. Escort agency;
8. Massage parlor;
9. Nude model studio; and
10. Sexual encounter center.

O. Specified Anatomical Areas: Specified anatomical areas are defined as:

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

P. Specified Sexual Activities: Specified sexual activities means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

Q. Straddle Dance (also known as a lap dance or friction dance): A form of live erotic dance at a sexually-oriented business where a person offers physical contact in the form of touching, with any part of the person's body, the genital or pubic area of a patron or other person; or when a person uses his/her breast(s) to touch any part of the patron or other person's body; or allows the touching of the breast(s), genitals, pubic area or buttocks of a patron or other person, whether clothed or unclothed by a patron or other person. It shall be a "straddle dance" regardless of whether the "touch" or "touching" occurs while the person is clothed, nude, semi-nude or displaying or exposing any specified anatomical area. It shall also be a "straddle dance" regardless of whether the "touch" or "touching" is direct or through a medium.

Article 2
Definitions

Sign: A name, identification, description, display, or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity person, institution, organization, or business. See Article 14 Signs for more detailed definitions and descriptions of sign types.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

Special Approval Use: A use that meets the intent and purpose of the zoning district but which requires the review and approval of the Planning Commission in order to ensure that any adverse impacts on adjacent uses, structures, or public services and facilities that may be generated by the use can be, and are, mitigated.

Special Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as a special approval use pursuant to standards and procedures established in Article 3 and Article 15.

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

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 (4) feet 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.

Street Line: The dividing line between a street right-of-way and property line of a lot.

Structure: Anything fabricated, constructed or erected, the use of which requires fixation or placement in, on, or attachment to something having location on the ground, including but not limited to: all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way, including but not limited to: utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services.

Article 2
Definitions

Swimming Pool: Any structure, container, or pool, portable or nonportable, having a depth of one foot or more at any point and designed or used for swimming, wading, or bathing.

Temporary Use or Building: A use, building or structure permitted by procedures established in this Ordinance, to exist during a specified period of time.

Traffic Impact Assessment: A study that assesses the impacts of a proposed development on the existing and future multi-modal transportation network. The study must recommend mitigation measures for the anticipated impacts and must analyze the adequacy of the development's planned access points.

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

Variance: A modification of the literal provisions of the Zoning Ordinance, granted by the Zoning Board of Appeals, when standards established in Article 3 and Article 20 of this Ordinance have been met. These standards seek to ensure that no variance is granted unless: (a) strict enforcement of the Zoning Ordinance would cause practical difficulty; (b) it would not be contrary to the public interest, (c) there are circumstances unique to the individual property on which the variance is granted, and (d) the variance request is not due to actions of the applicant.

Wall, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

Yard, Front: A yard extending across the front of a lot between the front line of the lot and the nearest point of the main building or land use.

Yard, Rear: An open space on the same lot with a main building, unoccupied, except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot.

Yard, Side: An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front or rear line shall be deemed a side line.

Zoning Administrator: The Grant Township Zoning Administrator, hired for the purpose of carrying out certain duties and responsibilities as defined in this Ordinance.

Article 2
Definitions

Zoning Board of Appeals: The body appointed by the Township Board of Trustees to hear appeals by any aggrieved party by a decision or order of the Planning Commission or Zoning Administrator, or where it is alleged that the literal enforcement of this Ordinance would involve practical difficulties for the property owner.

Zoning Compliance Permit: A document signed by the Zoning Administrator according to procedures established in this 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, that indicates that a site plan, plot plan, and/or other zoning application or request for special zoning approval or variance for a use, structure or building has been reviewed and determined to comply with the requirements of this Ordinance or has been granted a variance there from.

**ARTICLE 3
GENERAL PROVISIONS**

SECTION 3.1: PURPOSE

3.1.1 Purpose: It is the purpose of this Article to establish general regulations for lots, uses, and activities that relate to accessory uses, dimensional standards, various exceptions, and aspects of land use and design that are not addressed in other Articles of this Zoning Ordinance. These provisions will help prevent environmental degradation, poor health or safety conditions, and nuisance-like effects on abutting properties.

SECTION 3.2: THE EFFECT OF ZONING

3.2.1 The Effect of Zoning: Zoning applies to every building, structure or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this Ordinance. Only uses specifically permitted by right or by special approval use permit in a particular zoning district may be established on a parcel. All other uses may be permitted only if the Ordinance has been amended to permit them or by means of approval of a Planned Unit Development (PUD) by the Township Board.

3.2.2 Zoning Runs with the Land: Zoning approval runs with the land, not with the property owner.

SECTION 3.3: CONFLICTING REGULATIONS

3.3.1 Conflicting Regulations: Whenever any provisions of this Ordinance impose 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.

SECTION 3.4: RESTORATION OF UNSAFE BUILDINGS

3.4.1 Restoration of Unsafe Buildings: Notwithstanding the provisions of Article 18, nothing in this section shall prevent any structure or building, declared unsafe by the Building Inspector, from being restored to a safe condition, provided that structures have been destroyed shall be restored in conformity with the provisions of this Ordinance.

Article 3
General Provisions

SECTION 3.5: BUILDING PERMITS

3.5.1 Building Permits: No excavation for construction shall be commenced and no structure shall hereafter be erected, enlarged, altered or reconstructed until a Building Permit has been issued by the Building Inspector. No Building Permit shall be issued until other permits required by this Ordinance have been obtained.

SECTION 3.6: ESSENTIAL SERVICES AND MUNICIPAL FACILITIES

3.6.1 Essential Services:

- A. The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, water towers, poles, street lighting, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith, but not including communication towers, which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any zoning district.
- B. Notwithstanding the exceptions contained in the immediately preceding sentence:
1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.
 2. Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform to the general character of the architecture of the surrounding neighborhood.
 3. Communication towers are permitted in accordance with the Grant Township Tower Ordinance, Ordinance 44, as amended.

3.6.2 Municipal Services: Article 4 establishes the zoning districts and authorized uses for municipal facilities in Grant Township. All buildings, structures and/or uses owned or operated by a local, state or federal agency require review and approval of a site plan by the Township Planning Commission prior to construction or alteration, except as provided below or when preempted by statute. Separate standards exist for many of these uses in the specific districts and in the provisions for Special Approval Uses in Article 15.

- A. Buildings, structures, facilities and/or uses owned or operated by Grant Township are exempt from the provisions of this Ordinance.

Article 3
General Provisions

**SECTION 3.7: LOTS OF RECORD, DIVISION OF LOTS, MERGER OF LOTS,
COMBINATION OF LOTS**

3.7.1 Existing Lots of Record: A lot, which is platted or otherwise of record as of the effective date of this Ordinance, may be used as specified in the zoning district in which it is located. The structure shall be located on the lot as nearly as feasible to assure compliance with all yard and setback requirements for the zoning district in which the lot is located, as determined by the Zoning Administrator.

3.7.2 Division of Lots: Neither an existing lot of record nor any lot created after the effective date of this Ordinance shall be divided except in conformance with the requirements of the Land Division Act (Public Act 288 of 1967), as amended, and the Grant Township Land Division Ordinance, Ordinance 46-A, as amended.

3.7.3 Merger of the Lots: Any person seeking or required to use two or more abutting lots or one lot and a portion of an abutting lot to meet the minimum requirements of the Land Division Act (Public Act 288 of 1967), as amended, the Grant Township Land Division Ordinance, or this Ordinance for a use permitted in the zoning district where the lots are located, shall prior to any such use, enter into an agreement with Grant Township by which the lots or lot and portion of an abutting lot are merged and shall not be subsequently divided or used separately. The person requesting the merger shall be the owner of record of all lots or portions of lots involved. The merger agreement shall be on a form provided by Grant Township and shall be recorded with the St. Clair County Register of Deeds Office, as applicable. Any merger involving a portion of an abutting lot shall require approval of the division of such abutting lot in compliance with the preceding subsection.

3.7.4 Combination of Lots: Within any zoning district, where two or more contiguous lots each fail to comply with the area, depth and width requirements of the zoning district in which they are located and are under common ownership, such lots shall be merged for any development to the extent necessary to obtain a conforming lot or lots in such district and shall not be separated for use or development otherwise.

SECTION 3.8: REQUIRED YARD OR LOT

3.8.1 Required Yard or Lot: All lots, yards, parking areas, or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the zoning district in which they are located.

SECTION 3.9: OPERATIONAL PERFORMANCE STANDARDS

3.9.1 Operational Performance Standards: All structures, uses, and activities in all zoning districts shall be used or occupied so as to avoid creating any dangerous, injurious, noxious or otherwise objectionable condition that would create adverse impacts on the residents, employees, or visitors on the property itself or on neighboring properties.

3.9.2 Smoke and/or Air Pollution Control: The emission of gases, smoke, dust, dirt, and fly ash should in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable federal, state and county health laws pertaining to air pollution and smoke abatement.

3.9.3 Glare: Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.

3.9.4 Nuclear Radiation: Research operations shall cause no dangerous radiation at any property line as specified by the regulations of the United States Nuclear Regulatory Commission.

3.9.5 Electromagnetic Radiation: It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes that does not comply with the then current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies and government owned plants, the regulations of the interdepartmental Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation.

3.9.6 Vibration: Operations shall cause no inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.

3.9.7 Fire and Explosive Materials: The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the state rules and regulations as established by the Michigan Fire Prevention Code

Article 3
General Provisions

(Public Act 207 of 1941), as amended. Any explosive as defined the Explosives Act of 1970 (Public Act 202 of 1970), as amended, shall be prohibited on site.

3.9.8 Hazardous Materials: All applicable federal, state, and local statutes, rules, regulations, and Ordinances (including, without limitation, those promulgated and/or enforced by the U.S. Environmental Protection Agency, the Michigan Department of Natural Resources and Environment, the National Institute of Health, or the Food and Drug Administration) shall apply to the treatment, storage, transportation, and disposal of any hazardous materials, hazardous wastes, or solid wastes (as such terms are defined by any of the applicable statutes, rules, regulations, or Ordinances referenced above).

3.9.9 Waste and Rubbish Dumping:

- A. No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes and crates, or other offensive or obnoxious matter shall be kept in open containers, or piled, placed, stored or dumped on any land within the district in such a manner as to constitute a nuisance or create a hazard to health, safety, morals, and general welfare of the citizens of Grant Township.
- B. No person shall cause or permit any materials to be handled, transported, or stored in a manner that allows particulate matter to become airborne or liquid matter to drain onto or into the ground. All materials or wastes that might cause fumes or dust or that constitute a fire hazard or that may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, impermeable trash containers that are screened in accordance with the requirements of this Ordinance. Toxic and hazardous materials and chemicals shall be stored, secured and maintained so that there is no contamination of ground, air, or water sources at or adjacent to the site. Provisions shall be provided so that all lubrication and fuel substances shall be prevented from leaking and/or draining onto the property.

SECTION 3.10: OFF-STREET PARKING REQUIREMENTS

3.10.1 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.

- A. 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 applicant.

Article 3
General Provisions

- B. 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.
- C. 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.
- D. 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.
- E. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for several individual uses computed separately.
- F. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Zoning Board of Appeals may grant a variance.
- G. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
- H. For those uses not specifically mentioned, the requirements of off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
- I. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- J. For the purpose of computing the number of parking spaces required, the definition of ***Floor Area, Usable*** in Article 2 shall govern.

3.10.2 Off-Street Parking Schedule:

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

**Article 3
General Provisions**

**TABLE 3-1: GRANT TOWNSHIP
OFF-STREET PARKING REQUIREMENTS SCHEDULE**

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
RESIDENTIAL	
a) Residential, One-Family and Two-Family	Two (2) for each dwelling
b) Residential, Multiple family	Two (2) for each dwelling unit
c) 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.
d) Trailer Court	Two (2) for each trailer site.
INSTITUTIONAL	
a) Churches or temples	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
b) Hospitals	One (1) for each one (1) bed.
c) Homes for the aged & convalescent homes	One (1) for each two (2) beds.
d) Elementary & Junior 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.
e) Senior high schools	One (1) for each (1) teacher, employee, or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.
f) 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.
g) Private golf clubs, tennis clubs, or other similar uses	One (1) for each two (2) member families or individuals.
h) Golf courses open to the general public, except miniature or "par-3" courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee.
i) Fraternity or Sorority	One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater
j) Stadium, sports arena, or similar place of outdoor assembly	One (1) for each three (3) seats or six (6) ft. of benches.
k) Theater & auditoriums	One (1) for each three (3) seats plus one (1)

**Article 3
General Provisions**

	for each two (2) employees.
USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
BUSINESS & COMMERCIAL	
a) Planned commercial or shopping center	One (1) for each sixty-six (66) sq. ft. of usable floor area.
b) Auto wash	One (1) for each one (1) employee. In addition, adequate waiting space for autos shall be provided on the premises.
c) Beauty parlor or barber shop	Three (3) spaces for each of the first two (2) beauty or barber chairs and one and one-half (1 1/2) spaces for each additional chair.
d) Bowling Alleys	Five (5) for each one (1) bowling lane.
e) Dance halls, pool, or billiard parlors, roller or skating rinks, exhibition halls, & assembly halls without fixed seats.	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.
f) Establishments for sale & consumption on the premises of beverages, food, or refreshments.	One (1) for each one hundred (100) sq. ft. of usable floor space.
g) Furniture & appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician or similar trade, shoe repair & other similar uses.	One (1) for each eight hundred (800) sq. ft. of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.)
h) Automobile service stations	Two (2) for each lubrication stall, rack or pit; and one (1) for each gasoline pump.
i) Laundromats & coin operated dry cleaners	One (1) for each two (2) machines.
j) Miniature or "Par-3" golf course.	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
k) Mortuary establishments	One (1) for each fifty (50) sq. ft. of usable floor space.
l) Motel, hotel, or other commercial lodging establishments	One (1) for each one (1) occupancy unit plus one (1) for each one employee
m) Motor vehicle sales & service establishments	One (1) for each two hundred (200) sq. ft. of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room
n) Retail stores except as otherwise specified therein.	One (1) for each one hundred & fifty (150) sq. ft. of usable floor space.

**Article 3
General Provisions**

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
OFFICE	
a) Banks	One (1) for each one hundred (100) sq. ft. of usable floor space.
b) Business offices or professional offices except as indicated in the following item 'c'	One (1) for each three hundred (300) sq. ft. of usable floor space.
c) Professional offices of doctors or similar professions	One (1) for each one hundred (100) sq. ft. of usable floor area in waiting rooms, and one (1) for each examining room, dental chair, or similar use area.
INDUSTRIAL	
a) Industrial or research establishments	Five (5) plus one (1) for every one and one-half (1-1/2) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
b) Wholesale establishments	Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) sq. ft. of usable floor space, whichever is greater.

SECTION 3.11: PRIVATE ROADS

3.11.1 Intent: The intent of this Ordinance is to provide sufficient access to all structures for emergency and rescue vehicles, and to ensure private road quality on a continuing basis.

3.11.2 General Requirements:

- A. This Ordinance shall apply to all land which is divided into parcels or lots.
- B. No private road or driveway shall be constructed within the Township unless it is in compliance with the requirements of this Ordinance.
- C. No certificate of occupancy for any structure shall be issued within the Township unless the parcel or lot fronts on a private road or driveway, improved to the standards of this Ordinance or on a public road. Each lot or parcel shall have road frontage equal to the minimum lot width required by the applicable provisions of the Zoning Ordinance or shall be served by an approved driveway.
- D. Private roads shall not be dedicated to the Township.
- E. Private roads shall not be maintained by the Township except pursuant to a duly established special assessment district.

Article 3
General Provisions

- F. Prior to construction of any private road or driveway serving industrial, commercial and agricultural facilities, plans for it shall be reviewed and approved by the Planning Commission.

3.11.3 Requirements for Driveways and Approvals:

- A. A driveway meeting the minimum design standards in Section 3.11.4 shall be required under the following conditions:
1. If the rear of the principal use or ancillary use requiring a building permit is more than seventy-five (75) feet from the right-of-way of a public or private road.
 2. If the parcel or parcels of land, which otherwise meet all Township zoning requirements, has no frontage on a public or private road.
- B. An application for a driveway serving property which does not front on a road shall be filed with the Township Planning Commission. The application shall include a drawing which shows the location, dimensions, and setbacks of all buildings and driveways, proposed or existing, on the subject property and within three hundred (300) feet of the subject property. The drawing shall also indicate the location and dimensions of any easement on which the driveway is proposed to be located.
- C. The Planning Commission shall have the authority to modify the drawing as a condition of approval, so as to minimize any adverse effects on the surrounding properties and residential building sites.
- D. Any driveway easement approved under this Ordinance shall connect directly on to a private road improved to the standards of this Ordinance or else on to a public road.
- E. All driveways shall be located on a legally valid and recorded easement or other permanent interest in lands at least sixty-six (66) feet in width.
- F. If a pre-existing driveway serves more than one dwelling, a maintenance agreement meeting the requirements of Section 3.11.6.A.7 shall be required.

3.11.4 Minimum Design Standards for Driveways:

- A. The driveway entrance at the road or private road shall be a minimum of twenty (20) feet wide for the first fifty (50) feet. The driveway shall be a minimum of fourteen (14) feet wide for the entire length of the driveway. The width of the driveway shall not include the width of any gutters or unimproved shoulder.
- B. All topsoil, stumps, and unstable soil shall be removed and back filled with appropriate sand. The driveway shall be surfaced and maintained with gravel, crushed limestone, finely crushed concrete or similar material for a minimum width of twelve (12) feet and minimum depth of four (4) inches for the full length of the driveway.
- C. The surface of the driveway shall be properly drained so that water damage and frost heave will not impede access by emergency vehicles.
- D. Driveway shall provide a minimum centerline radius of forty (40) feet for all curves to insure access by firefighting equipment. In addition, the driveway

Article 3
General Provisions

shall provide minimum clearance from trees and brush of eighteen (18) feet through all curved sections.

- E. No bridges shall be permitted as part of driveway construction unless they are certified by a registered engineer as capable of supporting a 30-ton fire truck.
- F. Any structures, which span any driveway, shall maintain not less than fourteen (14) feet vertical and horizontal clearance.
- G. A culvert, twelve (12) inch minimum diameter and twenty four (24) feet in length shall be provided where a driveway crosses the ditch center line. A minimum of eighteen (18) feet shall be covered with gravel or similar material (reference 3.11.4.B above, with an equal amount of uncovered culvert on each side).

3.11.5 Pre-Existing, Nonconforming Driveways: Pre-existing, nonconforming driveways in existence prior to the enactment of this Ordinance may continue without conforming to the requirements of this Ordinance, provided however that if such driveway is to be expanded, constructed, or altered, including but not limited to the servicing of additional buildings, the same must then conform to the requirements of this Ordinance, without regard to its pre-existing status, unless excepted, upon application for a variance, because compliance would constitute hardship, or an impossibility such as insufficient area and additional area not being reasonably available; and provided further that these altered pre-existing private driveways shall be required to comply with Sections 3.11.3 and 3.11.4 within one year of the effective date of this Ordinance, unless excepted, upon application for a variance.

3.11.6 Requirements for Private Road Approvals:

- A. Plans for a private road shall be submitted to the Township Planning Commission for review. Materials submitted shall include:
 - 1. All permit applications and applicable fees;
 - 2. A legal description and survey of all properties to be served by the private road, together with a letter from the Township Supervisor or Zoning Administrator stating that all proposed parcels are in compliance with Zoning Ordinance and the requirements of the Land Division Act (Public Act 288 of 1967), as amended;
 - 3. A legal description and survey of the proposed private road easement;
 - 4. Drawing showing the existing and proposed structures, roads, drives, drains and other significant physical features on the property;
 - 5. Engineering plans for the proposed private road that comply with Section 3.11.7;
 - 6. The construction plans that include the following drawing: Typical cross section and drainage layout;
 - 7. A proposed maintenance agreement. The agreement shall utilize the model agreement provided by the Township or else shall be accompanied by a letter from the Township Attorney indicating that alternate agreement complies with this Ordinance;

Article 3
General Provisions

- 8. All Township Attorney fees related to the review of a proposed alternate agreement paid by the applicant.
- B. No private road construction shall begin until the Planning Commission has approved the proposed road by a recorded vote and a permit has been issued by the Zoning Administrator.
- C. A document describing the private road and the provisions for maintenance shall be recorded with the Register of Deeds and also provided to the purchaser. The maintenance provisions shall apportion the maintenance responsibilities among the benefiting and/or abutting property owners and shall run with the land. The proposed maintenance agreement shall be reviewed and approved by the Township Attorney prior to recording.

3.11.7 Minimum Design Standards for Private Roads:

- A. Preliminary plans, final plans, construction plans and construction methods for a private road shall be designed by a professional engineer and bear the seal of a professional engineer.
- B. The St. Clair County Road Commission's "Procedures for Plat Street Development," adopted January 17, 1995, including all subsequent amendments and/or revisions, shall be used as a standard for the design of all private roads.
- C. Private roads that do not conform to the St. Clair County Road Commission's "Procedures for Plat Street Development," adopted January 17, 1995, including all subsequent amendments and/or revisions, will not be allowed into the St. Clair County Road Commission's system until work has been done to meet the St. Clair County Road Commission's minimum requirements.
- D. If any existing private road or easement is to be expanded, said private road or easement shall be brought up to St. Clair County Road Commission specifications.
- E. Dead end roads terminating in a cul-de-sac of approved design will be limited to six hundred (600) feet.
- F. All private roads shall be designated by name, subject to approval of the Township Planning Commission and the St. Clair County Road Commission. The proprietor shall furnish and erect street names and stop signs at all intersections with both public and private roads. The design of the signs shall be same as those used by the St. Clair County Road Commission for similar purposes. Signs marked "Private Road" shall be erected and maintained by the proprietor at the entrance to all private roads of the development.
- G. Grant Township reserves the right to have any plans reviewed by another professional engineer.
- H. All private roads must be completed with one (1) year of approval. If an approved private road will not meet the one-year deadline for completion, the Zoning Administrator may grant a six (6) month extension upon determining good cause exists to grant such an extension.
- I. If an approved private road will not meet the one-year deadline for completion and the Zoning Administrator does not determine there is good cause for an

Article 3
General Provisions

extension, the private road will have to be resubmitted for Approval and Site Plan Review.

3.11.8 Inspections, Fees, and Permits for Private Roads and Driveway:

- A. The Township shall not grant final approval for the use of any private road or driveway until the completed road or drive has been inspected for compliance with this Ordinance.
- B. The Township shall contract with a public agency, qualified engineer, or surveyor to inspect private road improvements. All such costs shall be borne by the applicant.
- C. The Township Board shall establish fees to cover the cost or review and inspections.
- D. A permit shall be obtained as to be in compliance with the Soil Erosion and Sedimentation Control regulations in Part 91 of the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1994), as amended, prior to the commencement of private road construction.
- E. A permit shall be obtained from the St. Clair County Office of the Drain Commissioner and/or the St. Clair County Road Commission, as required.
- F. The proprietor's engineer shall certify that he has personally supervised and inspected all construction that drainage facilities have been installed and all roads have been built in accordance with the approved plans and specifications.

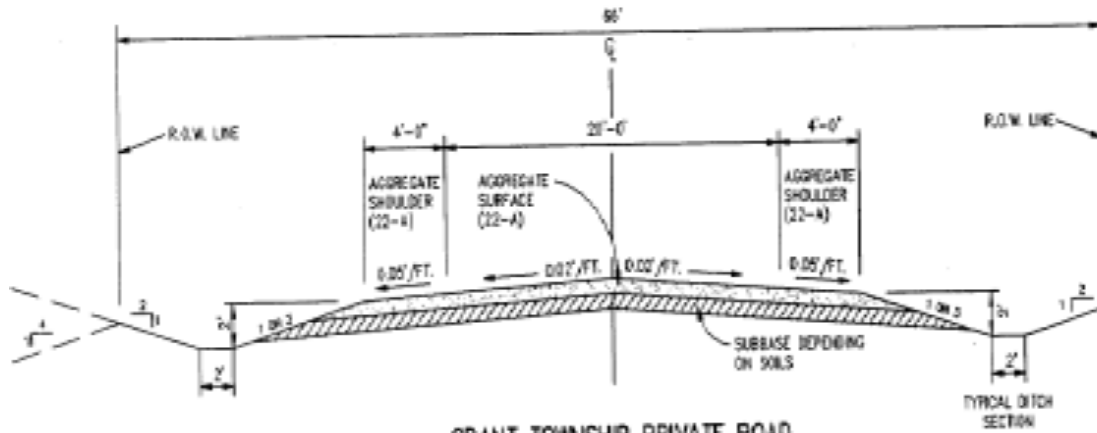
3.11.9 Pre-Existing, Non-Conforming Easements/Private Roads:

- A. Pre-existing, non-conforming easements/private roads in existence prior to the enactment of this Ordinance may continue without conforming to the requirements of this Ordinance, provided however that: If such private road or access easement is to be expanded, or constructed, or altered, including but not limited to the servicing of additional dwelling or commercial, industrial or other units, the same must then conform to the requirements of this Ordinance, without regard to its pre-existing status, unless excepted, upon application for a variance, because compliance would constitute hardship or an impossibility such as insufficient area and additional area not being reasonably available; and provided further that these altered pre-existing private easements/private roads shall be required to comply with Sections 3.11.6 and 3.11.7 within one year of the effective date of this Ordinance, unless excepted, upon application for a variance. All pre-existing non-conforming easements and private roads must use Figure 3-1 as a minimum design standard.
- B. Waiver of Provision: Any provision in this section may be waived upon:
 - 1. Written request of applicant and proposed site plan;
 - 2. Review and approval of the Planning Commission and a licensed Engineer;

**Article 3
General Provisions**

3. A determination by the Planning Commission that the waiver is in the best interest of the health, safety, and welfare of the Township, residents of said private road; and the intent of this Ordinance is met;
4. In the event a provision is waived, the Planning Commission may impose alternative restrictions.

FIGURE 3-1: PRIVATE ROAD TYPICAL ROAD SECTIONS



**GRANT TOWNSHIP PRIVATE ROAD
TYPICAL ROAD SECTIONS**

TYPE OF NATIVE SOILS	AGGREGATE SURFACE (A-3)
SAND	8"
CLAY	8" WITH 6" SUBBASE
SLT	8" WITH 6" SUBBASE

SUBBASE MATERIAL - H.O.S.H. STABILIZED MATERIAL CLASS II

3.11.10 Performance Bond for Private Roads: The applicant shall file with the Township a performance bond in accordance with the requirements of Section 19.11 of this Ordinance.

SECTION 3.12: ACCESSORY USES AND STRUCTURES

3.12.1 Purpose: This section regulates uses and structures that are incidental to principal uses and buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to abutting lots, and maintain open front setbacks. The standards of this section apply to all accessory uses and structures unless otherwise expressly stated.

3.12.2 General Standards:

- A. In the A-1, A-2, and R1-A zoning districts, accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

Article 3
General Provisions

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 main buildings.
2. Accessory buildings shall not be erected in any required yard, except in a rear yard. However, when located on a parcel of land having an area of at least five (5) acres, they may be located in any non-required yard provided that they meet all required setbacks from property lines, structures, wells, septic tanks and fields, and ponds, provided further that when located in a non-required front yard, a three hundred (300') foot setback is maintained from the edge of the planned right-of-way. In addition, when an accessory building is located in a non-required front yard as permitted herein, in no instance shall said accessory building be placed within that portion of the front yard lying between lines formed by the projected sidewalls of the main building.
3. An accessory building may occupy not more than twenty-five (25%) percent of a required rear yard, plus forty (40%) percent of any non-required rear yard.
4. Detached accessory buildings shall conform to the setback requirements in the zoning district in which they are located. A detached accessory building shall not be closer than ten (10') feet to the main building.
5. Accessory buildings shall not exceed 2 stories or thirty-five (35) feet in height, excluding accessory farm buildings, such as barns or silos in the A-1 and A-2 districts.
6. When located within a recorded plat in an A-1, A-2 or R1-A district, no detached accessory building shall exceed one (1) story or fourteen (14) feet in height.
7. 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 line required on the lot in rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot in the rear of such corner lot.
8. Accessory buildings are to be used solely for the purpose of accommodating lawful accessory uses as defined and permitted in the district in which the accessory buildings are located.
9. The parking of a mobile home for periods exceeding twenty-four (24) hours on lands not approved for mobile homes or mobile home parks shall be prohibited, except that the Zoning Administrator may issue temporary zoning compliance permits in accordance with Section 19.7.4, allowing the parking of a mobile home in a rear yard on private property, not to exceed a period of two (2) weeks. All mobile homes temporarily stored on individual lots shall be stored only within the confines of the rear yard and shall respect the requirements of this Section applicable to accessory structures and buildings, insofar as distances from principal structures, lot

Article 3
General Provisions

- lines, and easements are concerned. All mobile homes parked or stored, shall not be connected to sanitary facilities and shall not be occupied.
10. Mobile homes shall not be stored on residential lots within a recorded plat under any circumstances.
 11. All accessory farm buildings, intended for legitimate agricultural and farm uses as defined in Article 2 of this Ordinance, and for uses other than those usually incidental to the dwelling, shall be located not less than one hundred (100) feet from any dwelling and not less than fifty (50) feet from any lot line or property boundary; with the exception that the main farm building shall not be less than one hundred and fifty (150) feet from the front property line. This requirement shall not apply to the alteration or addition to an existing barn or other farm building, except dwellings, which are located closer to the road and which existed prior to the adoption of this Ordinance.

3.12.3 Accessory Buildings Erected Prior to Main Use:

- A. In cases when accessory buildings are to be erected prior to the main building or use, the following additional regulations shall also apply:
 1. A site plan meeting the requirements of Article 16 shall be submitted showing the planned location of the main building or use, accessory building(s), well, and on-site sewage disposal system.
 2. A well permit and on-site sewage disposal permit shall be obtained for the main use before a building permit for the accessory building will be issued.
 3. A cash bond of three hundred dollars (\$300) shall be deposited with the Township Clerk until the building permit for the main building or use has been issued.
 4. The accessory building shall not be located within any required front, required side, or required rear yard.
 5. Construction of the main building or use shall begin within twelve (12) months. Not more than two (2) extensions of time of not more than six (6) months each may be granted by the Zoning Board of Appeals upon a showing of good cause and when it can be demonstrated that the main building can be satisfactorily completed within a reasonable time.
 6. The applicant shall sign a statement indicating the use to which the accessory building will be put. No permits shall be issued for accessory buildings intended to accommodate uses which are unlawful under this Ordinance.
 7. The accessory building shall not exceed 1,200 square feet in floor area.

SECTION 3.13: SWIMMING POOLS

3.13.1 Defined: The term “swimming pool,” for the purpose of this Ordinance, shall mean any structure, container or pool, portable or non-portable, having a depth of one (1) foot or more at any point and designed or used for swimming, wading or bathing. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs and spas. All pools shall be regulated by this

Article 3
General Provisions

Ordinance, unless said pool is completely contained within a building that at least complies with the minimum provisions of district in which it is located.

3.13.2 Requirements:

- A. Any property owner installing a swimming pool shall comply with all State of Michigan Building Code Requirements.

SECTION 3.14: PROJECTIONS IN YARDS

3.14.1 Projections in Yards:

- A. Existing buildings or structures shall be permitted to encroach upon the minimum yard area and setback requirements of this Ordinance with architectural elements that are necessary to the integrity of the structure of the building, or health or safety of the occupants such as cornices, sills, beltcourses, eaves, gutters, chimneys, pilasters, balconies, outside stairways, fire escapes, and similar features, provided projections into a required yard area are no more than three (3) feet.
- B. Ramps to accommodate wheelchairs and related devices to assist the handicapped are permitted to encroach on the yard requirements of any district, provided an application for a Zoning Compliance Permit is filed with the Zoning Administrator, who shall find as a condition of issuing the requested permit that the location selected minimizes the yard encroachment while still meeting the ramp needs of the applicant. Ramps may not be covered in the portion of the front yard within the setback for the principal building.
- C. Awnings in residential districts may project into a required setback area no more than three (3) feet and in the C or I districts no more than five (5) feet. Awnings shall be at least eight (8) feet in height. No awning shall be erected over public right-of-way.

SECTION 3.15: HOME OCCUPATIONS

3.15.1 Intent: Some types of work can be conducted at home with little or no effect on the surrounding neighborhood. The home occupation regulations of this subsection are intended to permit residents to engage in customary home occupations, while ensuring that such home occupations will not be a detriment to the character and livability of the surrounding area. The regulations require that home occupations (an accessory use) remain subordinate to the allowed principal use (residential) and that the residential viability of the dwelling unit is maintained.

3.15.2 Uses Allowed: The home occupation regulations of this subsection establish performance standards rather than detailed lists of allowed home occupations. Uses that comply with all of the standards of this subsection will be allowed as home occupations unless they are specifically prohibited. The home

Article 3
General Provisions

occupation must be clearly subordinate and incidental to the use of the dwelling as a residence.

3.15.3 Prohibited Uses: Prohibited home occupations include, but are not limited to, the following:

- A. Animal hospitals and animal boarding facilities are not allowed as home occupations. This includes kennels, commercial stables and all other types of animal boarding facilities.
- B. Medical or dental offices.
- C. Construction businesses or landscaping businesses that provide the storage of goods, equipment and materials to be utilized in the operation of the business or use.
- D. Warehousing.
- E. Welding or machine shops.
- F. Any use involving the distribution of firearms or the storage of firearms intended for sale or distribution.
- G. Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as home occupations.

3.15.4 Where Allowed: Home occupations that comply with the regulations of this section will be allowed as an accessory use to any permitted residential use.

3.15.5 Space Limitations: Not more than one-fourth (1/4) of the living area of the dwelling unit and less than one-half (1/2) of the living area of the main floor shall be devoted to the home occupation. No part of an accessory structure, either attached or detached shall be used. In no instance shall one or more home occupations in any single dwelling unit permanently occupy more than three hundred (300) square feet of the dwelling unit.

3.15.6 Conformance with Zone District Requirements: The dwelling shall conform to all its zone district requirements.

3.15.7 Resident Operator: The operator of a home occupation must be a full-time resident of the subject dwelling unit and be on the premises during the hours of operation of the home occupation.

3.15.8 Exterior Alterations:

- A. Home occupations shall not require exterior alterations or involve construction features not customary in dwellings, or require the use of mechanical or electrical equipment which shall create a nuisance to adjacent residential dwellings.
- B. No new external entrance to the space devoted to the occupation shall be created.

Article 3
General Provisions

3.15.9 Interior Alterations: Any permanent structural alterations to the interior of the dwelling unit for purposes of conducting a home occupation which would render it unsuitable for residential use shall be prohibited.

3.15.10 Outdoor Storage: There shall be no outdoor storage of items supportive of the home occupation.

3.15.11 Parking: The activity shall not require any additional parking.

3.15.12 Customers, Clients, Students or Patients: No more than three (3) customers, clients, students or patients shall be on the premises in which a home occupation is located at any one time.

3.15.13 Hours of Operation:

- A. Visits by customers, clients, students or patients to the premises in which a home occupation is located shall be limited to the hours of 7:00 a.m. to 8:00 p.m.
- B. Deliveries or pick-ups of supplies or products associated with home occupations are allowed only between 7:00 a.m. and 8:00 p.m. Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods. Tractor-trailers are expressly prohibited.

3.15.14 Operational Impacts: No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. No hazardous substances may be used or stored in conjunction with a home occupation.

3.15.15 Traffic: No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood.

SECTION 3.16: PRINCIPAL USE

3.16.1 Principal Use: No lot zoned for residential purposes shall contain more than one (1) principal use or more than one principal structure. Commercial and industrial zoned land may contain more than one building and/or principal use provided all uses are permitted uses, and the buildings and uses meet the parking and other zoning district requirements. All business activity shall take place within an enclosed building, unless specifically authorized to be conducted outside as part of the use regulations of the district, or via special approval use standards of this Ordinance.

SECTION 3.17: TEMPORARY BUILDINGS, STRUCTURES, AND USES

3.17.1 General: Temporary buildings, structures, and uses are permitted in all districts unless otherwise provided. Temporary buildings and structures not

Article 3
General Provisions

greater than four hundred (400) square feet in area and not to be used for dwelling purposes, may be placed on a lot or parcel of record and occupied only under the following conditions as authorized by a temporary zoning permit issued by the Zoning Administrator:

3.17.2 Fire Damage: During renovation of a permanent building damaged by fire. The temporary building or structure must be removed when repair of fire damage is complete, but in no case shall it be located on the lot or parcel for more than six (6) months. The Zoning Administrator may issue a three (3) month extension upon determining there is good cause for such an extension.

3.17.3 New Construction: Temporary buildings and structures incidental to construction work, except single-family residences are permitted. Said temporary buildings shall be removed within fifteen (15) days after construction is complete, but in no case shall the building or structure be allowed more than twelve (12) months, unless expressly authorized after petition to the Zoning Board of Appeals.

3.17.4 Habitation of Accessory Structures and Travel Trailers: No garage, barn, or accessory buildings, or cellar, whether fixed or portable, shall be used or occupied as a dwelling.

3.17.5 Christmas Tree Sales: The display and sale of Christmas trees is permitted by a temporary zoning permit, provided it is incidental and accessory to the principal use. The temporary zoning permit for the display and sale on an open lot shall be valid for a period not to exceed forty-five (45) days. All unsold trees must be removed from the property by December 31 of each calendar year. No temporary land use permit is necessary for Christmas tree sales where a nursery is permitted by right, by special condition or by Special Approval Use Permit.

3.17.6 Auctions: The public sale of property to the highest bidder shall be permitted for not more than five (5) days and no sales activity shall occur within thirty (30) feet of any street or road right-of-way. This section does not apply to garage sales.

SECTION 3.18: COMPATIBILITY WITH NEARBY STRUCTURES

3.18.1 Exterior Building Design: Exterior building design and facades are encouraged in all parts of the Township to be compatible in design, shape, materials, colors, size and scale with those of the bulk of the other buildings in the area in which the property is located and which together make up the character of the area. Achieving design compatibility protects the investment of all property owners in the area, and hence the tax base, which in turn benefits all citizens in the community.

Article 3
General Provisions

3.18.2 Historic Structures: New buildings, additions or alterations to the exterior of buildings within three hundred (300) feet of a property line on which an historic structure is located, or from the edge of a designated historic preservation district, are strongly encouraged to be designed with consideration to avoiding potential negative impacts on the character of the historic structure or district, and on the entire area, or neighborhood. A historic structure is one recognized on a state or federal historic structure registry. Potential negative impacts include building lines and roof types, materials and colors, and a size or scale inconsistent with the character of the historic structure or other buildings in the area.

SECTION 3.19: ENVIRONMENTAL IMPACT STATEMENT

3.19.1 Environmental Impact Statement: The Planning Commission may require an Environmental Impact Statement (EIS), at the expense of the applicant, for any residential, commercial or industrial development which includes a land area of five (5) acres or more or a building over 85,000 square feet, before approving a required site plan or making a decision upon a request for Planned Unit Development. An EIS prepared for another public agency may be acceptable. Said statement should analyze the impact of the proposed development on utility systems, fire, police and school services, solid waste disposal, soils, air, groundwater, floodplain, wetland and similar water courses and drainage, noise levels and added traffic which might affect existing land uses or neighborhoods negatively, and other similar factors which may be unique to a specific proposal. The Planning Commission shall review the impact statement to determine if any proposed impacts would result in pollution, impairment or destruction of the environment over the threshold established in Part 17 of the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1994), as amended, or greater than existing level of service standards applicable to services and facilities provided in the Township.

SECTION 3.20: RAZING OF BUILDINGS

3.20.1 Razing of Buildings: No building shall be razed until a permit has been obtained from the Building Inspector who shall be authorized to require a performance bond in any amount not to exceed one thousand dollars (\$1,000) for each one thousand (1,000) square feet or fraction thereof of floor area of the building to be razed. Said bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Building Inspector may, from time to time, prescribe, including filling of excavations and proper termination of utility connections. If the building is safely razed and the site cleaned as specified in the permit, then the bond shall be returned within thirty (30) days of completion of the razing. If razing is not accomplished according to the terms of the approval, then the Township shall cash the performance bond and use the money to restore the site to a safe condition. Costs in excess of the

Article 3
General Provisions

bond shall be charged back to the property owner and placed as a lien on the property if not paid in a timely fashion (See Section 19.11).

SECTION 3.21: KEEPING OF ANIMALS

3.21.1 Definitions: For the purpose of this Ordinance, the following terms shall have the following meanings:

- A. Public Nuisance Animal. Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of persons (other than their owners) to enjoyment of life or property. The term, "public nuisance animal" shall mean and include, but is not limited to, any animal that does any of the following:
1. Is repeatedly found at large;
 2. Damages the property of anyone other than its owner;
 3. Molests or intimidates pedestrians or passersby;
 4. Chases vehicles;
 5. Excessively makes disturbing noises, including, but not limited to: continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or other discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
 6. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
 7. Causes unreasonable unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
 8. Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained; or
 9. Attacks other domestic animals.
- B. Vicious Animal. Any animal that attacks, bites, or injures any human being or domesticated animal without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals or to destroy property.
- C. Wild Animal. Any living member of the animal kingdom, including mammals, birds, and reptiles and including those animals born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), traditional farm animals, small rodents, and captive-bred species of common cage birds.

3.21.2 Prohibition Against the Keeping of Wild Animals, Vicious Animals, or Public Nuisance Animals: No person shall own, keep, possess, or have custody on his or her premises any wild animal, public nuisance animal or vicious animal. This prohibition shall not apply to government officials who keep or

Article 3
General Provisions

handle such animals pursuant to their governmental functions. Nor shall this section apply to persons keeping wild animals pursuant to a valid state or federal license allowing them to keep such wild animals.

3.21.3 Traditional Farm Animals: A traditional farm animal shall not be deemed to be a “public nuisance animal” if it is kept properly restrained at all times and the keeping of such a traditional farm animal is permitted within zoning district within which the animal is located.

SECTION 3.22: POTABLE WATER AND SEWAGE DISPOSAL

3.22.1 Potable Water and Sewage Disposal:

- A. Any building erected for human occupancy after the effective date of this Ordinance and used for dwelling, businesses, industrial, recreational, institutional, mercantile or storage purposes shall not be erected, altered, used or moved upon any premises unless said structure shall be provided with a potable water supply and waste water disposal system that insures a safe and effective means of collection, treatment, and disposal of human, commercial, and industrial wastes.
- B. All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the St. Clair County Health Department, as well as those of other applicable Township, county, state, or federal agencies.

SECTION 3.23: ROAD FRONTAGE REQUIREMENTS

3.23.1 Road Frontage Requirements: Every lot of record shall front upon a public or private road for a minimum distance of one hundred sixty five (165) feet.

SECTION 3.24: OPAQUE BARRIER

3.24.1 Opaque Barrier:

- A. An opaque barrier may be constructed of any of the following materials:
 - 1. Chain link fence laced with opaque strips;
 - 2. Wooden fence;
 - 3. Natural barrier such as dense tree line or dense shrubbery;
 - 4. Masonry materials.
- B. *Height:* The height of the opaque barrier shall be no less than six (6) feet. When the height of a man made barrier exceeds eight (8) feet a set back from the lot line equal to that required for a structure will be maintained.

SECTION 3.25: GREENBELT

3.25.1 Purpose: The purpose of a Greenbelt is to serve as a buffer between land uses of a different nature. The Greenbelt is designed to minimize the

Article 3
General Provisions

adverse affect the activity of one land use may have on a proximate differing land use.

3.25.2 General: A Greenbelt is a strip of land not less than twenty-six (26) feet in width which serves as a buffer between an industrial use and a non-industrial use. The Greenbelt shall be planted within six (6) months from the date of issue of certificate of occupancy for the industrial site. The Greenbelt shall thereafter be maintained in a healthy, growing condition. Specific planting requirements are as follows:

- A. Plant materials shall not be placed closer than four (4) feet to the property line.
- B. A minimum of one (1) evergreen tree shall be planted at twenty (20) foot intervals (on average).
- C. A minimum of three (3) intermediate shrubs shall be placed between the spaced evergreen trees.
- D. Planting should have a pleasing natural appearance by staggering the plants in one or more rows or by grouping materials.
- E. Evergreens and similar plants shall be of a minimum height of four (4) feet and have an average spread of thirty (30) inches when planted.
- F. Single stem, tree-like shrubs shall have a minimum caliper of two (2) inches when installed.
- G. Deciduous shrubs shall have a minimum height of three (3) feet when planted.
- H. Deciduous trees shall have a minimum caliper of three (3) inches when installed.
- I. Greenbelts shall be maintained with healthy trees and shrubs. Dead trees or shrubs shall be replaced with healthy specimens.

3.25.3 Berms: When a berm is required within the Greenbelt, the following specification will be followed:

- A. A two and one half (2.5) foot (minimum) to four (4) foot (maximum) high berm planted with grass or other non-invasive ground cover shall be installed within the Greenbelt. The berm shall be finish graded to have a smooth appearance and shall have a slope of not greater than three (3) feet horizontal to one (1) foot vertical.
- B. The berm shall have one evergreen tree a minimum of four (4) feet high at time of planting or one deciduous tree a minimum of three (3) inch caliper at time of planting for every twenty (20) linear feet of berm. To enhance the appearance and ensure proper drainage in the area, the berm shall be provided with openings at least every seventy-five (75) feet.

SECTION 3.26: SITE CONDOMINIUMS

3.26.1 Purpose: Condominiums permitted in the State of Michigan by the Condominium Act (Public Act 59 of 1978), as amended, are subject to state and federal regulations and the requirements of this section. The following specific

Article 3
General Provisions

requirements provide regulatory standards for site condominiums similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat a proposed or existing condominium project different from a project developed under another form of ownership.

3.26.2 Applicability of District and Other Zoning Regulations: Site condominium projects in any residential district shall comply with all setback, height, coverage and area restrictions in Article 5 Schedule of District Regulations, in the same manner as those standards would be applied to platted lots in a subdivision. All landscaping, parking, sign and similar standards and requirements of this Zoning Ordinance shall apply to site condominium projects.

3.26.3 Applicability of Private Road Requirements: Private roads and access points within site condominiums must meet the road design, construction and maintenance requirements of Section 3.11, Private Roads. Site condominium projects with public streets shall meet the standards contained in the Land Division Ordinance and meet the standards of the St. Clair County Road Commission.

3.26.4 Site Condominium Project Approval Procedures: Prior to recording the master deed as required by Section 72 of the Condominium Act (Public Act 59 of 1978), as amended, all projects shall undergo condominium subdivision plan review and approval pursuant to this Ordinance. Processing will be in accordance with the review and approval procedures for the processing of Special Approval Land Use Permits detailed in Article 15. Prior to approval of the condominium subdivision plan, the Planning Commission shall consult with the following persons and/or organizations regarding the adequacy of the master deed, deed restrictions, utility systems, roads and streets, site layout and design, and other pertinent requirements of the Condominium Act (Public Act 59 of 1978), as amended, and this Ordinance:

- A. Township Legal Counsel;
- B. The St. Clair County Health Department;
- C. The St. Clair County Road Commission;
- D. Michigan Department of Environmental Quality; and
- E. Other governmental entities as appropriate.

3.26.5 General Requirements:

- A. A letter of application shall be submitted in conjunction with any proposals for approval of site condominiums. The applicant shall pay a reasonable fee to be determined by the Township Board based upon the scope and complexity of the project. The fee shall approximate the costs incurred by the Township in the project review process including the cost of associated legal review. The fee so determined shall be in addition to the standard special land use permit application fee that shall have application to all site condominium proposals and which shall be paid prior to commencement of any Township action on the application.

Article 3
General Provisions

- B. No construction or other development work shall be done upon the land intended to be used for a site condominium until a final site plan has been approved in accordance with Article 16, except with the express permission of the Planning Commission. This requirement shall include contractible, conversion, and expandable site condominiums.
- C. All zoning and special approval land use permit requirements of this Ordinance have application to buildings and structures on and uses of site condominium units.
- D. The Planning Commission shall have the authority to approve, approve with conditions, or deny approval of preliminary and final site plans for site condominiums based upon requirements of this Ordinance and the Michigan Condominium Act (Public Act 59 of 1978), as amended.
- E. Each condominium unit shall be located in a zoning district that permits the proposed use.
- F. Each site condominium unit shall comply with all requirements of the zoning district in which the unit is located. In the case of site condominiums containing single-family detached condominium units, no more than one (1) single-family dwelling unit shall be located on a condominium unit, nor shall a dwelling unit be located on a condominium unit with any other principal structure or use. Required setbacks shall be measured from the boundaries of the condominium unit. Any established ground floor coverage and floor area ratio shall be calculated using the area of the condominium unit. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- G. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents as provided in Section 48 of the Condominium Act (Public Act 59 of 1978), as amended, shall comply with all requirements of the zoning district in which located and shall be approved by the Planning Commission. These requirements shall be made a part of the bylaws and recorded as part of the master deed.

3.26.6 Site Plan Requirements:

- A. Every application involving a site condominium shall be accompanied by a minimum of four (4) copies of a site plan prepared pursuant to Article 16, Site Plan Review Requirements. The Zoning Administrator may require additional copies of a site plan.
- B. The applicant shall consult with the St. Clair County Health Department (water and sewer issues), the St. Clair County Road Commission (road and street design, drainage, and access issues), and the Michigan Department of Environmental Quality (floodplain issues) during the project development process. Documentation of such consultation and any comments received shall be provided to the Planning Commission for their review and consideration. The Planning Commission shall not approve a final site plan until it is satisfied that any issues raised by these organizations have been adequately addressed.

Article 3
General Provisions

3.26.7 Revision of Condominium Subdivision Plan: Should the applicant wish to revise the condominium subdivision plan, the final site plans shall be revised accordingly and submitted for Planning Commission review and approval before any necessary permits will be issued.

3.26.8 Amendment to Master Deed or Bylaws: Any amendment to a master deed or bylaws that affect the approved site plan shall be reviewed and approved by the Planning Commission before any necessary permits will be issued. The Planning Commission shall also review any amended site plan if, in the judgment of the Planning Commission, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

3.26.9 Relationship to Subdivision Requirements: All site condominiums shall conform to any plan preparation requirements; design, layout, and improvement standards; and any financial guarantees that are required by this Ordinance or that may become requirements of this or other Ordinances prior to submission of a formal site condominium application. The standards and requirements of these Ordinances that have application to lots in a subdivision shall also apply to site condominium units. Nothing in this section shall be construed as requiring a site condominium to obtain plat approval under the Land Division Act (Public Act 288 of 1967), as amended.

3.26.10 Development Agreement: The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with Grant Township incorporating the terms and conditions of final site plan approval and record the same with the Register of Deeds for St. Clair County.

3.26.11 Construction Located in a General Common Element: Any application for a permit for construction in a general common element shall include written authorization by the Condominium Association for the application.

3.26.12 Monuments and Lot Irons: Monuments shall be set in accordance with the Michigan Condominium Act (Public Act 59 of 1978), as amended, and all other state rules and regulations. The Planning Commission may grant a delay in the setting of required monuments for a reasonable time not to exceed one (1) year on condition that the applicant deposit with the Township Clerk cash, a certified check, or any irrevocable bank letter of credit endorsed to Grant Township, whichever the applicant selects, in an amount determined by resolution of the Township Board to be sufficient to cover the cost of setting the required monuments. Such deposit shall be returned to the applicant upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. Should the applicant default, the Township Board shall promptly retain the services of a registered surveyor to set the monuments and irons using the funds available in the applicant's security deposit.

Article 3
General Provisions

3.26.13 Rights-of-Way and Utility Easements: All rights-of-way and utility easements shall be described separately from individual condominium units and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The rights-of-way and utility easements shall be separately designed for their individual purposes such as access and installation, maintenance, and replacement of facilities. Placement of water, sewer, and electrical power easements in street and road rights-of-way shall be consistent with any established Township requirements and consistent with St. Clair County Road Commission practice on facilities under their jurisdiction.

3.26.14 Conflicts with Federal and State Requirements: Should any requirements of this Section 3.26 conflict with federal and/or State of Michigan requirements, such federal and state requirements shall prevail.

SECTION 3.27: OUTDOOR PONDS

3.27.1 Definition of Pond: Any open and substantially earthen, artificial, manmade, or natural impoundment of water created, altered, or enhanced by, any excavation, cutting, stripping, grading, digging, filling, removal, or movement of any soil matter or earth material, or by the installation of any dam, levy, or other retention device or structure which diverts the natural flow of water to or from an area thus creating, altering, or enhancing an impounded body of water.

3.27.2 Application:

- A. No person shall erect, install, locate or construct an outdoor pond, unless it has first been approved by the Zoning Administrator.
- B. No pond shall be constructed without first checking with the Michigan Department of Environmental Quality (MDEQ) and obtaining any state-required permit(s). Obtaining of a permit from the State of Michigan shall not relieve a person from also complying with the requirements of this Ordinance.
- C. In addition to the application procedures for a special approval use detailed in Section 15.3 of this Ordinance, applications for outdoor ponds shall also include:
 - 1. The name of the person who is or will be the owner of the pond;
 - 2. The location of the proposed or existing pond;
 - 3. The safety precautions to be taken to protect persons using or who might be endangered by the pond;
 - 4. The size, depth, and water capacity of the pond;
 - 5. A site plan drawn to a scale suitable to demonstrate compliance with applicable regulations.
- D. 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. They are encouraged to obtain information about dry hydrants from the building inspector or the fire chief.

Article 3
General Provisions

3.27.3 General Regulations:

- A. A pond may be located in any zoning district and may be considered as a principal or an accessory use.
- B. The excavated material remaining on-site shall be leveled over the area around the pond or the property site.
- C. Excavated earth material created by construction of a pond shall be used to the maximum extent feasible for on-site purposes.
- D. 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 following requirements. If the applicant proposes to remove any excess excavated earth 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 excess of this stated volume to be removed must first be approved as an amendment to the site plan.
- E. Any excess earth shall be removed within three (3) months after excavation except under unusual circumstances (e.g., 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.
- F. 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 "quarries" and subject to the applicable provisions of the Ordinance and Provisions of Grant Township's #27 and #29.
- G. All of the disturbed areas around the pond shall be seeded with an adaptable grass and legumes.
- H. All ponds shall be constructed so as to prevent sewage or run-off by barnyards etc., from draining into the pond.
- I. If the pond is intended for swimming, the area shall be free of all underwater obstacles such as sudden drop-off or deep holes, trees, stumps, brush, wire, or fence.
- J. No pond shall be constructed any closer than fifty (50) feet from a septic disposal field. Nor any closer than thirty (30) feet from all property lines.
- K. The pond will be constructed in a manner that the retained water cannot seep from the pond onto any adjoining property. (see Ordinance 25, Nuisance Ordinance for penalties)

3.27.4 Permit Fees: A permit fee as established by resolution of the Township Board shall accompany the application for a permit. Said sum is to be used to defray the cost of pond investigation, publication charges if applicable and other miscellaneous administrative expenses occasioned by processing such application.

SECTION 3.28: COMMUNICATION TOWERS

3.28.1 Purpose: Changing technology in the field of communication has resulted in reliance upon more versatile and convenient forms of communication.

Article 3
General Provisions

Businesses, individuals and government have developed a strong dependence upon the ability to quickly contact others. The use of radios and cellular phones have proven themselves over and over again in emergency situations.

3.28.2 Special Approval Use Permit Required: Communication towers may be permitted by the Planning Commission after a public hearing and review of the proposed site plan, and subject to the general standards to guide the actions of the Planning Commission as specified in Article 15, Special Approval Use Regulations. Applicants should follow the application and review requirements detailed in Section 15.3.

3.28.3 Minimum design and development standards: See Section 15.10.5 for special approval use standards.

SECTION 3.29: TRAFFIC IMPACT ASSESSMENT

3.29.1 General:

- A. The Planning Commission may require a Traffic Impact Assessment (TIA), at the expense of the applicant, for any residential, office, commercial, industrial or mixed use development, which includes a land area of five acres or more or a building over 50,000 square feet, or when permitted uses could generate either a thirty percent (30%) increase in average daily traffic, or at least one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day, before approving a required site plan or making a decision upon a request for Planned Unit Development approval.
- B. At their discretion, the Planning Commission may accept a TIA prepared for another public agency.

ARTICLE 4
OFFICIAL ZONING MAP, ZONING DISTRICTS
& PERMITTED USES

SECTION 4.1: PURPOSE

4.1.1 Purpose: The purpose of this Article is to establish zoning districts within Grant Township, to establish and define the Official Zoning Map that shows the location of zoning districts, and to create a framework for the interpretation of the Official Zoning Map and related district boundaries. Furthermore, this Article delineates use classes, definitions, and permitted uses within each zoning district.

SECTION 4.2: ZONING DISTRICTS AND MAPS

4.2.1 Establishment of Districts: To achieve the purposes of this Ordinance, Grant Township is hereby divided into the following zoning districts:

A-1	Agricultural Secure District
A-2	Agricultural/Residential District
R1-A	Residential District
C	Commercial
LI	Light Industrial
MH	Manufactured Home Park
OS	Open Space

4.2.2 Official Zoning Map: The boundaries of the respective zoning districts are defined and established as depicted on the map entitled "Grant Township Zoning Map," which is an integral part of this Ordinance, and which, with the accompanying explanatory notes, shall be published as part of this Section and is incorporated by reference.

- A. If in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Township Board. No amendment to this Ordinance which involves matters portrayed on the Official Zoning Map shall become effective until such change and entry has been made on the map.
- B. Regardless of the existence of copies of the Official Zoning Map which may be made or published, the Official Zoning Map shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.

SECTION 4.3: RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

4.3.1 Interpretation of District Boundaries: Where a question arises with respect to the boundary of any district the following shall govern:

Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow the center lines.
- B. Where boundaries follow the shore line of a stream, lake or other body of water, the boundaries shall follow such shoreline, and in the event of change in the shoreline, the boundaries shall be the actual shoreline. Where boundaries follow the centerline of streams, rivers, canals or other bodies of water, such shall follow the centerlines thereof.
- C. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following the lot line.
- D. A boundary indicated as following the municipal boundary line of a City, Village, or Township shall be construed as following the boundary line.
- E. A boundary indicated as following a railroad line shall be construed to be midway between the main tracks or in the center of the right-of-way if the tracks have been removed.
- F. Boundaries indicated as parallel to, or extensions of features indicated in subsections A-E above, shall be so construed. A distance not specifically indicated in the Official Zoning Map shall be determined by the scale of the map to the nearest foot.
- G. The Zoning Administrator shall determine the location of boundaries in cases where uncertainty exists.

Should the above rules not fully explain a question of boundaries, the Zoning Board of Appeals shall have the authority to make an interpretation on appeal based upon the aforementioned standards.

SECTION 4.4: SCOPE OF DISTRICT PROVISIONS

4.4.1 Intent and Structure of District Scheme: The Grant Township Zoning Ordinance is based upon and is intended to help implement the Grant Township Master Plan. The zoning districts address five major land use categories: agricultural, residential, commercial, light industrial and open space.

- A. The agricultural districts allow for uses primarily involve the keeping, breeding or use of animals, production or distribution of produce and farm-related products, agritourism activities, and associated uses of a rural or agricultural character and intensity.
- B. The residential districts in the Township are intended to provide appropriate locations for housing of various types and densities, and associated uses typically found in residential settings.
- C. The Commercial District is designed to meet general business needs within the Township. The commercial district is expected to remain limited in size and location, and expanded only when growing demand cannot be met by land in the current zone and when expansion is consistent with both the policies and Future Land Use Map of the Grant Township Master Plan.
- D. The Light Industrial District accommodates the growing need for a wide range of wholesale, specialized industrial service and manufacturing establishments, as well

as research and development activities. Special standards to minimize impacts on abutting residential properties are also provided, as are a limited number of non-industrial uses. Expansion of this district is expected to occur only when consistent with the Grant Township Master Plan.

- E. The Open Space District is intended to encourage the preservation, protection and appropriate use of environmentally unique or sensitive areas and to encourage and facilitate a limited number of recreationally-oriented or related uses that are compatible with the Township's forest resources and riverfront lands.

4.4.2 Land Uses, Buildings, Structures and Premises Subject to Regulation:

- A. Every building or structure erected, any use of land, building, structure or premises, any structural alteration or relocation of an existing building or structure and any enlargement of, or addition to, an existing use of land, building, structure or premises occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable within the zoning district in which such land use, building, structure or premises shall be located.
- B. Only uses permitted in particular districts per the provisions of this Article may be established on a parcel. All other uses may be permitted only if the Ordinance has been amended to permit them.
- C. All zoning approvals granted under this Ordinance run with the land. All future owners are subject to the terms and conditions of any permit issued under this Ordinance prior to their ownership, unless such a permit is no longer valid as determined by the Zoning Administrator.
- D. Uses for enterprises or purposes that are contrary to federal, state, or local laws or Ordinances are prohibited.

4.4.3 Categories of Permitted Uses: The principal uses permitted by zone are listed in Table 4-2. Other Sections of this Ordinance establish additional requirements (such as parking, buffering, fencing, landscaping, etc.) or provide for exceptions. All relevant Sections must be consulted to understand the scope of regulations that apply in a particular case. Uses listed as "P" on Table 4-2 are permitted by right. Uses listed as "S" on Table 4-2 are permitted by Special Approval Use Permit if the required discretionary and nondiscretionary standards associated with that use are met (see Articles 15 and Article 16).

4.4.4 Unlisted Uses: A use of land, buildings, or structures not specifically mentioned in the provisions of this Ordinance, or in the Zoning Administrator's opinion, is not within a class of use as defined on Table 4-1, Section 4.6.6, or nearly enough similar to a listed use per the standards in Section 4.6.4, shall be classified upon appeal or by request of the Zoning Administrator by the Zoning Board of Appeals pursuant to Article 20 of this Ordinance.

SECTION 4.5: RESERVED FOR FUTURE USE

SECTION 4.6: TABLE OF AUTHORIZED USES BY ZONING DISTRICT

4.6.1 Authorized Uses by Zoning District: In order to ensure ease of use and convenience, the uses of land in the following Table of Authorized Uses by Zoning District (Table 4.2) have been organized into classes based upon certain characteristics that the grouped uses may share. These use classes are described in Section 4.6.2 below.

4.6.2 Definition of Use Classes:

- A. Use classes arrange land uses and activities into use categories based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.
- B. When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop and bakery, for example, would be classified in the Food and Drink Service Establishments category, because both of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category. A mail order facility may simply be a call center or it may have warehouse or storage facilities on site. The Zoning Administrator shall classify the facility into the proper zoning district based on the characteristics of the use.
- C. Accessory uses are permitted in conjunction with a principal use subject to any special regulations applicable to it, and to the regulations applicable to the principal use if there are no special regulations. See also Article 3 for additional accessory use regulations.
- D. The list of examples of permitted uses on Table 4-1, Section 4.6.6, lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "Wholesale Warehouse" but that sells mostly to consumers, is included in the General Retail Establishments category rather than the Wholesale Trade Establishments category. This is because the actual activity on the site matches the description of the General Retail Establishments category.
- E. Many uncategorized uses are special uses for which particular standards are provided in Article 15. Others are basic uses permitted by right. Some uses are listed in more than one category (e.g. drugstores as convenience retail and also as medical service establishments).

4.6.3 Grant Township Use Categories:

- A. Agricultural and Rural Uses: These uses primarily involve the keeping, breeding or use of animals, production or distribution of produce and farm-related products, agri-

Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses

tourism activities, and associated uses of a rural or agricultural character and intensity.

- B. Residential and Related Uses: These uses primarily involve housing of various types and densities, and associated uses typically found in residential settings.
- C. Commercial and Related Uses: Commercial uses are uses of a generally for-profit nature and may include retail sales, food service, entertainment, repair services and similar associated uses. Office or service uses are private-owned or operated uses, or uses of a for-profit nature, such as personal service establishments, professional offices, workshops and studios, and similar related uses.
- D. Public and Semi-Public Uses: Public and semi-public uses are publicly-owned or operated uses, uses of a nonprofit nature, uses that provide benefits or services to a significant portion of the community, such as medical offices, or uses that serve as focal or gathering points for the community.
- E. Light Industrial, Research and Related Uses: These are uses of a light manufacturing, research, warehousing or wholesaling character, or that involve compounding, processing, packaging, assembly, storage or treatment of materials.
- F. Planned Unit Developments (PUDs): A PUD is a tract of land or lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses as provided in this Ordinance.

4.6.4 Similar Use Interpretations:

- A. The following considerations are examples of the factors that may be evaluated by the Zoning Administrator in making similar use interpretations (see also Section 20.4.9, on an appeal).
 - 1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.
 - 2. The relative amount of site area or floor space and equipment devoted to the activity.
 - 3. Relative amounts of sales from each activity.
 - 4. The customer type for each activity (retail or wholesale).
 - 5. The relative number of employees in each activity.
 - 6. Hours of operation.
 - 7. Building and site arrangement.
 - 8. Vehicles used with the activity.
 - 9. The relative number of vehicle trips generated by the use.
 - 10. How the use advertises itself.
 - 11. Any other relevant considerations.
- B. The Zoning Administrator shall keep a log of all use interpretations indicating the use, the options considered and the selection made, along with the reasons for that decision.

4.6.5 Key Designations in Authorized Uses by Zoning District Table:

Symbol	Key
P	Use is Permitted By Right
S	Special Approval Use Permit is Required
(BLANK)	Use is prohibited within the Zoning District

4.6.6 Use Classes, Definitions, and Examples of Uses Permitted: Table 4-1 presents land use classes, definitions and examples of uses permitted.

4.6.7 Authorized Uses by Zoning District Table: Table 4-2 presents land uses permitted by zoning district and the type of approval required.

4.6.8 Accessory Uses by Zoning District Table: Table 4-3 presents accessory uses permitted by zoning district and the type of approval required.

**TABLE 4-1: GRANT TOWNSHIP
USE CLASSES, DEFINITIONS & EXAMPLES OF PERMITTED USES**

AGRICULTURAL SERVICE ESTABLISHMENTS

Agricultural service establishments engage in performing agricultural, animal husbandry, or horticultural services on a fee or contractual basis, including but not limited to: centralized bulk collection, refinement, storage, and distribution of farm products to wholesale and retail markets (such as grain cleaning and selling, sorting, grading, and packing of fruits and vegetables for the grower, and agricultural produce milling and processing), the storage and sale of seed, feed, fertilizer and other products essential to agricultural production, hay baling and threshing, crop dusting, fruit picking, harvesting and tilling, farm equipment sales, service and repair, veterinary services, and facilities used in the research and testing of farm products and techniques.

Examples of Uses:

Livestock auction yards, livestock transport facilities, slaughterhouses, sawmills, grain and seed elevators and sales, fertilizer, herbicide and pesticide sales, farm implements sales or repair, and cold storage of agricultural products.

Other establishments similar to and compatible with the above establishments.

AGRI-TOURISM AND FARM MARKET ACTIVITIES

Agri-tourism and farm market activities encompass uses that promote value-added farming to increase profits through the direct marketing of farm products to consumers, resulting in agricultural tourism, on-farm businesses, and educational opportunities. The Michigan Right to Farm Act (Public Act 93 of 1981), as amended, includes Generally Accepted Agricultural and Management Practices (GAAMPs) for Farm Markets to provide guidance as to what constitutes an on-farm market and farm market activities.

Examples of Uses:

Farm markets, roadside stands, cooking demonstrations (cooking only, no food service), corn mazes, farm education programs, farm tours, fishing ponds, hay rides, horseback riding, petting farms, U-Pick farms, riding stables.

BUSINESS SERVICE ESTABLISHMENTS

Establishments primarily engaged in rendering services to business establishments on a fee or contract basis.

Examples of Uses:

Advertising and mailing, stenographic services, temporary personnel services, duplicating and copying services, building maintenance, employment services, commercial food catering management and consulting services, protective services, equipment rental and leasing, commercial research, photo finishing, data processing, telemarketing sales, vending machine service, and office supply services.

Other establishments similar to and compatible with the above establishments.

Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses

CAMPING FACILITIES

Camping facilities are those areas that are occupied or intended or designed or improved for occupancy by transients using recreational vehicles, motor homes, or mobile trailers for dwelling, lodging, or sleeping purposes and is held out as such to the public. Campgrounds or campsites do not include any manufactured or mobile home parks.

Examples of Uses:

Public campgrounds, private campgrounds, and other similar uses intended to facilitate camping for recreational purposes.

COMMERCIAL AGRICULTURE AND HORTICULTURE

The commercial production, harvesting and storage of farm products on a farm and the farm operations typically attendant thereto, as defined in the Michigan Right to Farm Act (Public Act 93 of 1981), as amended, except that the raising of livestock and other animals in animal feedlot operations is not included in this definition.

Examples of Uses:

Field crop and fruit farming, truck farming, nurseries, greenhouses, orchards and vineyards, apiaries, annelid farms, similar agricultural enterprises, and the usual farm buildings associated with such uses.

The raising and keeping of livestock and/or small animals in quantities less than those constituting an animal feedlot operation and including, but not limited to: cattle, bison, beefalo, deer, horses, ponies, other equine and bovine and cervidae; sheep, goats, hogs, swine, ostriches, emus, alpaca, llamas, camels, and similar livestock; and/or small animals such as rabbits, poultry, mink, or fish.

“Large Commercial Agriculture” – Commercial agriculture operation that is 40 or more acres.

“Small Commercial Agriculture” – Commercial agriculture operation less than 40 acres.

Other agricultural uses similar to and compatible with the above uses.

COMMUNITY RESIDENTIAL CARE FACILITIES

Community residential care facilities provide shelter and care for individuals with special needs in single family dwellings for more than six (6) persons. These are all state-regulated facilities.

Examples of Uses:

Child care center/day care center, family day care home, group day care homes, adult foster care, group homes, and congregate homes.

Other establishments similar to and compatible with the above establishments.

Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses

CONSERVATION AREAS/PRESERVES

Any parcel or area of undeveloped land conserved in its natural state for perpetuity through deeds or other legal means. A preserve is any open space that preserves or protects endangered species, a critical environmental feature, or other natural feature.

Examples of Uses:

Forest preserves, wildlife preserves, nature preserves or conservation areas, resource protection areas.

CONVENIENCE RETAIL ESTABLISHMENTS

A retail establishment offering for sale prepackaged food products, milk, bread, donuts, sandwiches, beverages, newspapers and magazines, household items, pharmaceuticals, and other items for off-premises consumption. These are usually short trip, high volume uses that are typically not more than 3,500 square feet in size. A convenience retail establishment can share a building with another use, such as a gasoline service station.

Drive-through establishments are not convenience retail establishments.

Examples of Uses:

Party stores, drug stores, grocery stores, bakeries, delicatessens, magazine and newspaper stands.

Other retail establishments similar to and compatible with the above establishments.

DRIVE-THROUGH ESTABLISHMENTS

An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to conveniently make deposits, view specified objects, receive services, or obtain goods without exiting their motor vehicles, and then proceeding elsewhere. Distinguished from a drive-in establishment by the absence of parking while the service is being provided (as in a drive-in theater).

Examples of Uses:

Drive-through fast food restaurants, banks, drug stores, photo shops, grocery or party stores, and related businesses. A drive-through window or motor vehicle oriented pick-up window, even if accessory to the principal use, shall subject the use to all the standards applicable to uses in which the drive-through aspect is a principal feature of the use.

Other retail and business service establishments similar to and compatible with the above uses.

Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses

EDUCATIONAL INSTITUTIONS

An educational institution is any facility, building or part thereof which is designed, constructed, or used for education or instruction at the primary or secondary level.

Educational institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.

Examples of Uses:

Public, private and parochial elementary and secondary schools.

Other institutions similar to and compatible with the above uses.

ESSENTIAL SERVICES

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

Examples of Uses:

Telephone, television, and electrical lines, sanitary sewer, storm sewer and water lines, gas and oil lines buildings to utility and public services structures, including "structures" such as telephone pedestals, cable TV service boxes, and the like, so long as they do not exceed 10 sq. ft. in base footprint and are no more than 4 ft. tall. Also includes public roads and road rights-of-way, railroad right-of-way and uses related thereto. If structures exceed dimensions listed above they shall be considered utility and public service installations (then they must meet Utility classification requirements).

EXTRACTION AND MATERIAL REMOVAL OPERATIONS

Extraction and removal operations are uses involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and soil mining. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision or excavations associated with, and for the improvement of, a bona fide agricultural use.

Examples of Uses:

Soil, sand, clay, gravel, or similar removal operations, quarry excavation and filling of land.

FACILITIES FOR THE DEAD

Establishments for the preparation, visitation and internment of the dead, or lawful disposition of their bodies.

Examples of Uses:

Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses

Funeral homes, cemeteries, crematoria, columbaria, and mausoleums.

FARM PROCESSING FACILITIES

Farm processing facilities preserve rural character while at the same time promoting wholesale and retail sales of fresh and processed agricultural produce, including wine and other farm products. Farm processing facilities do not include canning and freezing.

Examples of Uses:

Retail and wholesale sales of agricultural produce, wine processing and tasting, fruit processing.

Activities such as weddings, receptions and other social functions are not permitted.

FOOD AND DRINK SERVICE ESTABLISHMENTS

An establishment where food and drink is prepared, served and consumed primarily on the premises.

Examples of Uses:

Restaurants (eat-in or take-out, but not drive through), bakeries, cafes, bars and taverns, nightclubs, coffee shops, delicatessens, diners, and related uses similar to and compatible with the above uses.

GENERAL RETAIL ESTABLISHMENTS

The principal activity of general retail establishments is the purchase and resale, leasing or renting of goods or merchandise to the public for personal, household, or business use or consumption and rendering services incidental to the sale of such goods. There may be processing or manufacturing of products incidental or subordinate to the selling activities (such as a bakery or delicatessen at a grocery store). A common accessory use is repair of products sold on the premises.

Examples of Uses:

Stores selling, leasing, or renting new or used consumer, home and business goods including but not limited to: apothecary goods, appliances, art and art supplies, antiques, bicycles, books, magazines and stationery, clothing, furs, dry goods, electronic equipment, fabric, furniture, garden supplies, plants and flowers, gifts and novelties, groceries, hardware, home improvements, household products, jewelry, lumber and building materials and incidental millwork, music and instruments, office supplies, pets and pet food, sporting goods, tableware, toys and videos, and prepackaged and fresh food.

Other retail establishments similar to and compatible with the above establishments.

Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses

GOLF COURSES AND COUNTRY CLUBS

A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses. A country club is a club with recreation facilities such as tennis courts, basketball courts, and swimming pools for members, their families, and invited guests.

Examples of Uses:

Golf courses, country clubs

GROUP HOUSING

Group housing is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of a "family" but often share a common situation. The size of the group may be larger than the average size of a household. Tenancy is usually arranged on a monthly or longer basis. It may be a form of transient lodging. There is usually a common eating area for residents.

Examples of Uses:

Monasteries, seminaries and convents. Other housing similar to and compatible with the above housing.

Does not include prisons, other correctional facilities, community residential care facilities or institutions for human care.

INDOOR ENTERTAINMENT ESTABLISHMENTS

Business establishments providing recreation that diverts, amuses, entertains, or provides entertainment or other hospitality associated with food service or accommodations. Does not include drive-through establishments.

Additional state regulations apply to indoor entertainment establishments that serve alcohol.

Examples of Uses:

Bowling alleys, ice or roller blade rinks, indoor soccer fields and racquet courts, amusement centers and game arcades, bingo parlors, pool or billiard halls, dance halls, theaters, membership clubs and lodges, saunas, hot tubs and similar establishments, hotels, motels and other temporary lodging with an average length of stay of less than 30 days. Other establishments similar to and compatible with the above establishments.

Restaurants and cafes without entertainment are not indoor entertainment establishments, they are food service establishments. Hotels, motels and other temporary lodging are not indoor entertainment establishments if there is no entertainment offered; they are lodging/accommodation establishments.

INDUSTRIAL SERVICE ESTABLISHMENTS

Industrial service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

“Light”: fully enclosed; no outdoor operations or storage of materials or vehicles.

“Medium”: same uses identified in “light”, but with some outdoor operations or temporary storage of materials or vehicles.

Examples of Uses:

Welding shops, machine shops, tool repair, electric motor repair, repair of scientific or professional instruments, auto and small truck engine, radiator, transmission, body and frame repair, building, heating, plumbing or electrical contractors, general building contractors, exterminators, recycling operations, janitorial and building maintenance services, fuel oil distributors, solid fuel yards, research and development laboratories, laundry, dry-cleaning and carpet cleaning plants, diaper services, linen supply services, and photo-finishing laboratories.

Other establishments similar to and compatible with the above establishments. The scale or volume of any otherwise light industrial activity may result in classification as a medium industrial activity.

INSTITUTIONS FOR HUMAN CARE AND HABITATION

Institutions for human care include a broad spectrum of facilities for the diagnosis, treatment, care, rehabilitation or training of persons who may be ill, physically disabled, mentally retarded, emotionally disturbed, drug or alcohol dependent. Also includes facilities designed to meet the temporary housing needs of special populations (e.g., homeless, abused spouses, etc.). Does not include correctional facilities.

Examples of Uses:

Nursing or convalescent homes, homes for the aged, assisted living facilities, orphanages, sanitariums, halfway houses, spouse abuse shelters, and homeless shelters.

Other institutions similar to and compatible with the above uses.

Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses

KEEPING AND RAISING OF ANIMALS

Any premises on which a primary use is the breeding, raising, or maintaining of animals for sale or where the primary income from the premises is derived from such uses.

Examples of Uses:

Commercial dog kennels, mink, rabbit, cat and canine establishments, raising of fur-bearing animals, keeping of horses.

LIVESTOCK PRODUCTION OPERATIONS

A distinct agricultural operation or establishment which keeps, feeds, or raises livestock for commercial purposes and as a principal land use. These include piggeries, dairies, dairy and beef cattle ranching, feedlots, chicken, turkey and other poultry farms, rabbit farms, apiaries, and aviaries.

Examples of Uses:

Dairies, dairy and beef cattle farms, chicken, turkey and other poultry farms, piggeries, rabbit farms, apiaries, aviaries.

Small: The operation shall have a maximum density of one (1) animal unit for the first three (3) acres, plus one (1) animal unit per additional acre. See Article 15.

Large: Large livestock operations shall be reviewed and approved by the Michigan Department of Agriculture according to the Generally Accepted Agricultural and Management Practices (GAAMPs) for Site Selection and Odor Control for New and Expanding Livestock Production Facilities, as per Right to Farm Act Amendments (Public Act 261 of 1999).

LODGING/ACCOMMODATIONS

A facility offering transient lodging accommodations to the general public and possibly providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities as accessory uses.

Examples of Uses:

Hotels, motels, auto courts, bed & breakfast operations, lodges, residence inns, and other resident lodging facilities. Other establishments similar to and compatible with the above uses.

MANUFACTURED HOME/MOBILE HOME PARK

Any lot, site, parcel or tract of land under the control or management of any person upon which two (2) or more mobile homes are parked or which is offered to the public for that purpose regardless of whether a charge is made, therefore, or not, and including any buildings, structure, tent, vehicle, or enclosure used or intended to be used as part of the equipment of the park.

Examples of Uses:

Manufactured homes in a mobile home park or a manufactured home on an individual lot.

Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses

MANUFACTURING ESTABLISHMENTS

Manufacturing and production establishments are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

Examples of Uses:

Creameries, bottling works, bakery goods, candy, food products, ice making, greenhouses and nurseries, taxidermists, printing, publishing and engraving shops, automotive products, vehicle and machinery assembly, fabricated metal products, forming and molding plastic products, cosmetics, pharmaceuticals, toiletries, hardware and cutlery, tool, die, gauge and machine shops, processing of machine parts, musical instruments, toys, novelties, metal or rubber stamps, molded rubber products, monument and art stone production, industrial laundry operations, wood products processing facility, assembly of electrical appliances, electronic instruments and devices, radios and phonographs.

Other manufacturing establishments similar to and compatible with the above establishments.

MEDICAL SERVICE ESTABLISHMENTS - SMALL

Health care facilities providing medical, dental, surgical and preventive health services to patients as well as establishments providing support to health professionals and patients such as medical laboratories for research and testing, medical suppliers and service establishments.

Examples of Uses:

Medical or dental clinics, doctor or dentist offices, medical or dental labs, blood collection facilities, x-ray and related scanning facilities, emergency medical care facilities, sales of medical supplies and prosthetics, drug stores, pharmacies, therapeutic massage by licensed masseuses, physical therapists, rehabilitation therapists, nurses, or physicians, veterinary clinics.

MEDICAL SERVICE ESTABLISHMENTS - LARGE

Health care facilities providing medical, dental, surgical and preventive health services to patients as well as establishments providing support to health professionals and patients such as medical laboratories for research and testing, medical suppliers and service establishments.

Examples of Uses:

Hospitals and large medical offices.

Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses

OFFICE ESTABLISHMENTS

Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, financial services. Accessory uses may include cafeterias and health facilities established primarily to service the needs of employees on the premises.

Examples of Uses:

Financial institutions, lenders, brokerage houses, banks, insurance offices, real estate offices, offices for attorneys, accountants, architects, engineers and similar professionals, government offices, public utility offices, and telemarketing sales offices.

Other office establishments similar to and compatible with the above establishments.

OUTDOOR RECREATION AND ENTERTAINMENT ESTABLISHMENTS

Outdoor recreation and entertainment uses provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in an outdoor setting. They may take place in a number of structures that are arranged together in an outdoor setting. There may be concessions, restaurants, retail shops selling items related to the recreation or entertainment uses, office for management functions, spectator seating and service areas, including locker rooms and rest rooms, caretaker's quarters and maintenance facilities in addition to structures for the principal uses.

Additional regulations apply to outdoor entertainment establishments that serve alcohol.

Examples of Uses:

Amusement and water parks, fairgrounds, zoos, golf driving ranges, miniature golf facilities, animal racing, go-cart, automobile or motorcycle tracks, amphitheaters, air gun or survival games, batting cages, ski slope, and skateboard parks. Other uses similar to and compatible with the above establishments.

PERSONAL SERVICE ESTABLISHMENTS

Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

Examples of Uses:

Laundry pick-up stations, dry cleaning establishments performing the cleaning processes on site, self-service laundries, nails, beauty and barber shops and salons, shoeshine and shoe repair, tattoo parlors, tanning, steam baths, health clubs, tailor and dressmaker shops, tuxedo rental, photographic studios, animal grooming, and domestic services.

Other personal service establishments similar to and compatible with the above establishments. Does not include massage services except as accessory to a beauty shop or salon.

Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses

PUBLIC FACILITIES

Facilities housing public services usually in offices, including Township-owned "Utility and Public Service Installations" and "Educational and Social Institutions."

Examples of Uses:

Libraries, museums, Township Hall, police station, fire stations, public works, and other public buildings similar to and compatible with the above uses, and any Township-owned "Utility and Public Service Installations."

PUBLIC PARKS AND RECREATION

A natural or landscaped area, buildings, or structures, provided by Grant Township or another a unit of government, to meet the active or passive recreational needs of residents.

Examples of Uses:

Township parks, regional parks, ball diamonds, tennis, volleyball, and basketball courts.

RELIGIOUS INSTITUTIONS

Religious institutions primarily provide meeting areas for religious activities. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on site (as an accessory use).

Examples of Uses:

Churches, synagogues, temples, mosques and associated cemeteries.

Other institutions similar to and compatible with the above establishments.

Schools, day care centers, homeless shelters, soup kitchens and other uses sometimes associated with religious institutions are separate principal uses.

REPAIR SERVICES

Establishments that service or repair appliances, electrical equipment or other mechanical equipment or consumer goods. Includes customer drop-off and pick-up as well as off-site service calls.

Examples of Uses:

Light: Repair of televisions, bicycles, clocks, watches, cameras, shoes, guns, appliances and office equipment, clothing, locks, and upholstery.

Medium: Repair of small engines like lawn motors and small electric motors.

Other establishments similar to and compatible with the above establishments. Does not include repair of motor vehicles.

Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses

RESEARCH AND DEVELOPMENT ESTABLISHMENTS

An establishment or other facility for carrying on investigation in the natural, physical or social sciences which may include engineering and product development.

Examples of Uses:

Laboratories, research park, computer and related development and testing facility, software development.

Other establishments similar to and compatible with the above establishments.

SEXUALLY-ORIENTED BUSINESSES

Business or commercial enterprises engaging in the provision of sexually oriented products and services to adults. Often of an adult entertainment character.

Examples of Uses:

Adult arcade, adult bookstore or adult video store, adult club, adult massage parlor, nude model studio, adult motel, or adult theater.

Other adult entertainment establishments similar to the above establishments.

SINGLE FAMILY DWELLINGS

A building containing not more than one (1) dwelling unit used, intended or designed to be used as the home, residence or sleeping place of one (1) family. Includes site constructed, modular and manufactured dwellings for a single family.

Examples of Uses:

Single family dwelling, farm dwelling unit, site condominium, mobile home.

Child care center/day care center with not more than six (6) persons, family day care homes with not more than six (6) persons, group day care homes with not more than six (6) persons, adult foster care facilities with not more than six (6) persons.

Other housing similar to and compatible with the above housing.

Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses

SOCIAL INSTITUTIONS

A social institution is a privately owned or operated facility which is designed, constructed, or used to provide service of a public, nonprofit, or charitable nature to the people of the community on an ongoing basis (not just special events).

Social institutions include privately owned or operated facilities which provide education or instruction in any branch of knowledge.

Social institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.

Examples of Uses:

Facilities to house charitable or philanthropic organizations such as United Way, Red Cross, Salvation Army, as well as centers for social activities such as neighborhood, community or senior centers, military schools, business, trade and vocational schools (not construction equipment or large vehicles), art, music and dance schools, drivers' training (not large vehicles), institutions for higher education, auditoriums and other places for public assembly, soup kitchens.

TWO-FAMILY DWELLING

A building containing not more than two (2) dwelling units, each designed and used exclusively as the home, residence or sleeping place of one (1) family.

Examples of Uses:

A duplex: a building with two (2) dwellings constructed side-by-side, front-to-back, over and under, or some combination of the above. Can be new construction or modification of an existing structure provided each dwelling is separate.

Other housing with only two (2) units similar to and compatible with the above housing.

Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses

UTILITY AND PUBLIC SERVICE INSTALLATIONS

A building or structure within which a utility or transportation service deemed necessary for the public health, safety or general welfare (an essential service) is provided to the public by an entity under public franchise or ownership, including but not limited to: facilities created for the generation, transmission and/or distribution of electricity, gas, steam, communications, television, and water, the collection and treatment of sewage and solid waste, and the provision of roads, rails, air or mass transportation.

Accessory uses may include offices, truck and large equipment parking, fueling and maintenance.

Examples of Uses:

Heavy: Water and sewage treatment facilities, water towers, large scale artificially constructed stormwater retention and detention facilities, telephone exchanges, recycling collection centers, solid waste, road maintenance and other public works garages.

Light: Electrical substations, gas regulator stations, radio, television, cellular and microwave transmitter towers or other communication towers, satellite antennas larger than ten (10) feet in diameter.

Other utility and public service structures similar to and compatible with the above establishments.

VEHICLE SALES AND SERVICE ESTABLISHMENTS

Retail sales and service of motorized land and water vehicles. Generally the customer does not wait at the site while the service or repair is being performed. Accessory uses may include offices, showrooms, sales of parts, and vehicle storage.

A gasoline filling station is a place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories, but not including any automotive service repair. Gasoline service stations provide minor services for automobiles, but not major automotive repair.

Examples of Uses:

Sales of new and used automobiles, light and medium trucks, mobile homes, boats, campers and other recreational vehicles, trailers, motorcycles, snow mobiles, personal watercraft and other motorized sporting goods.

Service and repair of the above vehicles including: engine or transmission repair, muffler, brakes and windshield repair or replacement, upholstery repair, tire sales, alignment and mounting, auto detailing, vehicle wash, oil change, lubrication and related services, automobile service stations, towing and short term vehicle storage.

Gasoline filling stations, gasoline service stations.

Other establishments similar to and compatible with the above establishments. Does not include: auto body shops, frame reconstruction, repair and service of industrial vehicles and heavy trucks.

Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses

WHOLESALE TRADE ESTABLISHMENTS

Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, fueling and maintenance.

Examples of Uses:

Warehousing, storage or transfer buildings, excluding the storage of flammable liquids. Truck, rail or air freight terminals, bus barns, cold storage facilities, parcel services, fertilizer sales, seed sales and grain elevators and terminals, lumber companies selling at wholesale, stockpiling of sand, gravel or other aggregate materials, building material dealers.

Other retail establishments similar to and compatible with the above establishments.

WIND ENERGY CONVERSION SYSTEMS (WECS)

A wind energy conversion system is any device that converts wind into a form of usable mechanical energy.

Examples of Uses:

Wind chargers, windmills, wind turbines, anemometer towers.

Agricultural WECS shall mean any WECS that is accessory to a permitted farm or agricultural operation, and is designed and built to serve the needs of the farm or agricultural operation.

Private WECS shall mean any WECS that is accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built to serve the needs of the principal use.

Commercial WECS shall mean any Utility Grid Wind Energy System that is designed and built to provide electricity to the electric utility's power grid.

Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses

**TABLE 4-2: GRANT TOWNSHIP
AUTHORIZED USES BY ZONING DISTRICT**

LAND USES: PRINCIPAL USE P = Permitted by Right S = Special Approval Use	A-1	A-2	R1-A	C	LI	MH	OS	SPECIAL STANDARDS
AGRICULTURAL AND RURAL USES								
Agricultural Service Establishments	S	S			S			15.10.1
Agri-Tourism and Farm Market Activities	S	S						15.10.2
Commercial agriculture/horticulture, forty (40) or more acres	P	P					P	
Commercial agriculture/ horticulture, less than forty (40) acres	S	S	S				S	15.10.4
Conservation Areas/Preserves		P					P	
Farm Processing Facilities	S	S						15.10.10
Keeping and Raising of Animals	P	P	S					15.10.15
Livestock Production Operations, Small	S	S						15.10.16
Livestock Production Operations, Large	S	S						15.10.16
Wind Energy Conversion System, Agricultural	S	S						15.10.28
Wind Energy Conversion System, Commercial	S	S						15.10.28
Wind Energy Conversion System, Private	S	S						15.10.28
RESIDENTIAL AND RELATED USES								
Single Family Dwellings	P	P	P					
Two-Family Dwellings			S					15.10.24
Manufactured Homes/Mobile Home Park						P		
Group Housing			P					
Institutions for Human Care and Habitation			P					
COMMERCIAL AND RELATED USES								
Business Service Establishments				P				
Community Residential Care Facilities		S	S	P				15.10.6
Convenience Retail Establishments				P				
Drive-Through Establishments		S		S				15.10.7
Food and Drink Service Establishments				S				15.10.11
General Retail Establishments				P	S			15.10.12

GRANT TOWNSHIP ZONING ORDINANCE

Effective Date: August 1, 2012

Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses

LAND USES: PRINCIPAL USE P = Permitted by Right S = Special Approval	A-1	A-2	R1-A	C	LI	MH	OS	SPECIAL STANDARDS
Golf Courses and Country Clubs		S					S	15.10.13
Indoor Entertainment Establishments		S		S				15.10.14
Lodging/Accommodations				S				15.10.17
Office Establishments				P	P			
Outdoor Recreation and Entertainment Establishments		S					S	15.10.20
Personal Service Establishments				P				
Repair Services, Light				S	S			15.10.22
Repair Services, Medium				S	S			15.10.22
Sexually-Oriented Businesses				S				15.10.23
Vehicle Sales and Service Establishments				S	S			15.10.26
Wholesale Trade Establishments				S	P			15.10.27
PUBLIC AND SEMI-PUBLIC USES								
Camping Facilities, Public/Private							S	15.10.3
Educational Institutions			P					
Essential Services	P	P	P	P	P	P	P	
Facilities for the Dead		P						
Medical Service Establishments, Small				P				
Medical Service Establishments, Large				S				15.10.19
Public Facilities			P	P	P			
Public Parks and Recreation		P	P	P	P		P	
Religious Institutions	P	P	P	P	P	P	P	
Social Institutions				P				
Utility and Public Service Installations		S	S	S	S	S		15.10.25
INDUSTRIAL, RESEARCH, AND RELATED USES								
Extraction and Removal Operations	S	S	S	S	S	S	S	15.10.8
Industrial Service Establishments, Light					P			
Industrial Service Establishments, Medium					P			
Manufacturing Establishments					P			

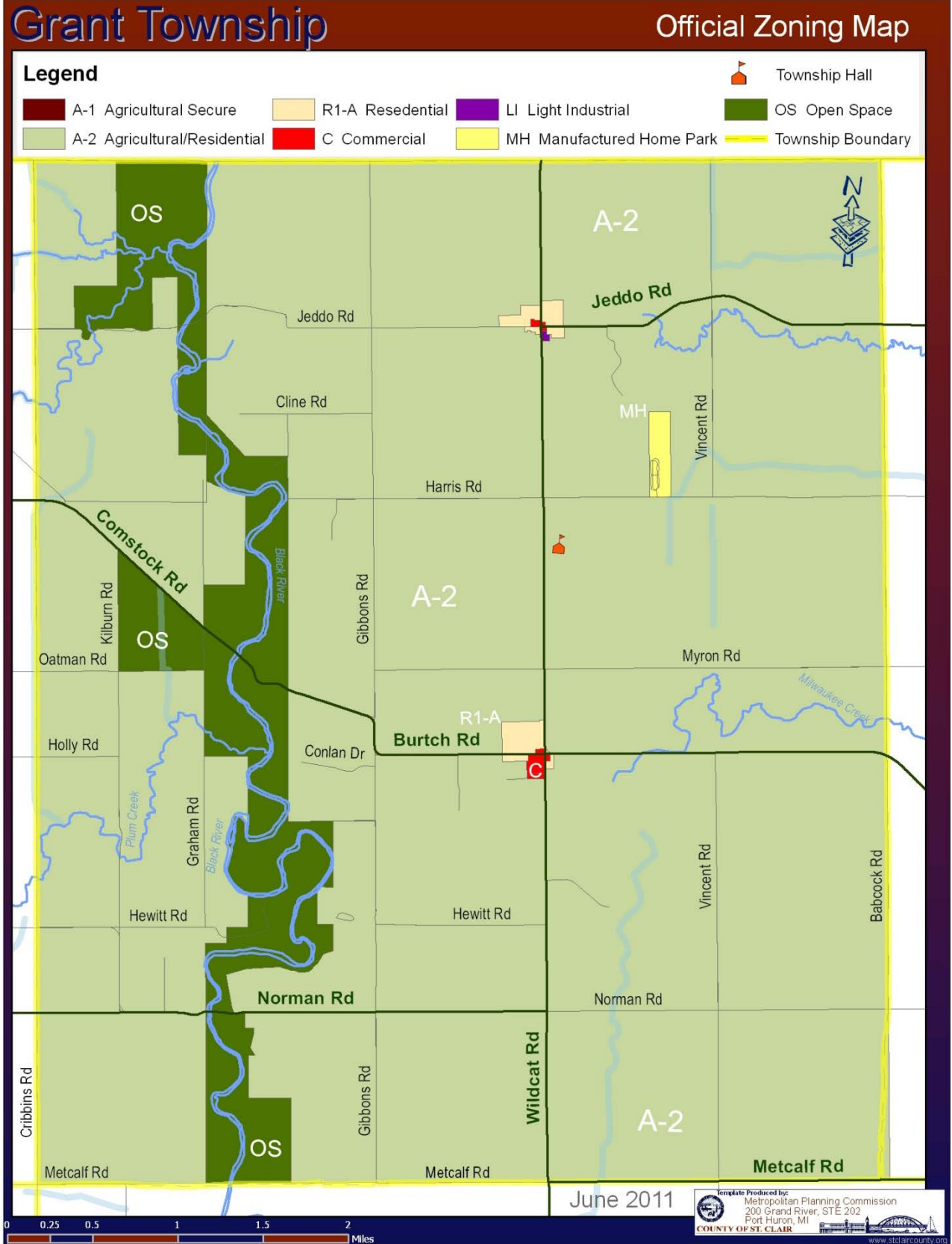
Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses

Research and Development Establishments					P			
PLANNED UNIT DEVELOPMENTS (PUDs)								
Planned Unit Developments		S	S	S				Article 17

**TABLE 4-3: GRANT TOWNSHIP
ACCESSORY USES BY DISTRICT**

LAND USES: ACCESSORY USE P = Permitted by Right S = Special Approval	A-1	A-2	R1-A	C	LI	MH	OS	SPECIAL STANDARDS
Caretaker's or watchman's quarters				S	S			
Communication towers	S	S	S	S	S	S	S	15.10.5
Decks and patios	P	P	P	P				
Fences, walls, and berms	P	P	P					
Flagpoles	P	P	P	P	P	P	P	
Garages and sheds	P	P	P	S	S			
Gazebos	P	P	P	P	P			
Home occupations	P	P	P					3.15
Oil change station or tire changing as accessory to gas station				S	S			15.10.26
Outdoor storage	P	P	P	P	P			
Outdoor basketball or tennis courts	P	P	P					
Ponds	S	S	S		S			3.28
Satellite dishes	P	P	P	P	P	P		
Swimming pools	P	P	P					3.13
Swing sets and playscapes	P	P	P				P	

Article 4
Official Zoning Map, Zoning Districts, and Permitted Uses



GRANT TOWNSHIP ZONING ORDINANCE
 Effective Date: August 1, 2012
 4-25

ARTICLE 5
SCHEDULE OF DISTRICT REGULATIONS

SECTION 5.1: PURPOSE

5.1.1 Purpose: The purpose of this Article is to present most of the density and dimensional standards applicable to lots subject to regulation under the Grant Township Zoning Ordinance. These include minimum lot sizes, minimum lot width, minimum yard setbacks, minimum floor area, maximum total lot area coverage, maximum height of buildings and special notes related to some of these standards. Other exceptions and special situation standards can be found in the regulations of Articles 6 through 12 and the General Provisions of Article 3. The standards of this Article are presented as minimums and maximums to provide clear guidance as well as flexibility to landowners while still ensuring the long-term character of the individual districts is being maintained. The zoning districts are listed on each of the Schedules by their abbreviated names as defined in Article 4, Section 4.2.1.

SECTION 5.2: SCHEDULE OF DISTRICT REGULATIONS

5.2.1 Schedule of District Regulations: Table 5-1 details the density, lot, and building dimension requirements for each zoning district in Grant Township.

Article 5
Schedule of District Regulations

**TABLE 5-1: GRANT TOWNSHIP
SCHEDULE OF DISTRICT REGULATIONS**

Zoning District	Minimum Lot Area Per Dwelling		Maximum Height of Building		Minimum Yard Setbacks in Feet			Minimum Floor Area Per Unit	Maximum % of Building Coverage
	Square feet	Width	Feet	Stories	Front	Side ^(D)	Rear	Square Feet	% of Lot
A-1	87,120 (2 acres)	165'	35'	2.5	50'	20'	50'	(A)	10%
A-2	87,120 (2 acres)	165'	35'	2.5	50'	20'	50'	(A)	10%
R1-A	20,000	100'	30'	2.5	25'	8'	35'	(A)	35%
MH	-	-	-	-	-	-	-	-	-
C	-	-	25'	2	25'	(B)	35'	-	-
LI	-	-	25'	2	75'	30'	50'	-	-
OS	-	-	14'	1	75'	50'	50'	-	-

SECTION 5.3: FOOTNOTES TO SCHEDULE OF REGULATIONS

- (A) Minimum Floor Area Per Dwelling Unit is as follows:
- a. One Bedroom Unit: 780 square feet
 - b. Two Bedroom Unit: 900 square feet
 - c. Three Bedroom Unit: 1,000 square feet
 - d. Four Bedroom Unit: 1,100 square feet, plus 120 square feet for each additional bedroom
- (B) No side yard setbacks are required in a Commercial District, except when side yard abuts a R1-A Residential District, in which case there shall be at least a 20-foot side yard setback.
- (C) For any side of a lot adjacent to a public road, the setback shall be measured from the edge of the planned right-of-way for the road designated in the Grant Township Thoroughfare Plan, detailed in the Grant Township Master Plan. For the purpose of this Ordinance, the planned right-of-way shall be measured from the center of the existing road.

ARTICLE 6
AGRICULTURAL-SECURE DISTRICT (A-1)

SECTION 6.1: PURPOSE

6.1.1 Purpose: It is recognized that the public health and welfare of the citizens of Grant Township, St. Clair County, the State of Michigan, are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. This district is intended to ensure that land areas within Grant Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands.

SECTION 6.2: AGRICULTURAL SECURE DISTRICT (A-1)

6.2.1 Intent: This Agriculture Secure District is dependent on voluntary enrollment by the property owner. Enrollment of one's property in this district will make the property owner eligible to participate in any future government programs established for the purpose of buying and selling of property development rights. The sale and/or donation of development rights will further the Township's goal of preserving farmland.

The A-1 District acknowledges that agriculture is a specialized form of industry characterized by the production through animal husbandry and crops of saleable farm products as a result of the combination of raw materials (soils, seeds, plants, water, and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment).

The agricultural district boundaries are based on an analysis of soils that identified those especially well suited for farming as classified by the U.S. Soil Conservation Service based on the characteristics of soils, drainage, topography, and the availability of water. Other factors were also taken into consideration when establishing the district boundaries, including the existing investment in agriculture, the extent of and proximity to non-farm development, the average parcel size of existing farms, and the minimum acreage needed for most farm operations.

6.2.2 Permitted Uses: In the A-1 Agricultural Secure District, no building or land shall be used and no building shall be erected or relocated, except for one or more of the uses allowed by right or by Special Use Permit as listed on Table 4-2, Section 4.6.7.

6.2.3 Accessory Buildings, Structures and Uses, Parking and Signs:

- A. Accessory uses listed in Table 4-3, Section 4.6.8 are permitted with any additional requirements as listed on the Table or in Article 3 General Provisions.
- B. Signs; see Article 14, Section 14.13.1.
- C. Vehicle parking; see Article 3, General Provisions.

6.2.4 Special Approval Uses: The special approval uses specified in Tables 4-1 and 4-2 shall be subject to the standards and procedures of Article 15, Special Approval Use Regulations.

Article 6
Agricultural-Secure District (A-1)

6.2.5 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in the Schedule of District Regulations in Article 5 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 3, General Provisions, Article 15, Special Approval Use Regulations or Article 17, Planned Unit Development Regulations, or as varied by the Board of Appeals pursuant to Article 20 of this Ordinance.

ARTICLE 7
AGRICULTURAL RESIDENTIAL DISTRICT (A-2)

SECTION 7.1: AGRICULTURAL RESIDENTIAL DISTRICT (A-2)

7.1.1 Intent: This district is intended to encourage the continuation of agricultural operations while permitting non-farm residential development that is consistent with the rural character of the community.

7.1.2 Permitted Uses: In the A-2 Agricultural Residential District, no building or land shall be used and no building shall be erected or relocated, except for one or more of the uses allowed by right or by Special Use Permit as listed on Table 4-2, Section 4.6.7.

7.1.3 Accessory Buildings, Structures and Uses, Parking and Signs:

- A. Accessory uses listed in Table 4-3, Section 4.6.8 are permitted with any additional requirements as listed on the Table, or in Article 3, General Provisions.
- B. Signs: See Article 14, Section 14.13.1.
- C. Vehicle parking: See Article 3, General Provisions.
- D. Accessory buildings, structures and uses to non-farm dwelling units are prohibited in the area between the front lot line and the setback, although they are permitted on the side and rear of the dwelling provided they conform to setbacks. Rear setbacks may be reduced by the Zoning Administrator up to twenty (20) feet from the lot line, unless it is a right-of-way, upon a showing by the applicant of practical difficulty and no adverse impact on the use or enjoyment of an adjoining parcel, and provided all other requirements of this district are met.
 - 1. Whenever the provisions of any other Ordinance or statute impose other more restrictive standards than are required by any regulations made under authority of this Zoning Ordinance, the provisions of such statute shall govern.

7.1.4 Special Approval Uses: The special approval uses specified in Table 4-2, Section 4.6.7, shall be allowed provided they meet the specified standards imposed for a particular use and subject further to the standards and procedures of Article 15, Special Approval Use Regulations.

7.1.5 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in the Schedule of District Regulations in Article 5 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 3, General Provisions, Article 15, Special Approval Use Regulations or Article 17, Planned Unit Development Regulations, or as varied by the Board of Appeals pursuant to Article 20 of this Ordinance.

SECTION 7.2: DEVELOPMENT STANDARDS

Site development standards applying to all uses in the A-2 Agricultural Residential District are as follows:

7.2.1 Minimum Lot Area:

- A. The minimum lot area for non-farm dwelling units is two (2) acres, +/- 1/10 acre.

Article 7
Agricultural-Residential District (A-2)

- B. The minimum lot area for special approval uses is ten (10) acres (does not apply to commercial agriculture, farm, farm operation, agriculture, wholesale, and retail).
- C. The minimum lot area for farm dwelling units is forty (40) acres.

7.2.2 Minimum Lot Width:

- A. The minimum lot width for non-farm dwelling units is one hundred sixty-five (165) feet.
- B. The minimum lot width for farm dwelling units is six hundred (600) feet.

7.2.3 Maximum Lot Coverage: The maximum lot coverage is ten percent (10%).

7.2.4 Minimum Setbacks:

- A. Front: fifty (50) feet
- B. Side: twenty (20) feet
- C. Rear: fifty (50) feet

7.2.5 Maximum Height:

- A. The maximum building height is two (2) stories/thirty-five (35) feet.
- B. The maximum height of farm structures shall be one hundred (100) feet. All farm buildings over thirty-five (35) feet shall be set back from a lot line a distance of at least equal to the height of the building.

7.2.6 Maximum Lot Width to Depth Ratio: 1 to 4

SECTION 7.3: QUALIFICATIONS AND EXCEPTIONS

7.3.1 Qualifications and Exceptions:

- A. Each lot for a dwelling unit shall be a separately conveyed parcel of at least two (2) acres (+/- 1/10 acre) in area and described by a recorded certificate of survey.
- B. The driveway serving a lot shall be separated from adjacent driveways on the same side of the road by the following minimum distances:
 - 1. Local secondary road: one hundred (100) feet
 - 2. County primary/state highway: one hundred twenty-five (125) feet
 - 3. Minimum distance from an intersection of two or more of the above: eighty (80) feet.
- C. After the effective date of this Ordinance, all non-farm dwelling units, farm buildings, and accessory structures on adjoining lots shall be sited a minimum of three hundred (300) feet from one another.
- D. A minimum of three (3) acres is required to keep animal units on the property. In addition, a landowner may keep one (1) additional animal unit for each additional acre of land.
- E. Line and structures within existing public rights-of-way (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this Section.
- F. Prior to the issuance of a zoning permit, the Zoning Administrator shall certify that the location of proposed uses and structures, in addition to meeting the above requirements, is not on the best quality agricultural soils of the parcel, unless due to practical problems of access or to meet spacing requirements from existing farm buildings or non-farm dwellings, no other location is available.

Article 7
Agricultural-Residential District (A-2)

- G. Adequate area for a septic drain field and approved distance shall be maintained between the well and septic tank drain field as required by the St. Clair County Health Department.
- H. Access to a public road shall meet Ordinance requirements.
- I. Non-farm dwelling units shall be permitted on lots or parcels of land for which a deed has been recorded in the office of the St. Clair County Register of Deeds upon or prior to the effective date of this Ordinance, or on a lot or parcel of land that would have been a lot of record if the document conveying the lot had been recorded on the date of its execution, provided they are able to meet all applicable standards and requirements of this Ordinance and all other applicable Township and county Ordinances.

**ARTICLE 8
RESIDENTIAL DISTRICT (R1-A)**

SECTION 8.1: RESIDENTIAL DISTRICT (R1-A)

8.1.1 Intent: This district is intended to provide open land area for orderly residential growth, continued agricultural use and residential activities of a rural character in areas that are presently without public water and sewage facilities and are likely to remain without such services for an extended period of time. Such areas have significant natural features and unique natural resources that should be preserved and enforced in the interest of property values and the tax base of Grant Township.

8.1.2 Permitted Uses: In the R1-A Residential District, no building or land shall be used and no building shall be erected or relocated, except for one or more of the uses allowed by right or by Special Approval Use Permit as listed on Table 4-2, Section 4.6.7.

8.1.3 Accessory Buildings, Structures and Uses, Parking and Signs:

- A. Accessory uses listed in Table 4-3, Section 4.6.8 are permitted with any additional requirements as listed on the Table, or in Article 3 "General Provisions."
- B. Signs: See Article 14, Section 14.13.2.
- C. Vehicle parking: See Article 3, General Provisions.

8.1.4 Special Approval Uses: The special approval uses specified in Tables 4-1 and 4-2 shall be allowed provided they meet the specified standards imposed for a particular use and subject further to the standards and procedures of Article 15, Special Approval Use Regulations.

8.1.5 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in the Schedule of District Regulations in Article 5 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 3, General Provisions, Article 15, Special Approval Use Regulations or Article 17, Planned Unit Development Regulations, or as varied by the Board of Appeals pursuant to Article 20 of this Ordinance.

**ARTICLE 9
MANUFACTURED HOME PARKS (MH)**

SECTION 9.1: MANUFACTURED HOME PARK DISTRICT (MH)

9.1.1 Intent: The intent of this district is to provide for manufactured home parks and manufactured home subdivisions in areas within the Township where public utilities and public services are available and to insure that the residents of such areas will be provided with certain minimum standards of design, safety and convenience.

9.1.2 District Requirements: In the MH - Manufactured Home Park 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:

- A. All manufactured home parks must comply with all rules and regulations of applicable state laws, including the Mobile Home Commission Act (Public Act 96 of 1987), as amended, and of the St. Clair County Health Department.

**ARTICLE 10
COMMERCIAL DISTRICT (C)**

SECTION 10.1: COMMERCIAL DISTRICT (C)

10.1.1 Intent: The Commercial District is designed for retail businesses and service establishments needed by residents of Grant Township and the surrounding area. Uses excluded are those likely to cause environmental and safety hazards, offensive and loud noises, vibration, smoke and glare.

A purpose of the Commercial District is to encourage a concentration of business uses in suitable locations identified by the Grant Township Master Plan; such a pattern and the standards required for development therein are beneficial to consumers and merchants alike. Discouraged is a wide-spread scattering of business uses, intermingled with residential uses along section-line roads.

Recognizing there is a range of commercial activities and some have objectionable operational characteristics that adversely affect surrounding land uses, this Ordinance establishes two categories of commercial use: those permitted by right and those permitted by special land use approval. Special approval uses require specific standards to insure that such uses will not contribute to the blighting or downgrading of the surrounding neighborhood.

Further recognizing that all commercial land uses will impact the community and to insure that a proposed land use of activity is in compliance with local and state Ordinances, to protect public health, safety, and general welfare of the residents of the community as well as those that will use the proposed land use, site plan review requirements will be used by the Planning Commission to review all proposed commercial land uses.

10.1.2 Permitted Uses: In the C Commercial District, no building or land shall be used and no building shall be erected or relocated, except for one or more of the uses allowed by right or by Special Approval Use Permit as listed on Table 4-2, Section 4.6.7.

10.1.3 Accessory Buildings, Structures and Uses, Parking and Signs:

- A. Accessory uses listed in Table 4-3, Section 4.6.8 are permitted with any additional requirements as listed on the Table, or in Article 3 "General Provisions."
- B. Signs: See Article 14, Section 14.13.3.
- C. Vehicle parking: See Article 3, General Provisions.

10.1.4 Special Approval Uses: The special approval uses specified in Table 4-2, Section 4.6.7, shall be allowed provided they meet the specified standards imposed for a particular use and subject further to the standards and procedures of Article 15, Special Approval Use Regulations.

Article 10
Commercial District (C)

10.1.5 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in the Schedule of District Regulations in Article 5 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 3, General Provisions, Article 15, Special Approval Land Use Regulations or Article 17, Planned Unit Development Regulations, or as varied by the Zoning Board of Appeals pursuant to Article 20 of this Ordinance.

10.1.6 Private Roads: All commercial businesses and complexes must comply with the private road requirements in Section 3.11 of this Ordinance.

SECTION 10.2: REQUIREMENTS FOR PERMITTED USES

10.2.1 Required Conditions for All Permitted Uses:

- A. Site plan review is required:
 - 1. Whenever a building permit is required for new construction or alteration of a commercial building;
 - 2. Whenever a business parking or storage area is to be constructed;
 - 3. For any substantial change in commercial use or type-of-business;
 - 4. With all application for status as a special approval use in the Commercial District. See Article 16, Site Plan Requirements.
- B. Outdoor display of merchandise shall be prohibited except for minor day-to-day in and out display may be permitted.
- C. Outdoor display of merchandise shall be kept back as least eighty (80) feet from the centerline of all roads.
- D. Outdoor storage shall be limited to the side or rear yard and totally enclosed with view-obscuring screening as specified by Section 3.24, when adjacent to any residential district or open to public view.
- E. When a Commercial district abuts an R-1A, MH, AG-Residential, OS or AG-Secure district, a Greenbelt shall be established on the commercial property to serve as a buffer between the commercial district and the non-commercial district. Layout and design, including width and depth and type of plantings shall be specified by the Planning Commission during site plan review. If the intent of this Ordinance can be achieved by other means, the Planning Commission can, at its discretion, waive the requirements set forth in this Section. See Section 3.25. Greenbelts shall be maintained with healthy trees and shrubs. Dead trees or shrubs shall be replaced with healthy specimens.
- F. Any road or driveway must comply with the private road and driveway requirements in Section 3.11.

10.2.2 Performance Standards: Any activity carried on in this district shall be subject to the Performance Standards as set forth in Article 3, Section 3.9.

**ARTICLE 11
LIGHT INDUSTRIAL DISTRICT (LI)**

SECTION 11.1: LIGHT INDUSTRIAL DISTRICT (LI)

11.1.1 Intent: Recognizing that within an agricultural community there exists a need to provide a location for business and/or manufacturing activities, and further recognizing there is an extensive range of light industrial activities and, also, that the scope of how these activities interact with surrounding land uses of a different classification is extensive, this Ordinance establishes a Light Industrial District in which certain activities are permitted by right and certain activities, which by their very nature may impact surrounding land uses of a different classification more adversely, may be permitted only by special approval of the Planning Commission.

It is the intent of this Ordinance to control and minimize the nuisance effects of warehousing, wholesale activities, and industry, such as smoke, noise, odor, dust, dirt, glare, vibration and other adverse effects so that such uses will be compatible with other land uses, namely, residential, commercial and agricultural.

Activities which are permitted by right shall be wholly contained within a building or buildings. Outside storage of materials and equipment is not permitted unless it is equipment on display for sales purposes.

Further, it is the intent of this Ordinance to encourage light industrial uses to locate on major highways so that traffic generated by these uses will not utilize local residential streets.

11.1.2 Permitted Uses: In the LI Light Industrial District, no building or land shall be used and no building shall be erected or relocated, except for one or more of the uses allowed by right or by Special Approval Use Permit as listed on Tables 4-1 and 4-2.

11.1.3 Accessory Buildings, Structures and Uses, Parking and Signs:

- A. Accessory uses listed in Table 4-3, Section 4.6.8 are permitted with any additional requirements as listed on the Table, or in Article 3 "General Provisions."
- B. Signs: See Article 14, Section 14.13.3
- C. Vehicle parking: See Article 3, General Provisions.

11.1.4 Special Approval Uses: The special approval uses specified in Table 4-2, Section 4.6.7, shall be allowed provided they meet the specified standards imposed for a particular use and subject further to the standards and procedures of Article 15, Special Approval Use Regulations.

Article 11
Light Industrial District (LI)

11.1.5 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in the Schedule of District Regulations in Article 5 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 3, General Provisions, Article 15, Special Approval Use Regulations or Article 17, Planned Unit Development Regulations, or as varied by the Zoning Board of Appeals pursuant to Article 20 of this Ordinance.

11.1.6 Performance Standards: Any activity carried on in the Light Industrial District shall be subject to the operational performance standards set forth in Article 3, Section 3.9.

11.1.7 Greenbelt: When a Light Industrial district abuts an R-1A, MH, AG-Residential, OS or AG-Secure district, a Greenbelt shall be established on the light industrial property to serve as a buffer between the light industrial district and the non-industrial district. Layout and design, including width and depth and type of plantings shall be specified by the Planning Commission during site plan review. If the intent of this Ordinance can be achieved by other means the Planning Commission can, at its discretion, waive the requirements set forth in this Section. See Section 3.25. Greenbelts shall be maintained with healthy trees and shrubs. Dead trees or shrubs shall be replaced with healthy specimens.

**ARTICLE 12
OPEN SPACE DISTRICT (OS)**

SECTION 12.1: OPEN SPACE DISTRICT (OS)

12.1.1 Intent: The purpose of the Open Space District is to accommodate the demand for open space and recreation that serve local and regional residents' needs by providing designated areas for various forms of outdoor recreation of either a public or private nature.

12.1.2 Permitted Uses: In the OS Open Space District, no building or land shall be used and no building shall be erected or relocated, except for one or more of the uses allowed by right or by Special Approval Use Permit as listed on Tables 4-1 and 4-2.

12.1.3 Accessory Buildings, Structures and Uses, Parking and Signs:

- A. Accessory uses listed in Table 4-3, Section 4.6.8 are permitted with any additional requirements as listed on the Table, or in Article 3, General Provisions.
- B. Signs: See Article 14.
- C. Vehicle parking: See Article 3, General Provisions.

12.1.4 Special Approval Uses: The special approval uses specified in Table 4-2, Section 4.6.7, shall be allowed provided they meet the specified standards imposed for a particular use and subject further to the standards and procedures of Article 15, Special Approval Use Regulations.

12.1.5 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in the Schedule of District Regulations in Article 5 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 3, General Provisions, Article 15, Special Approval Use Regulations or Article 17, Planned Unit Development Regulations, or as varied by the Zoning Board of Appeals pursuant to Article 20 of this Ordinance.

Article 13
Reserved for Future Use

ARTICLE 13
RESERVED FOR FUTURE USE

SECTION 13.1: RESERVED FOR FUTURE USE

ARTICLE 14 SIGN REGULATIONS

SECTION 14.1: INTENT

14.1.1 Intent: 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 open spaces and lines of vision created by public right-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 article is promulgated.

SECTION 14.2: DESCRIPTION AND PURPOSE

14.2.1 Description and Purpose: This chapter is intended to regulate the size, number, location, and manner of display of signs in Grant Township in a manner consistent with the following purposes:

- A. To protect and further the health, safety and welfare of Grant Township residents;
- B. To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed;
- C. To conserve and enhance community character;
- D. To promote uniformity in the size, number or placement of signs within districts;
- E. To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely direct motorists to their destination;
- F. To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of businesses and other non-business uses to communication;

SECTION 14.3: DEFINITIONS

Agricultural Sign: A sign which identifies items, products, breeds of animals, poultry or fish, materials, variety of crops or farming methods used on a farm; includes signs for farm organizations.

Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework projecting from the exterior wall of a building. An awning is the same as a canopy.

Article 14
Sign Regulations

Awning Sign: A sign affixed to the surface of an awning.

Balloon Sign: A sign composed of a non-porous bag of material filled with air or gas.

Banner Sign: A portable sign of fabric, plastic, or other non-rigid material without an enclosing structural framework.

Billboard: A sign, which advertises an establishment, product, service or activity available on the lot on which the sign is located.

Changeable Copy Sign: “Changeable Copy Sign” means one of the following:

- A. *Manual:*** A sign on which a copy is changed manually, such as reader boards with changeable letters or pictorials.
- B. *Automatic:*** An electrically controlled sign, where different copy changes are shown on the same unexposed lamp bank or rotating portion of the face of the sign, used as a message center reader board.

Commercial Establishment: A business operating independent of any other business located within a freestanding building.

Community Service Group Sign: A sign which displays the name or logo of an agency, organization or group whose primary purpose is to promote or provide community or public service, such as the Rotary Club, Jaycee’s, Lions, or a church club.

Community Special Event Sign: A portable sign which is erected for a limited time to call attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other groups which are non-profit and whose purpose is charitable, philanthropic, religious or benevolence.

Construction Sign: A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.

Directional Sign: A sign which gives directions, instructions, or facility information for the use of the lot on which the sign is located, such as parking or exit and entrance signs.

Election Sign: A sign used to advertise a candidate or an issue.

Essential Services Signs: Signs strictly for the use of public utilities.

Exempt Sign: A sign for which a sign permit is not required.

Article 14
Sign Regulations

Farm Identification Sign: A sign located at the physical site of a farm which identifies the name of a farm, or the family or person operating the farm.

Flag Sign: A flag which is attached to a pole and which contains the name, logo, or other symbol of a business, company, corporation, or agency of a commercial nature.

Freestanding Sign: A sign not attached to a building or wall which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground.

Government Sign: A sign erected or required to be erected by Grant Township, St. Clair County, or the state or federal government.

Ground Sign: A freestanding sign supported by a base which rests directly on the ground. The width of the base shall be at least 50 percent of the width of the sign in order to be a ground sign.

Incidental Sign: A small sign, emblem or decal informing the public of goods, facilities or services available on the premises (e.g., a credit card sign or restroom sign or sign indicating hours of businesses, or signs on gas pumps).

Memorial Sign: A sign, tablet, or plaque memorializing a person, event, structure or site.

Marquee: A permanent structure constructed of rigid materials that project from the exterior wall of a building.

Marquee Sign: A sign affixed flat against the surface of a marquee.

Mural: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.

Nameplate: A non-illuminated, on-premises sign giving only the name, address and/or occupation of an occupant or group of occupants.

Non-Commercial Sign: A portable or non-portable sign that does not advertise commerce, trade, or location and otherwise not defined herein.

Off-Premises Sign Cluster: A sign used for the advertisement of a business at the corner of a street or road. These types of signs allow collocation.

Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing," "No Hunting," or "Gas Main" signs.

Article 14
Sign Regulations

Pole Sign: A freestanding sign which is supported by a structure, or poles or braces which are less than fifty percent (50%) of the width of the sign.

Portable Sign: A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another such as A-Frame signs or signs on movable trailers whether rented or owned.

Projecting Sign: A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than thirty-six (36) inches from the face of the building or wall.

Reader Board: A portion of a sign on which copy is changed manually.

Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.

Residential Subdivision Sign: A sign identifying or recognizing a platted subdivision, site condominium, multi-family or other residential development.

Roof Line: The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

Roof Sign: A sign erected above the roof line of a building.

Sign: A device, structure, fixture, or placard which may or may not use graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.

Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of a wall to which it is attached.

Window Sign: A sign installed inside a window and intended to be viewed from the outside.

Vehicle Sign: A vehicle which is primarily located or used to serve as a sign rather than as transportation. This includes semi-trailers either attached or detached from a truck tractor.

SECTION 14.4: PROHIBITED SIGNS

14.4.1 Prohibited Signs: A sign not permitted by this Ordinance is prohibited. The following types of signs are expressly prohibited:

- A. Balloon, strings of light bulbs, pennants, streamers, or flags;
- B. Portable signs;
- C. Balloon signs;

Article 14
Sign Regulations

- D. Roof signs;
- E. Signs larger than thirty-two (32) square feet;
- F. Searchlights, laser lights, strobe lights, and other methods of illuminating the sky with the intent to advertise;
- G. Video screens, LED signs and electronic reader boards;
- H. Vehicle signs;
- I. Illuminated signs in residential and agricultural zones;
- J. Permanent free standing signs;
- K. All signs on utility poles.

SECTION 14.5: EXEMPT SIGNS

14.5.1 Exempt Signs: The following signs shall be exempt from the provisions of this Ordinance:

- A. Government signs two (2) square feet or less;
- B. Election signs – One (1) per candidate or issue with each sign not to exceed six (6) square feet in area and six (6) feet in height. All election signs shall be setback a minimum of ten (10) feet from all lot lines. Signs must be removed within two (2) weeks after the election.
- C. Window signs;
- D. Memorial signs;
- E. Murals;
- F. Signs not visible from any street;
- G. Signs for essential services which are two (2) square feet or less;
- H. Placards;
- I. Community service group or agency signs two (2) square feet or less;
- J. Nameplates two (2) square feet or less;
- K. Newspaper box signs;
- L. Farm identification signs;
- M. Incidental signs two (2) square feet or less;
- N. Flags or insignia of any nation, state, Township, community organization, educational institution, or flags of a non-commercial nature;
- O. Non-commercial signs.

SECTION 14.6: SIGNS NOT NEEDING A PERMIT

14.6.1 Signs Not Needing a Permit: The following signs shall not require a permit but shall be subject to all other applicable regulations of this Ordinance.

- A. Government signs;
- B. Non-commercial signs;
- C. Directional signs;
- D. Construction signs;
- E. Signs for residential yard and garage sales;
- F. Real estate signs advertising the premises (on which the sign is located) for sale, rent or lease, if such signs are not more than six (6) square feet in area

Article 14
Sign Regulations

for residential property or thirty-two (32) square feet in area for non-residential property;

G. Agricultural signs;

H. Help wanted signs of a temporary nature not to exceed six (6) square feet.

SECTION 14.7: SIGN PERMITS AND APPLICATIONS

14.7.1 Permits Required: A sign permit shall be required for the erection, use, construction or alteration of all signs except those exempted herein. For purposes of this section, alteration shall mean any change to an existing sign including changing the copy to promote, advertise, or identify another use. Alteration shall not mean normal maintenance of a sign.

14.7.2 Application: An application for a sign permit shall be made to the Township Zoning Administrator along with a fee as required by Township Board resolution. The application, at a minimum, shall include the following:

- A. Name, address, and telephone number of applicant and the person, firm or corporation erecting the sign;
- B. Address or permanent parcel number of the property where the sign will be located;
- C. A sketch showing the location of the building, structure, or lot upon which the sign is to be attached or erected, and showing the proposed sign in relation to buildings and structures, along with the setback, from lot lines;
- D. Blueprints or drawings of the plans and specifications, method of construction and attachment to structures or ground;
- E. Any required electrical permit shall be attached to the application;
- F. The zoning district in which the sign is to be located;
- G. For a pole sign which is to be ten (10) feet or higher, design plans sealed by a professional engineer shall be submitted with the application;
- H. Any other information which the Building Inspector/Zoning Administrator may require in order to demonstrate compliance with this Ordinance;
- I. Signature of applicant or person, firm or corporation erecting the sign.

14.7.3 Electrical Signs: All signs requiring electrical service shall be reviewed for compliance with the Township's electrical code. Approval of electrical signs shall be noted on or attached to the sign permit.

14.7.4 Issuance of Sign Permit: The Building Inspector/Zoning Administrator shall issue a sign permit if all provisions of this Article and other applicable Township Ordinances are met. A sign authorized by a permit shall be installed or under construction within six (6) months of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued upon the filing of a new application and fee.

A. Cost of the permit is fifty dollars (\$50).

B. Enforcement shall be by the Grant Township Zoning Administrator.

SECTION 14.8: DESIGN, CONSTRUCTION, AND LOCATION STANDARDS

14.8.1 Design, Construction, and Location Standards:

- A. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or as a result of weather.
- B. Sign support, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- C. Signs shall be constructed to withstand all wind and vibration forces which can normally be expected to occur in the vicinity.
- D. Signs may be internally or externally illuminated. The source of the light shall be enclosed and directed to prevent the source of light shining directly onto traffic or residential property.
- E. Signs shall not be placed in, upon or over any public right-of-way, alley, private road or other place, except as may be otherwise permitted by the St. Clair County Road Commission or the Michigan Department of Transportation (MDOT).
- F. A light pole or other supporting member shall not be used for placement of any sign unless specifically designed and approved for such use.
- G. A sign shall not extend beyond the edge of a wall to which it is affixed, and no wall sign shall extend above a roof line of a building.
- H. A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located.

14.8.2 Off-Premises Sign Clusters:

- A. The erector of the sign shall obtain written permission from the property owner where the sign is to be erected. The proper form can be obtained from the Grant Township Zoning Administrator.
- B. Off-premises sign clusters shall be located as close as possible to the intersection of the right-of-way lines at the intersection of two (2) roads, but shall not be located in the right-of-way.
- C. Off-premises sign clusters must be erected of two (2) treated six (6) inch x six (6) inch posts set four (4) feet in the ground, three (3) feet apart embedded in concrete sixteen (16) inches in diameter. The post shall extend twelve (12) feet above the ground to facilitate collocation of multiple signs. They shall be erected perpendicular to the main roads direction of travel.
- D. Each sign shall be on two (2) plastic laminate sign boards – no larger than thirty (30) inches – attached to opposite sides of the 6 x 6 posts at a uniform height. The background color shall be Safety Blue with white lettering no more than ten (10) inches high and shall contain only the business name, company logo, type of business, hours of operation, a directional arrow, and distance (in miles or fraction thereof) to the business location.
- E. Each sign cluster shall be erected to facilitate the collocation of multiple signs. No additional sign clusters shall be erected at a given intersection until all slots for additional signage have been utilized on the original cluster and no more than two (2) clusters shall be erected at any intersection. The fees assessed for additional signs on a cluster shall be established as follows.

Article 14
Sign Regulations

The original sign erector shall pay all costs associated with the erection of the sign cluster (material and erection costs, rent to property owner permit costs, etc.) and costs for their own signage. Each subsequent sign erector that collocates on the sign cluster shall pay all costs for his own signage and one-quarter (¼) of the costs of the original erection of the sign cluster to be paid to the original erector of the cluster. The original erector of the cluster shall not be allowed to discriminate on who is allowed to collocate.

14.8.3 Maintenance: The sign will have to be maintained to a like-new condition. Signs must be level and perpendicular to the ground, not have paint that is peeling, and any broken boards. If the Zoning Administrator determines that any sign defined in this Ordinance needs maintenance to restore the sign to its like-new appearance, he shall notify the owners of that sign that maintenance must be performed. If the needed maintenance is not performed the owner is in violation of this Ordinance and is subject to the penalties of Article 24 of this Ordinance.

SECTION 14.9: SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS

14.9.1 Sign Regulations Applicable to All Districts: The following sign regulations are applicable to all zoning districts:

- A. All signs shall be stationary and shall pertain only to the business or activity conducted on the premises.
- B. All wall and freestanding signs may include non-electric reader boards.
- C. Any pole sign, including awnings to which signs are affixed or displayed shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
- D. Licensed commercial vehicles which bear signs may be parked on site provided they are located in such a manner that they do not function as signs.
- E. Real estate signs are permitted in any zoning district but shall be removed within thirty (30) days after completion of the sale or lease of the property.
- F. Construction signs are permitted within any district, subject to the following restrictions:
 - 1. Construction signs shall be no larger than thirty-two (32) square feet and not exceed eight (8) feet in height.
 - 2. Construction signs shall not be erected until a building permit has been issued for the project that is the subject of proposed sign and construction activity has begun.
 - 3. Construction signs shall be removed immediately upon the issuance of any Occupancy Permit for the building or structure, which is the subject of the construction sign.
- G. Community special event signs, including banner signs, are permitted in any zoning district, subject to the following restrictions:
 - 1. Signs may be located either on or off the lot on which the special event is held.

Article 14
Sign Regulations

2. The display of such signs shall be limited to the ten (10) days immediately preceding the special event that is being advertised.
 3. Such signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height above ground level of six (6) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet. The front setback shall be as required for signs in the zoning district in which the sign is to be located.
 4. Such signs shall be removed within ten (10) days of the conclusion of the special event that is being advertised.
- H. Directional signs are permitted in any zoning district, subject to the following restrictions:
1. A directional sign may contain a logo of an on-premises establishment, but no advertising copy.
 2. Directional signs shall not exceed three (3) square feet in area or three (3) feet in height, and shall be set back a minimum of five (5) feet from any lot line.
 3. Directional signs shall be limited to traffic control functions only.
- I. Garage or estate sales, auctions, roadside stand signs and signs for graduation, birthday, or anniversary parties are permitted in any zoning district, subject to the following restrictions:
1. One (1) sign located on the premises at which the event is to be held is permitted. Such sign shall not exceed six (6) square feet in area or three (3) feet in height.
 2. Additionally, one (1) directional sign is permitted at each end of the street of the location at which the event is taking place. Such signs shall be set back a minimum of five (5) feet from any side or rear property line and shall conform to the area and height requirements for directional signs, as detailed in subsection H(2) above.
 3. The signs described in subsections I(1) and I(2) above shall be erected no more than three (3) days prior to the day(s) of the sale or event and shall be removed within three (3) days after the completion of the sale or event.
- J. Signs advertising the sale of farm products or farm operations which are not located on the property that contains the farm are permitted in any zoning district, subject to the following restrictions:
1. No more than three (3) such signs shall be displayed within the Township.
 2. Such signs shall be no larger than thirty-two (32) square feet and no higher than six (6) feet above grade.
 3. The minimum front setback shall be as required for signs in the zoning district in which the sign is to be located.
 4. Such signs shall not be placed on land where another sign is located or which contains a principal use except for a single-family dwelling or farm operation.

SECTION 14.10: BILLBOARDS

14.10.1 Billboards:

- A. Billboards are permitted only in the C and LI zoning districts.
- B. A billboard which is established on a lot shall constitute the principal use of that lot. Any other principal use permitted in that zoning district shall not be established on the same lot as the billboard.
- C. The billboard shall not exceed thirty-two (32) square feet.
- D. The lot upon which the billboard is to be placed shall conform to the minimum lot size regulations of the zoning district in which the billboard is located.

SECTION 14.11: NONCONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NONCONFORMING USES

14.11.1 Nonconforming Signs, Illegal Signs, & Signs Accessory to Nonconforming Uses:

- A. Every legal permanent sign which does not conform to the height, size, area or location requirement of this Ordinance as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming.
- B. Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
- C. For the purposes of this Ordinance, a nonconforming sign may be diminished in size or dimension and the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use.
- D. A sign accessory to a nonconforming use may be erected in the Township in accordance with the sign regulations for the zoning district in which the property is located.
- E. Signs in existence in 2012 that do not conform to the provisions of this Ordinance shall be allowed to continue for a period of five (5) years after adoption of this Ordinance, at which time all nonconforming signs shall be removed or altered to conform to the provisions of this Ordinance.
- F. All existing signs must apply for a free permit at the time the Sign Ordinance is adopted.

SECTION 14.12: MEASUREMENT OF SIGNS

14.12.1 Measurement of Signs:

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

Article 14
Sign Regulations

- B. The area of a freestanding or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back and are of equal size, and are no more than two (2) feet apart at any point the area of the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face.
- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

SECTION 14.13: PERMITTED SIGNS BY ZONING DISTRICT

14.13.1 Agricultural Secure and Agricultural Residential Zoning Districts:

The following signs are permitted in the Agricultural Secure and Agricultural Residential Zoning Districts on the property the business is located on:

- A. Wall Sign – For permitted uses other than dwellings.
 - 1. One (1) sign per street frontage to be placed on that side of the building which directly faces the street.
 - 2. A wall sign shall not exceed six (6) square feet.
- B. Ground Sign – For permitted uses other than dwellings.
 - 1. One (1) sign per parcel not to exceed six (6) square feet in area.
 - 2. The height of a ground sign shall not exceed six (6) feet above grade.
 - 3. Ground signs shall be setback a minimum of ten (10) feet from the front lot line and a minimum of fifty (50) feet from all other lot lines.
- C. Pole Sign
 - 1. Pole signs shall not exceed six (6) square feet in area.
 - 2. Pole signs shall be setback a minimum of twenty (20) feet from the front lot line and a minimum of one hundred (100) feet from all other lot lines.
- D. Election Sign – One sign per candidate or issue with each sign not to exceed six (6) square feet in area and six (6) feet in height. Such signs shall be setback a minimum of ten (10) feet from the front lot line and fifty (50) feet from all other lot lines. Signs must be removed within forty-eight (48) hours after the election.
- E. Agricultural Sign – Such signs shall not exceed thirty two (32) square feet per sign. Such signs shall not be limited in number or placement except that they shall not be placed to create a hazard or visibility problem for motorists, pedestrians or cyclists.
- F. Off-Premises Sign Clusters – Off-premises sign clusters shall comply with the provisions in Section 14.8.2 above.

14.13.2 Residential Zoning District: The following signs are permitted in the R1-A Zoning District:

- A. Wall Sign – For non-residential uses only.
 - 1. One (1) sign per street frontage to be placed on that side of the building which directly faces the street.
 - 2. A wall sign shall not exceed six (6) square feet.

Article 14
Sign Regulations

- B. Ground Sign – For residential subdivisions or site condominiums, multiple family developments, elderly housing, manufactured homes or manufactured home parks, schools, churches or other permitted non-residential uses.
1. One (1) per parcel not to exceed six (6) square feet in area.
 2. The height of a ground sign shall not exceed six (6) feet above grade.
 3. Ground signs shall be setback a minimum of twenty (20) feet from all lot lines.
 4. For residential subdivisions the following regulations shall apply:
 - a. A ground sign identifying the development is permitted only if a subdivision or homeowners' association is established and provisions are made for such an association to maintain the sign.
 - b. Ground signs shall be constructed primarily with carved wood, brick, stone wrought iron, terra cotta, glazed tile or similar decorative material in order to reflect and enhance the residential character of the area.
- C. Election Sign – One (1) per candidate or issue with each sign not to exceed six (6) square feet in area and six (6) feet in height. All signs shall be set back a minimum of ten (10) feet from all lot lines. Signs must be removed within two (2) weeks after the election.
- D. Real Estate Sign – For single and two-family dwellings, one (1) sign per parcel is permitted. Such signs shall not exceed six (6) square feet in area and six (6) feet in height and shall be set back a minimum of ten (10) feet from all lot lines.
1. For new subdivisions, site condominiums, and mobile or manufactured home parks, one (1) sign advertising the project is permitted at the main entrance. Such sign shall not exceed thirty-two (32) square feet in area or six (6) feet in height and shall be set back a minimum of twenty (20) feet from all lot lines.
 2. For non-residential uses, a real estate sign not to exceed fourteen (14) square feet in area is permitted. Such sign shall not exceed six (6) feet in height and shall be set back a minimum of twenty (20) feet from all lot lines.
- E. Off-Premises Sign Clusters – Off-premises sign clusters shall comply with the provisions in Section 14.8.2 above.

14.13.3 Commercial and Light Industrial Zoning Districts: The following signs are permitted in the Commercial and Light Industrial Zoning Districts:

A. Wall Signs –

1. Each commercial establishment shall be permitted to have one (1) wall sign. For each commercial establishment on a corner lot, one (1) wall sign per public or private street frontage is permitted. Each commercial establishment shall have no more than one (1) sign per wall. These wall signs shall be subject to the following regulations:
 - a. Wall signs shall not face a residential zoning district unless the district and the building are separated by a public or private street or other non-residential zoning district.

Article 14
Sign Regulations

- B. Freestanding Sign – One (1) ground sign or pole sign per lot subject to the following regulations:
1. *Pole Sign* – A pole sign at a maximum of thirty-two (32) square feet shall be permitted for each lot and shall also be subject to the following:
 - a. The support structure or poles for a pole sign shall be set back a minimum of twenty (20) feet from the front lot line and fifteen (15) feet from the front lot line and fifteen (15) feet from the side lot line. In no case shall a sign support or pole be placed closer than ten (10) feet from the front lot line.
 - b. Pole signs shall not exceed twenty (20) feet in height and shall have a minimum height between the bottom of the sign and the ground of eight (8) feet. The support structure(s) for a pole sign shall not be more than three (3) feet wide on any one (1) side.
 - c. The design plans for any pole sign which is ten (10) feet or higher, shall be sealed by a professional engineer to ensure the structure integrity of such signs for the safety of the public.
 2. *Ground Sign* – A ground sign at a maximum of thirty-two (32) square feet shall be permitted for each lot and shall be subject to the following:
 - a. The height of a ground sign shall not exceed six (6) feet above the ground.
 - b. Ground signs shall be set back a minimum of fifteen (15) feet from the front lot line and fifteen (15) feet from the side lot lines.
- C. Election or Non-Commercial Sign – One (1) per candidate or issue with each sign not to exceed sixteen (16) square feet in area and six (6) feet in height. Such signs shall be set back a minimum of fifteen (15) feet from the front lot line and at least fifteen (15) feet from all other lot lines.
- D. Real Estate Sign – One (1) real estate sign per lot not to exceed thirty-two (32) square feet in area and six (6) feet in height shall be permitted. Such signs shall be set back a minimum of fifteen (15) feet from the front lot line and fifteen (15) feet from all other lot lines.
- E. Vehicle Service Station Signs – Establishments that provide repair services and/or gasoline for vehicles either as a principal or accessory use may display directional signs over individual doors or bays. The size of such signs shall not exceed three (3) square feet in area. Customary lettering, insignias or symbols which are a permanent or structural part of the gasoline pump shall also be permitted.
- F. Industrial Park Identification Sign – One (1) sign may be erected at each industrial park entrance in accordance with the requirements for ground signs to identify the park and the industries within. Such signs may be ground signs or attached to a wall and shall be constructed primarily with carved wood, brick, stone wrought iron, terra cotta, glazed tile or other similar decorative material. Such signs shall be appropriately landscaped with low level lighting.
- G. Flag Signs – One (1) per lot not to exceed twenty-four (24) square feet. The flag sign shall be displayed on a pole. When displayed in the presence of the United State Flag, the United States Flag shall be displayed higher.

Article 14
Sign Regulations

- H. Off-Premises Sign Clusters – Off-premises sign clusters shall comply with the provisions in Section 14.8.2 above.

SECTION 14.14: VIOLATIONS AND PENALTIES

14.14.1 Violations and Penalties:

- A. The Zoning Administrator, together with officers of the St. Clair County Sheriff's Department, are authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for any violations of this Ordinance.
- B. It shall be unlawful for any person to erect, construct, maintain, enlarge, alter, move, or convert any sign in the Township, or cause or permit the same to be done on his/her property contrary to or in violation of any of the provisions of this Ordinance.
- C. Any sign which is erected, constructed, enlarged, altered, moved, or converted in violation of any of the provisions of this Ordinance is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
- D. In addition to the remedies otherwise provided, the Township may remove and dispose of any unlawful sign on public property.
- E. Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this chapter of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation, two hundred fifty dollars (\$250.00) for a second violation and five hundred dollars (\$500.00), for a third or subsequent violation. Each day a violation occurs or continues shall constitute a separate offense, and shall make the violator liable for the imposition of a fine for each day. In addition to the penalties set forth above, a person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this chapter shall be subject to the penalties and provisions contained in subsections A through E of Section 24.2.3

**ARTICLE 15
SPECIAL APPROVAL USE REGULATIONS**

SECTION 15.1: PURPOSE

15.1.1 Purpose: Special approval land uses are those uses of land which are not essentially incompatible with uses permitted in a zoning district, but may possess characteristics which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent land uses. The purpose of this chapter is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special land uses. The criteria for decision and the requirements provided for under the provisions of the chapter shall be in addition to those required elsewhere in this Ordinance, which are applicable to the special approval land use under consideration.

SECTION 15.2: SPECIAL APPROVAL LAND USE

15.2.1 Special Approval Land Use: A use that meets the intent and purpose of the zoning district but which requires the review and approval of the Planning Commission in order to ensure that any adverse impacts on adjacent uses, structures, or public services and facilities that may be generated by the use can be, and are, mitigated.

SECTION 15.3: REVIEW PROCESS

15.3.1 Application Procedures: The Township Board may, by resolution, grant permits for special approval land uses which are authorized in this Ordinance. Such permits may contain conditions or restrictions consistent with the terms of this Ordinance. An application for permission to establish or expand a special approval land use shall be submitted and acted upon in accordance with the following procedures:

A. Applications for a Special Approval Use Permit shall be submitted to the Zoning Administrator at least thirty (30) calendar days prior to the next Planning Commission meeting. The Zoning Administrator shall review the application for completeness. If the application is complete, it shall be transmitted to the Planning Commission.

15.3.2 Required Information:

- A. The application shall describe the nature of the request and the property which is the subject of the request.
- B. Every application involving the construction of or addition to a building or structure shall be accompanied by a minimum of four (4) copies of a site plan prepared pursuant to Article 16, Site Plan Review Requirements. The Zoning Administrator may require additional copies of a site plan.

Article 15
Special Approval Use Regulations

- C. An application for a special use permit shall be accompanied by the following documents and information:
1. A Special Approval Use Permit application form supplied by the Zoning Administrator, which has been completed in full by the applicant.
 2. A final site plan, as specified in Article 16, Site Plan Review Requirements.
 3. A statement with regard to compliance with the criteria required for approval in Section 15.4 and other criteria imposed by this Ordinance affecting the special approval use under consideration.
- D. The Zoning Administrator may require such additional information as may be reasonably required to determine compliance with this Ordinance. The Zoning Administrator shall review the application and documentation as to form and content. If the application is complete, it shall be presented to the Township Planning Commission at its next regular meeting or at a special meeting called for that purpose.

15.3.3 Public Hearing: Upon receipt of an application for a Special Approval Use Permit, the Zoning Administrator shall schedule at least one (1) public hearing, in accordance with the public hearing and public notice requirements set forth in the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the public notification requirements detailed in Section 19.16 of this Ordinance.

15.3.4 Review and Approval: Within thirty (30) days following the public hearing, provided all materials are complete, the Township Planning Commission shall review the application for a Special Approval Use Permit, comments received at the public hearing, the site plan, and other materials submitted in relation to the application, and make a determination on the Special Approval Use Permit application in accordance with the criteria for the approval stated in Section 15.4 and such standards contained in this Ordinance which relate to the special approval use under consideration. It may deny, approve, or approve with conditions the application for a Special Approval Use Permit. Its decision shall be incorporated in a statement of conclusions relative to the special approval use under consideration, and shall specify the basis for the decision and any conditions imposed. A request for approval of a land use or activity which is in compliance with Ordinance standards, other applicable Ordinances, and state and federal statutes shall be approved. Upon the approval, or approval with conditions by the Township Planning Commission, the applicant may apply for a building permit.

SECTION 15.4: BASIS FOR DETERMINATION

15.4.1 Basis for Determination: Prior to approval of a Special Approval Use Permit application, the Planning Commission shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in

Article 15
Special Approval Use Regulations

this Ordinance, shall be satisfied by the completion and operation of the special land use under consideration.

15.4.2 General Standards: The Township Planning Commission shall review the particular circumstances of the Special Approval Use Permit application under consideration in terms of the following standards and shall approve a Special Approval Use Permit application only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

- A. The special approval use is consistent with the intent of the Grant Township Master Plan.
- B. The special approval use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- C. The special approval use shall not change the essential character of the surrounding area.
- D. The special approval use shall not be hazardous to the adjacent property, property values, or involve uses, activities, processes, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other nuisance.
- E. The special approval use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.
- F. The special approval use shall meet the site plan review requirements of Article 16.
- G. The special approval use shall conform to all applicable state and federal requirements for that use.
- H. The special approval use shall conform with all standards in this Ordinance and other applicable Township Ordinances, and standards particular to the special approval use found in the district provisions, Schedule of Regulations, or elsewhere.

15.4.3 Conditions: The Planning Commission may impose conditions with approval of a Special Approval Use Permit which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the special land use permit and shall be enforced by the Zoning Administrator.

15.4.4 Previously Approved Special Approval Uses and Conditional Uses: Uses of land and/or development projects granted conditional use approval or special approval use status by the Township prior to the adoption or amendment of this Zoning Ordinance may continue this status as permitted uses, provided the rules, regulations, requirements, and conditions of the permit issued for the conditional use or special approval use are met. Any changes to a previously

Article 15
Special Approval Use Regulations

approved conditional use or special approval use shall be processed according to the procedures and standards of this Ordinance for special approval uses, if the use is listed as a special land use in this Ordinance.

SECTION 15.5: FEES

15.5.1 Fees: The applicant shall submit a formal application to the Zoning Administrator, along with a fee as specified in Section 19.10.

SECTION 15.6: APPEAL TO CIRCUIT COURT

15.6.1 Appeal to Circuit Court: An appeal on a Special Approval Use Permit decision may be taken to the Circuit Court, as provided by law.

SECTION 15.7: PERMITS

15.7.1 Validity of Permit: A Special Approval Use Permit issued under Article 15 shall be valid for a period of one (1) year from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the Zoning Administrator shall notify the applicant in writing of the expiration or revocation of said permit, provided however, that the Planning Commission may waive or extend the period of time in which the permit is to expire if: a) it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction; b) no significant changes to applicable regulations have occurred; or c) there have been no significant changes in the condition or abutting property or services. This determination of the Planning Commission shall be forwarded to the applicant with a recommended action.

15.7.2 Permit Revocation: The Planning Commission shall have the authority to revoke any Special Approval Use Permit following a hearing, after it has been demonstrated that the holder of the permit has failed to comply with one or more of the applicable conditions specified in the permit. The reasons for any revocation shall be documented in writing and shall accompany the motion to terminate. After a revocation notice has been given, the use for which the permit was granted must cease within sixty (60) days. Failure to terminate the use for which the permit was revoked within sixty (60) days is declared to be a nuisance per se and a violation of this Ordinance. See Article 24.

15.7.3 Termination of a Special Land Use Permit if the Use Changes: If the use of a property for which a conditional use or a Special Approval Use Permit was issued is no longer for the land use authorized by either of those permits, the Planning Commission shall hold a hearing to consider whether to terminate the conditional use or special approval use authorization. Discontinuance of a seasonal use for which a Special Approval Use Permit was issued is also subject to termination of the Special Approval Use Permit following a hearing before the

Article 15
Special Approval Use Regulations

Planning Commission if the season passes in which the permit would normally apply and a different use is in place instead.

15.7.4 Recording with County Register of Deeds: A Special Approval Use Permit and all conditions attendant thereto, may be recorded by Grant Township with the St. Clair County Register of Deeds and attached to the property record of the property for which it was issued as may a notice that such permit no longer is valid.

SECTION 15.8: REAPPLICATION

15.8.1 Reapplication: No application for a Special Approval Use Permit for the same or a very similar use which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly-discovered evidence of proof of changed conditions. A reapplication shall require a new fee and the process will have to begin all over again.

SECTION 15.9: SITE PLAN AMENDMENT

15.9.1 Site Plan Amendment: The site plan, as approved, shall become part of the record of approval, and subsequent actions relative to the activity authorized shall be consistent with the approved site plan, unless a change conforming to this Ordinance receives the mutual agreement of the landowner and the Planning Commission.

SECTION 15.10 SPECIAL APPROVAL USE AND CONDITIONAL USE STANDARDS

The following standards apply to the uses of land permitted by Special Approval Land Use Permit in this Ordinance. The regulations contained in this Section shall be applied in addition to any other applicable standard or regulation contained elsewhere in this Ordinance (such as for site plans in Article 16), unless specifically noted.

15.10.1 Agricultural Service Establishments:

- A. Agricultural Service Establishments are permitted by Special Approval Use Permit in the A-1, A-2, and LI zoning districts.
- B. The proposed use shall be sited upon land which is less suitable for commercial agriculture than other agricultural land within the district.
- C. The proposed use shall be sited on a parcel in a manner which minimizes the amount of productive agricultural land which is converted to the proposed use.
- D. The proposed use shall be located in close proximity to existing facilities providing agricultural services whenever possible and appropriate. The clustering of agricultural service establishments into agricultural service

Article 15
Special Approval Use Regulations

centers shall be encouraged and accomplished by the Special Approval Use Permit.

15.10.2 Agri-tourism and Farm Market Activities:

- A. Agri-Tourism and Farm Market Activities are permitted by Special Approval Use Permit in the A-1 and A-2 zoning districts.
- B. Farm Markets shall be consistent with the Michigan Right to Farm Act (Public Act 93 of 1981), as amended, which requires the establishment of Generally Accepted Agricultural and Management Practices (GAAMPS). The website for GAAMPS can be accessed at <http://www.michigan.gov/gaamps>.
- C. A Farm Market is a place or an area where transactions between a farm market operator and customers take place. This includes roadside stands.
- D. 50% of the Products Marketed: For the purposes of determining the percentage of products being marketed, the primary measure will be fifty percent (50%) of the retail floor space used to display products offered for retail sale during the affiliated farm's marketing season. If measurement of floor space during the marketing season is not feasible, then fifty percent (50%) of the gross sales dollars of the farm market will be used.
- E. The farm market may operate seasonally or year-round.
- F. The farm market or roadside stand must be affiliated with a farm under the same ownership or control (e.g. leased), but the roadside stand, market or facility does not have to be located on the same property where their production occurs. However, the market or roadside stand must be located in the A-1 or A-2 zoning districts.
- G. Physical Characteristics of a Farm Market:
 - 1. A farm market may be a physical structure such as a building or tent, or simply an area where a transaction between a customer and a farmer is made.
 - 2. If the farm market is housed in a physical structure such as a building or structure as defined and regulated by the Stille-Derossett-Hale Single State Construction Code Act (Public Act 230 of 1972), as amended, the structure or structures must comply with said Act. The placement of the structure must comply with the setback requirements and road rights-of-way areas found in the A-1 or A-2 zoning districts.
 - 3. The farm market operator should maintain a parking area that may be located on grass, gravel or pavement. One vehicle parking space should be provided for every 200 square feet of interior retail space. For outdoor activities, one space per 1,000 square feet should be provided.
 - 4. If the market or roadside stand has a special event, there shall be adequate parking off local roads to ensure customer safety.
 - 5. If access and egress to the parking areas is from roads that are under the jurisdiction of the Michigan Department of Transportation (MDOT), a permit from MDOT must be obtained. Likewise, farm markets located adjacent to county or local roads must comply with the access and egress requirements for the appropriate governmental agency (i.e. St. Clair County Road Commission).

Article 15
Special Approval Use Regulations

6. The operators of farm markets often conduct other agri-tourism activities and services designed to attract and entertain customers while they are at the farm market. Some of these activities are beyond the scope of GAAMPS and must comply with all other applicable requirements of this Zoning Ordinance. These uses include corn mazes, farm tours, hay rides, horseback riding, petting farms, and farm education programs.

H. Boarding/Riding Stables:

1. The minimum area shall be forty (40) acres.
2. Where adjoining non-farm residential uses exist, buffering shall be provided for the control of noise and odor.

15.10.3 Camping Facilities:

- A. Camping Facilities are permitted by Special Approval Use Permit in the OS zoning district.
- B. The location of a campground shall front or have public access to an existing paved or blacktopped road, existing state trunk line, existing primary road or the developer shall agree to provide the funds to upgrade or will upgrade an existing public or private road to a road which is paved, blacktop, or to a primary road.
- C. The location of a campground shall front on a right-of-way or easement where public water and sewer exists and is available for connection to campground facilities or the developer shall agree to extend public sewer and water lines from the existing lines to the campground facilities. If no public water and sewer exists, an acceptable on-site system shall be constructed, according to rules promulgated by the Michigan Department of Health, as shown by an issued permit.
- D. The campground shall conform to all applicable regulations of any rules promulgated by the Michigan Department of Health under authority of Sections 12501 to 12516 of the Michigan Public Health Code (Public Act 368 of 1978), as amended.
- E. The application for a Special Approval Use Permit for a campground shall contain all the elements and parts which are required by the Michigan Department of Health for a campground license under authority of Sections 12501 to 12516 of the Michigan Public Health Code (Public Act 368 of 1978), as amended, in addition to the Special Approval Use Permit application requirements presented in this Zoning Ordinance.
- F. The minimum parcel area shall not be less than X square feet, where X equals 2,000 times the number of proposed campsites. (For example, if 100 campsites are proposed, multiplied by 2,000 – the minimum parcel area would have to be 200,000 square feet, or 4.59 acres).
- G. Spaces in the campground shall be only rented on a daily, weekly, or monthly basis.
- H. Management headquarters, recreation facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a campground are permitted as accessory uses provided:

Article 15
Special Approval Use Regulations

1. Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the campground.
2. Such establishments shall be restricted in their use to occupants of the campground.
3. Such establishments shall present no visible evidence of their commercial character, which would attract customers other than occupants of the campground.
4. No space shall be so located so any part intended for occupancy for sleeping purposes shall be within one hundred (100) feet of the right-of-way line of any road. Setback spaces may be reduced if occupied by plant material and/or a berm. In no case shall the setback be less than 40 feet, and allowed only in instances when screening is an opaque fence or berm. In all cases, plant materials shall be maintained in a setback area. Plant materials shall be of sufficient size when installed to ensure immediate and effective screening of the campground from adjacent roads and properties. The plans and specifications for a campground shall include the proposed arrangement of such plantings.

15.10.4 Commercial agriculture/horticulture, less than forty (40) acres

- A. Commercial agriculture, farms, farm operations, agriculture wholesale and retail less than forty (40) acres in size are permitted by the Special Approval Use Permit in the A-1, A-2 and OS zoning districts.
- B. Farms are permitted as a conditional use in the R1-A Residential district, provided there is a minimum parcel size of five (5) acres.
- C. The proposed use shall be located in close proximity to existing facilities providing agricultural services whenever possible and appropriate. The clustering of agricultural service establishments into agricultural service centers shall be encouraged and accomplished by the Special Approval Use Permit.

15.10.5 Communication Towers

- A. Communication towers are permitted by Special Approval Use Permit in all zoning districts.
- B. Minimum Development Standards:
 1. A minimum site of point seven five acres (.75) and one hundred twenty feet (120') of road frontage. In the event that a parcel does not have road frontage, a sixty six foot (66') registered easement and an access driveway must be installed per the private road and driveway requirements of Section 3.11.
 2. The use of guide wires is strictly prohibited within Residential districts.
 3. The base of the tower and the auxiliary buildings will be surrounded by a six foot (6') high chain link fence with a locked gate.
 4. All cable guides will be surrounded with a minimum six foot (6') high chain link fence.

Article 15
Special Approval Use Regulations

C. Minimum Design Standards

1. The tower must setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the Township engineer that the structural integrity of the tower will withstand high wind and impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all costs associated with Township engineering cost.
2. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to the property line than thirty feet (30').
3. Accessory structures shall not exceed six hundred square feet (600 sq. ft.) of gross building area.
4. All greenbelt requirements from Section 3.25 shall be met.
5. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
6. A registered structural engineer at applicant's expense shall certify the plans of the tower construction.
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 (FAA) and the Federal Communications Commission (FCC).
9. No part of any tower antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon required set back area for the district in which the antenna or tower is to be located. In no case shall the tower or antenna be located within thirty feet (30') of a property line.
10. Metal towers shall be constructed of, or treated with, corrosive resistant material.
11. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulation and standards.
12. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
13. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight feet (8') above the ground at all points, unless buried underground.
14. Towers shall be located so that they do not interfere with the reception in nearby areas.
15. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant. The site shall also have adequate off-street parking.
16. The base of the tower shall occupy no more than five hundred square feet (500 sq. ft.).

Article 15
Special Approval Use Regulations

17. Minimum spacing between tower locations shall be one (1) mile in order to prevent a concentration of towers in one area.
 18. Height of the tower shall not exceed one hundred and seventy five feet (175') from grade within a residential district.
 19. Towers will not be artificially lighted unless required by the Federal Aviation Administration. If lighting is required, clear strobe lights are permissible during day light hours only. Red lights are required to take over for the clear strobe light from dusk to daylight hours.
 20. Existing on site vegetation shall be preserved to the maximum extent practical.
 21. 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.
 22. The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off site visibility of the antenna.
 23. Structures shall be subject to any state or federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state and federal standards are adopted in the future, the antenna shall be made to conform to extent required by such standard or the Special Use approval will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
 24. 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.
 25. All parking and drive areas must meet specifications and requirements for private roads and driveways, detailed in Section 3.11 of this Ordinance.
 26. Where the property adjoins any residentially zoned property or land use, the developer shall plant two alternating rows of evergreens trees with the minimum height of five feet (5') on twenty foot (20') centers along the entire perimeter of the tower and any related structures. In no case shall the evergreens be any closer than ten feet (10') to any structure.
 27. Once the tower is no longer in use for its original intent, the property owner or lessee shall remove the tower within three (3) months. Under unusual circumstances (i.e., long period of bad weather as might occur in the winter or spring months) the applicant may apply to the Planning Commission for one (1) extension of three (3) months.
 28. There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations of any utility building site, except those which are necessary for safety of emergency repairs at that particular utility transmission structure site.
- D. Requirements for Collocation:**
1. A Special Approval Use Permit for construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that collocation is not feasible.

Article 15
Special Approval Use Regulations

2. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
3. The policy of Grant Township is "pro collocation." If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible collocation, and this requires the construction and or use of a new wireless communication facility, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township and consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five (5) years from the date of the failure or refusal to permit the collocation. Applicants to the Zoning Board of Appeals regarding this provision must demonstrate that enforcement of the five (5) year prohibition would unreasonably discriminate among the providers of functionally equivalent wireless communication service, or would have effect of prohibiting the provision of personal wireless communication services

15.10.6 Community Residential Care Facilities:

- A. Community residential care facilities are permitted by Special Approval Use Permit in the A-2 and R1-A zoning districts.
- B. Safe areas for pick-up and discharge of users shall be provided that do not interfere with the free flow of traffic on adjacent streets.
- C. Adult day care centers shall be in full compliance with all applicable requirements of the Americans with Disabilities Act of 1990, as amended.
- D. Adequate provisions shall be made for access by emergency medical and fire vehicles.
- E. Facilities shall have an appearance that is non-intrusive and consistent in color, materials, roofline and architecture with the district and neighborhood in which it is located.
- F. The outdoor storage of trash or rubbish shall be screened in accordance with Section 3.9.10 of this Ordinance.
- G. Proof of licensing by the State of Michigan Department of Consumer and Industry Services shall be required prior to the operation of any child care center. Additionally, there shall be provided and maintained an outdoor play area suitable for play activity and containing a minimum of two thousand square feet (2000 sq. ft.). The outdoor play area shall be immediately contiguous to the facility it is intended to serve and shall be enclosed by a protective wall or fence.
- H. In the R1-A Residential District, state-licensed residential facilities for six (6) or fewer persons, as provided in the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, are governed by the provisions of that Act.

15.10.7 Drive Through Establishments:

- A. Drive through establishments are permitted by Special Approval Use Permit in the C and A-2 districts.

Article 15
Special Approval Use Regulations

- B. Minimum lot area shall be twenty thousand square feet (20,000 sq. ft.).
- C. The minimum lot width shall be one hundred twenty five feet (125').
- D. The site shall have at least one (1) lot line on a paved major thoroughfare.
- E. The outdoor storage of trash or rubbish shall be screened in accordance with Section 3.9.10 of this Ordinance.
- F. When a commercial district abuts an R-1A, MH, AG-Residential, OS or AG-Secure district, a greenbelt shall be established on the commercial property to serve as a buffer between the commercial district and the non-commercial district. Layout and design, including width and depth and type of plantings shall be specified by the Planning Commission during site plan review. Greenbelts shall be maintained with healthy trees and shrubs. Dead trees or shrubs shall be replaced with healthy specimens.
- G. The outdoor space used for parking and vehicle stacking shall be hard surfaced and adequately drained.
- H. An adequate number of outdoor trash receptacles shall be provided in convenient locations at drive-in and carry-out food establishments. Drive-in restaurant management shall provide adequate trash and litter policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary to keep them free of litter.
- I. No drive shall be closer than seventy five feet (75') to any other drive, and the maximum number of driveways permitted on a major thoroughfare is two (2).
- J. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets.
- K. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent said sound or music from being audible beyond the boundaries of the site.
- L. Bathroom facilities shall be provided at food establishments for use by patrons even if no indoor seating is provided.
- M. A pedestrian walk-up window for ordering and an adequate number of tables to sit at may be provided if there is no inside seating.
- N. At a minimum, there shall be convenient parking for patrons equal to the number of spaces for employees if there is no indoor seating.
- O. There shall be at least two (2) temporary vehicle stopping spaces after the delivery window so motorists may prepare themselves for a safe exit onto the public roadway.

15.10.8 Extraction and Material Removal Operations:

- A. Extraction and Material Removal Operations are permitted by a Special Approval Use Permit in all zoning districts.
- B. Soil, sand, clay, gravel, or similar removal operations, quarry excavation and filling of land subject to all applicable state and federal regulations.

15.10.9 Farm Labor Housing:

- A. Farm labor housing is NOT permitted in any zoning district.

15.10.10 Farm Processing Facilities:

- A. Statement of Intent: It is the intent of this subsection to promote local agricultural production and preservation of rural character by allowing construction and use of a Farm Processing Facility. The Farm Processing Facility use includes retail and wholesale sales of fresh and processed agricultural produce. The majority of the produce sold fresh or processed has to be grown on the specific farm operation (land owned or leased for the specific farm operation) of the party owning and operating the Specific Farm Processing Facility. Eighty five percent (85%) of the produce sold fresh or processed shall be grown in Grant Township. Activities such as weddings, receptions and other social functions for hire are not allowed, however, participation in approved Township wide events is allowed. It is not the intent to grant any vested interest in non-agricultural uses of any structure built for a Farm Processing Facility. This amendment is not intended to supersede any Conservation Easement.
- B. Farm Processing Facilities are permitted by special approval land use permit in the A-1 Agricultural-Secure and A-2 Agricultural-Residential zoning districts, subject to the following:
1. Retail and Wholesale Sales: Retail and Wholesale Sales of fresh or processed agricultural produce is allowed provided:
 - a. Fruit and vegetable wine that is processed, tasted and sold in a Farm Processing Facility under this section is limited to “Grant Township” appellation wine, meaning eighty five percent (85%) of the wine will be from fruit grown in Grant Township;
 - b. Fruit and vegetable wine that is processed, tasted and sold in a Farm Processing Facility under this section is limited to wine bearing a label identifying that eighty five percent (85%) of the juice is from fruit grown in Grant Township;
 - c. Tasting of fresh or processed agricultural products at a Farm Processing Facility is allowed. Tasting of wine is limited to that which is produced at the Farm Processing Facility and labeled with a “Grant Township” appellation.
 2. Logo Merchandise: Logo merchandise may be sold provided:
 - a. The logo merchandise is directly related to the consumption and use of the fresh and/or processed agricultural produce sold at retail;
 - b. The logo is prominently displayed and permanently affixed to the merchandise;
 - c. Specifically allowed are: a) gift boxes/packaging containing the approved products for the specific farm operation; b) wine glasses; c) corkscrews; d) cherry pitters; e) apple peelers; f) clothing.
 - d. Specifically not allowed are unrelated ancillary merchandise such as: a) coffee cups; b) bumper stickers.
 3. Limitations on Sources of Produce:
 - a. Not less than eighty five percent (85%) of all of the agricultural produce sold fresh or processed shall be grown in Grant Township and the

Article 15
Special Approval Use Regulations

majority shall be grown on the land owned or leased for the specific farm operation by the same party owning and operating the specific Farm Processing Facility.

- b. If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year, the Township Board may approve a larger proportion of produce grown off the land owned or leased for the specific farm operation by the same party owning and operating the Specific Farm Processing Facility for that particular year, providing that verification of such conditions are presented to the Township Board by a public organization representing the fruit growers of Michigan or a Michigan State University Extension Fruit Educator that is duly recognized by the Township Board. Processed products produced in such a year shall not exceed the highest volume produced in any of the preceding five (5) years.
 - c. Wine shall be produced and bottled in the winery and the label shall include "produced and bottled by" immediately preceding the place where bottled or packed in accordance with the Bureau of Alcohol, Tobacco and Firearms Law, Article 27 CFR, Paragraph 4.35 (a)(1) definition for "Produced and Bottled By", meaning seventy five percent (75%) of such products will be fermented and clarified on the site (this requirement is intended to comply with federal regulations and does not supersede the requirements of eighty five percent (85%) grown in Grant Township). Sparkling wine or sparkling juices may be "finished" and bottled off site and so labeled.
 - d. Dried fruit, a minimum of eighty five percent (85%) by weight which is grown in Grant Township and a minimum of fifty percent (50%) by weight which is grown on the farm, may be dried off premises and sold in the Farm Processing Facility retail room, provided no more than the amount of fruit sent out for this processing is returned for retail sale.
4. Parcel Requirements:
- a. A total of forty (40) acres of land are required to be devoted to the operation of a farm processing facility.
 - b. The forty (40) acres shall be located within Grant Township and shall be owned or leased for the specific farm operation by the same party owning the specific Farm Processing Facility.
 - c. The parcel containing the specific Farm Processing Facility shall have a minimum area of twenty (20) acres and a minimum parcel width of three hundred thirty feet (330').
 - d. The twenty (20) acre minimum parcel (which may include public road rights-of way) and the winery shall be owned by the same party. None of the twenty (20) acres shall be alienable.
 - e. The twenty (20) acre parcel may be one (1) parcel or two (2) contiguous parcels and the contiguous parcels may be separated by a road.

Article 15
Special Approval Use Regulations

- f. Up to twenty (20) of the forty (40) acres do not have to be contiguous and may be either owned by, or leased with exclusive control and use transferred to the operator of the Farm Processing Facility.
 - g. None of the minimum forty (40) acres shall be used to satisfy acreage density or open space requirement of any other food processing or other use in the Township while the Farm Processing Facility use is in effect.
 - h. The number of allowed dwellings which may be built on the total forty (40) acres dedicated to the Farm Processing Facility use shall be two (2).
 - i. If property is leased, the lease shall be for a minimum of one (1) year, and the lease shall be recorded with the St. Clair County Register of Deeds or through the State of Michigan.
 - j. There shall be a minimum of five (5) acres of crops grown on the same parcel as the Farm Processing Facility.
5. Setbacks:
- a. The minimum setbacks for the Farm Processing Facility, including retail areas and customer parking shall be:
 - 1. Side and rear yard 100 feet (100');
 - 2. Front yard 50 feet (50');
 - 3. Minimum of two hundred feet (200') from any pre-existing residence on adjoining property.
6. Farm Processing Facility Size: The total floor area above finished grade (one (1) or two (2) stories) of the Farm Processing Facility including retail space room shall be no larger than six thousand square feet (6,000 sq. ft.) or point five percent (.5%) of the parcel size, whichever less is. The retail space shall be a separate room and may be five hundred square feet (500 sq. ft.) in area or twenty five percent (25%) of the floor area above finished grade, whichever is greater. The facility may consist of more than one (1) building, however all buildings shall be located on the twenty (20) acre minimum parcel that contains the Farm Processing Facility. Underground buildings are not limited to, and may be in addition to, the six thousand square feet (6000 sq. ft.) of floor area provided that it is below pre-existing ground level and has no more than one (1) loading dock exposed.
7. Pre-existing buildings: Structures built prior to this amendment may be used for a Farm Processing Facility provided that if it is more than six thousand square feet (6,000 sq. ft.) in size, the retail space room shall not be larger than fifteen hundred square feet (1,500 sq. ft.). The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings if it shall first be determined that such extension shall not be harmful to public health, safety or welfare, particularly with regard to surrounding property owners.
8. Vested Interest: There shall be no vested interest in non-agricultural uses of the structures. Structures shall only be used for allowed uses in the Agricultural/Agricultural-Residential or Agricultural Secure districts in the event that the Farm Processing Facility use is abandoned.

Article 15
Special Approval Use Regulations

9. Parking: A minimum of one (1) parking space for each one hundred fifty square feet (150 sq. ft.) of floor area in the retail/tasting area. Parking shall comply with the parking requirements in Article 3 of this Zoning Ordinance.
10. Lighting: All lighting shall be so installed as to be confined within and directed into the parcel only. All lighting fixtures shall be “fully shielded”, meaning outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane. Light fixtures shall not have protruding lenses.
11. Signs: A Farm Processing Facility sign meeting the requirements of Article 14 of this Ordinance is allowed with a Food Processing Facility.
12. Access: A driveway permit from the St. Clair County Road Commission shall be required before a land use permit can be issued.
13. Data and Records:
 - a. The owner of the specific Farm Processing Facility shall annually provide data and records to the Zoning Administrator showing that eighty five percent (85%) of the products processed are grown on the land owned or leased for the specific farm operation by the same party owning and operating the specific Farm Processing Facility. The data and records shall also document compliance with offsite processing requirements of this Section.
 - b. An up-to-date record of land ownership or lease to comply with acreage requirements shall be provided to the Zoning Administrator.
 - c. The above data shall be supplied to the Township in a format or form approved by the Township Zoning Administrator.
 - d. Any change in the above shall be submitted promptly in writing to the Zoning Administrator. Failure to submit such changes shall be considered a violation of the Ordinance.
14. Approval Process:
 - a. A site plan drawn to scale (one (1) or more sheets as appropriate) is submitted to the Zoning Administrator along with the appropriate permit fee as established by the Township Board.
 - b. The site plan shall include at least:
 1. the parcel;
 2. existing and proposed structures including setbacks from property lines;
 3. proposed parking and lighting;
 4. floor plan showing processing and retail areas;
 5. Parcel numbers and/or legal description of the parcels making up all the minimum parcel requirements; and the name, address and phone number of the owner of the property.
 - c. A permit from St. Clair County health Department is required before a preliminary Farm Processing Facility permit can be issued.
 - d. A preliminary Farm Processing Facility permit shall be issued by the Zoning Administrator upon a showing that the minimum requirements

Article 15
Special Approval Use Regulations

of parcel, building size, acreage requirement, setback, parking and health permits are met.

- e. No processing or sales of products shall take place until a final Farm Processing Facility permit has been issued by the Zoning Administrator. Such final Farm Processing Facility permit shall not be issued until copies of all permits required by state, federal and other local licenses and permits have been submitted to the Zoning Administrator, and the Zoning Administrator has made an onsite inspection to verify compliance with all of the requirements of the Zoning Ordinance.

C. Requirements for Start-up Winery

1. A minimum of forty (40) acres of property in Grant Township is required for a start-up grape winery.
2. Applicant must submit a business plan to the Planning Commission for approval. Any subsequent changes to the original business plan must be approved by the Planning Commission.
3. The business plan must contain the following:
 - a. description of the overall business;
 - b. description of the products that will be produced;
 - c. a 6-year plan for planting of the vines and/or fruit trees with the quantities planned for planting per year;
 - d. description and location of the property used for a winery;
 - e. a milestone summary sheet that has dates for vine planting and quantity, estimated wine production for wine from vines planted, and any construction of buildings;
 - f. the amount of wine that will be produced from fruit grown in Grant Township versus purchased juice. This can also be listed as product offerings;
 - g. any wine that is going to be purchased under private label agreement with another winery.
4. All wines made from fruit grown on the farm need to be labeled as "estate wines."
5. The business plan must be reviewed by the Zoning Administrator or the Ordinance Enforcement Officer annually to ensure the plan is being followed.
6. Failure to submit and/or follow the approved business plan could result in the revocation of and/or denial of a Farm Processing Permit.

15.10.11 Food and Drink Service Establishments:

- A. Food and Drink Establishments are permitted by Special Approval Use Permit in the C Commercial district.
- B. At all times, Food and Drink Service Establishments which serve alcohol shall remain in conformance with all rules, regulations, license conditions, permits, approvals, sanctions or other requirements of the Michigan Liquor Control Commission.

Article 15
Special Approval Use Regulations

- C. Such establishments shall apply for and receive site plan review and approval from the Grant Township Planning Commission before any change of use that requires a new or modified license or permit from the Michigan Liquor Control Commission before such a license or permit has been obtained from the Michigan Liquor Control Commission.
- D. Brewpubs shall only be allowed in conjunction with and as part of a restaurant.
- E. Designated outdoor dining areas, such as in a courtyard or on a roof, deck, or patio, may be provided in the C district provided the following conditions are met:
 - 1. The outdoor dining area must be immediately adjacent to the indoor dining area and not adjacent to a residence.
 - 2. The outdoor dining area shall be physically separated from the surrounding outdoor area. Such separators must be approved by the Zoning Administrator and can be a fence, elevated deck, planters, movable gating or theater type posts with ropes, etc. Indicate if outdoor consumption of alcohol will be involved.
 - 3. It shall not be located in any required front, rear, or side yard setback area.
 - 4. The location and volume of seating, as well as the location and dimensions of the restaurant/food service building, property boundaries, existing and proposed surfaced areas, and access and separation shall be indicated on a site plan.
 - 5. Depictions of non-permanently sited tables, chairs, umbrellas, awnings, trash receptacle(s), and the physical separator(s) should be provided, as well as corresponding information regarding materials, flooring, and the proposed schedule of operation and maintenance of the area.
 - 6. Any live or recorded music played or noise projected outside the restaurant/food service establishment cannot be a nuisance. The Zoning Administrator is empowered to interpret a nuisance for a minimal level of noise unacceptable to the surrounding area.
 - 7. For an outdoor dining area with more than sixteen (16) seats, food service shall be provided by wait staff.
 - 8. Designated outdoor seating areas shall be added to the gross floor area of the building for purposes of computing off-street parking requirements.
- F. When a Commercial district abuts an R-1A, MH, AG-Residential, OS or AG-Secure district, a greenbelt shall be established on the Commercial property to serve as a buffer between the Commercial District and the non-commercial district. Layout and design, including width and depth and type of plantings shall be specified by the Planning Commission during site plan review. Greenbelts shall be maintained with healthy trees and shrubs. Dead trees or shrubs shall be replaced with healthy specimens.

15.10.12 General Retail Establishments:

- A. General Retail Establishments are permitted by Special Approval Use Permit in the LI Light Industrial zoning district.

Article 15
Special Approval Use Regulations

- B. All retail activities shall be conducted entirely within an enclosed building.
- C. There shall be no outside storage or displays.
- D. Signs shall be in compliance with the provisions of the sign regulations contained in Article 14 of this Ordinance.
- E. If the processing or manufacturing of products incidental or subordinate to the selling activities occurs, production shall not be to the detriment to the adjacent occupied premises and the entire product shall be sold as retail on the premises.
- F. The design of any general retail establishment shall ensure that vehicular circulation patterns will minimize conflicts between vehicles and pedestrians on site.
- G. Site entrances shall be restricted to three-way (3-way) movements, with unrestricted inbound movements.
- H. Internal drives defined by the ends of aisles shall have raised curbed islands at appropriate locations to define circulation paths and control movements through the parking lot.
- I. Loading facilities which serve the commercial establishment in the principal building shall be screened from public view.

15.10.13 Golf Courses and Country Clubs:

- A. Golf courses and country clubs are permitted by Special Approval Use Permit in the A-2, R1-A and OS zoning districts.
- B. Minimum site shall be eighty (80) acres for a nine (9) hole course.
- C. Minimum site shall be one hundred sixty (160) acres for an eighteen (18) hole course.
- D. The minimum site for a country club or for tennis, racket sport and swimming facilities shall be five (5) acres.
- E. A landscaped buffer zone shall be provided between the parking and principal building area and any adjacent residential development.
- F. A fifty foot (50') minimum natural vegetation strip between turf areas and natural water bodies, watercourses or wetlands must be maintained. The natural vegetation strip shall not be chemically treated on a regular basis.
- G. The outdoor storage of trash or rubbish shall be screened in accordance with Section 3.9.10 of this Ordinance.
- H. Accessory uses may include: clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, standard restaurant and drinking establishments, tennis, racket sports, and swimming facilities.
- I. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick if the abutting property is primarily residential.
- J. Major accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
- K. A site plan of the proposed development shall be reviewed and approved in accordance with Article 16 of this Ordinance. Such site plan shall indicate the

Article 15
Special Approval Use Regulations

location of service roads, entrances, driveways and parking areas and shall be so designed in relationship to the public streets that pedestrian and vehicular traffic safety is maximized.

- L. Development features shall be shown on said site plans including the principal and accessory buildings, structures and parking areas, and shall be so located as to minimize possible adverse effects upon adjacent property.
- M. All principal or accessory buildings and parking areas shall be not less than two hundred feet (200') from any lot line or abutting residentially zoned lands, provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
- N. Access shall be so designed as to provide all ingress and egress directly onto or from a major thoroughfare.
- O. No building shall be erected to a height greater than that permitted in the district in which it is located.
- P. The total lot area covered with principal and accessory buildings shall not exceed 15 percent (15%).
- Q. Additional parking is required for accessory uses that may be allowed.
- R. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
- S. All artificial lights shall be directed away from adjoining properties.
- T. No outdoor loudspeaker or call system shall be audible on adjoining property.
- U. Outside storage shall be properly screened.
- V. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker or other dwelling units permitted by Special Approval Use Permit under the requirements of this Ordinance. Those living quarters, if any, shall be constructed as part of the principal building.
- W. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy five foot (75') front yard and a one hundred foot (100') side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties.
- X. Toilet facilities for use by patrons shall be located conveniently. Such facilities shall be approved by the St. Clair County Health Department.
- Y. In the consideration of golf driving ranges, additional buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Planning Commission.
- Z. A minimum of two (2) satellite restrooms or other acceptable facilities are required for each nine (9) holes. The satellites are to be centrally located away from lot lines and painted or finished in an earth tone color.
- AA. Golf courses shall retain and preserve native vegetation over at least thirty percent (30%) of the total upland area of the course to reduce water demand, excessive soil erosion and heavy nutrient run-off.
- BB. Water quality protective measures are required as follows:
 - 1. Maintenance of erosion control barriers during construction and until all ground cover is established.

Article 15
Special Approval Use Regulations

2. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
3. Site areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site ponding area.
4. A chemical storage area must be designated within an accessory building. The area must provide secondary containment to prevent the spread of spills.
5. All herbicide, insecticide, fungicide and rodenticide chemicals must be stored in a locked enclosure.
6. An inventory manifest of stored chemicals must be posted at the entrance of the accessory building. Said listing must also be filed with Grant Township.
7. At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information.
8. All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
9. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.
10. In order to ensure that the site can be restored to prior conditions should golf course construction not be completed, the Township may require posting of a performance guarantee or other acceptable security (see Section 19.11).

15.10.14 Indoor Entertainment Establishments:

- A. Indoor Entertainment Establishments are permitted by Special Approval Use Permit following site plan review in the A-2 and C zoning districts, except for those indoor entertainment establishments that are also sexually oriented businesses which are only permitted by Special Approval Use Permit in the C zoning district. See Section 15.10.21.
- B. The site shall be located on a major thoroughfare with a minimum of one hundred fifty feet (150') of frontage.
- C. Minimum site area shall be one-half (1/2) acre.
- D. No building shall be located within fifty feet (50') of a lot line of adjoining residentially zoned property.
- E. Front, side and rear yards shall conform to district regulations.
- F. Drive-through establishments shall not be permitted.
- G. Whenever parking areas are adjacent to land zoned or used for residential purposes, a five foot (5') high wall or greater shall be provided along the sides of the parking area adjacent to such residential land.
- H. Parking lot landscaping shall conform to the requirements of Article 3.

Article 15
Special Approval Use Regulations

- I. The outdoor storage of trash or rubbish shall be screened in accordance with Section 3.9.10 of this Ordinance.
- J. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
- K. Facilities which have a participant or customer capacity greater than one hundred (100) people at one time shall provide letters of review from the Zoning Administrator with respect to the adequacy of the safety of the design of the proposed project for ingress, egress and internal circulation.
- L. Exterior lighting shall be installed in such a manner that it does not impede the vision of traffic along adjacent streets.
- M. Facilities using night lighting adjoining a residentially zoned property or a residence shall deflect lighting away from these areas.
- N. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties. Sites shall be regularly cleared of debris so that litter does not accumulate on adjacent properties.
- O. The intensity level of sounds shall not exceed seventy (70) decibels (dB) at the lot line of industrial uses; sixty five (65) dB at the lot line of commercial uses and fifty five (55) dB at the lot line of residential uses. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
- P. All sanitary facilities shall be designed and constructed in strict conformance with St. Clair County Health Department regulations.
- Q. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners.
- R. All indoor entertainment establishments which serve alcohol shall comply with the following standards:
 - 1. At all times shall remain in conformance with all rules, regulations, license conditions, permits, approvals, sanctions or other requirements of the Michigan Liquor Control Commission;
 - 2. Apply for and receive site plan review and approval from Grant Township before any change of use that requires a new or modified license or permit from the Michigan Liquor Control Commission before such a license or permit has been obtained from the Michigan Liquor Control Commission.

15.10.15 Keeping and Raising of Animals:

- A. The keeping and raising of animal units for private use shall be permitted by Special Approval Use Permit in the R1-A Residential zoning district after the Planning Commission, upon review of the site plan, finds that the plans meet the following conditions:
 - 1. For each animal unit so kept there shall be in addition to the minimum lot requirements of the district, one (1) acre of land provided for each animal unit.
- B. The raising of poultry and animal units as a hobby or for private consumption is permitted by Special Approval Use Permit in the R1-A Residential zoning

Article 15
Special Approval Use Regulations

district after the Planning Commission, upon review of the site plan, finds that the plans meet the following conditions:

1. The raising of poultry and animal units as a hobby or for private consumption must be carried out in such a manner so that the land so used shall not be located nearer the front street or road line than the rear building line of the dwelling on said lot and no closer than fifty feet (50') from any adjacent property. The raising of poultry and animals for sale is specifically prohibited.
- C. The raising of fur bearing animal units, including commercial dog kennels, mink, rabbit, cat, and canine establishments, is permitted by right, provided said use shall be on a continuous parcel of land twenty (20) acres or more in area, and all outdoor runs of breeding areas are enclosed on all sides by an obscuring wall or fence not less than four feet (4') high or a maximum of eight feet high (8').

15.10.16 Livestock Production Operations:

- A. *Large* livestock production operations are permitted by Special Approval Use Permit in the A-1 and A-2 zoning district.
- B. *Large* livestock operations shall be reviewed and approved by the Michigan Department of Agriculture according to the Generally Accepted Agricultural and Management Practices (GAAMPS) for Site Selection and Odor Control for New and Expanding Livestock Production Facilities, as per Michigan Right to Farm Act Amendments (Public Act 261 of 1999), as amended.
- C. *Small* livestock production operations are permitted by conditional use approval in the A-1 and A-2 zoning districts. For small livestock operations, the following standards shall apply:
 1. The operation shall have a maximum density of one (1) animal unit for the first three (3) acres, plus one (1) animal unit per additional acre.
 2. Animals shall be provided suitable shelter, with shelters meeting the setback requirements for accessory structures.
 3. The applicant shall demonstrate a suitable method for removing and disposing of animal waste.

15.10.17 Lodging/Accommodations:

- A. Hotels/motels are permitted by Special Approval Use Permit in the C Commercial district.
- B. Ingress and egress to the lodging establishment shall be only from a paved major thoroughfare.
- C. The minimum lot size shall be two (2) acres with a minimum width of one hundred sixty five feet (165'), provided that there shall be at least eight hundred square feet (800 sq. ft.) of lot area for each guest.
- D. The maximum lot coverage of all buildings, including accessory buildings, shall not exceed twenty five percent (25%) of the area within the lot lines of land developed at any one time.
- E. Off-street parking is as required in accordance with Article 3, General Provisions.

Article 15
Special Approval Use Regulations

- F. The front twenty-five feet (25') of the lot shall be landscaped buffer zone, unpaved, and shall not be used for off-street parking.
- G. The outdoor storage of trash or rubbish shall be screened in accordance with Section 3.9.10 of this Ordinance.
- H. No kitchen or cooking facilities shall be provided in guest rooms.
- I. The minimum floor area of each guest unit shall be two hundred-fifty square feet (250 sq. ft.).
- J. No guest shall establish permanent residence at the lodging establishment.

15.10.18 Manufactured Homes Outside of a Manufactured Home Park:

- A. The locating or parking of any manufactured home within Grant Township outside of a licensed Manufactured Home Park is prohibited except for one or more of the following circumstances:
 - 1. The Building Inspector may issue a temporary permit for the locating of a manufactured home outside of a licensed manufactured home park on a year-to-year basis provided:
 - a. There is a hardship appeal by an applicant to locate a manufactured home on a lot for an elderly parent, which requires a permit and an annual inspection.
 - b. Applicant must sign a written agreement to remove the trailer when it is no longer needed.
 - c. Temporary manufactured homes placed on lots outside of a manufactured home park, that have been approved under the scenario in 15.10.18.B shall be hooked up to sanitary systems, as well as having access to a well.
- B. Pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, the Township Board shall and is granted authority to hear and determine applications for special land use by putting a manufactured home upon any land in the Township with dwelling unit other than the Manufactured Home Park District in the Township provided the following conditions and standards are met:
 - 1. Only a physically handicapped or impaired, or mentally handicapped or impaired person or persons, as substantiated by a signed doctor's statement, or someone who is able to care for themselves with the aid of additional supervision as verified by a Doctor's signed statement; or someone on their behalf may apply for a special use for the manufactured home.
 - 2. The applicant must be the mother, father, child, grandparent, or guardian of the person whose dwelling is already upon the premises involved.
 - 3. Neither the applicant nor the resident of the premises involved need be the owner of said real estate, provided, however, no application shall be approved unless all of the owners of the real estate premises consent to the approval of the application and agree to be jointly and severably liable for the performance of any agreement and/or condition, specifically including the imposition of a lien upon the premises and the execution thereof in the event of default.

Article 15
Special Approval Use Regulations

4. The purpose must be to provide adequate care and living facilities to such person or persons, although such persons may live in the manufactured home or the dwelling.
5. The application form shall be obtained from the Grant Township Clerk on a form prepared for such purpose, and shall be filed with the Grant Township Clerk, together with such application fee as the Grant Township Board shall establish from time to time by resolution.
6. Any special use granted shall be limited to one (1) year but may be renewed from year to year upon application and review as is provided for the original issuance.
7. The Grant Township Building Inspector shall inspect each special use granted annually and file his report with the Grant Township Board. The Grant Township Building Inspector and Township Board member (to be designated by resolution of the Township Board) shall also inspect and report on each application prior to the hearing by the Board on the application.
8. In considering the application, the Township Board shall give such notice as required by law and shall take the following factors into consideration in granting or denying any such application:
 - a. The size and location of the land involved and the nature of the use intended;
 - b. Whether it is consistent with and will promote the intent and purpose of this Ordinance;
 - c. Whether it will be compatible with adjacent uses of land, the natural environment and the capacities of any public services and facilities affected by the use;
 - d. Whether it will be consistent with the public health, safety and welfare of the Township;
 - e. Whether the person qualifying will be residing in the manufactured home or house.
9. The Township Board may impose any reasonable conditions upon granting a special use including but not limited to the following:
 - a. Minimum distances and set-backs from existing dwellings, lot lines and property boundaries, and highway rights-of-way;
 - b. Sewage and water facilities;
 - c. Electrical facilities;
 - d. Minimum size of manufactured home and number of persons residing therein;
 - e. Foundation or tie-down requirements;
 - f. Cash or surety bond and/or consent to imposition of a lien upon the real estate premises, or any combination of these as may be reasonable;
 - g. Written consent to reasonable inspection of property affected by Township officials, officers, or personnel;

Article 15
Special Approval Use Regulations

- h. Removal of any facilities and/or manufactured home upon termination of special use within a definite period of time to be established by the Township Board;
- i. After weighing all factors, the Township may grant or deny any particular application as in its discretion the Township Board deems best;
- j. In the event an application is granted, subject to certain conditions and the conditions are violated, any costs, damages, attorney fees or other such reasonable costs incurred by the Township in seeking the correction and enforcement of such conditions or the termination of such use shall constitute a lien against the real estate and shall be collected in the same manner as any other real estate taxes upon the filing of an affidavit as to the nature and amount of such costs and fees by the Township Clerk with the Register of Deeds Office of St. Clair County. The Township Board may also seek a court injunction and judicial termination of such use, together with any other relief, costs and damages to which the Township may be legally entitled;
- k. Additionally, the Township Board may revoke permission for such use for just cause, such as a violation of a condition, and after affording the party a public hearing with reasonable notice of hearing and the nature of the alleged just cause.

15.10.19 Medical Service Establishments, Large:

- A. Hospitals are permitted by Special Approval Use Permit on major thoroughfares in the C zoning district.
- B. The minimum area for a hospital shall be ten (10) acres.
- C. Ingress and egress to the site shall be only from a paved major thoroughfare.
- D. The minimum distance of any building from bounding lot lines or streets shall be at least one-hundred feet (100') for front, rear, and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty feet (20'). Buildings less than two (2) stories shall be no closer than forty feet (40') from any lot line or right-of-way.
- E. Access to and from any delivery or ambulance areas shall be directly from a major thoroughfare.
- F. Noise producing activities, such as ambulance and delivery areas, laundry, or power plant, shall not be located closer than three hundred feet (300') from any residential area.
- G. Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall five feet (5') in height.
- H. When a Commercial district abuts an R-1A, MH, AG-Residential, OS or AG-Secure district, a greenbelt shall be established on the commercial property to serve as a buffer between the commercial district and the non-commercial district. Layout and design, including width and depth and type of plantings shall be specified by the Planning Commission during site plan review. Greenbelts shall be maintained with healthy trees and shrubs. Dead trees or shrubs shall be replaced with healthy specimens.

Article 15
Special Approval Use Regulations

- I. All lighting shall be shielded away from public right-of-way and neighboring residential lots.
- J. The outdoor storage of trash or rubbish shall be screened in accordance with Section 3.9.10 of this Ordinance.
- K. All hospitals shall be licensed by the State of Michigan.
- L. Hospitals shall conform to applicable state and federal laws.

15.10.20 Outdoor Recreation and Entertainment Establishments:

- A. Outdoor recreation and entertainment establishments are permitted by Special Approval Use Permit in the A-2 and OS zoning districts.
- B. The site shall be located on a major thoroughfare. Uses include private parks, gun clubs, ski resorts, golf driving ranges and similar private recreation facilities provided that such uses are on a continuous parcel of not less than twenty (20) acres.
- C. Gun clubs shall front onto paved roads.
- D. No building or spectator seating facility shall be located within one hundred feet (100') of a lot line of adjoining residentially zoned property.
- E. Front, side and rear yards shall conform with district regulations.
- F. Whenever parking areas are adjacent to land zoned or used for residential purposes, a five foot (5') wall or greater shall be provided along the sides of the parking area adjacent to such residential land.
- G. Animal racing tracks and go-cart tracks shall be located on a parcel not less than twenty (20) acres in size and shall be enclosed around the entire periphery with an obscuring screen fence at least eight feet (8') in height. Fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively and inconspicuously.
- H. The outdoor storage of trash or rubbish shall be screened in accordance with Section 3.9.10 of this Ordinance.
- I. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
- J. Facilities shall provide off-street parking and passenger loading areas.
- K. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
- L. Facilities which have a participant capacity greater than five hundred (500) people shall provide letters of review from the St. Clair County Sheriff and St. Clair County Road Commission with respect to the proposed project.
- M. Exterior lighting shall be installed in such a manner that so that it does not impede the vision of traffic along adjacent streets.
- N. Facilities using night lighting adjoining a residentially zoned property shall deflect lighting away from these areas. In the event of a complaint or dispute over lighting levels, testing shall be paid for by the owner of the subject premises.
- O. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.
- P. Outside storage shall be screened.
- Q. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.

Article 15
Special Approval Use Regulations

- R. In no case shall a recreational accessory use predate the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
- S. Accessory commercial activities shall be limited to those necessary to serve only the seasonal patrons of the facility.
- T. Not more than sixty five percent (65%) of the land area shall be covered by recreational uses.
- U. Central loudspeakers/paging systems are prohibited.
- V. The intensity level of sounds shall not exceed seventy (70) decibels (dB) at the lot line of industrial uses; sixty five (65) dB at the lot line of commercial uses and fifty five (55) dB at the lot line of residential uses. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards. In the event of a complaint or dispute over sound levels, testing shall be paid for by the owner of the subject premises.
- W. No temporary sanitary facility or trash receptacle shall be located within two hundred feet (200') of an existing dwelling.
- X. Security fencing shall be provided adjacent to residential districts or uses.
- Y. All sanitary facilities shall be designed and constructed in strict conformance with St. Clair County Health Department regulations.
- Z. Adequate trash receptacles shall be provided as needed throughout the site.
- AA. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners

15.10.21 Planned Unit Developments:

- A. Planned Unit Developments (PUD) are permitted by Special Approval Use Permit in the A-2 and R1-A districts.
- B. All Planned Unit Developments shall be compatible with the objectives and specific elements of the Grant Township Master Plan.
- C. Planned Unit Developments must comply with the requirements of Article 17, Planned Unit Developments.

15.10.22 Repair Services:

- A. Repair services are permitted by Special Approval Use Permit in the C and LI zoning districts.
- B. Site shall comply with the minimum lot size of the district.
- C. Establishments shall be in a fully enclosed facility and all services and activities shall take place indoors.
- D. Storage of all machinery and equipment being repaired shall be inside an enclosed building.
- E. The outdoor storage of trash or rubbish shall be screened in accordance with Section 3.9.10 of this Ordinance.
- F. The facility shall be in conformance with all local, county, state and federal regulations at all times.

Article 15
Special Approval Use Regulations

- G. All flammable liquids, solvents, cleaners and other hazardous substances shall be stored within a building and secondary containment measures shall be installed and properly maintained.
- H. The intensity level of sounds shall not exceed seventy five (75) decibels (dB) at the lot line of industrial uses, sixty five (65) dB at the lot line of commercial uses and fifty five (55) dB at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
- I. When a Commercial district abuts an R-1A, MH, AG-Residential, OS or AG-Secure district, a greenbelt shall be established on the commercial property to serve as a buffer between the commercial district and the non-commercial district. Layout and design, including width and depth and type of plantings shall be specified by the Planning Commission during site plan review. Greenbelts shall be maintained with healthy trees and shrubs. Dead trees or shrubs shall be replaced with healthy specimens.

15.10.23 Sexually-Oriented Businesses:

- A. Sexually oriented businesses are permitted by Special Approval Use Permit in the C commercial district.
- B. Sexually oriented businesses must meet all requirements of all applicable state, county, and local laws.
- C. All sexually oriented businesses shall be contained in a freestanding building. Enclosed malls, commercial strip buildings, common wall structures, and a mixture of non-sexually oriented businesses and other businesses within the same structure do not constitute a freestanding building.
- D. No such uses may be permitted in the Commercial district within one thousand five hundred feet (1,500') of any district zoned R-1A, MH, AG-Residential, OS or AG-Secure, measured from the lot line of the locations of the proposed use.
- E. No such uses may be permitted in the C Commercial district within one thousand five hundred feet (1,500') of any church or school measured from the lot line of the location of the proposed use.
- F. A sexually-oriented business shall not be located within a one thousand five hundred foot (1,500') radius of any other such use.
- G. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent roadways.
- H. The sexually oriented business shall conform to all regulations of the zoning district in which it is located unless those regulations conflict with the standards of any other state, county or local law(s), in which case those standards shall control.
- I. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
- J. No person shall reside in or permit a person to reside in the premises of a sexually oriented business.

Article 15
Special Approval Use Regulations

- K. All sexually oriented businesses shall conform with the following regulations concerning:
 - 1. Disorderly persons, § 750.167 et seq. of the Compiled Laws of Michigan;
 - 2. Drugs and medicines, and controlled substances, § 333.7101 et seq. of the Compiled Laws of Michigan;
 - 3. Gambling, § 750.301 et seq. of the Compiled Laws of Michigan;
 - 4. Horseracing, § 750.330 et seq. of the Compiled Laws of Michigan;
 - 5. Indecency and immorality, § 750.335 et seq. of the Compiled Laws of Michigan;
 - 6. Intoxicating liquor, generally see § 436.1101 et seq. of the Compiled Laws of Michigan;
 - 7. Nuisance abatement, see §§ 600.2940, 600.2941;
 - 8. Prostitution, see § 750.448 et seq. of the Compiled Laws of Michigan.
- L. All sexually oriented businesses which serve alcohol shall comply with the following additional standards:
 - 1. At all times shall remain in conformance with all rules, regulations, license conditions, permits, approvals, sanctions or other requirements of the Michigan Liquor Control Commission;
 - 2. Apply for and receive site plan review and approval from the Grant Township Planning Commission before any change of use that requires a new or modified license or permit from the Michigan Liquor Control Commission before such a license or permit has been obtained from the Michigan Liquor Control Commission.

15.10.24 Duplexes:

- A. Two (2) family dwellings are permitted by Special Approval Use Permit in the R1-A district, following site plan review by the Planning Commission.
 - 1. Each dwelling unit shall contain at least seven hundred square feet (700 sq. ft.) of floor area per family, said minimum area not to include basements, attached garages, breezeways, unenclosed porches or utility rooms.

15.10.25 Utility and Public Service Installations:

- A. Utility and public service installations are permitted by Special Approval Use Permit in the A-2, R1-A, C, LI, and MH zoning districts.
- B. The lot area and width shall be not less than that specified for the district in which the proposed use is located.
- C. The yard and setback requirements shall not be less than that specified for the district in which the proposed use is located.
- D. No more than thirty percent (30%) of the lot area may be covered by buildings.
- E. Where mechanical equipment is located in the open, it shall be screened from the surrounding residential area by a greenbelt of suitable plant material and shall be fenced as approved by the Zoning Administrator pursuant to Section 3.24 of this Ordinance. Greenbelts shall be maintained with healthy trees and shrubs. Dead trees or shrubs shall be replaced with healthy specimens.

Article 15
Special Approval Use Regulations

- F. The outdoor storage of trash or rubbish shall be screened in accordance with Section 3.9.10 of this Ordinance.
- G. All buildings shall be harmonious in size, scale, exterior material and appearance with the surrounding residential area by suitable plant material and shall be fenced or landscaped as approved by the Planning Commission.
- H. All signs shall be in compliance with the provisions of Article 14, Signs.
- I. Off-street parking shall be in compliance with the provisions of Article 3.
- J. All uses shall be established and maintained in accordance with all applicable federal, and state laws, county and local Ordinances.

15.10.26 Vehicle Sales and Service Establishments:

- A. Vehicle sales and service establishments are permitted by Special Approval Use Permit in the C and LI zoning districts.
- B. Gasoline Filling and Gasoline Service Stations:
 - 1. No steam cleaning or undercoating shall be permitted.
 - 2. All ingress and egress to the site shall be directly from a hard surfaced road.
 - 3. No drive or curb opening shall be located nearer than twenty-five feet (25') to any intersection or adjacent residential property line. No drive shall be located nearer than thirty feet (30'), as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
 - 4. No more than one (1) curb opening shall be permitted for every seventy five feet (75') of frontage (or major fraction thereof) along any road.
 - 5. Ingress and egress drives shall not be more than thirty feet (30') in width.
 - 6. Minimum lot area shall be twenty thousand square feet (20,000 sq. ft.) for automobile service and filling stations.
 - 7. Minimum lot width shall be not less than one hundred fifty feet (150') for automobile service and filling stations.
 - 8. No outside storage of oil drums, trailers, or equipment for rent, sale, or display, shall be permitted.
 - 9. No gasoline service stations shall be located nor property used as such nearer than four hundred feet (400'), in any direction as measured from any point on the property line of any church, school (public or parochial), public playground or park, public library, police station, fire station, or post office.
 - 10. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than twenty feet (20') from any lot line, and shall not be arranged so that motor vehicles being supplied with gasoline or serviced will be parked upon or overhanging any public sidewalk, street or right-of-way.
 - 11. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six foot (6') masonry wall and shall comply with requirements for location of accessory buildings. No storage may be

Article 15
Special Approval Use Regulations

extended above the height of the wall. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted unless ordered by a law enforcement agency.

C. Vehicle Sales:

1. All ingress and egress to the site shall be directly from a hard surfaced road.
2. Minimum lot area shall be two (2) acres.
3. The minimum frontage shall be two hundred feet (200').
4. No loading activities shall be permitted within seventy five feet (75') of any lot line abutting a residential land use.
5. All buildings shall be set back a minimum of fifty feet (50') from any lot line.
6. The lot or area shall be graded and drained as to dispose of all surface water accumulated within the area.
7. The lot or area upon which new and/or used automobiles, recreation vehicles, trucks, and trailers are placed shall be hard surfaced.
8. Ingress and egress shall be at least sixty feet (60') from the intersection of any two (2) streets.
9. All service and repair facilities shall be located within an enclosed building. Damaged vehicles and/or vehicles waiting for repair may be stored outside provided such storage area is screened by an obscuring wall six feet (6') in height. There shall be no outdoor storage of materials.
10. Lighting shall be located and designed to reflect away from adjacent residential districts.

15.10.27 Wholesale Trade Establishments:

- A. Wholesale trade establishments are permitted by Special Approval Use Permit in the C commercial district.
- B. All business, service, and display of goods shall be conducted within a completely enclosed building.
- C. When a commercial district abuts an R-1A, MH, AG-Residential, OS or AG-Secure district, a greenbelt shall be established on the commercial property to serve as a buffer between the commercial District and the non-commercial district. Layout and design, including width and depth and type of plantings shall be specified by the Planning Commission during site plan review. Greenbelts shall be maintained with healthy trees and shrubs. Dead trees or shrubs shall be replaced with healthy specimens.
- D. Outdoor display of merchandise shall be prohibited except for minor day-to-day in and out display may be permitted.
- E. Outdoor display of merchandise shall be kept back as least eighty feet (80') from the center line of all roads.
- F. Storage yards associated with home and lumber yards and building material dealers shall be completely obscured from view from public streets.

Article 15
Special Approval Use Regulations

15.10.28 Wind Energy Conversion Systems:

- A. Wind Energy Conversion systems are permitted by Special Approval Use Permit in the A-1 and A-2 zoning districts.
- B. Purpose: Grant Township promotes the effective and efficient use of Wind Energy Conversion Systems with the minimum regulations on the site design and installation of conversion systems so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized. In no case shall the provision of this Ordinance guarantee the wind rights or establish access to the wind.
- C. Definitions:
1. *Wind Energy Conversion Systems (WECS):* shall mean any device such as a wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy.
 2. *Agricultural WECS:* shall mean any WECS that is accessory to a permitted farm or agricultural operation, and is designed and built to serve the needs of the farm or agricultural operation.
 3. *Private WECS:* shall mean any WECS that is accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built to serve the needs of the principal use.
 4. *Commercial WECS:* shall mean any Utility Grid Wind Energy System that is designed and built to provide electricity to the electric utility's power grid.
 5. *Onsite Use:* shall mean wind energy systems and anemometer towers exclusively used for a home, farm or small business.
 6. *Manual and Automatic Controls:* shall mean protecting power grids and limiting rotation of WECS blades to below the designed limits of the conversion system.
 7. *ANSI:* American National Standards Institute.
 8. *IEC:* International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
 9. *ISO:* International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.
 10. *dB (A):* shall mean the sound pressure level in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
 11. *Decibel:* shall mean the unit of measurement used to express the magnitude of sound pressure and sound intensity.
 12. *Sound Pressure:* shall mean the average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
 13. *Sound Pressure Level:* shall mean the sound pressure mapped to a logarithmic scale and reported in decibels (dB).
 14. *An Authorized Factory Representative:* shall mean an individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.

Article 15
Special Approval Use Regulations

15. *A Professional Engineer:* shall mean any licensed engineer registered in the State of Michigan.
 16. *A Utility Scale Wind Farm:* shall mean all wind farms that produce greater than fifty (50) kilowatts of energy.
 17. *Facility Abandonment:* shall mean out of production for a period of time not less than one (1) year.
 18. *Wind Rotor:* shall mean the blades, plus the hub to which the blades are attached, used to capture wind for purposes of energy conversion.
 19. *Tower Height:* shall mean the height of the actual tower, plus one-half (1/2) 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, as measured from the established or natural grade of the property.
 20. *Survival Wind Speed:* shall mean 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.
 21. *Applicable zones:* shall mean the areas where WECS may be permitted subject to the following Special Land Use Approval Requirements.
 22. *Special Approval Use Permit:* shall mean a permit issued providing for the use of a wind energy conversion system pursuant to the terms and conditions as set forth herein.
- D. Applicability of Ordinance: The standards that follow shall apply to systems intended for the provision of electrical or mechanical power needs of the owner/operator of the system. For systems intended for uses other than the above, including multiple residents connecting to the same system, Planning Commission and special land use approval shall be required. Said approval shall cover the location of the system (shown on a site plan for 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 and special land use 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) building.
- E. Approval Required: Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within Grant Township unless a special land use permit has been obtained pursuant to this Ordinance.
1. Application for a special land use permit required by this Ordinance shall be made on forms provided by Grant Township.
 2. Application for a special land use permit for a Utility Grid Wind Energy System (Commercial WECS) shall contain the following:
 - a. Applicant Identification: Applicant name, address, and contact information.

Article 15
Special Approval Use Regulations

- b. Project Description: A general description of the proposed project, including a legal description of the property on which the project would be located.
- c. Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include:
 - 1. Ownership of the property, the project area boundaries, utility easements, and zoning district.
 - 2. The location, height, and dimensions of all existing and proposed structures, fencing, guy lines where required, guy line anchor bases, and their distance from all property lines.
 - 3. The location, grades, and dimensions of all temporary and permanent on site and access roads from the nearest county or state maintained road.
 - 4. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries and a performance bond that guarantees the repair of damage to roads and other areas caused by the construction of the wind energy facility.
 - 5. Existing topography.
 - 6. Water bodies, waterways, wetlands, and drainage channels.
 - 7. All new infrastructure above ground related to the project.
- d. Insurance: Proof of the applicant's public liability insurance.
- e. Sound Pressure Level: Copy of the modeling and analysis report.
- f. Certifications: Certification that the applicant has complied or will comply with all applicable state and federal laws and regulations.
- g. Visual Impact: Visual simulations of how the completed project will look from four (4) viewable angles.
- h. Environmental Impact: Copy of the Environmental Impact analysis.
- i. Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
- j. Shadow Flicker: Copy of the Shadow Flicker analysis.
- k. Manufacturers' Material Safety Data Sheet: Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to all lubricants and coolants.
- l. Decommissioning: Copy of the decommissioning plan.
- m. Complaint Resolution: Description of the complaint resolution process.
- 3. Tower separation shall be based on industry standards, manufacturer recommendations, and the characteristics of the particular site location (prevailing wind, topography, etc.).
 - a. At a minimum, there shall be no less than three (3) times the turban rotor diameter and the wind energy facility shall be designed to minimize disruption to farmland activity. Documents shall be submitted by the developer/manufacturer confirming specifications for turbine/tower separation.

Article 15
Special Approval Use Regulations

- b. Methods to screen the base of the WECS pole and/or other ground apparatus and a permit fee for each WECS, as set by the Grant Township Board, must accompany the application.
 - c. If the site of the proposed project is subject to an overlay zone, the proposed project shall meet or exceed the applicable standards in the overlay zone.
 - d. An On-Site Use wind energy system is intended to primarily serve the needs of the consumer. An On-Site Use wind energy system with a tower fifty (50) meters or higher shall be considered a Utility Grid wind energy system for siting purposes. On-Site Use wind energy systems shall be a permitted use in all zoning classifications where structures of any sort are allowed subject to the following requirements. Anemometer towers less than fifty (50) meters in height used to conduct a wind site assessment for possible installation of an On-Site Use wind energy system shall also be a permitted use.
 - e. Prior to construction of a Utility Grid wind energy system, a wind site assessment is conducted to determine the wind speeds and the feasibility of using the site. Installation of anemometer (Met) towers shall be considered a Special Approval Land Use. Prior to the installation of the tower, an application for a Special Approval Land Use Permit shall be filed with the Grant Township Zoning Administrator that will include 1) applicant information, 2) a site plan, 3) a copy of that portion of the applicant's lease with the land owner granting authority to install the Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment, and 4) proof of the applicant's public liability insurance. The distance from the center of a Met tower and the property lines between the leased property and the non-leased property shall be at least one hundred fifty percent (150%) of the height of the Met tower. Leased property can include more than one (1) piece of property and the requirement shall apply to the combined properties.
- F. General Standards: The following standards shall apply to all private and commercial wind energy conversion systems in Grant Township:
- 1. Design Safety Certification: The safety of the design of all private and commercial WECS towers shall be certified by a Professional Engineer registered in the State of Michigan. The standard for certification shall be included with the permit application.
 - 2. 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. Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950), as amended, the Michigan Tall Structures Act (Public Act 259 of 1959), as amended, and local jurisdiction airport overlay zone regulations.

Article 15
Special Approval Use Regulations

- a. The following standard applies only to Utility Grid wind energy systems:
 - 1. **Visual Impact:** Utility Grid wind energy systems projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the master plan.
- G. **Controls and Brakes:** All private and commercial WECS projects shall be equipped with manual and automatic controls to limit rotation of blades to speed below the designed limits of the WECS. The Professional Engineer must certify that the rotor and over-speed control design and fabrication conform to applicable design standards. All systems shall come equipped with an automatic braking system, governor or feathering system to prevent uncontrolled rotation or over speeding.
- H. **Electrical Components:** All electrical compartments, storage facilities, wire conduit, and interconnections with utility companies will conform to national and local electrical codes. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- I. **Compliance with Township Ordinances:** All private and commercial WECS projects shall be in compliance with all Grant Township Zoning Ordinance requirements and other applicable Ordinances.
- J. **Setbacks:** All private and agricultural wind energy systems shall be a permitted use based on the individual zoning districts subject to the following requirements:
 - 1. All projects must be setback from property lines at a distance equal to or greater than one hundred fifty percent (150%) of the height of the structure, measured from the base of the structure to the highest reach of its blade. The setback for inhabited structures is two (2) times its hub height or one thousand feet (1,000'), whichever is greater.
 - 2. All Wind Tower systems shall be setback at a distance of one hundred fifty percent (150%) of the height of the structure, measured from the base of the structure to the highest reach of its blade from:
 - a. Any public road right of way, unless written permission is granted by the government agency with jurisdiction over the road;
 - b. Any overhead utility lines, unless written permission is granted by the affected utility.
 - 3. Setback distances for public lands, waters, state wildlife areas and other DNR lands, and wetlands shall be six hundred feet (600'). The distance from state forest land shall be one thousand three hundred twenty feet (1,320').

Article 15
Special Approval Use Regulations

4. SCADA (Supervisory Control and Data Acquisition) or meteorological towers shall also comply with the property setback requirement. An operations and maintenance office building, a sub-station, or ancillary equipment shall comply with any property setback requirement that may be applicable to that type of building or equipment. Overhead transmission lines and power poles shall comply with the setback requirements applicable to public utilities.
- K. Height: Private WECS projects shall conform to the maximum height standards of the zoning district and compliance with FAA regulations.
- L. Lighting: A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
- M. Installation Certification: The Professional Engineer shall certify that the construction and installation of the private or commercial WECS project meets or exceeds the manufacturer's construction and installation standards.
- N. Climb Prevention: All private and commercial WECS project towers or poles must be unclimbable by design or protected by anti-climbing devices such as:
1. Fences with locking portals at least six feet (6') high;
 2. Anti-climbing devices twelve feet (12') from the base of the pole;
 3. Anchor points for guy wires supporting the tower shall be enclosed by a six foot (6') high fence or shall be located within the confines of a yard that is completely fenced.
- O. Electromagnetic Interference: It shall be the responsibility of the person in charge of the private or commercial WECS to submit acceptable documentation as part of the special land use permit to determine if the WECS project would in any way cause interference with microwave transmissions, residential television reception, or radio reception. No Utility Grid wind energy system shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to the level present before operation of the wind energy system. No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.
- P. Fire Risk: All private and commercial WECS projects must adhere to all applicable electrical codes and standards, must remove fuel sources such as vegetation from the immediate vicinity of electrical gear and connections, and must utilize twistable cables on turbines.

Article 15
Special Approval Use Regulations

- Q. Waste: All solid waste, whether generated from supplies, equipment parts, packaging, operation, or maintenance of the WECS, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the WECS, including but not limited to lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.
- R. Noise Levels:
1. The sound pressure level measured at the property line of the property on which the private or commercial WECS project has been installed shall not exceed fifty five (55) decibels. In the event that audible noise from operation of the wind energy facility contains a steady pure tone, the standards set by this Ordinance for audible noise shall be reduced by five (5) decibels. Noise levels shall be measured at the property line closest to the wind energy system.
 2. As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the Utility Grid wind energy system will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18 at the applicant's expense. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to Grant Township within sixty (60) days after construction is completed on the wind energy system project.
 3. It is an ongoing requirement of the special land use permit that the permit holder and/or his or her successor in interest shall, upon the request of the Township Zoning Administrator, demonstrate that the sound pressure level measurements are still in conformance with the original application noise level requirements as set forth in the paragraphs above, and the permit holder and/or his or her successor in interest shall be required to have said testing done by a third party who is a qualified professional pursuant to the procedures as set forth above and at the permit holder and/or successor in interest's expense.
- S. Environmental: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to: wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

Article 15
Special Approval Use Regulations

1. All WECS shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, M.C.L. 3234.101 et seq.) including and not limited to:
 - a. Part 31 – Water Resources Protection (M.C.L. 324.3101 et seq.);
 - b. Part 91 – Soil Erosion and Sedimentation Control (M.C.L. 324.9101 et seq.);
 - c. Part 301 – Inland Lakes and Streams (M.C.L. 324.30101 et seq.);
 - d. Part 303 – Wetlands (M.C.L. 324.30301 et seq.);
 - e. Part 323 – Shoreland Protection and Management; and
 - f. Part 353 – Dunes Protection
- T. Safety: The WECS manufacturers shall document that the WECS model has been 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. All wind towers shall have lightning protection. The minimum vertical blade tip clearance from grade shall be twenty feet (20’) for a wind energy system employing a horizontal axis rotor.
- U. Additional Standards for Commercial WECS Projects: The following additional standards shall apply to all commercial wind energy conversion systems in Grant Township:
 1. Color: Towers and blades shall be painted any neutral color that is acceptable to Grant Township or otherwise required by law.
 2. Compliance with FAA: It shall be the responsibility of the person in charge of the commercial WECS project to complete the proper FAA applications and obtain the proper permits for the WECS project. It shall also be the responsibility of the person in charge of the commercial WECS project to obtain a determination of no significant impact to air navigation from the FAA.
 3. Warnings: A visible warning sign of “High Voltage” shall be required to be placed at the base of all commercial WECS projects. The sign must have at a minimum six inch (6”) letters with five inch (5”) stroke. Such signs shall be located a maximum of three hundred feet (300’) apart and at all points of sit ingress and egress.
 4. Annual Inspection: Every commercial WECS project must be inspected annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public. Such records shall be submitted to Grant Township and is considered a part of the continuing Special Approval Use Permit.
 5. Compliance with Additional Regulations: It shall be the responsibility of the person in charge of the commercial WECS project to contact the FCC and FAA regarding additional permits necessary or any other applicable Federal or State regulations for the installation, prior to Grant Township granting a Special Approval Use Permit.
 6. Avian and Wildlife Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take

Article 15
Special Approval Use Regulations

appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. Sites requiring special scrutiny include bird refuges and other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC) published standards to prevent avian mortality. APLIC standards can be found at <http://www.aplic.org/APPs.php>. In 2005, APLIC and the U.S. Fish and Wildlife Service jointly released "Avian Protection Plan Guidelines," which can be accessed at the following web address on the APLIC website: http://www.aplic.org/uploads/files/2634/APPguidelines_final-draft_April2005.pdf

7. Decommissioning Plan and Escrow:
 - a. The Commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four feet (4'), restoration of the soil, and restoration of the vegetation within six (6) months of the end of the project life or facility abandonment.
 - b. The Decommissioning Plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with whom the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the Township to insure:
 1. The financial resources for decommissioning shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to Grant Township.
 2. The Township shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of project life or facility abandonment.
 3. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 4. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the applicant or applicant's successor for

Article 15
Special Approval Use Regulations

decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not be so onerous as to make wind power projects unfeasible.

8. The following standards apply only to Utility Grid Wind Energy Systems:
 - a. Shadow Flicker: The applicant shall conduct an analysis on potential shadow flicker at occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.
 - b. Complaint Resolution: A Planning Commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project. The process shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction, the applicant shall maintain a telephone number during business hours where nearby residents can reach a project representative.
9. Miscellaneous:
 - a. All electric line/utility wires shall be buried underground unless otherwise approved by the Township.
 - 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 (6') view obscuring fence. The supporting tower shall also be enclosed with a six foot (6') view obscuring fence unless the base of the tower is not climbable for a distance of twelve feet (12'). All areas which are secured with a fence shall provide emergency access as required by the Township. If the equipment is located within a lockable building, the view obscuring fence shall not be required.
 - c. When a building is necessary for storage of cells or related mechanical equipment, the building may not exceed one hundred forty square feet (140 sq. ft.) in area nor eight feet (8') in height, and must be located at least the number of feet equal to the height of the tower from any property line. Such building shall not be considered an accessory building in terms of the total number or total if accessory buildings permitted are onsite.
 - 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. Appropriate legal documentation, in the form of a deed restriction, shall be filed with the county and the Township

Article 15
Special Approval Use Regulations

guaranteeing such removal prior to any permits being granted for construction.

ARTICLE 16
SITE PLAN REQUIREMENTS

SECTION 16.1: PURPOSE

16.1.1 Purpose: The purpose of the site plan review requirements is to ensure and maintain development practices and patterns to protect the public health and safety of the community and to properly advance the long term community vision and planning goals set forth in the Grant Township Master Plan.

It is further the intent of this section that where a site plan is required, the size, shape, placement and design of buildings, parking lots, landscaping, fencing and related changes to a lot or parcel are all made consistent with a site plan which is submitted and reviewed to establish conformance or nonconformance with the requirements of this Ordinance and any other applicable local, county, state or federal regulations.

SECTION 16.2: USES REQUIRING SITE PLAN APPROVAL

16.2.1 Uses Requiring Site Plan Approval: The Zoning Administrator shall not issue a zoning permit or a certificate of zoning compliance, nor shall the Building Inspector issue a building permit for any principal use listed below, nor for any accessory use on a lot or parcel for which site plan approval was previously granted or is required, until a site plan covering the entire lot or parcel has been reviewed and approved:

- A. Whenever a building permit is required for new construction or alteration of a commercial building.
- B. For any substantial change in commercial and industrial use or type of business that may result in additional impacts to the health, safety and general welfare of township residents or those who will use the facility as well as affect increased service or facility load or additional impact on the natural environment.
- C. Whenever a business parking or storage area is to be constructed or modified.
- D. A site plan is required with all applications for status as a special approval use. The application form for site plan review is available from the Zoning Administrator or Township Clerk.

SECTION 16.3: INFORMAL REVIEW PROCESS

16.3.1 Informal Review Process: It is recommended that, prior to incurring any expense associated with preparing and submitting a detailed site plan application for consideration, the prospective applicant meets for an informal review with the Zoning Administrator. At the discretion of the Zoning Administrator, proposed projects may be subject to an informal review at a regularly scheduled Planning Commission meeting.

Article 16
Site Plan Requirements

- A. The purpose is to discuss early and informally with the applicant the intent and effect of these zoning regulations and the criteria and standards contained within. This may include any potential variance requests that need to be filed with the Zoning Board of Appeals.
- B. To aid in the discussion, the potential applicant should prepare a discussion plan, drawn approximately to scale, showing the relationship of the development to surrounding properties, location of buildings, and parking areas, internal circulation patterns, proposed size of buildings and uses to be included in the development.
- C. Requests for informal review process that are made at least fourteen (14) days prior to the next meeting of the Planning Commission will be placed on the agenda of the next regularly scheduled meeting. The applicant is encouraged to pre-schedule the meeting with the Zoning Administrator.
- D. No action shall be taken at such a meeting and no discussions, opinions, suggestions, or recommendations discussed at the informal review meeting shall be relied upon by the applicant to indicate any potential and subsequent approval or disapproval of the plan.
- E. At the discretion of the Township, other agencies with appropriate technical advice may attend the meeting.

SECTION 16.4: APPLICATION PROCEDURE

16.4.1 Application Procedure:

- A. All land for which site plan approval is sought must be owned, under the control of the applicants who must have a majority ownership interest if there is more than one owner, or have a valid purchase agreement option on the property. The Zoning Administrator, with Planning Commission approval, may research the parcel ownership and if unsatisfied that the applicant(s) have the majority ownership interest or purchase agreement interest in the property, may require proof thereof.
- B. An application for Site Plan Review by the Township Planning Commission, along with the required fee and four (4) copies of the required site plan to be reviewed shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of the Planning Commission meeting at which the review is to be conducted.
- C. All information depicted on a site plan shall be prepared by, or under the direct supervision of, a professional engineer, architect, land surveyor, or landscape architect licensed in Michigan as indicated by the signature and seal of the professional. This requirement may be waived by the Zoning Administrator for site plans involving only accessory structures or minor building alterations as documented by the Zoning Administrator in the official log of waivers.
- D. The Zoning Administrator shall record the date of the receipt of all materials. When all required materials have been received and are determined by the Zoning Administrator to be complete, the Zoning Administrator shall conduct a review of the site plan, attempt to resolve areas of noncompliance and

Article 16
Site Plan Requirements

concern with the applicant, and then forward the application, site plan, and the review thereof to the Planning Commission prior to the meeting at which it will be considered.

- E. The Zoning Administrator and the Planning Commission shall review and approve or approve with conditions, all other site plans within sixty (60) days. The Zoning Administrator shall document, prior to approval of any site plan within his/her authority to approve, that conformance with the site plan submittal requirements applicable to site plans in Section 16.5 have been met. The authority granted to the Planning Commission in Section 16.6 also rests with the Zoning Administrator on those site plans he/she has the authority to approve.

SECTION 16.5: SITE PLAN SUBMITTAL REQUIREMENTS

16.5.1 Site Plan Submittal Requirements: In addition to the property owner's and applicant's full name, address, telephone, fax and e-mail numbers, and signature(s), the preparer of the site plan must also provide the same information. The following data and other items as may be requested by the Zoning Administrator and/or Planning Commission is required to be depicted on every site plan submitted for review and approval, except if waived by the Zoning Administrator:

- A. Legal description of the property, lot numbers, property lines including angles, dimensions, and a reference to a section corner, quarter corner, or point on a recorded plat. Include a copy of any existing deed restrictions or previous zoning approval which limits use of the property, as well as any proposed deed restrictions.
- B. A vicinity sketch showing the location of the site in relation to the surrounding street system and the classification of land bordering the site in question.
- C. Building Elevations.
- D. A map at a scale of not less than 1"=20' if the subject property is less than three (3) acres and 1"=100' if three (3) acres or more. The following items shall be shown on the map:
1. Existing zoning classification of the site and surrounding properties and any variances to be requested;
 2. Name, address and seal of the preparer and date site plan was prepared or last updated.
 3. The topography of the site at a minimum of two (2) foot intervals and its relationship to adjoining land;
 4. Existing man-made features and existing natural features, including all trees and woods on site and all drains, streams, lakes, ponds, floodplains, sand dunes, high risk erosion areas, and similar features on the site with an indication as to which will be retained and which will be removed or altered by earth changes;
 5. Dimensions of yards, setbacks, locations, heights and size, use and shape of all buildings and structures. Lot area, lot coverage, floor area, floor

Article 16
Site Plan Requirements

- elevation, finished ground and basement floor grades, and building height by side of building shall all be indicated;
6. Proposed grading, drainage systems, on-site retention and detention basins, and the direction of drainage flow;
 7. Location and type of drainage, sanitary sewers, storm sewers, water, electric and gas lines and any other utilities, as well as any easements that exist or are proposed for the installation, repair and/or maintenance of utilities. Any septic systems, drain fields, dry wells, catch basins, water wells (active or abandoned), and underground storage tanks (active or abandoned) shall also be indicated, as well as the point of discharge for all drains and pipes;
 8. Proposed streets, driveways, parking spaces and sidewalks, with indication of direction of travel for one-way streets and drives and inside radii of all curves. The width of streets, driveways and sidewalks and the total number of parking spaces shall be shown. Parking areas shall be designed showing individual spaces and shall conform to the provisions of Article 3;
 9. Adjacent properties and their uses shall be identified;
 10. Location and type of signs and on-site lighting;
 11. Existing and proposed trash receptacles and dumpsters and the location and specifications of any proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials, as well as any containment structures or clear zones required by government authorities;
 12. Any other information necessary to establish compliance with Township Ordinances.

SECTION 16.6: PLANNING COMMISSION REVIEW OF SITE PLAN AND PERFORMANCE GUARANTEE

16.6.1 Planning Commission Review of Site Plan and Performance Guarantee: The Township Planning Commission shall review the required site plan and either approve, deny, or approve with conditions the site plan based on the purposes, objectives and requirements of this Ordinance and specifically, the standards listed in Section 16.5. Any conditions required by the Planning Commission shall be shown on the site plan, as well as stated in writing and delivered to the applicant. The Planning Commission shall document its conclusions, the rationale for the conclusions, and, if an application is denied but approval appears feasible, what must be done to obtain approval.

- A. Further, the Planning Commission is empowered to require a performance bond, certified check, irrevocable letter of credit, and/or cash bond in the amount equal to the estimated cost of improvements associated with the project. Such performance guarantee shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan; if not faithfully completed, said performance bond shall be

Article 16
Site Plan Requirements

forfeited. The Township shall rebate a proportional share of the performance guarantee when requested by the depositor, based on the percent of improvements completed, as attested by the depositor and verified by the Zoning Administrator. In cases where the provisions of Section 16.5 have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to return the property to a safe and healthy condition, including completion of required improvements, and the balance of the performance guarantee, if any, shall be returned to the applicant.

- B. Each development for which site plan approval is required shall be under construction within one (1) year after the date of final approval by the Planning Commission. If said applicant does not fulfill this provision, the Planning Commission may grant a sixty (60) day extension, provided the applicant has an opportunity, preceded by at least ten (10) days notice, to present reasonable evidence which is discussed at a public meeting of the Planning Commission, to the effect that said development has encountered unforeseen difficulties but is then ready to proceed. Should neither of the aforementioned provisions be fulfilled or a sixty (60) day extension has expired without construction underway, the site plan shall be null and void. It may be reconsidered only upon reapplication and payment of all fees.
- C. Upon approval of said site plan, the Zoning Administrator shall sign and date three (3) copies thereof. One (1) signed copy shall be made part of the Planning Commission's files and one (1) shall be forwarded to the Building Inspector for issuance of a building permit. The third copy shall be returned to the applicant. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals relative to the property for which site plan approval was granted, the minutes concerning the variances, duly signed and dated, shall also be filed with the Planning Commission records as a part of the approved site plan and a copy delivered to the applicant.

SECTION 16.7: FEES

16.7.1 Fees: The applicant shall submit a Site Plan and Application for Site Plan Review to the Zoning Administrator, along with a fee as specified in Section 19.10.

SECTION 16.8: SITE PLAN AMENDMENT

16.8.1 Site Plan Amendment: Site Plan amendments shall be subject to the same submittal, review, and approval procedural requirements as the original Site Plan being amended. Site Plan amendments require the mutual agreements of the body or official approving the original site plan and the applicant.

SECTION 16.9: CONFORMITY TO APPROVED SITE PLANS

16.9.1 Conformity to Approved Site Plans: Property which is the subject of site plan approval must be developed in strict compliance with the approved site

Article 16
Site Plan Requirements

plan and any amendments thereto which have received the approval of the permit issuing authority. If construction and development does not conform to such approved plans, as evidenced in an inspection by the Building Inspector or Zoning Administrator, the owner shall be given a notice of violation of the Ordinance and notified that all construction activities shall cease at the time of the notice. Following a notice of violation, the Planning Commission shall hold a hearing to determine the cause for nonconformity or other issues in conforming to the approved site plan. Following the hearing, the permit may be reinstated.

SECTION 16.10: APPEALS OF SITE PLAN DECISIONS

16.10.1 Appeals of Site Plan Decisions: An appeal of a site plan decision made by the Zoning Administrator may be taken to the Zoning Board of Appeals in the same manner as other administrative decisions. An appeal of a site plan decision by the Township Planning Commission or Township Board may be taken to the Circuit Court. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision by the Zoning Administrator, or to decide in favor of the applicant. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Township, County, or State. The Zoning Board of Appeals shall state the grounds of each determination.

SECTION 16.11: AS-BUILT SITE PLANS

16.11.1 As-Built Site Plans: Once a project for which a site plan was approved is completed, two (2) sets of "as built" site plans showing the exact building footprints, driveways, parking areas, landscaping, utilities, sidewalks, bike paths and trails shall be signed by the licensed professional who prepared them and delivered to the Zoning Administrator within one (1) month of receipt of a certificate of zoning compliance (for each phase of a project if multi-phased). The Zoning Administrator may waive this requirement, except where major utilities, new roads and/or large buildings are involved.

ARTICLE 17
PLANNED UNIT DEVELOPMENT REGULATIONS

SECTION 17.1: PURPOSE

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

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

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

SECTION 17.2: OBJECTIVES

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

- A. To provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including but not limited to: open space, stands of trees, brooks, ponds, riparian areas, floodplains, hills, and similar natural assets;

Article 17
Planned Unit Development Regulations

- B. To encourage the provision of open space and the development of recreational and, where included in the site plan, other support facilities in a generally central location within reasonable distance of all living units;
- C. To encourage developers to use a more creative and imaginative approach in the development of areas;
- D. To encourage underground utilities which can be more efficiently designed when master planning a larger area;
- E. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and subsequently approved by the Township;
- F. To promote flexibility in design and permit planned diversification in the location of structures;
- G. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land uses, and utilities;
- H. To combine and coordinate architectural styles, building forms, and building relationships within the Planned Unit Development;
- I. To ensure a quality of construction commensurate with other new developments within Grant Township;
- J. To ensure that there is a recognizable and substantial benefit to the community achieved by the PUD.

SECTION 17.3: DEFINITIONS

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

- A. **“Agreement”** means prepared by the landowner, reviewed by the Township Attorney and approved by the Township Board which specifically details the development plans of the PUD, the covenants and restrictions proposed for the PUD, the staging of developments and the improvements to be placed in the development.
- B. **“Common open space”** means a parcel of land, an area of water, or a combination of land and water within the site designated for a PUD, designed and intended for the use and enjoyment of residents of the PUD. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefits and enjoyment of residents of the PUD.
- C. **“Developer”** means synonymous with the term "landowner" for the purposes of this article.
- D. **“Homeowners' association”** means an association to which all residents are required to belong as a condition of the deed, and which is set up with its own rules for self-government and assessment of dues for purposes related to maintenance of open space and provisions of other necessary internal services.
- E. **“Landowner”** means the legal or beneficial owner of all the land proposed to be included in a PUD. The holder of an option or contract to purchase, a

Article 17
Planned Unit Development Regulations

lessee having a remaining term of not less than 40 years, or other person having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purposes of this chapter. (See "Developer").

- F. **"Plan"** means any or all of the three (3) possible plan stages of a planned unit residential development, which are defined as follows:
1. Proposal for PUD designation. The proposal of a landowner for the designation of an area for planned unit development.
 2. Tentative development plan. Any plan submitted for approval to the Board subsequent to or together with the submission of an application for PUD and prior to submission of a final development plan for approval.
 3. Final development plan. That plan for development of a PUD or divisible geographic section thereof, approved subsequent to the approval of the proposal for PUD designation and the tentative development plan by the Board under the provisions of this chapter.
- G. **"Planned Unit Development"** means an area of land controlled by a landowner, to be developed as a single entity containing a minimum of forty (40) acres, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulations in any one residential district of this chapter.
- H. **"Single ownership"** means the proprietary interest of a single individual, partnership, or corporation, or other legally recognized entity in the state.
- I. **"Tentative preliminary plat"** means a map showing the salient features of a proposed subdivision of land submitted to the Planning Commission for the purposes of preliminary consideration in accordance with the Township Subdivision Regulations.

SECTION 17.4: MINIMUM REQUIREMENTS

17.4.1 Minimum Requirements:

- A. A Planned Unit Development shall be considered a unique use of land, which, although comprised of numerous structures of varying types, shall be accorded regulatory treatment under this Ordinance as a single entity. Subject to the limitations and requirements in this Article, the Township Planning Commission may, upon application, approve a Planned Unit Development through issuance of a special approval use permit. Within each Planned Unit Development the use, area, height, bulk and placement regulations of the zoning district may be modified, provided that such modifications shall comply with the provisions of this Article and the standards established in Article 3, General Provisions. While it is the intent of the Article to promote diverse and innovative design, and it is to be anticipated that each Planned Unit Development will possess a unique and distinctive design, all Planned Unit Developments shall promote the spirit and intent of this Ordinance as well as the public health, safety and welfare, and each shall be given equal regulatory consideration, recognizing the principles of due process, in accord with the procedures specified in this Article.

Article 17
Planned Unit Development Regulations

- B. A Planned Unit Development must be designed as an entity and shall be at least fifty percent (50%) completed within two (2) years. The time span for completion of the entire development and commencement date for each section thereof may be modified from time to time by the Township Board upon the showing of good cause by the landowner, provided that in no case shall extension of time exceed twelve (12) months.

SECTION 17.5: ELIGIBILITY REQUIREMENTS

17.5.1 Eligibility Requirements: No Planned Unit Development shall be approved unless the applicant, through written submittal, and the Township Board, through certification of written findings of the Township Planning Commission, demonstrates that the land use and development meet the following eligibility requirements and the standards set forth in Section 17.8:

- A. Compliance with the dimensional and open space standards in Section 17.6 and the use standards of the district in which it is located, along with such other uses as may be approved through the PUD review and approval process.
- B. The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to Grant Township. Such benefit must otherwise be unfeasible or unlikely to be achieved by development under a single zoning district taking into consideration the reasonably foreseeable detriments of the proposed development and use(s); including, without limitation:
1. The long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis.
 2. Reducing to a significant extent the nonconformity of a nonconforming use or structure, i.e., modification of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.
 3. The provision of additional amenities which would not otherwise be provided in a conventional development, including but not limited to more usable open space.
- C. All land for which application is made must be owned or under control of the applicant(s) and the parcel must be capable of being planned and developed as one integral land use unit. Noncontiguous parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the Planning Commission and Township Board.
- D. The PUD shall remain under the control or authority of a single individual, corporate or organizational owner who is authorized to administer the PUD. Elimination of a single authority, such as by sale of part of the PUD shall not occur without approval of a site plan amendment.

SECTION 17.6: DISTRICT REQUIREMENTS AND CRITERIA

17.6.1 District Requirements and Criteria: All Planned Unit Developments shall be in compliance with the following requirements:

- A. All Planned Unit Developments shall be compatible with the objectives and specific elements of the Grant Township Master Plan;
- B. The Planned Unit Development concept may be applied in the following zoning districts: A-2, R1-A, and MH;
- C. Provisions of this section shall apply only to tracts of land forty (40) acres or more;
- D. Any land use authorized in this Ordinance may be included in a Planned Unit Development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development for the purpose of effectively dividing varied land uses which have been joined in and/or are adjacent to the development;
- E. A maximum of four percent (4%) of the total developed area may be utilized for uses that are permitted in the C Commercial District;
- F. A building devoted primarily to office or commercial use shall be built or established prior to the residential buildings or uses for which it is developed or intended to serve;
- G. The minimum area, dimensions, and setbacks of individual buildings and lots may be reduced, provided the total number and density of dwellings shall be increased by no more than twenty percent (20%) greater than that which would ordinarily result under the district regulations;
- H. The maximum density allowed shall be based on the St. Clair County Health Department requirements for septic systems and residential water wells;
- I. A minimum of fifteen percent (15%) of the land developed in any Planned Unit Development shall be reserved for common open space and noncommercial recreational facilities, not including parking lots, for the residents and users of the area being developed;
- J. The developer shall establish a homeowners' association to which all residents of the PUD must belong and shall relinquish control of the platted common open space to the homeowner's included in the homeowners' association are sold to the general public or within three (3) years of the commencement of construction, whichever occurs first;
- K. All Planned Unit Developments shall be compatible with existing adjacent developments;
- L. All Planned Unit Developments shall be of population density which will not overburden existing or immediately projected schools, parks, roadways, public utilities, and other public facilities;
- M. All Planned Unit Developments shall incorporate a transportation pattern consistent and complementary with existing and immediately projected transportation systems in the Township;
- N. All Planned Unit Developments shall be designed in a manner to ensure healthy living conditions and adequate light, air, and accessibility for fire and

Article 17
Planned Unit Development Regulations

police protection for the inhabitants and users of the development as well as adjacent Township residents;

- O. All portions of the PUD, including one-family lots, multiple-family projects, commercial areas, and public and private open spaces shall be platted in conformance with the requirements of the Land Division Act (Public Act 288 of 1967), as amended, and with the Township Subdivision Regulations.

SECTION 17.7: APPLICATION, REVIEW AND APPROVAL PROCEDURES

17.7.1 Application: Applications for a Planned Unit Development shall be submitted sixty (60) days prior to the next scheduled Planning Commission meeting through the Zoning Administrator who will review the application for completeness, then transmit to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with Section 19.10.

17.7.2 Required Information: An application for Planned Unit Development shall be accompanied by the following documents and information:

- A. A Planned Unit Development application form supplied by the Zoning Administrator which has been completed in full by the applicant;
- B. A site plan as specified in Article 16, Site Plan Requirements;
- C. The plan shall contain proposed covenants, easements and other provisions relating to the bulk, location and density of such residential units, nonresidential uses and public facilities and provisions for the ownership and maintenance of the common open space as are necessary for the welfare of the PUD and are consistent with the best interests of the entire Township. Such covenants, easements and other provisions, which are a part of the plan as finally approved, shall insure the benefit of the Township for all purposes;
- D. A statement with regard to compliance with the objectives of a PUD stated in Section 17.2 above, the eligibility requirements of Section 17.5, the criteria for approval in Section 17.8, and other criteria imposed by this Ordinance affecting the PUD under consideration.

17.7.3 Public Hearing: Upon receipt of an application for a use requiring special condition approval, the Planning Commission shall hold at least one (1) public hearing, in accordance with the public hearing and public notice requirements set forth in the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the public notification requirements detailed in Section 19.16 of this Ordinance.

17.7.4 Review and Approval: Within forty-five (45) days following the public hearing, provided all materials are complete, the Planning Commission shall review the application for a Planned Unit Development, comments received at the public hearing, the site plan, and other materials submitted in relation to the application, and make a recommendation to the Township Board to either deny, approve, or approve with conditions, the Planned Unit Development application in accordance with the purpose and objectives of this Article, the eligibility

Article 17
Planned Unit Development Regulations

requirements of Section 17.5, the criteria for approval stated in Section 17.8, the open space requirements of Section 17.6, as well as such other standards contained in this Ordinance which relate to the Planned Unit Development under consideration. The Planning Commission shall prepare a written report stating its findings and conclusions on the request for a Planned Unit Development, any conditions relating to an affirmative decision, and submit the same to the Township Board for final action. Upon the approval, or approval with conditions, by the Township Board, the applicant may apply for Preliminary Plat approval, if applicable.

17.7.5 Continuing Adherence to Approved Site Plan: Any property owner who fails to develop and maintain an approved PUD according to the approved site plan shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties for same.

17.7.6 Recording of Action: The applicant shall record an affidavit which has received the approval of the Township Attorney with the St. Clair County Register of Deeds, containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved PUD site plan unless an amendment is adopted by the Township. In addition, all deed restrictions and easements shall be duly filed with the St. Clair County Register of Deeds and copies of recorded documents presented to the Township Clerk.

17.7.7 Amendments: Amendments to an approved site plan for a PUD shall be processed according to the procedure in Article 16, Site Plan Requirements.

17.7.8 Scheduled Phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the open space development and the residents of the surrounding area.

17.7.9 Timing of Phases: Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted, following review of a formal request for extension by the developer and approval of same by the Township Board. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changes to conditions in the area, or in the case of fraud or violation of the terms of the original approval.

SECTION 17.8: BASIS OF DETERMINATION

17.8.1 Basis of Determination: Prior to approval of a Planned Unit Development application, the Planning Commission shall insure that the standards specified in this Section, as well as the applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion of the Planned Unit Development under consideration.

A. General Standards: The Planning Commission shall review the particular circumstances of the Planned Unit Development application under consideration in terms of the following standards and shall approve a Planned Unit Development only upon finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

1. The Planned Unit Development shall be consistent with the Grant Township Master Plan;
2. The Planned Unit Development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will create a pleasant pedestrian scale outdoor environment;
3. The Planned Unit Development shall not change the essential character of the surrounding area;
4. The Planned Unit Development shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other nuisance;
5. The Planned Unit Development shall not place demands on public services and facilities in excess of current capacity, unless planned improvements have already been scheduled for completion;
6. The Planned Unit Development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development;
7. The Planned Unit Development shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems;
8. The Planned Unit Development shall insure that vehicular and pedestrian traffic within the site be safe and convenient and that the parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles and adequate space for turning around shall be provided;
9. The Planned Unit Development shall not result in any greater storm water runoff to adjacent property after development than before. The open space shall be provided with ground cover suitable to control erosion and

Article 17
Planned Unit Development Regulations

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

**ARTICLE 18
NONCONFORMING USE REGULATIONS**

SECTION 18.1: PURPOSE

18.1.1 Purpose: It is the purpose of this Article to provide for the regulation of legally nonconforming structures, lots of record and uses, and also to specify circumstances and conditions under which nonconformities shall be permitted to continue. It is necessary and consistent with the regulations prescribed by this Ordinance that nonconformities, which adversely affect orderly development and the value of nearby property, not be permitted to continue without restriction. The zoning regulations established by this Ordinance are designed to guide the future use of land located in Grant Township by encouraging appropriate groupings of compatible and related uses and to promote and protect the public health, safety, and general welfare.

The continued existence of nonconformities is frequently inconsistent with the purposes for which regulations are established; therefore, the gradual elimination of nonconformities is generally desirable. The regulations of this Article permit nonconformities to continue, but are intended to restrict further investments which would make them more permanent. This Article distinguishes major nonconforming uses, minor nonconforming uses, major nonconforming structures, minor nonconforming structures, and nonconforming lots of records. The degree of restriction made applicable to each separate category is a function of the degree to which that category of nonconformity is a nuisance or incompatible with the purposes and regulations of this Ordinance.

SECTION 18.2: DEFINITIONS

18.2.1 Definitions of Classification System:

- A. A legal nonconformity is any land use, structure, lot of record, or sign legally established prior to the effective date of this Ordinance or subsequent amendment to it which would not be permitted by, or be in full compliance with, the regulations of this Ordinance.
- B. A nonconforming use is an activity using land, buildings, signs, and/or structures for purposes which were legally established prior to the effective date of this Ordinance or subsequent amendment to it and which would not be permitted to be established as a new use in a zoning district in which it is located by the regulations of this Ordinance.
 - 1. A major nonconforming use is any principal use not permitted by right (P) or by special approval (S), as designated in Table 4-2, Section 4.6.7.
 - 2. A minor nonconforming use is any existing nonconforming use which is not classified as a major nonconforming use. If an existing nonconforming use is designated as requiring a special approval use permit (S) in Table 4-2, Section 4.6.7, then the existing nonconforming use is considered to be a minor nonconforming use.

Article 18
Nonconforming Use Regulations

- C. A nonconforming structure is any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendment which does not fully comply with the standards set forth in this Ordinance.
1. A major nonconforming structure is any nonresidential building or structure located on a parcel which at any point borders a residential use and which exceeds either the maximum building height for the district in which it is located or which does not fully comply with the buffer yard requirements of this Ordinance.
 2. A minor nonconforming structure is any nonconforming building or structure which is not classified as a major nonconforming building or structure.
- D. A nonconforming lot of record is any validly recorded lot which at the time it was recorded fully complied with all applicable laws and Ordinances but which does not fully comply with the lot requirements of this Ordinance concerning minimum area or minimum lot width.

SECTION 18.3: CONTINUANCE OF NONCONFORMITIES

18.3.1 Continuance of Nonconformities: Except as otherwise provided in this Article, any nonconforming lot, use, sign, or structure lawfully existing on the effective date of this Ordinance or subsequent amendment thereto may be continued so long as it remains otherwise lawful. All nonconformities shall be encouraged to convert to conformity wherever possible and shall be required to convert to conforming status as required by this Article.

- A. A nonconformity shall not be enlarged upon, expanded, or extended, including extension of hours of operation, unless the alteration is in compliance with all requirements of this Ordinance. Normal maintenance and incidental repair of a legal nonconformity shall be permitted, provided that this does not violate any other section of this Article.
1. Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares the structure to be unsafe and orders its restoration to a safe condition, provided that the restoration is not otherwise in violation of the various provisions of this Section prohibiting the repair or restoration of partially damaged or destroyed structures.
 2. Nothing in this Article shall be deemed to prevent an extension for the exclusive purpose of providing required off-street parking or loading spaces, and involving no structural alteration or enlargement or such structure, subject to the restrictions of Article 3 General Provisions.
- B. A nonconformity shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is relocated.

Article 18
Nonconforming Use Regulations

- C. No use, structure, or sign which is accessory to a principal nonconforming use or structure shall continue after the principal use or structure has ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance.
- D. The burden of establishing that any nonconformity is a legal nonconformity as defined by this Article shall, in all cases, be upon the owner of such nonconformity and not upon Grant Township.

SECTION 18.4: MAJOR NONCONFORMITIES

18.4.1 Major Nonconformities:

- A. A major nonconforming use shall not be changed to any use other than a use permitted in the zoning district in which it is located.
- B. Major nonconforming uses or structures shall not be re-established in their nonconforming conditions in any zoning district after damage or destruction if the estimated expense of reconstruction exceeds fifty (50) percent of the appraised replacement cost of the structure or use.
- C. If a major nonconforming use ceases for any reason for a period of more than twelve (12) consecutive months, such discontinuance shall be considered conclusive evidence of an intention to abandon the existing nonconforming use. At the end of the twelve (12) month period, the nonconforming use shall not be re-established and any future use shall be in conformity with the provisions of this Ordinance.

SECTION 18.5: MINOR NONCONFORMITIES

18.5.1 Minor Nonconformities: On the effective date of adoption or amendment of this Ordinance, where a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, the use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. A minor nonconforming use shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. A minor nonconforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied such use at the effective date of adoption or amendment of this Ordinance.
- C. If a minor nonconforming use of land ceases for any reason for a period of more than one (1) year, such discontinuance shall be considered conclusive evidence of an intention to abandon the existing nonconforming use. The time limit on discontinuance may be extended beyond the one (1) year, for a period of time not to exceed one (1) year upon proper application to the Zoning Board of Appeals within the one (1) year period and upon presentation of evidence that practical difficulty would exist should the one (1) year limitation be strictly enforced. At the end of one (1) year period of

Article 18
Nonconforming Use Regulations

abandonment, the nonconforming use shall not be re-established and any future use shall be in conformity with the provisions of this Ordinance.

- D. A nonconforming use shall not be extended to displace a permitted or conforming use.

SECTION 18.6: MINOR NONCONFORMITIES – STRUCTURES

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

- A. Nonconforming structures shall not be altered or expanded without the prior approval of the Planning Commission, with the exception of structural alterations which do not increase the bulk of the structure or the intensity of use of the structure.
- B. Nonconforming buildings or structures may be structurally altered so as to prolong the life of the building or structure.
- C. Nonconforming structures may be re-established in their nonconforming condition in any zoning district after damage or destruction of the nonconforming structure, only if approved by the Zoning Board of Appeals.

SECTION 18.7: MINOR NONCONFORMITIES – USES OF STRUCTURES AND LAND

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

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. A nonconforming use may be extended throughout any part of a building which was arranged or designed for that use, and which existed at the time of adoption or amendment of this Ordinance, but the use shall not be extended to occupy any land outside the building.
- C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded or changed to a permitted use, shall thereafter conform to the regulations for the zoning district in which the structure is located and shall not revert back to a nonconforming use.
- D. Where a nonconforming use of a structure, or structure and premises in combination, is discontinued for twelve (12) consecutive months, the

Article 18
Nonconforming Use Regulations

discontinuance shall be considered conclusive evidence of an intention to abandon the existing nonconforming use.

- E. The time limit of discontinuance may be extended beyond the twelve (12) months for a period of time not to exceed one (1) year upon proper application to the Zoning Board of Appeals within the (12) month period and upon presentation of evidence that an unnecessary hardship or practical difficulty would exist should the twelve (12) month limitation be strictly enforced. At the end of this period of abandonment, the structure, or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the zoning district in which it is located.

SECTION 18.8: REPAIRS AND MAINTENANCE

18.8.1 Repairs and Maintenance: Repairs and maintenance may be performed on any building devoted in whole or in part to a nonconforming use, including ordinary repairs or repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty (50%) percent of the market value of the building during any period of twelve (12) consecutive months. However, the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by order of any official charged with protecting the public health, safety, and welfare.

SECTION 18.9: PRIOR CONSTRUCTION APPROVAL

18.9.1 Prior Construction Approval: Nothing in this Article shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that construction is commenced within ninety (90) days after the date of issuance of the permit; that construction is carried on diligently without interruption, as weather permits, for a continuous period; and that the entire building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit. To avoid undue hardship, nothing in this Article shall be deemed to require a change in the plans, construction, or designated use of any building on which construction was lawfully begun prior to the effective date of adoption or amendment of this Article, and upon which actual construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except where demolition or removal of an existing building has been substantially begun preparatory to rebuilding. The demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

Article 18
Nonconforming Use Regulations

SECTION 18.10: CHANGE OF TENANCY OR OWNERSHIP

18.10.1 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 the nonconforming uses.

SECTION 18.11: ELIMINATION OF NONCONFORMITIES – USES OR STRUCTURES

18.11.1 Elimination of Nonconformities – Uses or Structures: The Township Board may acquire private property or an interest in private property for the removal of any nonconforming use or structure by purchase, condemnation, or other means. The cost, expense, or a portion thereof may be paid from general funds or assessed to a special district in accordance with applicable statutory provisions.

ARTICLE 19
ADMINISTRATION AND ENFORCEMENT

SECTION 19.1: PURPOSE

19.1.1 Purpose: The purpose of this Article is to establish specific regulations and guidelines for the administration and enforcement of the Grant Township Zoning Ordinance.

SECTION 19.2: ENFORCEMENT

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

SECTION 19.3: DUTIES OF THE ZONING ADMINISTRATOR

It shall be the responsibility of the Zoning Administrator or his/her deputies, or such other official or officials as may be designated by the Township Board to be thoroughly versed in the provisions of this Ordinance and to enforce the provisions of this Ordinance, and in so doing shall perform the following duties:

19.3.1 Official Copies: Maintain one (1) official copy of an updated Zoning Ordinance and Zoning District Map, as amended, in accordance with Article 4.

19.3.2 Issue Permits: All applications for zoning compliance permits, temporary zoning permits, Special Approval Use Permits, Planned Unit Development permits, variances, appeals, requests for Ordinance interpretation and requests for changes to a nonconforming use shall be submitted to the Zoning Administrator, who shall issue such permits when all applicable provisions of this Ordinance have been met and approval has been granted by the proper body or official.

19.3.3 File of Applications: The Zoning Administrator shall maintain files of all permit applications, and shall keep a record of all permits issued. These shall be filed in the office of the Zoning Administrator and shall be open for public review.

19.3.4 Inspections: The Zoning Administrator shall not approve any plans or issue any permits for any excavation or construction until he/she has reviewed such plans in detail and found them to conform to this Ordinance. The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to carry out the enforcement of this Ordinance. The Zoning Administrator shall seek a search warrant through the Township Attorney any time a property owner refuses access to a property in order to make an inspection to determine compliance with this Ordinance.

Article 19
Administration and Enforcement

19.3.5 Record of Complaints: The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint; such records shall be open for public review.

19.3.6 Record of Decisions: The Zoning Administrator shall establish notebooks or other records for listing each decision, waiver, interpretation, or enforcement action made under this Ordinance. This record shall be organized for easy reference by date and decision to help ensure consistency of future decisions.

19.3.7 Violations: Enforcement actions may be initiated by a complaint, or by the Zoning Administrator independently anytime he/she identifies a violation.

19.3.8 Report to Township Board: On behalf of the Planning Commission, the Zoning Administrator shall report to the Township Board periodically; at intervals of not greater than one (1) year, summarizing for the period since the last previous report of building permits, zoning compliance permits, all complaints in violation, all appeals, variances and exceptions granted by the Zoning Board of Appeals and state action taken subsequent thereto.

19.3.9 Limit on Zoning Administrator Authority:

- A. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. Wherever the Zoning Administrator is authorized to waive a provision in this Ordinance or to make a discretionary decision, he/she shall document the waiver or the discretionary decision and the reason.
- B. The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit, unless such contracts, covenants or private agreements are with the Township, County, State of Michigan, or federal government, or one of their agencies.

19.3.10 Log of Waivers: The Zoning Administrator shall maintain a log of all waivers requested under this Ordinance. The log shall include the waiver requested, the applicable section of the Ordinance under which authority for the waiver is found, the decision, and the rationale for the decision. A list of waivers granted shall be transmitted once each month to the Township Supervisor and Township Planning Commission for the first three (3) months of the tenure of a new Zoning Administrator, and for as long thereafter as requested by either the Township Supervisor or Township Planning Commission.

Article 19
Administration and Enforcement

19.3.11 Prepare Forms, Manuals, and Guidelines: The Zoning Administrator shall periodically prepare, maintain and/or update forms, procedure manuals and guidelines for the smooth administration of the Zoning Ordinance. All such forms, manuals and guidelines shall be reviewed and approved by the Planning Commission.

19.3.12 Publication of Map: The Zoning Administrator shall ensure there is a procedure in place that results in the publication of a map showing the location of each property for which a public hearing is to be held under this Ordinance along with the official public hearing notice for that property in a newspaper of general circulation in the Township. The map shall serve as a substitute for publishing a legal description of the property.

19.3.13 Enforcement of Ordinance: The Zoning Administrator shall be the principal Ordinance enforcement officer. He/she shall ensure conformance with issued permits, investigate alleged Ordinance violations, issue tickets and violation notices, appear in court or other judicial proceedings, and undertake such other enforcement activities as may be delegated by the Township Board or Township Planning Commission. Other individuals may be hired for this purpose, or the task may be delegated to others who work under the supervision of the Zoning Administrator.

19.3.14 Recording of Nonconforming Uses: The Zoning Administrator shall record all known nonconforming uses existing at the effective date of this Ordinance.

19.3.15 Relief from Personal Responsibility: The Zoning Administrator, officer or employee charged with the enforcement of this Ordinance, while lawfully acting within the scope of the Zoning Administrator's duties for Grant Township, shall not thereby render himself/herself liable personally, and he/she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any lawful act required or permitted in the discharge of his/her official duties. Any suit instituted against the Zoning Administrator or any officer or employee acting on behalf of the office of the Zoning Administrator, because of a lawful act performed by the employee in the lawful discharge of his/her duties and under the provisions of the Ordinance shall be defended by the Township Attorney, or other legal representative of the Township, until the final termination of the proceedings. In no case shall the Zoning Administrator or any of his/her subordinates be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of the Ordinance.

SECTION 19.4: DUTIES OF THE BUILDING INSPECTOR

19.4.1 Duties of the Building Inspector: The following provision pertain to the Building Inspector and his/her duties in the administration and enforcement of this Ordinance:

- A. The Building Inspector shall have the power to issue occupancy permits and to make inspections of buildings or premises as necessary to carry out his/her duties in the enforcement of this Ordinance.
- B. It shall be unlawful for the Building Inspector to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he/she has inspected such plans in detail and found them to conform to all applicable provisions in this Ordinance.
- C. Under no circumstances is the Building Inspector authorized to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his/her duties as Building Inspector.
- D. The Building Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

SECTION 19.5: DUTIES OF THE PLANNING COMMISSION

19.5.1 Duties of the Planning Commission: The Planning Commission shall perform the following duties:

- A. Adopt forms, rules, procedures and guidelines for the proper administration and enforcement of the Ordinance;
- B. Act as a policy board on matters of enforcement and administration of the Ordinance not covered by adopted rules or guidelines;
- C. Conduct public hearings;
- D. Make comprehensive review and recommend changes to the Zoning Ordinance as deemed necessary, but not less than once every five (5) years.
- E. Review all proposed requests for Special Approval Use Permits and/or amendments to the Zoning Ordinance for compliance with requirements of the Ordinance based on Articles 15 and 23, and thence recommend appropriate action to the Township Board for approval, disapproval, or modification;
- F. Those duties prescribed in the Michigan Planning Enabling Act (Public Act 33 of 2008), as amended, and the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.

SECTION 19.6: PLOT PLAN

19.6.1 Plot Plan: The Zoning Administrator and Building Inspector shall require that all applications for uses or structures requiring a building permit and/or zoning compliance permit, except those for which site plan review is required,

Article 19
Administration and Enforcement

shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

- A. The actual shape, location, and dimensions of the lot;
- B. The shape, size, and location of all buildings and other structures to be erected, altered, or moved and of any building or other structures already on the lot;
- 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 adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

SECTION 19.7: ZONING COMPLIANCE PERMITS

19.7.1 Intent and Purpose: It is the intent and purpose of this Section to create a review and approval process for the issuance of zoning compliance permits.

19.7.2 Jurisdiction: No land clearing, filling, nor excavation for any building or structure shall be commenced; nor erection of, addition to, alteration of, or moving of any building or structure shall be undertaken; nor any land used; nor any existing land use changed to a different type or class; nor the use or occupancy of any building or premises, or part thereof, shall be undertaken without the issuance of the proper and appropriate certificates and permits pursuant to the requirements of Sections 19.7 and 19.9 of this Ordinance. Except upon written order of the Zoning Board of Appeals, no zoning compliance permit shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of this Ordinance.

19.7.3 Zoning Compliance Permits:

- A. When Required: No land filling or excavation shall be initiated, no building shall be erected, altered, moved or structural alterations initiated until a zoning compliance permit has been issued, except as otherwise permitted in this Ordinance.
- B. Expiration of Permit: Any permit granted under this Section shall become null and void after twelve (12) months from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of the pending voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective. The permit may be renewed for not more than two (2) additional months upon reapplication but without payment of the original fee, subject to the provisions of all Ordinances in effect at the time of renewal.

Article 19
Administration and Enforcement

- C. Revocation: The Zoning Administrator shall have the power to revoke or cancel any zoning compliance permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The owner or his/her agent shall be notified of such revocation in writing. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. Cancellation of a permit issued for a special approval land use, planned unit development or variance shall not occur before a hearing by the body which granted the permit. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit.
- D. Issuance: Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue a zoning compliance permit. In any case where a permit is denied, the reasons shall be stated in writing to the applicant to the extent required by law.
- E. Relation to Nonconforming Uses: It shall not be necessary for an owner of a legal nonconforming structure or use existing on the effective date of this Ordinance to obtain a Zoning Permit in order to maintain its legal, nonconforming status. However, no nonconforming building, structure, or use shall be renewed, changed, or extended pursuant to Article 18 Nonconforming Use Regulations until a zoning compliance permit has been issued by the Zoning Administrator. In such cases, the permit shall state specifically how the nonconforming building, structure, or use differs from the provisions of this Ordinance.
- F. Withholding Permit: The Zoning Administrator may withhold any zoning compliance permit pending verification that an applicant has received required Township, county, state or federal permits including, but not limited to: sanitary sewer and water tap-in permits, septic and water well permits, soil erosion and sedimentation control permits, wetlands permits, floodplain, culvert, driveway or building permits. Likewise, wherever this Ordinance authorizes permit approval by the Township Planning Commission or Township Board, the Township Planning Commission or Township Board may condition final approval of the requested development activity upon the receipt of any of the above mentioned Township, county, state or federal approvals and/or direct the Zoning Administrator not to issue a zoning compliance permit until said permits from other agencies have been obtained.
- G. Performance Guarantee: A performance guarantee may be required as a condition to the issuance of any zoning compliance permit in order to ensure compliance with the requirements of this Ordinance. See Section 19.11.
- H. Relationship to Building Permits: No building permit shall be issued for a new building or structure, one moved, altered, or repaired, or for the expansion of an existing building or structure before a determination of zoning compliance has been made by the Zoning Administrator. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of

Article 19
Administration and Enforcement

construction, class, type, or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by any part of this Ordinance or the Code of Ordinances of Grant Township, except for minor repairs or changes not involving any of the aforesaid features. 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. All Building Code requirements shall have been met as determined by the Building Inspector.

19.7.4 Temporary Zoning Compliance Permits:

- A. Application: An application may be approved, modified, conditioned, or denied by the Zoning Administrator. The Zoning Administrator may refer the application to the Township Planning Commission.
- B. Permits: A written will be issued for all temporary uses and shall contain the following information:
1. The applicant's name;
 2. The location and effective dates of the temporary use;
 3. Conditions specified by which the permit was issued, such as:
 - a. Use and placement of signs;
 - b. Provision for security and safety measures;
 - c. Control of nuisance factors;
 - d. Submission of performance guarantee, if required.
- C. Conditions of Approval:
1. The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
 2. The use shall not be typically located within a permanent building or structure.
 3. The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
 4. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
 5. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
 6. Signs shall conform to the provisions of Article 14 Sign Regulations.
 7. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
 8. The Zoning Administrator may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this Ordinance. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this section and a permit issued hereunder.
 9. Permits which are renewable shall have an application filed for renewal at least fifteen (15) days prior to the expiration date of the current permit,

Article 19
Administration and Enforcement

except that applications for renewal or extension of a permit for less than fifteen (15) days may be applied for no later than three (3) Township business days prior to the expiration date of the current permit.

- D. Revocation: Upon expiration or revocation of a permit for a temporary use, the temporary use shall cease and all temporary structures, dwellings or buildings shall be removed from the parcel of land. A permit may be revoked or modified by the Zoning Administrator if any one of the following findings can be made:
1. That circumstances have changed;
 2. The permit was obtained by misrepresentation or fraud;
 3. One (1) or more of the conditions of the permit have not been met; and
 4. The use is in violation of any statute, Ordinance, law, or regulation.
- E. Appeal: An appeal of a decision by the Zoning Administrator relative to denial of a permit for a temporary use or renewal thereof may be taken to the Zoning Board of Appeals pursuant to Section 20.4 of this Ordinance.
- F. Performance Guarantee: The Zoning Administrator may require a performance guarantee pursuant to the standards of Section 19.11.

SECTION 19.8: CERTIFICATES

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

- A. Certificates Not to Be Issued: No certificates of occupancy shall be issued for any building structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
- B. Certificates Required: No building or structure or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building and structure.
- C. Certificates Including Zoning: Certificates of occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.
- D. Renewal of Certificates: A record of all certificates issued shall be kept on file in the office of the Building Inspector and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- E. Certificates of Dwelling Accessory Buildings: Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy of the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
- F. Application for Certificates: Application for certificates of occupancy shall be made in writing to the Building Inspector on forms furnished by the Building Inspector and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part

Article 19
Administration and Enforcement

thereof, or the use of land is in accordance with the provisions of this Ordinance.

- G. Refusal of Certificate: If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforementioned five (5) day period.

SECTION 19.9: INSPECTIONS

19.9.1 Inspections: The Building Inspector shall inspect the site prior to the pouring of footings. The holder of every zoning compliance permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof, shall notify the Zoning Administrator and the Building Inspector immediately upon completion of the work authorized by such permit for final inspection.

SECTION 19.10: FEES

19.10.1 Fees:

- A. The amount of all Planned Unit Development fees, Site Plan Review fees, Special Approval Land Use fees, Zoning Compliance Permit fees, Zoning Board of Appeals fees, Amendment fees, and any other fees pursuant to this Ordinance shall be determined, and periodically revised, by adoption of a Schedule of Fees by the Grant Township Board. Fees for review of development proposals, inspections and the issuance of zoning permits or certificates of zoning compliance required under this Ordinance shall be deposited with the Township Treasurer in advance of processing any application, issuance of any permit or inspection. Fees shall be based on actual direct costs of inspection and supervision resulting from the enforcement of this Ordinance and may include the cost of filing approvals with other entities, such as the St. Clair County Register of Deeds. Such fees may also include, but are not limited to: all costs associated with conducting a public hearing or inspection, including the newspaper notice and area map, postage, photocopying, staff time, Township Planning Commission, Township Board and/or Zoning Board of Appeals time, mileage and any costs associated with reviews by qualified professional planners and/or engineers. Such fees may be collected in escrow with any unexpended balance returned to an applicant according to the procedure described below.
- B. A fee is required for any application for approval of a Site Plan, Special Approval Land Use, Planned Unit Development, variance, or other use or activity requiring a permit under this Ordinance, except for projects proposed by Grant Township or one of its agencies, or by any other public agency if the fee is waived by the Township Planning Commission. Either the Zoning Administrator or the Township Planning Commission may require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee shall be required for any project with more than ten (10) dwelling units, or more than ten thousand (10,000) square feet of enclosed space, or which requires

Article 19
Administration and Enforcement

any more than twenty (20) parking spaces, or is within three hundred (300) feet of the Black River. An escrow fee may be requested for any other project which may, in the discretion of the Zoning Administrator or Township Planning Commission, create an identifiable and potentially negative impact on public infrastructure or services, or on adjacent properties and because of which, professional input is desired before a decision to approve, deny or approve with conditions is made.

- C. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Township values to review the proposed application and/or site plan of an applicant. Professional review shall result in a report to the Township indicating the extent of conformance or nonconformance to this Ordinance and to identify any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by the Township and a copy of the statement of expenses for the professional services rendered.
- D. No application for approval for which an escrow fee is requested will be processed until the escrow fee is deposited with the Township Treasurer. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator. The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.
- E. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any Zoning Permit or other permit issued by a representative of the Township in response to the applicant's request. Failure of the applicant to make timely payment of any balance due will entitle the Township to place a lien or a stop work order or both on the subject property.

SECTION 19.11: PERFORMANCE GUARANTEES AND PERFORMANCE BONDING FOR COMPLIANCE

19.11.1 Requirements: In authorizing any Zoning Compliance Permit, Temporary Zoning Compliance Permit, Special Approval Land Use Permit, Planned Unit Development, site plan approval or variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished: (1) to ensure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance; (2) to ensure the discontinuance of a temporary use by a stipulated time; and (3) to provide sufficient resources for the Township to complete required improvements or conditions in the event the permit holder does not.

Article 19
Administration and Enforcement

19.11.2 Improvements Covered: Improvements that shall be covered by the performance guarantee or bond include, but are not necessarily limited to: streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage and sidewalks. The performance guarantee shall meet the following requirements:

- A. Form: The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Township Treasurer, which names the property owner as the obligor and the Township as the obligee.
- B. Time when Required: The performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an interest bearing account in a financial institution with which the Township regularly conducts business.
- C. Amount: The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions. Additional guidelines for establishing the amount of a performance guarantee or bond may be prescribed by resolution of the Township Board. If none are specified or applicable to the particular use or development, the Township Board shall, by resolution, establish a guideline which it deems adequate to deal with the particular problem, while ensuring the protection of the Township and its residents.

19.11.3 Return of Performance Guarantee or Bond: The Zoning Administrator, upon the written request of the obligor, and pursuant to the procedure in the next subsection, shall rebate portions of the performance guarantee, plus any accrued interest, upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition, plus any accrued interest.

19.11.4 Withholding and Partial Withholding of Performance Bond: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the Township Planning Commission and Township Board indicating approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

- A. The Township Planning Commission, or on a planned unit development the Township Board, shall either approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Township Planning Commission within thirty (30) days after

Article 19
Administration and Enforcement

receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.

- B. Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any unused balance remaining would be returned to the applicant, any excess expense would be recorded as a lien on the property.

19.11.5 Record of Performance Guarantees: A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

SECTION 19.12: ZONING APPROVAL RUNS WITH THE LAND

19.12.1 Zoning Approval Runs with the Land: The approval to engage in any land use activity or to construct a building or structure that is bestowed by a zoning compliance permit or other permit issued under the authority of this Ordinance, or any variance granted by the Zoning Board of Appeals, runs with the land, just like a nonconforming use right, and not with the owner. Thus, any person who relies on a valid permit or approval granted under the terms of this Ordinance may sell the property to another person who will enjoy the same rights, privileges and restrictions as the seller, provided that the sellers use of the property was not in violation of the Ordinance prior to the sale.

SECTION 19.13: APPEALS TO THE ZONING BOARD OF APPEALS

19.13.1 Appeals: Any decision of the Zoning Administrator may be appealed to the Zoning Board of Appeals (see Section 20.4.8). All written records of the Zoning Administrator related to an appeal shall be provided to the Zoning Board of Appeals. The Board shall review the decision in light of the applicable procedures and standards in the Ordinance and overturn the decision of the Zoning Administrator only where the facts do not support the decision made.

19.13.2 Notification of Michigan Department of Environmental Quality (MDEQ): The Zoning Administrator shall inform the Michigan Department of Environmental Quality (MDEQ) if the appeal involves a 100-year floodplain issue at the time an appeal is filed.

SECTION 19.14: CONDITIONAL APPROVALS

19.14.1 Conditional Approvals:

- A. As provided in the Section 504 of the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, site plans for special land uses, Planned Unit Developments or other discretionary approvals may be approved with reasonable conditions.
- B. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
- C. A site plan shall be approved if it contains the information required and is in compliance with this Zoning Ordinance and with the conditions imposed pursuant to this Ordinance, other applicable Ordinances, and State and Federal statutes.
- D. Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in this Zoning Ordinance, other applicable Ordinances, and State and Federal statutes.
- E. Once the site plan is approved and properly signed, any necessary special approval land use permit, Planned Unit Development permit, zoning compliance permit, or building permit may be issued.

SECTION 19.15: RECORDING CONDITIONS WITH THE REGISTER OF DEEDS

19.15.1 Recording Conditions with Register of Deeds: At the direction of the body or official making the final decision to approve or approve with conditions a Planned Unit Development, special approval land use, variance or other discretionary approval authorized by this Ordinance, or as otherwise may be specified by this Ordinance, or at the discretion of the Zoning Administrator, the approval or approval with conditions may be recorded with the St. Clair County Register of Deeds. The following requirements shall be met with each set recording:

- A. The applicant shall record an affidavit with the St. Clair County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved site plan or variance unless an amendment thereto is adopted by the Township. In addition, all deed restrictions and easements associated with the property shall be duly filed with the Register of Deeds and copies of all recorded documents shall be presented to the Zoning Administrator.
- B. All documents to be recorded with the St. Clair County Register of Deeds shall be first reviewed and approved as to form and content by the Township Attorney.

SECTION 19.16: PUBLIC HEARINGS AND PUBLIC NOTIFICATION

19.16.1 Public Notification: All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the other provisions of this Section with regard to public notification.

- A. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Grant Township and mailed or delivered as provided in this Section.
- B. Content: All mail, personal and newspaper notices for public hearings shall:
1. *Describe the nature of the request:* Identify whether the request is for a rezoning, text amendment, special approval use, planned unit development, variance, appeal, Ordinance interpretation or other purpose.
 2. *Location:* Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
 3. *When and where the request will be considered:* Indicate the date, time and place of the public hearing(s).
 4. *Written comments:* Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
 5. *Handicap access:* Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
- C. Personal and Mailed Notice:
1. *General:* When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property;
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an Ordinance interpretation request that does not involve a specific property, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Grant Township. If the name of the occupant is not known, the term "occupant" may be used in making

Article 19
Administration and Enforcement

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;

- c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 19.16.2.
 2. *Notice by mail/affidavit:* Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- D. **Timing of Notice:** Unless otherwise provided in the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
1. *For a public hearing on an application for a rezoning, text amendment, special approval land use, planned unit development, variance, appeal, or Ordinance interpretation:* Not less than fifteen (15) days before the date the application will be considered for approval.

19.16.2 Registration to Receive Notice by Mail:

- A. *General:* Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant to Section 19.16.1.C.1.c above, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the Township Board.
- B. *Requirements:* The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this Section.

ARTICLE 20
REVIEW AND DECISION MAKING BODIES

SECTION 20.1: PURPOSE

20.1.1 Purpose: It is the purpose of this Article to clarify the roles of the different boards and governing bodies responsible for review and decision making on applications for development approvals under the Grant Township Zoning Ordinance. The review boards included in this Article are the Township Board, the Township Planning Commission, and the Zoning Board of Appeals.

Each section in this Article identifies what responsibilities each review and/or decision making body has in the development review process. Where relevant and appropriate, the section also outlines the procedural rules governing the review body (e.g. rules about membership, composition, terms of office, filling vacancies, meetings and compensation).

SECTION 20.2: TOWNSHIP BOARD

20.2.1 Powers and Duties: In addition to any authority granted to the Township Board by charter, Ordinance or state law (this provision is not intended to in any way limit the Township Board's power and authority), the Board shall have the following powers and duties under this Ordinance:

- A. Amendments to Ordinance Text and Zoning Map: To review, hear, consider and approve or disapprove:
 - 1. Text amendments: Petitions to amend the text of this Ordinance. See Article 23.
 - 2. Zoning Map amendments (Rezoning): Petitions to amend the Official Grant Township Zoning Map.
- B. Initiate Amendments to Text and Zoning Map: To initiate petitions to the text of this Ordinance and the Zoning Map.
- C. Planned Unit Development Classification: To review, hear, consider and approve, approve with conditions or disapprove applications for Special Approval Use permits for PUD classification.
- D. To take any other action not delegated to the Township Planning Commission, Zoning Board of Appeals or heads of Township departments, as the Township Board may deem desirable and necessary to implement the provisions of this Ordinance.

SECTION 20.3: TOWNSHIP PLANNING COMMISSION

20.3.1 Establishment: There is hereby established the Township Planning Commission pursuant to Section 301 of the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.

Article 20
Review and Decision Making Bodies

20.3.2 Powers and Duties: The Township Planning Commission shall have the following powers and duties under this Ordinance:

- A. Those duties described in the Michigan Planning Enabling Act (Public Act of 33 of 2008), as amended, and the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.
- B. Amendments to Ordinance Text and Zoning Map: To review, hear, consider and make recommendations to the Township Board to approve or disapprove:
 - 1. Text amendments: Petitions to amend the text of this Ordinance. See Article 23.
 - 2. Zoning Map amendments (Rezoning): Petitions to amend the Official Grant Township Zoning Map.
- C. Planned Unit Development Classification: To review, hear, consider and make recommendations to the Township Board to approve, approve with conditions or disapprove applications for Special Approval Use permits for PUD classification.
- D. Special Approval Use Permit: To review, hear, consider and approve, approve with conditions or disapprove Special Approval Use Permits.
- E. Site Plan: To review, hear, consider and approve, approve with conditions or disapprove site plans.
- F. Initiate Amendments to the Text and Zoning Map: To initiate petitions to amend the text of this Ordinance or the Official Grant Township Zoning Map.
- G. Make Special Knowledge and Expertise Available: To make its special knowledge and expertise available upon written request and authorization of the Township Board to any official, department, board, commission or agency of Township.
- H. Studies: To conduct studies of the resources, possibilities and needs of the Township upon the authorization of the Township Board, and report its findings and recommendations, with reference thereto, to the Township Board.
- I. Planning Experts:
 - 1. With the approval of the Township Board, the Planning Commission may engage the services of a planning expert. Compensation for the planning expert shall be paid by the Township Board.
 - 2. The Planning Commission shall consider any information and recommendations furnished by appropriate public officials, departments or agencies.

20.3.3 Expenses and Compensation: Pursuant to Section 302 of the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, members of the Township Planning Commission may be reimbursed for reasonable expenses actually incurred in the discharge of their duties and may receive compensation as fixed by the Township Board.

Article 20
Review and Decision Making Bodies

20.3.4 Membership:

- A. The Township Planning Commission shall consist of seven (7) members. The members of the Township Planning Commission on the effective date of this Ordinance shall be the members of the Commission without change in the length of their terms of office.
- B. One member of the Township Planning Commission shall be a member of the Township Board.
- C. Members shall be nominated for appointment by the Township Supervisor and ultimately appointed by the Township Board.
- D. The term of appointment shall be for three (3) years (or until their successors take office), from January 1 of the year of appointment to December 31 of the third year of the term.
- E. If a vacancy occurs on the Township Planning Commission due to death, resignation, disability or for other reason than expiration of term, the Township Planning Commission shall notify the Township Board, and the unexpired term shall be filled by the Township Board in the same manner as the original appointment.

20.3.5 Quorum: No meeting of the Township Planning Commission shall be called to order, nor may any business be transacted without a quorum consisting of four (4) members being present. If at any time during a public hearing a quorum is lost, it shall be stated in the minutes and no final action on a matter shall be taken by the Township Planning Commission.

20.3.6 Rules of Procedure: The Township Planning Commission shall, by a majority vote of the entire membership, adopt rules of procedure governing its procedures on such matters as officers, voting, meetings, compensation and related matters as it may consider necessary or advisable.

SECTION 20.4: ZONING BOARD OF APPEALS

20.4.1 Establishment: A Zoning Board of Appeals (ZBA) is hereby established and "ZBA" as used in this Ordinance shall mean the Zoning Board of Appeals.

- A. The term of each member shall be three (3) years except that of the members first appointed, two shall serve for two years and the remaining member for three years. The Township Board is required to appoint a successor within one (1) month after the expiration of the term of the preceding member and any vacancy in office shall be filled for the remainder of the unexpired term.
- B. Any member who has a conflict of interest on any matter before the Board of Appeals may disqualify himself/herself from voting thereon, and failure to do so may constitute misconduct in office.
- C. The ZBA shall elect its own chairperson; however, a ZBA member who is also on the Township Board shall not be chairperson of the ZBA.

20.4.2 Rules of Procedure: The Zoning Board of Appeals shall, by a majority vote of its entire membership, adopt rules of procedure governing its procedures

Article 20
Review and Decision Making Bodies

on such matters as officers, voting, meetings, compensation and related matters as it may consider necessary or advisable.

20.4.3 Procedures:

- A. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as the ZBA, in its rules of procedure, may specify. There shall be a fixed place of meeting and all meetings shall be open to the public.
- B. A majority of the total membership of the Zoning Board of Appeals shall vote on every matter (no abstentions) unless a member has a conflict of interest. A member of the ZBA shall request to be disqualified from a vote in which the member has a conflict of interest. The member shall state the nature of the conflict of interest and the ZBA shall vote whether to excuse the member from participation because of a conflict of interest. Failure to raise an issue of conflict of interest prior to discussion and vote on a matter before the ZBA shall constitute misconduct in office for which the member may be removed, following a hearing.
- C. Conflict of interest may include, but is not limited to: considering property a ZBA member owns or has a legal or financial interest in or adjacent property; considering a request by a party a ZBA member has close ties with, such as a relative, friend, boss, co-worker or neighbor. A fundamental issue is whether the member of ZBA believes he or she can objectively consider the request before the ZBA.
- D. The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it, to the extent allowed by law.
- E. All findings of the Zoning Board of Appeals shall be in writing, with a record of its proceedings showing the action of the ZBA and the vote of each member of each question considered.
- F. Determinations and findings of the ZBA shall be made in a reasonable time period.
- G. The ZBA shall file a record of its proceedings in the office of the Township Clerk. The record of proceedings shall be a public record.
- H. The Zoning Board of Appeals may not conduct any business unless a majority of its membership is present.
- I. A majority vote of the total membership is necessary to reverse any administrative decision or grant a dimensional (non-use) variance or make a decision in favor of an applicant.

20.4.4 Membership:

- A. The Zoning Board of Appeals shall consist of three (3) regular members. The members of the Zoning Board of Appeals on the effective date of this Ordinance shall be the members of the Board without change to the length of their terms of office.

Article 20
Review and Decision Making Bodies

- B. One member of the Zoning Board of Appeals shall be a member of the Township Planning Commission.
- C. One member of the Zoning Board of Appeals may be a member of the Township Board, although this is not a requirement. If one of the members is a Township Board member, that member cannot serve as chairperson.
- D. The remaining member shall be appointed from the electors of the Township residing outside of incorporated cities and villages and shall be representative of the population distribution and various interests present in the Township.
- E. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.
- F. Members shall be nominated for appointment by the Township Supervisor and ultimately appointed by the Township Board.
- G. The term of appointment shall be for three (3) years (or until their successors take office), from January 1 of the year of appointment to December 31 of the third year of the term.
- H. Any vacancy on the Zoning Board of Appeals shall be filled for the unexpired term in the same manner as in the case of the original appointment.

20.4.5 Powers and Duties: The Zoning Board of Appeals shall have the following powers and duties under this Ordinance:

- A. Those duties described in Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended;
- B. To review, hear, consider and approve, approve with conditions or disapprove variances;
- C. To hear, review, consider, and affirm, modify or reverse any order, decision, determination or interpretation of the Zoning Administrator or any other administrative official made under the terms of this Ordinance;
- D. To review, hear, consider and approve, approve with conditions or disapprove a change of one nonconforming use to another nonconforming use.

20.4.6 Jurisdiction:

- A. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this section and laws of the State of Michigan.
- B. The Zoning Board of Appeals, in conformity with the provisions of the this Ordinance and the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, may reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination appealed from and shall make such an order, requirements, decision, or determination as, in its opinion, ought to be made and to that end, shall have all the powers to hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.

Article 20
Review and Decision Making Bodies

20.4.7 Compensation: The Township Board must appropriate annually in advance the total amount to be paid to the members of the Zoning Board of Appeals. Each member is to receive such per diem compensation and actual expenses incurred in the discharge of duties as may be determined by the Township Board.

20.4.8 Fees: The required fees for a hearing before the Zoning Board of Appeals are a part of the cost of any zoning compliance permit and are in addition to other building permit fees. The required fees for any hearing before the Zoning Board of Appeals shall be paid as specified in Section 19.10 and certain additional expenses may be recovered if there are any additional costs incurred over and above the amount of the required fee. Said costs shall include, but are not limited to: any additional hearings, the attendance of the Township Attorney at the hearing(s), engineering fees, and professional planner consulting fees, if applicable. An escrow may be collected to pay for these costs per the procedure in Section 19.10.

20.4.9 Appeals, Interpretations and Variances: Subject to the provisions of Section 20.5, the Board, after public hearing, shall have the power to decide applications for appeals, interpretations, and variances filed as hereafter provided:

- A. Where it is alleged by the appellant that there is an error or misinterpretation in any order, requirement, decision, grant, or refusal made by the Zoning Administrator or other administrative office in the carrying out or enforcement of the provisions of this Ordinance, then an appeal or request for Ordinance interpretation shall be filed with the Zoning Board of Appeals on forms established for that purpose. In deciding a request for Ordinance interpretation, the ZBA shall ensure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions of the Ordinance. All Zoning Map interpretation questions shall be guided by the standards in Section 4.3.1.
- B. Where, by reason of the exceptional narrowness, shallowness or shape of a specific piece of property which existed on the effective date of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary situation or condition of the land, building, or structure, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this Ordinance would involve practical difficulties, provided that the Board shall not grant a variance on a lot of less area than the requirements of its zoning district, even though such lot existed at the time of the adoption of this Ordinance if the owner or members of his immediate family owned adjacent land which could, without practical difficulty, be included as part of the lot.
- C. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance relating to the construction, structural changes in equipment, or alterations of buildings or structures, or the use of land,

buildings, or structures so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.

SECTION 20.5: VARIANCES

20.5.1 Dimensional or Non-Use Variance Standards: No variance in the provisions of this Ordinance shall be authorized unless the Zoning Board of Appeals finds, from reasonable evidence, that all of the following standards have been met:

- A. Such variance will not be detrimental to adjacent property and the surrounding neighborhood;
- B. Such variance will not impair the intent and purpose of this Ordinance;
- C. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 20.4.9.B;
- D. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance;
- E. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation;
- F. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created;
- G. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
- H. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship;
- I. That the variance will relate only to property under the control of the applicant.

20.5.2 Use Variances Prohibited:

- A. The Zoning Board of Appeals is hereby prohibited from granting a use variance for a use not permitted within a particular Zoning District. A use variance would allow a landowner to use the land for a purpose which is otherwise not permitted or is prohibited by the applicable zoning district regulations.
- B. The Zoning Board of Appeals shall only be authorized to issue dimensional or non-use variances in strict accordance with Section 20.5.1 above.

SECTION 20.6: PUBLIC HEARING AND NOTIFICATION REQUIREMENT

20.6.1 Public Hearing and Notification Requirement: Upon receipt of an application for an appeal, interpretation, or variance, the Zoning Board of Appeals shall hold at least one (1) public hearing, in accordance with the public hearing and public notice requirements set forth in the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the public notification requirements detailed in Section 19.16 of this Ordinance.

SECTION 20.7: CONDITIONS OF APPROVAL

20.7.1 Conditions of Approval:

- A. In authorizing a variance, the Zoning Board of Appeals may impose specific conditions regarding the location, character, fencing, buffering or landscaping, or such other design changes as are reasonably necessary for the furtherance of the intent and spirit of this Ordinance and to ensure the protection of the public interest and abutting properties. To ensure compliance with such conditions, the ZBA may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond per the requirements of Section 19.11.
- B. Lapse of Approval:
 - 1. No order of the ZBA permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
 - 2. No order of the ZBA permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period provided, however, that where such permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

ARTICLE 21
RESERVED FOR FUTURE USE

SECTION 21.1: RESERVED FOR FUTURE USE

ARTICLE 22
RESERVED FOR FUTURE USE

SECTION 22.1: RESERVED FOR FUTURE USE

**ARTICLE 23
AMENDMENTS**

SECTION 23.1: PURPOSE

23.1.1 Purpose: The Township Board may from time to time, on recommendation from the Planning Commission or a petition amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended. The purpose of this Article is to detail the procedures for amending this Zoning Ordinance.

SECTION 23.2: INITIATION OF AMENDMENTS

23.2.1 Initiation of Amendments:

- A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Grant Township Zoning Map may be amended pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.
- B. Amendments may be initiated by the Township Board, the Planning Commission or by petition of one or more persons having an interest in the property to be affected by the proposed amendment.

SECTION 23.3: FEES

23.3.1 Fees:

- A. The Township Board shall establish fees for zoning amendment petitions.
- B. Such fee shall be paid in full at the time of application, and no portion of such fee shall be returnable to the petitioner.
- C. Fees shall not be required for amendments proposed or requested by the Township Board or the Planning Commission.

SECTION 23.4: AMENDMENT PROCEDURES

23.4.1 Amendment Procedures: All petitions for amendment shall be submitted as provided herein:

- A. Not less than forty-five (45) days before any regular meeting of the Planning Commission, the petitioner shall deliver to the Zoning Administrator:
 - 1. Two (2) copies of the petition for amendment accompanied by two (2) copies of such documents as prescribed therein.
 - 2. A petition shall be made for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same type amendment.
- B. The Zoning Administrator shall review each petition to insure it is complete and in compliance with the provisions of this Ordinance.

**Article 23
Amendments**

1. Any petition not complete or not in compliance with this Ordinance shall be returned to the petitioner.
 2. Any petition returned as not complete or not in compliance with this Ordinance shall not constitute filing to commence the running of time for processing the petition.
 3. Any petition meeting the requirements of this Ordinance shall be scheduled for public hearing by the Zoning Administrator, within forty-five (45) days of acceptance of the petition, pursuant to subsections A. and B. above.
- C. Any person having an interest in any amendment may reasonably present testimony or evidence in support of or opposition thereto.

SECTION 23.5: FINDINGS OF FACT REQUIRED

23.5.1 Findings of Fact Required: In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings in full along with its resulting recommendations for the proper disposition of the petition to the Township Board. The facts to be expressly considered by the Planning Commission shall include, but shall not be limited to the following:

- A. What, if any, identifiable conditions related to the petition have changed which justify the petitioned change in zoning?
- B. What, if any, error in judgment, procedure, or administration was made in the original Ordinance which justifies the petitioned change in zoning?
- C. What are the precedents and the possible effects of precedent which might result from the approval or denial of the petition?
- D. What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the petition is approved?
- E. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?
- F. Does the petitioned zoning change generally comply with the adopted Grant Township Master Plan?
- G. Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 1. Surface water drainage problems?
 2. Waste water disposal problems?
 3. Adverse effect on surface or subsurface water quality?
 4. The loss of valuable natural resources such as forest, wetland, historic sites, wildlife, mineral deposits, or valuable agricultural land?

SECTION 23.6: PUBLIC HEARING

23.6.1 Public Hearing: Upon receipt of an application for a use requiring special condition approval, the Planning Commission shall hold at least one (1) public hearing, in accordance with the public hearing and public notice requirements set forth in the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the public notification requirements detailed in Section 19.16 of this Ordinance.

SECTION 23.7: PLANNING COMMISSION RECOMMENDATIONS

23.7.1 Planning Commission Recommendations:

- A. All findings of fact shall be made a part of the public records of the meeting of the Planning Commission and the Township Board.
- B. After the public hearing, the Planning Commission shall submit a summary of the comments received at the public hearing its findings of fact and the proposed amendment (including any zoning maps and other related material) to the Township Board.
- C. Following the public hearing, the Planning Commission shall submit for review and recommendation the proposed zoning amendment, including any zoning maps, to the St. Clair County Metropolitan Planning Commission (SCCMPC).
- D. The SCCMPC will have waived its right for review and recommendation of an Ordinance or amendment if the recommendation by the SCCMPC has not been received by the Grant Township Planning Commission within thirty (30) days from the date the proposed Ordinance is received by the SCCMPC.
- E. The Planning Commission shall not forward a recommendation to the Township Board unless all of the aforementioned and other factors identified by the Ordinance are affirmatively resolved.

SECTION 23.8: CONSIDERATION BY THE TOWNSHIP BOARD

23.8.1 Consideration by the Township Board:

- A. After receiving the recommendations of the Planning Commission, the Township Board, at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the petitioned amendment. Such action shall be by Ordinance requiring a roll call vote. The amendment shall be approved by a majority vote of the members of the Township Board.
- B. The Township Board may hold additional public hearings if it considers it necessary. Notice of a public hearing held by the Township Board shall be in accordance with the public hearing and public notice requirements set forth in the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the public notification requirements detailed in Section 19.16 of this Ordinance.
- C. Further, the Township Board shall make no change in the proposed amendment without first referring the petition back to the Planning

**Article 23
Amendments**

Commission, which shall have thirty (30) days from and after such referral in which to make a further recommendation to the Township Board, after which the Township Board shall take such action as it determines necessary. In the event that a petition is referred back to the Planning Commission, the Township Board shall make specific mention of their objections to results of the Planning Commission's findings and recommendations.

SECTION 23.9: NOTICE OF ORDINANCE ADOPTION

23.9.1 Notice of Ordinance Adoption:

- A. Following the adoption of a Zoning Ordinance and any subsequent amendments by the Township Board, the Zoning Ordinance or subsequent amendments shall be filed with the Township Clerk, and a notice of Ordinance adoption shall be published in a newspaper of general circulation in Grant Township within fifteen (15) days after adoption, pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.
- B. The notice required as detailed in subsection A above shall include all of the following information:
 - 1. In the case of a newly adopted Zoning Ordinance, the following statement:
"A Zoning Ordinance regulating the development and use of land has been adopted by the Grant Township Board."
 - 2. In the case of an amendment to an existing Zoning Ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
 - 3. The effective date of the Ordinance or amendment.
 - 4. The place and time when a copy of the Ordinance or amendment may be purchased or inspected.

**ARTICLE 24
VIOLATIONS AND PENALTIES**

SECTION 24.1: PURPOSE

24.1.1 Purpose: Enforcement of the provisions of this Ordinance and any entitlements granted by Grant Township shall be diligently pursued in order to provide for their effective administration, to ensure compliance with any conditions of approval, to promote the Township's planning efforts and implementation of the Grant Township Master Plan, and to protect the public health, safety, and welfare.

SECTION 24.2: VIOLATIONS AND PENALTIES

24.2.1 Officials Authorized to Write Citations: The Zoning Administrator, together with officers of the St. Clair County Sheriff's Department, is authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for any violations of this Ordinance.

24.2.2 Violations are a Nuisance Per Se: The Zoning Administrator shall enforce the provisions of this Ordinance. Violations of any provisions of this Ordinance are declared to be nuisance per se. Any and all building or land use activities considered possible violations of the provisions of this Ordinance observed or communicated to the St. Clair County Sheriff's Office or to any Township officials shall be reported to the Zoning Administrator.

24.2.3 Violations and Penalty: Unless a section of this Ordinance specifically provides otherwise, any person, firm, corporation, trust, partnership or other legal entity who violates, or refuses to comply with any provision, or any condition imposed by the Planning Commission or Zoning Board of Appeals in pursuance thereof, of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation, two hundred fifty dollars (\$250.00) for a second violation and five hundred dollars (\$500.00), for a third or subsequent violation. Each day a violation occurs or continues shall constitute a separate offense, and shall make the violator liable for the imposition of a fine for each day.

- A. 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 or who has assisted knowingly in the commission of such violation shall be liable to the fines and costs provided above.
- B. In addition to a civil fine, a person admitting or determined to be responsible for a municipal civil infraction shall be liable for the payment of the costs of the prosecution in an amount not less than nine dollars (\$9.00) or more than five hundred (\$500.00).
- C. In addition to the penalties otherwise provided, the district court shall have jurisdiction to enforce any judgment, writ or order necessary to enforce any

Article 24
Violations and Penalties

provision of this Ordinance, the violation of which is a municipal civil infraction including, but not limited to: abatement of the violating condition or granting injunctive relief.

- D. 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 effective date of this Ordinance and is in violation of any of its provisions is declared to be a public nuisance per se, and may be abated by order of a court of competent jurisdiction.
- E. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law.

24.2.4 No Permit to Violators: The Zoning Administrator may refuse to issue new Zoning Compliance Permits to a person who has failed to correct violations or to any person representing a firm which has failed to correct violations of this Ordinance or the International Property Maintenance Code or the Land Division Act (Public Act 288 of 1967), as amended.

24.2.5 Municipal Ordinance Violation Bureau: The location for the disposition of Civil Infraction Violation Notices issued under the Grant Township Zoning Ordinance shall be the office of the Grant Township Treasurer, Grant Township Hall, 7942 Wildcat Road, Jeddo, Michigan 48032.

24.2.6 Enforcement Procedure: The Zoning Administrator shall prepare procedures and administrative forms for Ordinance enforcement with input from the Township Attorney. These procedures and forms shall be approved by the Planning Commission and placed on file with the Zoning Administrator for public inspection.