



# Ira Township Zoning Ordinance

Effective November 18, 2015

Amended through January 19, 2022

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# How to Use This Ordinance

## 1. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

**Article Tabs** link to the first page of each Article. Red tab indicates the Article in which the current page is located.

**User Notes** provide helpful information for digital and hard copy formats. User Notes are always highlighted in blue.

**Sections and Subsections** contain the Ordinance regulations in a hierarchical manner.

**Blue bold font** links to standards in other sections of the Ordinance.

**Graphics, figures, and tables** illustrate concepts or clarify regulations.

**Link to How to Use This Ordinance.**

**Link to Zoning Map.**

**Notes** provide relevant district information recommended for review.

**Link to Table of Contents.**

**Selected References** list other sections or Ordinances that may pertain to a development in the district.








**Pages** are numbered sequentially within each Article.



# How to Use This Ordinance

## 2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Zoning Ordinance:

-  indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a  symbol. Consult Article 2, Definitions, for a list of all defined terms.)
-  indicates there is a graphic that illustrates the standard or requirement.
-  identifies a property line.
-  identifies the right-of-way centerline.
- R/W* identifies the right-of-way.
-  identifies a **User Note** that provides helpful information for all users.
-  identifies a **Digital User Note** that provides helpful information for users with a digital version of the Zoning Ordinance.



# How to Use This Ordinance

## 3. READING THE ORDINANCE

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:


- ☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- ☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- ☑ The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission or Zoning Board of Appeals.
- ☑ Article 2, Definitions, contains over 80 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- ☑ Conjunctions are often used and must be read accurately:
  - AND indicates that all connected items, conditions, provisions or events shall apply.
  - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
  - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [Section 2.1 Construction of Language](#).

## Digital User Note:

### What is a link?

A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.




 If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

### What information is linked?

All **blue text** is linked to either another page within the Zoning Ordinance, a separate Township ordinance or document, or an external website.




In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:

  **Article tabs** located on the side of each page are linked to the Contents page of each Article.

   **Icons** located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, and the Zoning Map

   **Use Matrix district headings** are linked to the corresponding district regulations page in Article 3.

 **‘How do I calculate height?’ button** located on each district regulations page is linked to the definition of building height in Article 2.

    **Zoning Map Legend headings** are linked to the corresponding district regulations page in Article 3.





# How to Use This Ordinance

## 4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

Use	AEC	RS	RU	RT	RM-1	RM-2	RM-3	MH
Accessory boathouses, boat hoists, and boat storage		S	S	S				
Accessory buildings	P/S	P/S	P/S	P/S	P/S	P/S	P	
Accessory commercial uses								P
Adult foster care family home	P	P	P	P	P	P		
Adult foster care large group home					P	P		
Adult foster care small group home	S	S	S	S	P	P		
Adult foster congregate care facility					P	P		
Agri-business (value farming operations)	S							
Airports and related uses	S							
Bed and breakfast lodging facilities	S	S	S	S	S	S		
Business uses							P	
Camping facilities, overnight	S							
Cemeteries	S	S	S	S	S	S		
Colleges, universities, and other such institutions of higher learning	S	S	S	S	S	S		
Convalescent or rest home, home for the aged, indigent, or physically handicapped	S	S	S	S	S	S		
Day-care, family (7-12 persons)	S	S	S	S	S	S		
Driving ranges	S							
Dwelling units, multiple-family in high-rise structures							P	
Dwellings, multiple-family					P	P		
Dwellings, one-family detached	P	P	P	P	P	P		
Dwellings, two-family					P	P		
Fairgrounds	S							
Farms	P							
Garage sales, yard sales or similar types of sales	P	P	P		P	P		
Golf courses	S	S	S	S	S	S		
Hog farms	S							
Home occupations	S	S						
Hospitals, general	S	S	S	S	S	S		
Keeping of animals	P							
Libraries	P							
Libraries, public	P	P	P	P	P	P		
Mobile home parks								P
Nursery schools, day nurseries, and child care centers	S	S	S	S	S	S		

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# How to Use This Ordinance

## 4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

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### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

Use	AEC	RS	RU	RT	RM-1	RM-2	RM-3	MH
Off-street parking lots, ramps, decks, of structures								
Orphanage	S	S	S	S	S	S		
Parks and parkways, publicly owned and operated	P	P	P	P	P	P		
Places of worship	P	P	P	P	P	P		
Plant nurseries	P							
Publicly owned buildings	P	P	P	P	P	P		
Quarry and stripping operations	S							
Recreation centers and areas, non-public	S	S	S	S	S	S		
Recreation centers, public	P	P	P	P	P	P		
Recreational vehicle parks	S							S
Roadside markets	S							
Schools, private or charter	S	S	S	S	S	S		
Schools, public and parochial	S	S	S	S	S	S		
Signs								P
Stables and riding academies	S							
Stables, private	P							
Utility and public service facilities	S	S	S	S	S	S		
Waster lagoon ponds	S							
Wastewater treatment systems, private	S	S	S	S	S	S	S	S

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# How to Use This Ordinance

## 4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

Use	B-1	B-2	WM	I-1	I-2
Accessory boathouses, boat hoists, and boat storage			S		
Accessory buildings	P/S	P/S	P/S	P/S	P/S
Accessory dwelling units			P		
Adult uses		S			
Airports and related uses				S	
Automobile and boat sales or showroom, new		P			
Automobile laundries and car washes		S			
Automobile race track				S	S
Automotive repair garages, auto engine and body repair, and undercoating shops				P	P
Banks and financial institutions	P	P			
Basic research, design and pilot or experimental product development				P	P
Beaches and water-related recreation areas			P		
Boat fueling stations			P		
Berthing, protection, or servicing of recreational boats, yachts, cruisers, inboards, outboards and sailboats			P		
Bottle works		P			
Bowling alleys, pool or billard parlor or club		P			
Central dry-cleaning plants or laundries				P	P
Clubs and lodges, private	P	P			
Colleges, universities, and other such institutions of higher learning				S	P
Commissary facilities for the provision of food, beverages and the like to be stored aboard boats			P		
Communication towers				S	S
Composting operations for leaves and grass, municipal or commercial					S
Drive-thru facilities		S			
Fairgrounds, horse and dog race tracks				S	S
Freight yards and terminals					P
Gasoline service station		S			
Gun Clubs				S	S
Heating and electrical power generating plans					P
Hotels, motels, cabin courts, and tourist lodging facilities	S	P	P		

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# How to Use This Ordinance

## 4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

Use	B-1	B-2	WM	I-1	I-2
Junk yards					S
Kennels, commercial				S	S
Laboratories - experimental, film or testing				P	P
Lumber and planing mills				S	P
Manufacturing				P	P
Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay					P
Metal plating, buffing and polishing				S	P
Mushroom plants and farms					S
Offices and showrooms for plumbers, electricians, decorators, or similar trades		P			
Offices for commercial printing and newspapers		P			
Offices for executive, administrative, professional, governmental, and sales	P	P			
Offices for medical and dental, including clinics	P	P			
Offices for public utility		P			
Outdoor space for the exclusive sale of second-hand automobiles, house trailers, and travel trailer rental		S			
Outdoor storage, businesses using		S			
Packaging, food		P			
Personal service establishments	P	P			
Production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products					P
Places of worship	P	P			
Quarry and stripping operations				S	S
Radio, television, satellite dish and communications antennae				S	S
Railroad transfer and storage tracks and railroad right-of-ways				P	P
Recreation space, outdoor commercially used		S			
Repair shops, engine and hull			S		
Repair shops, propeller and shaft			S		
Restaurants	S	P			
Restaurants, lounges or clubs where operations are conducted entirely indoors			P		
Retail and food establishments providing outdoor entertainment, service, or other activities		S	S		
Retail business	P	P	S		

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#### 4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use



**Digital User Note:**

Click on a district heading below to go directly to the corresponding district regulations.

Use	B-1	B-2	WM	I-1	I-2
Retail business, waterfront marina			P		
Retail industrial				S	S
Retail sales and display of fireworks from a permanent location	S	S		S	P
Riding academies and stables				S	S
Schools, business or private schools operated for profit		P			
Service convenience needs, industrial					P
Shelter for attendant					P
Signs, non-accessory				P	P
Storage		P		P	P
Storage, transfer, electrical and gas service buildings and yards				P	P
Theaters, assembly halls and similar places of assembly		P			
Theaters, outdoors				S	S
Trucking facilities				P	P
Utility and public service facilities	P	P		P	P
Utility exchanges, transformer stations, pump stations and service yards and other public service facilities		P			
Veterinary hospitals and clinics		P			
Warehousing				P	P
Warehousing and storage of consumer fireworks				P	P
Waste lagoon ponds					S
Wastewater treatment systems, private	S	S	S	S	S
Water and propane tank holders				P	P
Wholesale		P		P	



# How to Use This Ordinance

## 5. DISTRICT SUMMARY TABLE

Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below.

District Summary Table						
District (Residential District)		Min. Lot Size (acres or sq. ft.)	Min. Lot Width (feet)	Setbacks		
				Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
<b>AEC</b> Agricultural Estates Conservation	Along Marine City Highway	3.5 acres	250	125	20	60
	Along Major Thoroughfares			110		
	Along Collector Roads			93		
	Along Local Streets			83		
<b>RS</b> Residential Suburban	Along Marine City Highway	43,560 sq. ft. without sewer/ 15,000 sq. ft. with sewer	150 without sewer/ 100 with sewer	105	15	40
	Along Major Thoroughfares			90		
	Along Collector Roads			73		
	Along Local Streets			See <a href="#">Section 3.1.2.D</a>		
<b>RU</b> Residential Urban	Along Marine City Highway	7,200 sq. ft.	60	105	10	35
	Along Major Thoroughfares			90		
	Along Collector Roads			73		
	Along Local Streets			30		
<b>RT</b> Residential Transition	Along Marine City Highway	43,560 sq. ft. without sewer/ 32,000 sq. ft. with sewer	150 without sewer/ 125 with sewer	105	15	40
	Along Major Thoroughfares			90		
	Along Collector Roads			73		
	Along Local Streets			30		
<b>RM-1</b> Multiple- Family Residential (Low-Rise)	Multiple- and Two-Family Developments	12,000 sq. ft. See 3.1.5 for min. land area per dwelling	100	25	20	35
<b>RM-2</b> Multiple- Family Residential (Low-Rise)	Multiple- and Two-Family Developments	12,000 sq. ft. See <a href="#">Section 3.1.6</a> for min. land area per dwelling	100	25	20	35
<b>RM-3</b> Multiple- Family Residential (High-Rise)	Multiple-Family Developments	3 acres	200	See <a href="#">Section 3.8</a>	See <a href="#">Section 3.8</a>	See <a href="#">Section 3.8</a>
<b>MH</b> Mobile Home Park	Mobile Home Park See <a href="#">Section 3.9</a>	10 acres park See <a href="#">Section 3.9</a> for min. land area per dwelling	—	35	35	35

Continued on next page



# How to Use This Ordinance

## 5. DISTRICT SUMMARY TABLE (CONTINUED)

Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below.

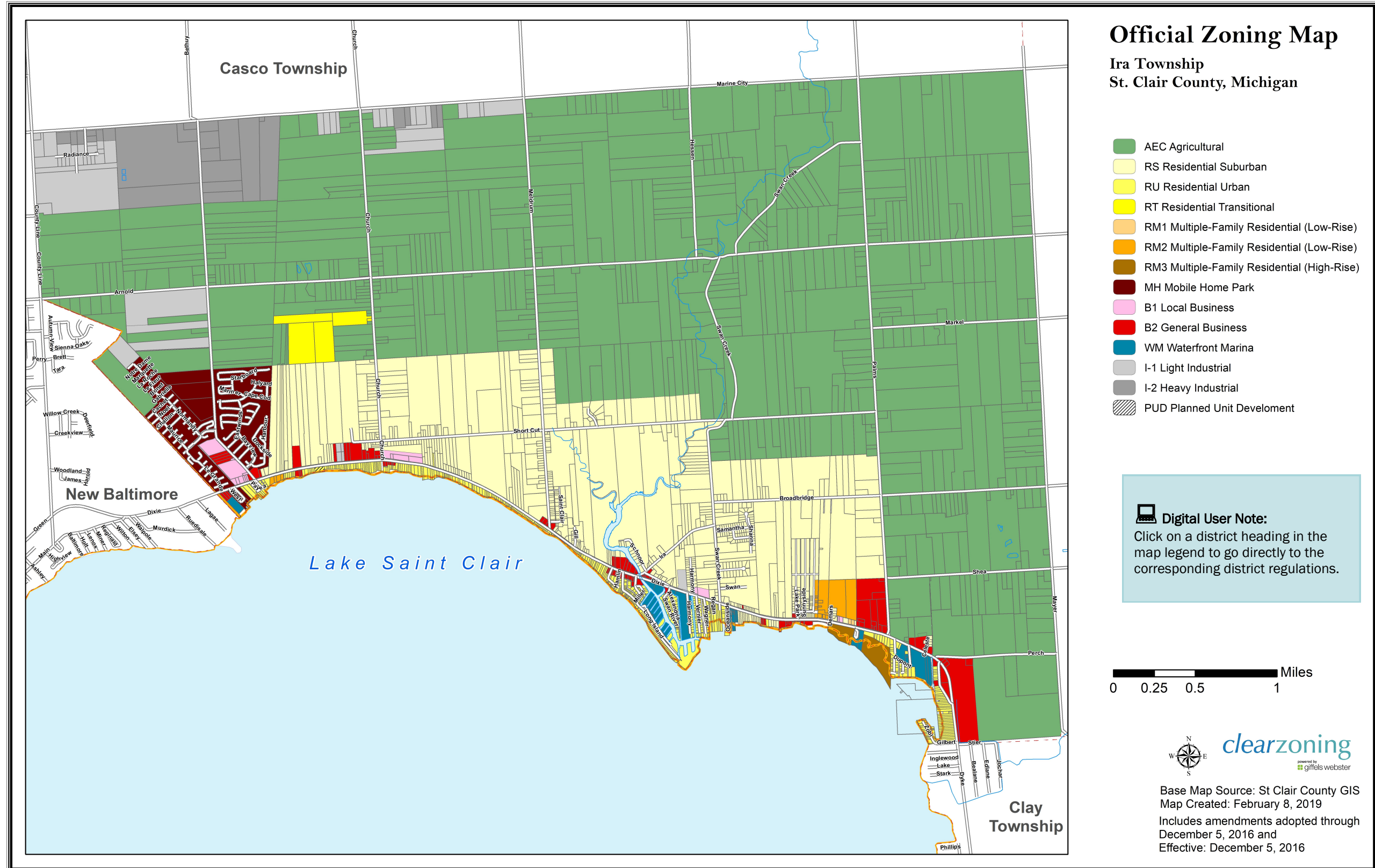
District Summary Table						
District (Non-Residential Districts)		Min. Lot Size (acres or sq. ft.)	Min. Lot Width (feet)	Setbacks		
				Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
<b>B-1</b> Local Business	All Development	—	—	25	5	20
<b>B-2</b> General Business	All Development	—	—	25	5	20
<b>WM</b> Waterfront Marina	All Development	—	—	25	5	20
<b>I-1</b> Light Industrial	Abutting Residential	—	—	30	40	40
	Abutting Non-Residential				10	30
<b>I-2</b> Heavy Industrial	Abutting Residential	—	—	50	40	50
	Abutting Non-Residential				20	





# How to Use This Ordinance

ZONING MAP



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# Article 1.0

## *Purpose and Introduction*



**Article 1.0 Purpose and Introduction**

- 1.1 Short Title
- 1.2 Conflicting Regulations
- 1.3 Scope
- 1.4 Vested Right
- 1.5 Severance Clause
- 1.6 Conflicting Provisions Repealed
- 1.7 Enactment and Effective Date



# 1.0 Purpose and Introduction

## 1.1 SHORT TITLE.

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

## 1.2 CONFLICTING REGULATIONS.

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provision 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.

## 1.3 SCOPE.

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

## 1.4 VESTED RIGHT

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

## 1.5 SEVERANCE CLAUSE

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

## 1.6 CONFLICTING PROVISIONS REPEALED

All other ordinances and parts of ordinances in conflict with this Ordinance to the extent of such conflict and no further, are hereby repealed. The [former] Zoning Ordinance for the Township of Ira, St. Clair County, Michigan, effective and as amended, is specifically repealed in its entirety.

## 1.7 ENACTMENT AND EFFECTIVE DATE

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, welfare and morals of the people of the Township of Ira, and are hereby ordered to be given immediate effect from and after the date of its passage by the Township Board and subsequent publication as required by law.

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4 Use Standards

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6 Development Procedures

7 Admin and Enforcement



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**2** Definitions

**3** Zoning Districts

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# Article 2.0 Definitions





## Article 2.0 Definitions

### 2.1 Construction of Language

### 2.2 Definitions

Accessory building	Condominium Act	Home Occupation
Adult Foster Care Facility	Condominium Master Deed	Hospital
Adult Foster Care Family Home	Condominium Subdivision Plan	Hotel
Adult Foster Care Small Group Home	Condominium Unit	Impervious Surface
Adult Foster Care Large Group Home	Contaminants	Industrial Use
Adult Foster Care Congregate Facility	Davit	Jetty
Alley	Deck	Jib Crane
Alterations	District	Junk Yard
Animals*	Drive Thru	Kennel, Commercial
Apartment	Drive-In	Kennel, Private
Automotive Service Center	Drive-In Restaurant	Laboratory
Auto Repair Garage	Dwelling, One-Family	Loading Space
Balcony	Dwelling, Two-Family	Lot
Basement	Dwelling, Multiple Family	Lot Area
Bed and Breakfast Lodging Facilities	Dwelling Unit	Lot, Canal
Billboard	Erected	Lot, Corner
Boat House, Private	Essential Services	Lot Coverage
Boat House, Commercial	Excavation	Lot Depth
Buildable Area	Family	Lot, Double Frontage
Buildable Land Area (For Density Computations and Habitation of Large Animals)	Family Day-Care	Lot, Interior
Building	Farm	Lot Lines*
Building, Earth-Sheltered	Fence	Lot, Waterfront
Building Height	Fence, Obscuring	Lot Width
Building Inspector or Building Official	Fence, Privacy	Lot of Record
Building Line	Filling	Manufacturing
Building, Main	Firearm	Marina, Commercial
Club	Firework or Fireworks	Marina, Private
Commercial Use	Fireworks, Consumer	Massage Parlor
Compost	Fireworks, Low-impact	Master Plan
Compostable Material	Floor Area	Migratory Labor Camp
Composting	Floor Area, Usable	Motel or Motor Court
	Foster Care	Municipal and Commercial Composting Operations
	Garage, Private	Nonconforming Building
	Garbage	Nonconforming Use
	Gasoline Service Station	Occupancy Load
	Grade	Off-Street Parking Lot
	Greenbelt	
	Gun Club	
	Hobby Farm	

\*Multiple terms are defined in this ordinance.



Open Dance Hall  
 Overnight Camping  
 Parking Space  
 Pawnshop  
 Person  
 Personal Service Establishment  
 Pinball or Video Game Arcade  
 or Establishment  
 Planned Unit Development  
 Planned Unit Development  
 Agreement  
 Pool or Billiard Hall  
 Private Road  
 Public Service  
 Public Utility  
 Recreational Vehicle Park  
 Retail Business  
 Retail Business, Waterfront  
 Marina  
 Retail Uses, Industrial  
 Roadside Stands or Markets  
 Rubbish  
 Sanitary Land Fill  
 Satellite Dish Antenna  
 Sauna, Hot Tub or Other Similar  
 Health or Body  
 Improvement Enterprise  
 Secondhand Store  
 Setback  
 Sexually Oriented Business\*  
 Sign\*  
 Site  
 Specified Anatomical Areas  
 Specified Sexual Activity  
 Stable, Commercial  
 Stable, Private  
 Story  
 Street  
 Structure  
 Temporary Building or Use  
 Temporary Outdoor Sales  
 Thoroughfare, Major  
 Thoroughfare, Secondary  
 Tourist Home  
 Trailer Coach (Mobile Home)  
 Trailer Court (or Mobile Home  
 Park)

Travel Trailer and/or Motor  
 Home  
 Use  
 Use, Accessory  
 Utility Room  
 View-Obscuring  
 View-Obscuring Landscape  
 Wind Energy Conversion  
 Systems (Windmills)\*  
 Yard Waste  
 Yards\*

\*Multiple terms are defined in this ordinance.

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# 2.0 Definitions

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## 2.1 CONSTRUCTION OF LANGUAGE

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

1. All words used in the present tense shall include the future;
2. All words in the singular number include the plural number and all words in the plural number include the singular number;
3. The word "building" includes the word "structure;"
4. The word "dwelling" includes "residence;"
5. The word "person" includes "corporation," "copartnership," "association," as well as an "individual;"
6. The word "shall" is mandatory;
7. The word "may" is permissive;
8. The word "lot" includes the words "plots" or "parcel;"
9. The words "used" or "occupied" include the words "intended," "designed" or "arranged" to be used or occupied.

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

## 2.2 DEFINITIONS

**Accessory Building:** A building or portion of a building subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. An accessory building must conform to all setback requirements of the primary use in non-residential districts.

**Adult Foster Care Facility:** A governmental or nongovernmental establishment that provides foster care to adults, excluding adults enrolled in a hospice care program, adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.

**Adult Foster Care Family Home:** A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

**Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.

**Adult Foster Care Large Group Home:** An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

**Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

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

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

### Animals:

1. **Domestic Pet:** Animals which are ordinary household pets such as dogs or cats and which are kept for pleasure.
2. **Exotic or Wild Animal:** Any animal not defined as a farm animal or domestic pet which is not native to Southeast Michigan nor commonly found in the wild in Southeast Michigan.
3. **Farm Animal:** Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals, including but not limited to mink.

**Apartment:** A residential structure containing three (3) or more attached one (1) family dwellings.

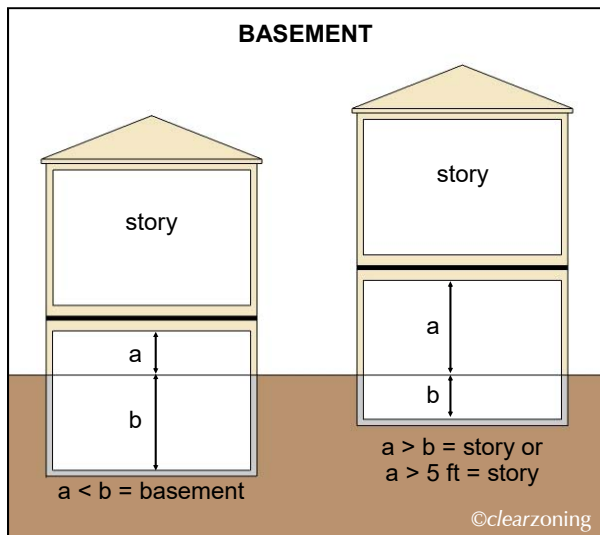
**Automotive Service Center:** A place where automobile service may be carried out for minor repair and servicing of automobiles, together with the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, only when the location of such Automotive Service Center is architecturally designed and located on the site so as to become an integral part of a larger planned shopping center complex.



**Auto Repair Garage:** A place where the following activities may be carried out: vehicle body repair, engine rebuilding or repair, undercoating, painting, tire recapping, upholstery work and auto glass work.

**Balcony:** A balcony shall be defined as a platform used for the private use of the tenant of the unit or for exterior access to such unit and which projects from the exterior wall of a residence and is surrounded by a railing or other confining element.

**Basement:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the average grade to the ceiling is over five (5) feet, such basement shall be rated as a first story. An approved earth-sheltered building shall not be considered a basement. ✍



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

**Billboard:** A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises.

**Boat House, Private:** A private boat house is a structure for the storage, shelter, and simple routine maintenance of a boat or boats, which are not for hire or sale and are owned by the immediate family.

**Boat House, Commercial:** A commercial boat house is a structure for the storage, shelter, and maintenance of a boat or boats that is used for revenue purposes.

**Buildable Area:** The buildable area of a lot or parcel is the space remaining after yard, parking or any other requirements of this Ordinance have been met.

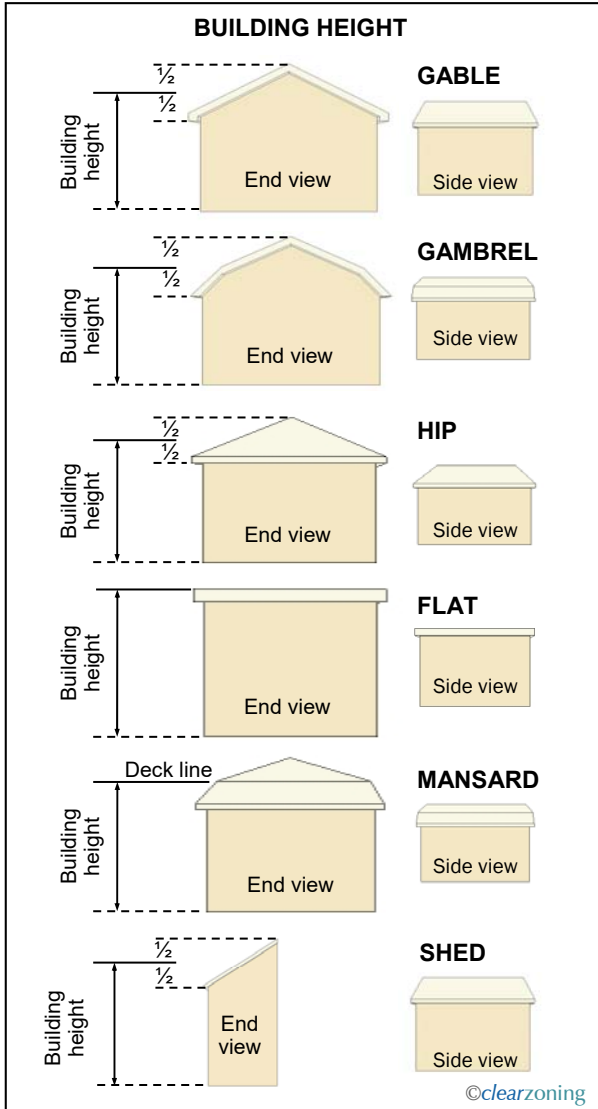
**Buildable Land Area (For Density Computations and Habitation of Large Animals):** The buildable area of a lot or parcel for the purpose of density calculations, and habitation by large animals such as horses and cows, shall be that area of the lot or parcel exclusive of land which is within the established flood plain, water course, floodway drainage course, wetland, or any other subaqueous area. In the case of large animals such as horses and cows, building area shall also be excluded from the land area if more than ten (10) percent of the buildable area is in buildings for the purposes of this definition and Ordinance.

**Building:** A structure, either temporary or permanent, having a roof supported by columns, or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind, including tents, awnings, or vehicles situated on private property and used for such purposes. Tents as used in this Ordinance shall not include those used solely for children's recreational purposes.

**Building, Earth-Sheltered:** A building where a significant portion of the walls and/or roof are covered with earth, that is specifically designed and constructed to meet the requirements of this Ordinance and the building code for minimum floor area, light and ventilation, emergency egress, waterproofing, and similar requirements, and approved by the Building Inspector.



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



**Building Inspector or Building Official:** The Building and Zoning Enforcement Administrator of Ira Township, or other deputies authorized by the Township to enforce this Ordinance.

**Building Line:** A line formed by the face of the building, and for the purpose of this Ordinance, a building line is the same as a front setback line.

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

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

**Commercial Use:** The use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services and the maintenance or operation thereof of offices, or recreational or amusement enterprises.

**Compost:** A complex, highly stable material formed as a result of the breakdown or decomposition of compostable materials; the end product of the composting process; also known as humus.

**Compostable Material:** For the purpose of this Ordinance, compostable or organic matter and material shall include typical yard wastes and clippings, such as and limited to, leaves, grass, clippings, vegetable or other garden debris, shrubbery or brush, tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, agricultural wastes, animal waste, sewerage sludge or garbage.

**Composting:** A yard waste management alternative to burning and/or landfilling in which compostable yard waste is collected, processed and recovered as a resource rather than disposed of. Involves the biological decomposition of organic matter under controlled conditions characterized by piles that generate heat under aerobic conditions.

**Condominium Act:** Act 59 of 1978, as amended.

**Condominium Master Deed:** The condominium document recording the condominium project as approved by the Township, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the site.





**Condominium Subdivision Plan:** The site plan illustrating the existing site features and all proposed improvements pursuant to the requirements for site plan review.

**Condominium Unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

**Contaminants:** Material received along with the yard wastes, which cannot be composted and, therefore, should be removed from the yard wastes in preparation for composting. Contaminants include, but are not limited to, plastic bags, string or wire used to bundle brush, cardboard boxes, burlap wrapping, etc.

**Davit:** A crane that projects over the side of a ship, dock, or seawall which is used to hoist or lower boats and/or other watercraft.

**Deck:** For the purposes of this Ordinance, a deck shall mean a structure constructed above the established grade of the property which is constructed on piers or a foundation for the purpose of outdoor living space. A deck may be constructed of any material and shall not have a structural roof and shall not be fully enclosed (except for required railings) for year-round living.

**District:** A portion of the unincorporated part of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**Drive Thru:** A maneuvering lane established for the sole purpose of directing traffic to a service window which is intended to be used for sales and/or service to patrons who remain in their vehicles.

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

**Drive-In Restaurant:** A business establishment, for the serving of food and/or beverages, with driveways and approaches developed and designed so as to serve patrons while in the motor vehicle, or

permit patron self-service so that consumption within motor vehicles may be facilitated, as differentiated from a restaurant with indoor seating only.

**Dwelling, One-Family:** A building designed exclusively for and occupied exclusively by one (1) family.

**Dwelling, Two-Family:** A building designed exclusively for occupancy by two (2) families, living independently of each other.

**Dwelling, Multiple Family:** A building or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other. (Refer to "Apartments" definition for dwelling unit types.)

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

**Erected:** Any physical operations on the premises required for the construction or moving on and including construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.

**Essential Services:** The term "essential services" means the erection, construction, alteration, maintenance, addition, reconstruction, or replacement by public utilities or municipal departments or commissions of underground, surface or overhead distribution gas, electricity, communications (excluding commercial radio, television, cellular, digital, and other transmitting or relay, antenna, towers or monopoles), steam or water transmission or distributing systems, collection, supply or disposal system, including pools, mains, drains, sewers, pipes, conduits, wires cables, high voltage transmission lines towers in connection with such lines, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories, in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service to this municipality and immediate surrounding territory by such public utilities or municipal departments or commission. Such facilities, both above and below ground, designated to serve users outside this municipality and immediate surrounding territory shall not be considered essential services under this definition.

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**Excavation:** Excavation shall mean any breaking of the ground to hollow out by cutting, digging, or removing any soil or rock matter, except for common household gardening and general farm care.

**Family:** One (1) or two (2) persons or parents, with their direct lineal descendants and adopted children, or a group of not more than six (6) unrelated individuals, living together in a dwelling unit and comprising a single housekeeping unit.

**Family Day-Care:** Means a facility receiving more than six (6), but less than thirteen (13), pre-school or school-age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. Family day-care does not include a Sunday school conducted by a religious institution nor a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

**Farm:** The carrying on of any agricultural activity or the maintaining or the raising of domestic livestock, or small animals, when conducted on at least five (5) acres or more in an agricultural district. The keeping of a horse for the purpose of this Ordinance, shall also constitute a farm.

**Fence:** An artificially constructed structure of any material or combination of materials, erected to enclose, screen, separate, confine or project areas of land.

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

**Fence, Privacy:** A view-obscuring fence erected for the purpose of separating property or enclosing the property within its perimeter and designed to obscure the area behind it or within its confines from observation by persons outside its perimeter.

**Filling:** Filling shall mean the depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.

**Firearm:** An instrument that is capable of hurling a missile by means of exploding or burning powder.

**Firework or Fireworks:** Means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

**Fireworks, Consumer:** Means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer Fireworks does not include low-impact fireworks.

**Fireworks, Low-impact:** Means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

**Floor Area:** The floor area of a residential dwelling unit is the sum of the horizontal areas of each story of the building as measured from the exterior walls, exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

**Floor Area, Usable:** For the purposes of computing parking, usable floor area is all ground and non-ground floor 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, or for utilities, shall be excluded from this computation of "Usable Floor Area." For the purposes of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

**Foster care:** The provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.





**Garage, Private:** A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located and with a capacity of not more than three (3) motor driven vehicles.

**Garbage:** The word "garbage" shall be held to include every refuse, accumulation of all waste, animal, fish, fowl, fruit, or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables, including spoiled food, dead animals, animal manure and fowl manure.

**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 of minor accessories and the servicing of and minor repair of automobiles.

**Grade:** The highest point of ground contacting any portion of the basement or foundation of a dwelling.

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

**Gun Club:** Any club, organization, or use, whether operated for profit or not, which caters to or allows the use of firearms. A gun club shall include a shooting range as defined within P.A. 269 of 1989 provided such range meets the State's adopted generally accepted operation practices.

**Hobby Farm:** A farm which is limited in scale, operated on a part time basis primarily for pleasure.

**Home Occupation:** An occupation, activity or hobby that is carried on within the walls of a dwelling unit, is clearly incidental and secondary to the use of the dwelling for dwelling purposes, is not offensive, and does not change the residential character thereof.

**Hospital:** A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the Health Department and the State of Michigan.

**Hotel:** A series of attached, semi-detached or detached rental units that provide overnight lodging and are offered to the public for compensation.

**Impervious Surface:** Shall mean hard surfaces including buildings (principal and accessory), paved parking areas, driveways, hard gravel surfaces, sidewalks, pathways, patios, decks, pools, and the like.

**Industrial Use:** Any land or building occupied or used for manufacturing or processing purposes.

**Jetty:** A structure extended out into a sea, lake, or river to influence the current or tide or to protect a harbor or dock.

**Jib Crane:** A crane that has a horizontal arm on which a trolley moves and carries the load.

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

**Kennel, Commercial:** Any lot or premises on which three (3) or more dogs or domesticated animals, not owned by the proprietor, are either permanently or temporarily boarded.

**Kennel, Private:** Any lot or premises on which four (4) or more dogs or domesticated animals over the age of one (1) year, owned by the proprietor, are housed.

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**Laboratory:** A place devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

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

**Lot:** A parcel of land occupied, or which could be occupied, by a main building or group of such buildings and accessory building, or utilized for the principal use and uses accessory thereto, together with such 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:** The total horizontal area within the lot lines of the lot.

**Lot, Canal:** Any lot that abuts a canal shall be considered a canal lot.

**Lot, Corner:** A lot where the interior angle of two (2) adjacent sides at the intersection of the two (2) streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

**Lot Coverage:** The part or percent of the lot occupied by buildings including accessory buildings.

**Lot Depth:** The horizontal distance between the front and rear lot lines measured along the median between side lot lines.

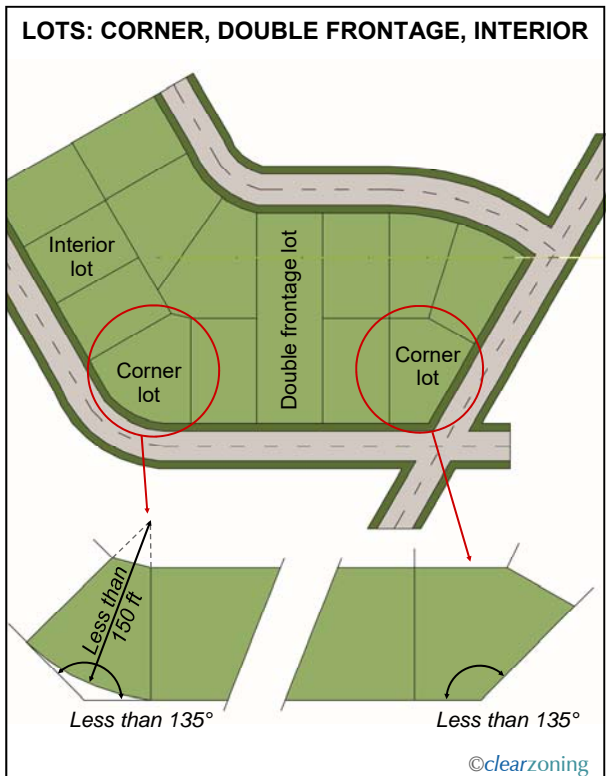
**Lot, Double Frontage:** A lot that fronts on two (2) parallel streets, or which fronts on two (2) streets which do not intersect at the boundaries of the lot. Waterfront lots and canal lots shall not be considered to be double frontage lots.

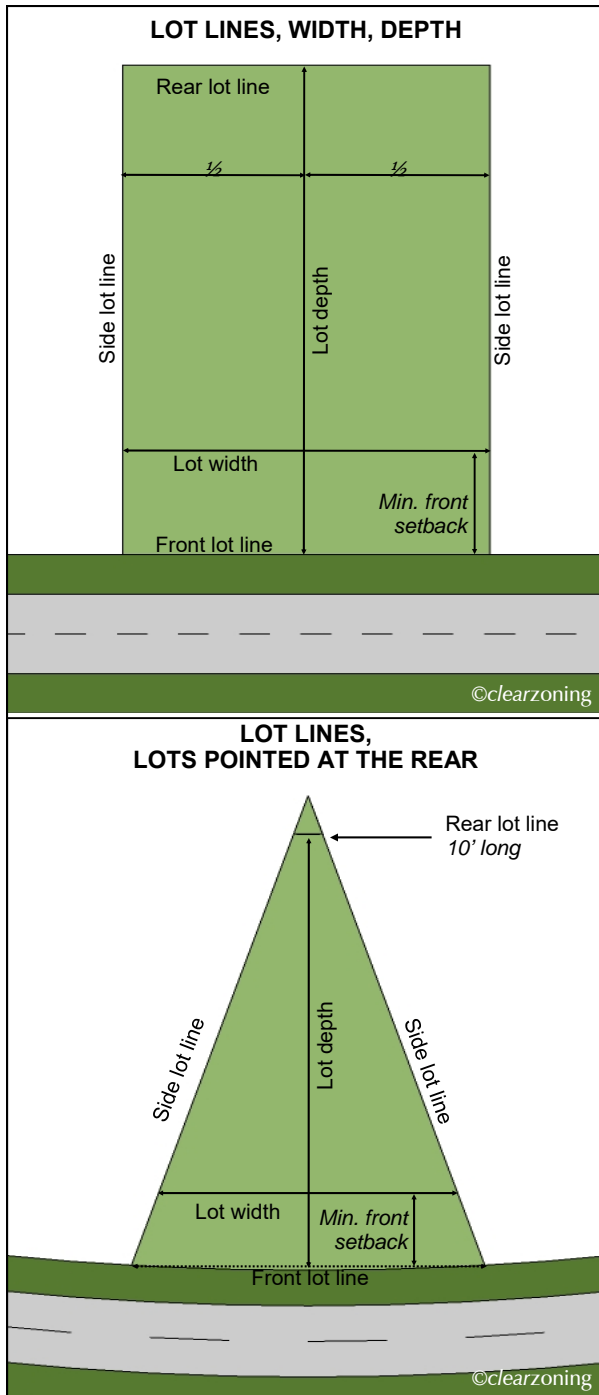
**Lot, Interior:** Any lot other than a corner lot.

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

1. **Front Lot Line:** In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, the front lot line is that line separating said lot from the street, which is designated as the front street in the plat, and in the application for a building permit or zoning occupancy permits. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines.
2. **Rear Lot Line:** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
3. **Side Lot Line:** Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot, Waterfront:** Any lot that abuts Lake St. Clair shall be considered a waterfront lot. That portion of the lot abutting the lake shall be considered the waterfront setback.





**Lot Width:** The horizontal distance between the side lot lines measured at the two points where the building lines, or setback intersects the side lot lines. ☞

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

**Manufacturing:** Manufacturing consists of the following uses:

1. The compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge, and machining shops.
2. The compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood, and yarns.
3. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay.
4. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.
5. Fabrication or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
6. Fabrication and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

**Marina, Commercial:** A dock or basin providing secure moorings for all types of watercraft that may also provide repair services, fuel, storage, and other similar facilities. The keeping of not more than three (3) boats owned by the occupants of a single parcel of private property shall not constitute a commercial marina.



**Marina, Private:** A building, dock or basin or any combination of these providing safe berthing, mooring, and/or storage of private recreational watercraft and with a total capacity of not more than three (3) boats. This definition shall be construed to limit the berthing, mooring and/or storage of said watercraft to only those owned by the occupants of the property in question.

**Massage Parlor:** An establishment where persons conduct, or permit to be conducted or engaged 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, creams, ointments, oils, alcohol, or any other means of preparations to provide relaxation or enjoyment to the recipient.

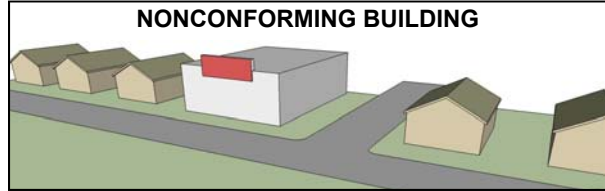
**Master Plan:** A comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

**Migratory Labor Camp:** Temporary facilities provided for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops, or for other essential, but temporary employment.

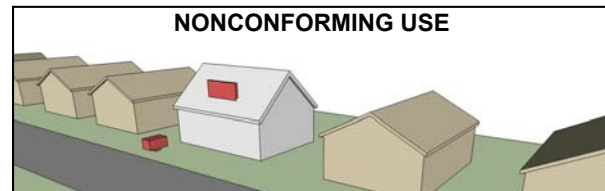
**Motel or Motor Court:** A series of attached, semi-detached or detached rental units which provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles as a facility for temporary residence.

**Municipal and Commercial Composting Operations:** A facility for the receipt and processing of organic materials, including only leaves, grass, twigs and wood chips. A composting facility shall not mean farms where composting is an ancillary part of operations and no product is removed for distribution, nor is the bulk of the composting material brought into the site from an off-site source or residence where composting is practiced on a small scale for the personal use of the owner to enrich gardens and lawns.

**Nonconforming Building:** A building or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the use provisions of the Ordinance, nor to the use regulations of the district in which it is located. ✍



**Nonconforming Use:** A use which lawfully occupied a building or land at the time this Ordinance, or amendments thereto, became effective that does not conform to the use regulations of the district in which it is located. ✍



**Occupancy Load:** The number of individuals normally occupying a building or parts thereof or for which the existing facilities have been designed.

**Off-Street Parking Lot:** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, ingress and egress.

**Open Dance Hall:** An establishment where open public dancing by patrons is available during at least four (4) days per week, with or without partners furnished by the establishment.

**Overnight Camping:** The use of a tent, camper, travel trailer, or other recreational vehicle for overnight accommodations by anyone other than the owner of a principal residence on the same property.

**Parking Space:** A parking space is hereby determined to be an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

**Pawnshop:** An establishment where merchandise is left as security for a loan of money and abandoned if repayment of the loan has not been made within a specified period.

**Person:** Means any individual, proprietorship, partnership, corporation, association or any other legal entity.

**Personal Service Establishment:** An establishment which performs such services as, but not limited to: shoe repair, tailor shops, beauty parlors, barber shops, interior decorators, photographers, dry cleaners and self-service laundries.

**Pinball or Video Game Arcade or Establishment:** Establishment where the principal business consists of customer-operated games or entertainment experience of a mechanical, electronic, physical or emotional nature for an admission fee or a fee for the use of the particular device or devices engaged by a customer.

**Planned Unit Development:** An area of a minimum contiguous size, as specified by this Ordinance, to be planned, developed, operated and maintained as a single entity and containing one or more residential neighborhoods, appropriate commercial and or office, public or private recreational uses, and common open space areas in such combination as provided in this Ordinance.

**Planned Unit Development Agreement:** A written agreement specifying the details of a planned unit development submittal and the conditions under which the submittal received final approval. The Planned Unit Development shall include the final approved Site Plan.

**Pool or Billiard Hall:** An establishment having a substantial or significant portion of its space devoted to the game of pool, billiards, bumper pool, ping-pong, darts, dice, cards or similar activities.

**Private Road:** A private road shall be considered to mean vehicular ingress and egress, other than a driveway, for two (2) or more parcels of land, where such road is not under the jurisdiction and control of a public agency.

**Public Service:** Public service facilities within the context of this Ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, public health facilities and similar uses.

**Public Utility:** Any governmental unit, corporation, firm or other entity duly authorized to furnish to the public, electricity, gas, sanitary sewers, water, communications, transportation, or other services or commodities pursuant to Federal, State or municipal regulations, excluding commercial radio, television, cellular, digital, and other communications services regarding transmitting or relay antenna towers or monopolies.

**Recreational Vehicle Park:** All lands and structures which are owned and operated by private individuals, a business or corporation, or a public agency which are predominantly intended to accommodate travel trailers and/or motor homes and provide outdoor recreational activities for the temporary or seasonal occupants.

**Retail Business:** In the B-1 district, a generally recognized business which supplies such commodities as groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware.

**Retail Business, Waterfront Marina:** A business which supplies commodities for persons using the facilities of the (WM) Waterfront Marina District, such as the sale of boats, engines and accessories, fishing equipment, general repair and similar items.

**Retail Uses, Industrial:** Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities, such as, but not limited to: lumberyards, building materials, outlets, garage sales, upholsterer, cabinet maker, outdoor boat, house trailer, automobile, or agricultural implement sales.

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**Roadside Stands or Markets:** A roadside stand or market is the temporary use of property or facilities for the selling of produce.

**Rubbish:** Rubbish means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

**Sanitary Land Fill:** Any operation which involves the piling, placing, storing, dumping or depositing in a hole or trench; any material in the form of rubbish and/or waste materials.

**Satellite Dish Antenna:** An accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter relay located in planetary orbit.

**Sauna, Hot Tub or Other Similar Health or Body Improvement Enterprise:** Establishment where saunas, hot tubs, whirlpools, sun lamps and similar body relaxing, soothing or improving facilities are available for male and female customers with or without supervision or participation by employees or independent contractors of the business.

**Secondhand Store:** An establishment where used merchandise is offered for sale as a principal portion of the business of the establishment.

**Setback:** The distance required to comply with front, side or rear yard open space provisions of this Ordinance.

**Sexually Oriented Business:** Means any of the following:

1. **Adult Arcade:** Means any place to which the public is permitted or invited, wherein coin-operated, slug-operated, or for compensation, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video screens, videotape decks, computer screens, or other image-producing devices are maintained to show images to five (5) or fewer persons at a time and where the images so displayed are distinguished or characterized by the depicting or describing of "specific sexual activities" of "specified anatomical areas".

2. **Adult Book Store, Adult Video Store or Adult Novelty Store:** Means a commercial establishment which as one of its principal business purposes (meaning either a substantial or significant portion of its stock in trade) offers for sale or rental, or for any form or consideration, any one (1) or more of the following:

- A. Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas", or
- B. Instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities". Condoms and clothing articles are excepted.

Commercial establishments 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 "specific anatomical areas" and still be categorized as "adult book store" or "adult video store". Such other business purposes will not serve to exempt such a commercial establishment from being so categorized as long as one of its principal business purposes is the offering for sale or rental for consideration, materials depicting or describing "specified sexual activities" or "specified anatomical areas". For purposes of video cassettes or films which are X-rated or of substantially equivalent content of X-rated films, shall be considered to depict or describe "specified sexual activities" or "specified anatomical areas" notwithstanding any more restrictive definition set forth herein.

3. **Adult Cabarets:**

A. **Adult Cabaret-Non-Liquor Establishment:** Means a nightclub, bar, restaurant or similar commercial or non-commercial establishment which does not furnish or serve alcoholic beverages or permit the consumption of alcoholic beverages which permits any of the following:

- i. Persons who appear in a state of nudity or semi-nudity, or
- ii. Live performances characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or



- iii. Films, motion pictures, video cassettes, slides, computer presentations, or other moving-images reproductions characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
- B. **Adult Cabaret-Liquor Establishment:** Means a nightclub, bar, restaurant or similar commercial or non-commercial establishment which serves, furnishes or permits the consumption of alcoholic beverages which permits any of the following:
  - i. Persons who appear in a state of nudity or semi-nudity, or
  - ii. Live performances characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or
  - iii. Films, motion pictures, video cassettes, slides, computer presentations, or other moving-images reproductions characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
- 4. **Adult Establishment:** Means and includes any of the following:
  - A. The opening or commencement of any sexually oriented business as a new business;
  - B. The conversion of an existing business, whether or not sexually-oriented, to any sexually-oriented business;
  - C. The addition of any sexually-oriented business to any other existing sexually-oriented business; or
  - D. The relocation of any sexually oriented business.
- 5. **Adult Mini-Motion Picture Theater:** An enclosure with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as hereinafter defined for observation by patrons therein.
- 6. **Adult Motel:** Means a hotel, motel, or similar commercial establishment which:
  - A. Offers accommodations to the public for any form of consideration and provides patrons with closed circuit television transmissions of X-rated motion pictures or motion pictures equivalent to X-rated motion pictures and has a sign visible from the public right-of-way advertising the availability of this type of photographic reproductions; or
  - B. Offers a sleeping room for rent for a period that is less than eight (8) hours.
- 7. **Adult Motion Picture Theater:** Means a commercial establishment where for any form of consideration films, motion pictures, video cassettes, or similar photographic reproductions are regularly shown which are X-rated or the equivalent of X-rated.
- 8. **Adult Smoking or Sexual Paraphernalia Store:** An establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug-related substances.
- 9. **Adult Theater:** Means a theater, concert hall, auditorium or similar commercial establishment which regularly features person who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas".
- 10. **Escort:** Means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees to privately model lingerie or to privately perform a striptease for another person.
- 11. **Escort Agency:** Means 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.
- 12. **Nude Model Studio:** Means any place where a person appears in the state of nudity or displayed specified anatomical areas to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by any other person who pays money, or any other form or consideration.





13. **Nudity or State of Nudity:** Means the exposure of the human male or female genitals, pubic area, or buttocks with less than a fully-opaque covering, the showing of the female breast with less than a fully-opaque covering of any part of the nipple or areola, or the showing of the covered male genitals in a discernibly turgid state.
14. **Permittee and/or Licensee:** Means a person in whose name permit and/or license to operate a sexually oriented business has been issued as well as the individual listed as the applicant on the application for permit and/or license.
15. **Semi-Nude:** Means a state of dress in which clothing covers no more than the genitals, anus, pubic region and areola of the female breast as well as portions of the body covered by supporting straps or devices.
16. **Sexual Encounter Center:** Means of business or commercial enterprise that as one (1) of its principal business purposes offers for any form of consideration:
  - A. Contract in the form of wrestling or tumbling between semi-nude or nude persons of the opposite sex; or
  - B. Physical contact between male and female persons and/or persons of the same sex, where one (1) or more of the persons is in a state of nudity and the contact includes actual or simulated specified sexual activity.
17. Other similar uses.

**Sign:** Any use of words, numbers, figures, devices, designs, logos, trademarks, letters, characters, pictures, or similar devices visible to the general public and designed to inform or attract attention.

The following definitions pertain to Section 5.6 Signs:

1. **Accessory Sign** - A sign, which is accessory to the principal use of the premises. A sign, which directly relates to the business activity or service conducted on the premises upon which the sign is placed.
2. **A-Frame** - A temporary, freestanding sign with two (2) panels attached at the top with hinges.
3. **Alter** - Change to the physical component of the sign, including but not limited to the structural size, height or width of the sign. This definition shall not include replacing the face of an existing sign.

4. **Animation** - Animation means displaying images in a dynamic way, like television or movie video or having graphics portraying a moving scene.
5. **Awning** - A metal, wooden, fiberglass, canvas, or other fabric cover fastened to a building, which extends over a porch, patio, deck, balcony, window, door or open space.
6. **Awning Sign** - An accessory sign that is printed on, or otherwise affixed to, an awning. ✍

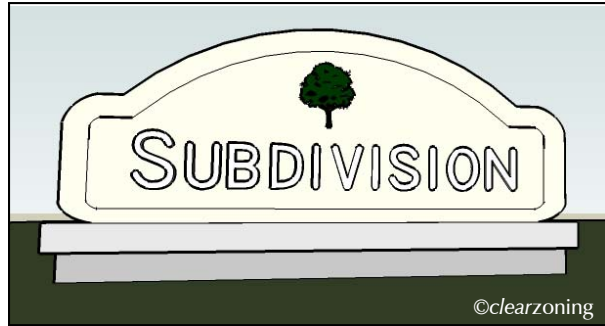


7. **Balloon Sign** - One (1) or more balloons, or any other air-filled or gas-filled object used as sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered or manufactured, or to any entertainment.
8. **Banner Sign** - A sign or display constructed of paper, plastic or fabric of any kind, intended to be hung, either with or without frames.
9. **Billboard Sign** - An off-site or non-accessory outdoor sign, which advertises a business use or service not conducted on the premises upon which the sign is placed. Billboard structures are generally leased or rented and designed with changeable copy.
10. **Canopy** - A roof-like structure providing shelter to a public access area which is either freestanding or is projecting from a building and is supported by structural members. A canopy may be constructed of metal, wood, or any approved fire-retardant material, such as cloth, canvas, fabric, plastic, or any light flexible material which is attached to or constructed on a frame or building.
11. **Canopy Sign** - An accessory sign that is printed on or otherwise affixed to a canopy.

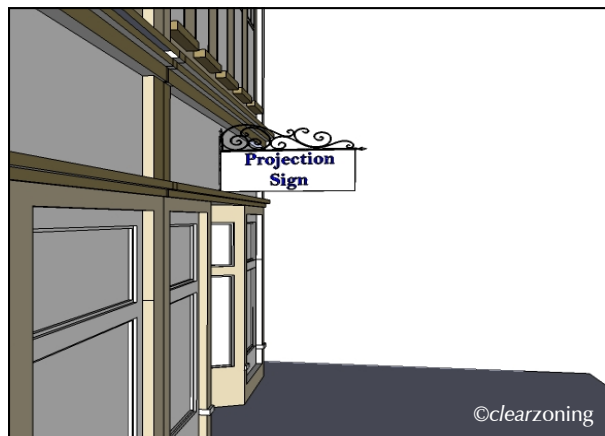
12. **Directional Sign** - A sign not utilized for advertising purposes, but used to direct vehicular or pedestrian traffic to parking areas, loading areas, or to portions of a building. ☞



13. **Display Interval** - The amount of time between displaying different messages or images.
14. **Flag** - A rectangular piece of fabric fastened to a pole on one end and free on the other. A series of flags on a single pole or pole string, or similar type of mount, shall be considered a pennant.
15. **Freestanding Sign** - A sign permanently attached to the ground by poles or braces and attached to any building.
16. **Identification Sign or Nameplate** - An accessory wall-mounted sign, which displays only the name of a person or firm.
17. **Incidental Sign:** A temporary or permanent on-premises sign that is intended to provide information or direction for the convenience and necessity of the public and whose purpose is secondary to the use of the lot on which it is located. Such signs include but are not limited to open/closed signs, hours of operation, warning or caution signs, no trespassing signs, dangerous animal signs, and similar signs.
18. **Monument or Ground Sign** - A freestanding accessory sign which is permanently fastened to the ground by upright(s), brace(s) or similar object(s), and which is not attached to a building or structure. Any on-site, accessory, permanent and freestanding sign with one (1) foot or less of clearance between the bottom of the sign and the established grade shall be a monument sign or ground sign. ☞



19. **Off-Site Signs** - A sign, which is not accessory to the principal use of the premises. Any card, cloth, paper, metal, painted glass, wood, plastic, stone, or other object of any kind or character whatsoever, placed for non-accessory advertising purposes on ground or on any tree, wall, bush, post, fence, building, structure or thing whatsoever. The term "placed" as used in this definition shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or other fastening, affixing, or making visible in any manner whatsoever to the public.
20. **Pennant Sign** - A sign or display consisting of long, narrow, usually triangular flags.
21. **Political Sign** - A sign relating to the election of a person or persons to public office, or relating to a political party or a political issue, or relating to a matter to be voted upon at an election.
22. **Portable Sign** - A sign, which is not permanently fastened to a building, structure, or the ground.
23. **Projecting Sign** - A sign, which is permanently fastened to the surface of a wall in such a way that the sign face is perpendicular to the surface of the wall. The sign face shall consist of two (2) sides, mounted flush back-to-back. ☞



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- 24. **Pylon Sign** - A freestanding accessory sign which is permanently fastened to the ground by upright(s), brace(s) or similar object(s), and which is not attached to a building or structure. Any on-site, accessory, permanent and freestanding sign with more than one (1) foot of clearance between the bottom of the sign and the established grade shall be a pylon sign.
- 25. **Real Estate Sign** - An accessory sign, which advertises the particular property upon which it is placed for sale, rent or lease.
- 26. **Real Estate Development Sign** - A freestanding accessory sign informing when a subdivision or other real estate development will commence construction or when it will be available for sale, use or occupancy.
- 27. **Resurface** - The replacement or restoration of a previously approved sign, which does not include alteration of the existing structure or brackets.
- 28. **Scrolling** - Scrolling means having the letters or images move across the sign in any direction or pattern.
- 29. **Sign Height** - The vertical distance from the uppermost portion of a sign or sign structure to the grade at the base of the sign.
- 30. **Subdivision Entrance Sign** - A sign depicting the name of a residential, office/service, commercial, or industrial subdivision, and which sign is located at the entrance to said subdivision.
- 31. **Temporary Sign** - An accessory sign that is intended to be displayed for a short amount of time as regulated herein, including A-frame, banners, pennants, or any other sign that is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored to the ground.
- 32. **Trailer Sign** - A sign mounted on, or a part of, a trailer or wheeled vehicle.
- 33. **Vehicle Business Sign** - A vehicle upon which a sign is painted or attached and is parked upon a premise for the purpose of advertising. Vehicle business signs shall not include licensed commercial vehicles regularly used to transport persons or property for the operation of the business.
- 34. **Wall Sign** - An accessory sign permanently fastened to a building or structure, or a sign attached to, or placed flat against the exterior wall surface of any building, no portion of which projects more than twelve (12) inches from the wall. ☞

35. **Window Sign** - A sign which is affixed, attached, painted or otherwise placed on or adjacent to the interior of a window in such a manner as to be readily visible from the exterior of the building. ☞



**Site** - All land in a development which is necessary or indicated as part of the development proposal to meet parking requirements, setback requirements, landscaping requirements, drainage requirements (i.e., retention or detention basin), and lot coverage requirements.

**Specified Anatomical Areas:** Means the less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below the point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activity:** Means and includes any of the following:

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

**Stable, Commercial:** A stable other than a private stable, where horses are boarded or are for hire or sale.

**Stable, Private:** A structure or shelter with the capacity for care and housing of horses which are not boarded and are not for hire or sale and are owned by the immediate family, only when conducted on a parcel which meets the minimum lot area requirements for a farm.

**Story:** That part of a building 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.

**Street:** A public thoroughfare, which affords the principal means of access to abutting property.

**Structure:** Anything constructed, or erected and designed for a permanent location on the ground.

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

**Temporary Outdoor Sales:** For the purposes of this ordinance, temporary outdoor sales are small, often seasonal establishments, including but not limited to Christmas tree sales, pumpkin stands, and fireworks tents. Temporary outdoor sales establishments may include:

1. Temporary structures that do not require foundations, heating systems, sanitary connections, or other structural capital improvements to the property.
2. Outdoor display of goods for sale.

**Thoroughfare, Major:** An arterial street which is intended to serve as a large volume trafficway for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term.

**Thoroughfare, Secondary:** An arterial street which is intended to serve as a trafficway serving primarily the immediate Township area and serving to connect with major thoroughfares.

**Tourist Home:** Any dwelling used or designed in such a manner that certain rooms other than those used by the family and occupied as a dwelling unit are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

**Trailer Coach (Mobile Home):** Any vehicle designed, used, or so constructed as to permit its ability to be transported upon the public street or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

**Trailer Court (or Mobile Home Park):** Any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are or may be located.

**Travel Trailer and/or Motor Home:** A recreational vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit for one (1) or more persons. These recreational vehicles shall be designed for conveyance upon the public streets or highways, duly licensable as such, and may be self-propelled or towed by another vehicle.

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

**Use, Accessory:** A use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

**Utility Room:** A utility room is a room used primarily for storage, for housing a heating unit, or for laundry purposes.

**View-Obscuring:** Having such qualities as to constitute a visual barrier to persons outside the perimeter of the view-obscuring object. Landscaping, flowers, shrubbery and similar materials, which are less than two (2) feet in height, shall not be considered as view obscuring.

**View-Obscuring Landscape:** Landscaping having such qualities as to constitute a visual barrier of greater than twenty (20) percent to persons outside the perimeter of the view-obscuring object.

**Wind Energy Conversion Systems (Windmills):** The following terms shall apply to wind energy conversion systems:

1. **Wind Energy Conversion Systems (hereinafter referred to as WECS):** Any device that converts wind energy to mechanical or electrical energy.
2. **Wind Rotor:** The blades plus hub to which the blades are attached used to capture wind for purposes of energy conversion.
3. **Tower Height:** The height of the actual tower, plus one-half 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.

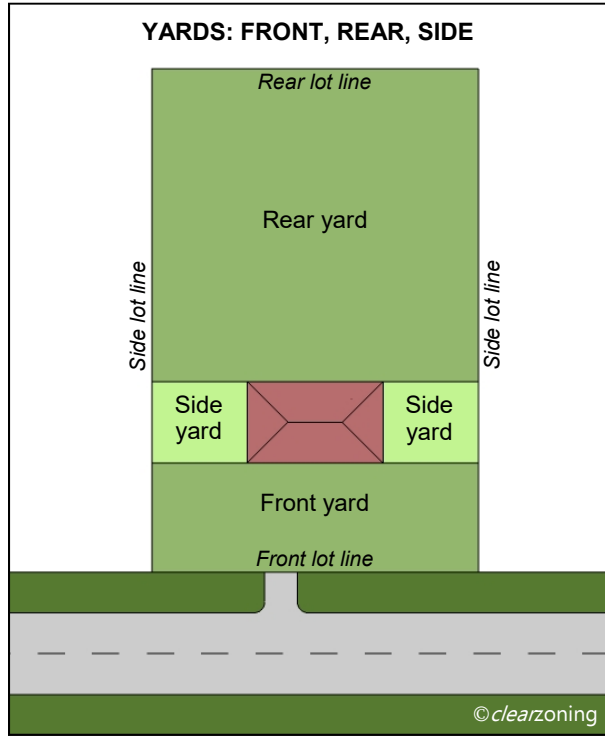


4. **Survival Wind Speed:** The maximum wind speed a WECS in automatic, unattended operation (not necessarily producing power) can sustain without damage to structural components or loss of the ability to function normally.

**Yard Waste:** For the purpose of this Ordinance, yard wastes shall be limited to leaves, grass, clippings, vegetable or other garden debris, shrubbery or brush, tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, agricultural wastes, animal waste, sewerage sludge or garbage.

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

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. ☞
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. ☞
3. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. ☞





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# Article 3.0 Zoning Districts





## Article 3.0 Zoning Districts

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- 3.3 Zoning of Vacated Areas
- 3.4 Notes to District Regulations
- 3.5 Notes to Permitted Uses in the AEC Agricultural District
- 3.6 Notes to Permitted Uses in the RM-1, RM-2 and RM-3 Multiple Family Residential Districts
- 3.7 Notes to Permitted Uses in the RM-1 and RM-2 Districts
- 3.8 Notes to Permitted Uses in the RM-3 Multiple Family Residential (High-Rise) District
- 3.9 Notes to Permitted Uses in the Mobile Home Park District
- 3.10 Notes to Permitted Uses in the B-1 District
- 3.11 Residential Open Space Development
- 3.12 Planned Development
- 3.13 General Exceptions as to Area, Height, and Use




# 3.0 Zoning Districts

## 3.1 DISTRICTS ESTABLISHED

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

- 1. **AEC** Agriculture Estates Conservation
- 2. **RS** Residential Suburban District
- 3. **RU** Residential Urban District
- 4. **RT** Residential Transitional District
- 5. **RM-1** Multiple-Family Residential (Low-Rise) District
- 6. **RM-2** Multiple-Family Residential (Low-Rise) District
- 7. **RM-3** Multiple-Family Residential (High-Rise) District
- 8. **MH** Mobile Home Park Districts
- 9. **B-1** Local Business District
- 10. **B-2** General Business District
- 11. **WM** Waterfront Marina District
- 12. **I-1** Light Industrial District
- 13. **I-2** Heavy Industrial District

 **Digital User Note:**  
Click on a district heading to go directly to the corresponding district regulations.

**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement



# 3.1.1 AEC Agriculture Estates Conservation

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

## A. INTENT

The Township has established a rural lot size that is of sufficient size to allow for the preservation of the Township's existing rural character as well as promotes the general trend and character of the land within its northern sections, which includes farmland and open space, existing vegetation and wetlands, natural streams, floodplains and the like. The central and northern sections of the Township are home to the remaining farms and agricultural operations within the Township. The planning and zoning for larger lots promotes their continued operation by minimizing the possibility of conflict. Further, the Township has adopted the larger lot sizes contained within the AEC Agriculture Estates Conservation district in an effort to avoid the inappropriate overcrowding of land as well as the undesirable congestion of population, roadways and public services taking into account the intent of development of these areas within the Township Master Plan\*. It is intended that the AEC Agricultural Estates Conservation district be the Township's only district in which the keeping of larger, hoofed animals be permitted, therefore larger lot sizes are more appropriate.

**i** **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **Farms**<sup>m</sup> §4.1
- ii. **Keeping of Horses** §4.58
- iii. **Places of worship, libraries and public community buildings or public recreation centers, and public and parochial schools** §4.5
- iv. Private stables
- v. **Plant nurseries** §4.3
- vi. Uses similar to the above permitted uses, as determined by the Planning Commission
- vii. **Accessory buildings**<sup>m</sup> §5.21 and uses customarily incidental to one of the above permitted uses
- viii. Adult foster care family home<sup>m</sup>

The following uses are permitted uses, subject to the conditions set forth in **Section 3.5**.

- ix. One-family detached dwellings<sup>m</sup>
- x. Public buildings, public libraries, publicly owned and operated parks, parkways and recreational facilities
- xi. **Garage sales, yard sales or similar types of sales** §4.2
- xii. Uses similar to the above permitted uses, as determined by the Planning Commission
- xiii. **Accessory buildings**<sup>m</sup> §5.21 and uses customarily incidental to any of the above permitted uses

## C. SPECIAL LAND USES

- i. **Utility and public service**<sup>m</sup> **facilities and uses** §4.4
- ii. **Cemeteries** §4.6
- iii. **Public and parochial schools, private schools, charter schools, colleges, universities, and other such institutions of higher learning** §4.79
- iv. **Non-public recreational areas and recreation facilities** §4.7
- v. **Golf courses** §4.8
- vi. **Driving ranges** §4.15
- vii. **Nursery schools, day nurseries and child care centers** §4.9
- viii. **An orphanage or a home for the aged, indigent, or physically handicapped, a rest or convalescent home** §4.10
- ix. **General hospitals**<sup>m</sup> §4.11
- x. **Home occupations**<sup>m</sup> §4.12
- xi. **Family day-care**<sup>m</sup> **(7–12 persons)** §4.13
- xii. **Bed and breakfast lodging facilities**<sup>m</sup> §4.14
- xiii. **Private wastewater treatment systems** §4.16
- xiv. **Agri-business (value farming operation)** §4.17
- xv. **Recreational Vehicle Parks** §4.57
- xvi. **Riding academies and stables** §4.62
- xvii. **Airports and related uses** §4.63
- xviii. **Overnight Camping Facilities** §4.65
- xix. **Roadside markets** §4.66
- xx. **Waste lagoon ponds** §4.67
- xxi. **Hog Farms** §4.68
- xxii. **Quarry and stripping operations** §4.71
- xxiii. **Accessory buildings**<sup>m</sup> §5.21 and uses customarily incidental to any of the above permitted uses
- xxiv. **Accessory building over 3,600 square feet** §4.76
- xxv. Fairgrounds
- xxvi. **Adult foster care small group home**<sup>m</sup> §4.77
- xxvii. Uses similar to the above uses

\*Ira Township Master Plan, adopted on April 8, 1996, and its subsequent amendments



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>: 3.5 acres  
 Minimum lot width<sup>Ⓜ</sup>: 250 ft

### Lot Coverage

Maximum lot coverage: 35%

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback:  
 Marine City Highway: 125 ft  
 Major thoroughfare: 110 ft  
 Collector road: 93 ft  
 Local street: 83 ft  
 Minimum rear yard setback: 60 ft  
 Minimum side yard setback: 20 ft

### Building Height<sup>Ⓜ</sup>

Maximum building height: 30 ft or 2 stories

### Depth Ratio

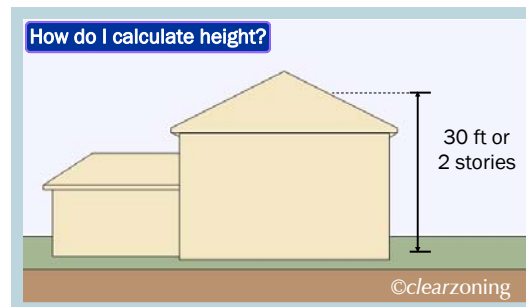
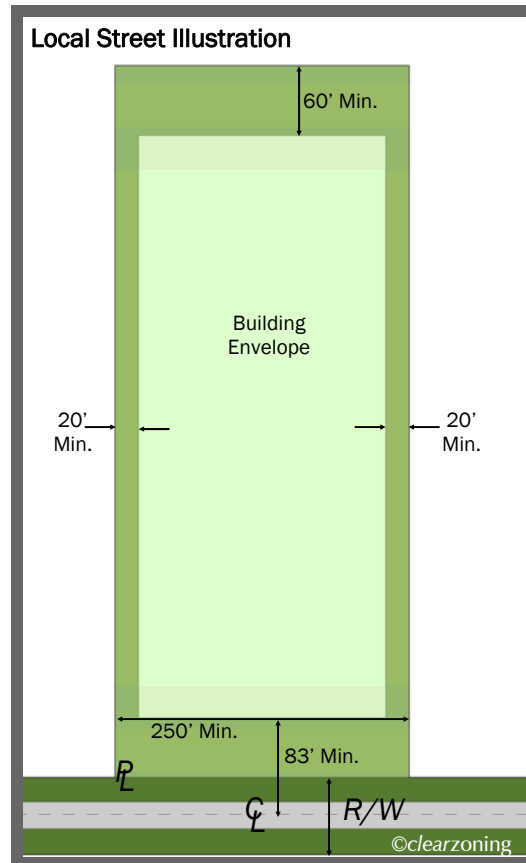
Maximum Depth to Width Ratio: 4-to-1

### Floor Area<sup>Ⓜ</sup>

Minimum floor area:  
 One-story structure: 1,200 sq ft  
 Two-story structure:  
 First floor: 650 sq ft  
 Total floor space: 1,200 sq ft

### NOTES

- For additions to the above requirements, refer to [Section 3.4: A, B, C, and D.](#)



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Notes to AEC §3.5
- Residential Open Space §3.11
- General Exceptions §3.13

### 4. Use Standards

- Swimming Pools, Private §4.48
- Earth-Sheltered Buildings §4.50
- Wind Powered Electric Generators §4.51
- Condominium Subdivision §4.53
- Ponds §4.54
- Temporary Uses §4.55
- Garage, Private §4.59
- Waterfront and Canal Lot Accessory Structures and Boathouses §4.73
- Additional Access Drives §4.75

### 5. Site Standards

- Off-Street Parking Requirements §5.1
- Off-Street Parking Space Layout Standards... §5.2
- Off-street Loading and Unloading §5.3
- Performance Standards §5.4
- Landscaping and Screening §5.5
- Signs §5.6
- Exterior Lighting §5.7
- Corner Clearance §5.8
- Walls and Fences §5.9
- Residential Entryways §5.10
- Access Requirements and Private Roads §5.12

- More than One Principal Structure on a Lot §5.13
- Waterfront Lots §5.14
- Building Appearance §5.15
- Decks §5.16
- Building Grades §5.17
- Non-Residential Driveways §5.18
- Traffic Impact Study §5.19
- Natural Resource Greenbelt §5.20
- Use Restriction §5.22

### 6. Development Procedures

- Site Plan Review §6.1
- Special Land Use Approval Requirements §6.2

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



# 3.1.2 RS Residential Suburban District

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

## A. INTENT

This residence district is designed to provide for one-family dwelling sites and the residentially related uses in keeping with the Ira Township Master Plan\* of residential development in the Township. The RS Residential Suburban district includes those areas presently served by public water and sewer and those areas that the Township anticipates will be served by public sewers within the next two decades. Principal Permitted Uses and Special Land Uses are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic influences.

**i** **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **One-family detached dwellings**<sup>m</sup> §4.18
- ii. **Places of worship and any uses normally incidental thereto** §4.5
- iii. Public buildings, public libraries, publicly owned and operated parks, parkways and recreational facilities
- iv. Adult foster care family home<sup>m</sup>
- v. **Accessory buildings**<sup>m</sup> §5.21 and uses customarily incidental to any of the above permitted uses.
- vi. **Garage sales, yard sales or similar types of sales** §4.2

## C. SPECIAL LAND USES

- i. **Utility and public service facilities**<sup>m</sup> and uses §4.4
- ii. **Cemeteries** §4.6
- iii. **Public and parochial schools, private schools, charter schools, colleges, universities, and other such institutions of higher learning** §4.79
- iv. **Non-public recreational areas and recreation facilities** §4.7
- v. **Golf courses, which may or may not be operated for profit** §4.8
- vi. **Nursery schools, day nurseries and child care centers** §4.9
- vii. **An orphanage or a home for the aged, indigent, or physically handicapped, a rest or convalescent home** §4.10
- viii. **General hospitals**<sup>m</sup> §4.11
- ix. **Home occupations**<sup>m</sup> §4.12
- x. **Adult foster care small group home**<sup>m</sup> §4.77
- xi. **Family day-care**<sup>m</sup> (7–12 persons) §4.13
- xii. **Bed and breakfast lodging facilities**<sup>m</sup> §4.14
- xiii. **Private wastewater treatment systems** §4.16
- xiv. **Accessory boathouses, boat hoists, and boat storage** §4.74
- xv. **Accessory buildings**<sup>m</sup> §5.21 and uses customarily incidental to any of the above permitted uses
- xvi. **Accessory building over 3,600 square feet** §4.76
- xvii. Uses similar to the above uses

\*Ira Township Master Plan, adopted on April 8, 1996, and its subsequent amendments



### D. DEVELOPMENT STANDARDS

#### Lot Size

Minimum lot area<sup>□</sup>:

No public sewer or water:	43,560 sq ft
With sewer:	15,000 sq ft
With sewer and water:	10,000 sq ft*

\*Additional 500 sq ft per lot required, held in common open space

Minimum lot width<sup>□</sup>:

No public sewer or water:	150 ft
With sewer:	100 ft
With sewer and water:	80 ft

#### Lot Coverage

Maximum lot coverage: 35%

#### Setbacks<sup>□</sup>

Minimum front yard setback:

Marine City Highway:	105 ft
Major thoroughfare:	90 ft
Collector road:	73 ft
Local street:	See table below

Minimum rear yard setback: 40 ft\*\*

Minimum side yard setback: 15 ft\*\*

#### \*\* Minimum Local Street Setbacks

Setbacks	Lot less than 90 ft		Lot 90 ft or greater	
	No Sewer or Water	With Sewer	With Sewer & Water	
Front	30 ft	30 ft	30 ft	30 ft
Least Side	15 ft	15 ft	5 ft***	10 ft
Greater Side	—	—	10 ft***	—
Total 2 Sides	30 ft	30 ft	15 ft	25 ft
Rear	40 ft	35 ft	30 ft	30 ft

\*\*\* Minimum spacing between buildings is 15 feet

#### Building Height<sup>□</sup>

Maximum building height: 25 ft or 2 stories

#### Depth Ratio

Maximum Depth to Width Ratio: 4-to-1

#### Floor Area<sup>□</sup>

Minimum floor area:

One-story structure:	1,200 sq ft
Two-story structure:	
First floor:	650 sq ft
Total floor space:	1,200 sq ft

#### NOTES

- For additions to the above requirements, refer to [Section 3.4: A, B, C, D, and E](#).

#### SELECTED REFERENCES

##### 3. Zoning Districts

- [Residential Open Space](#) §3.11
- [Planned Development](#) §3.12
- [General Exceptions](#) §3.13

##### 4. Use Standards

- [Swimming Pools, Private](#) §4.48
- [Earth-Sheltered Buildings](#) §4.50
- [Wind Powered Electric Generators](#) §4.51
- [Condominium Subdivision](#) §4.53
- [Ponds](#) §4.54
- [Temporary Uses](#) §4.55
- [Garage, Private](#) §4.59
- [Waterfront and Canal Lot Accessory Structures and Boathouses](#) §4.73
- [Additional Access Drives](#) §4.75

##### 5. Site Standards

- [Off-Street Parking Requirements](#) §5.1
- [Off-Street Parking Space Layout Standards...](#) §5.2
- [Off-street Loading and Unloading](#) §5.3
- [Performance Standards](#) §5.4
- [Landscaping and Screening](#) §5.5
- [Signs](#) §5.6
- [Exterior Lighting](#) §5.7
- [Corner Clearance](#) §5.8
- [Walls and Fences](#) §5.9
- [Residential Entryways](#) §5.10
- [Access Requirements and Private Roads](#) §5.12

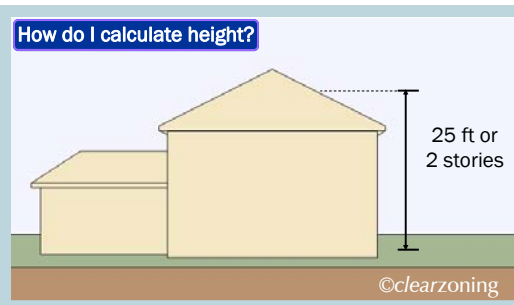
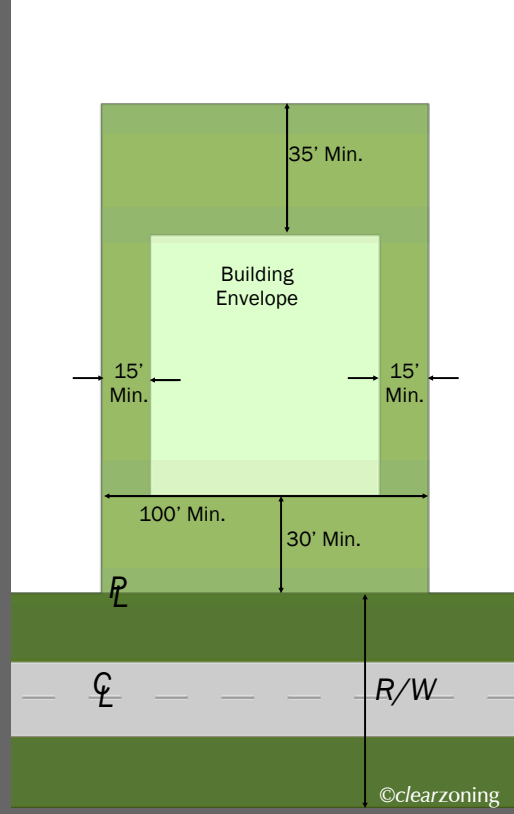
##### 6. Development Procedures

- [More than One Principal Structure on a Lot](#) §5.13
- [Waterfront Lots](#) §5.14
- [Building Appearance](#) §5.15
- [Decks](#) §5.16
- [Building Grades](#) §5.17
- [Non-Residential Driveways](#) §5.18
- [Traffic Impact Study](#) §5.19
- [Natural Resource Greenbelt](#) §5.20
- [Use Restriction](#) §5.22

##### 6. Development Procedures

- [Site Plan Review](#) §6.1
- [Special Land Use Approval Requirements](#) §6.2

With Public Sewer on Local Street Illustration



The above drawings are not to scale.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards


6 Development Procedures

7 Admin and Enforcement



## A. INTENT

This residence district is designed to provide for one-family dwelling sites and the residentially related uses in keeping with the Ira Township Master Plan\* of residential development in the Township. The RU Residential Urban districts includes the waterfront areas south of M-29, which were platted as small lots several decades ago and were served by public water and sewer. Principal Permitted Uses and Special Land Uses are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic influences.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **One-family detached dwellings**<sup>□</sup> §4.18
- ii. **Places of worship and any uses normally incidental thereto** §4.5
- iii. Public buildings, public libraries, publicly owned and operated parks, parkways and recreational facilities
- iv. Adult foster care family home<sup>□</sup>
- v. **Accessory buildings**<sup>□</sup> §5.21 and uses customarily incidental to any of the above permitted uses.
- vi. **Garage sales, yard sales or similar types of sales** §4.2

## C. SPECIAL LAND USES

- i. **Utility and public service facilities**<sup>□</sup> and uses §4.4
- ii. **Cemeteries** §4.6
- iii. **Public and parochial schools, private schools, charter schools, colleges, universities, and other such institutions of higher learning** §4.79
- iv. **Non-public recreational areas and recreation facilities** §4.7
- v. **Golf courses, which may or may not be operated for profit** §4.8
- vi. **Nursery schools, day nurseries and child care centers** §4.9
- vii. **An orphanage or a home for the aged, indigent, or physically handicapped, a rest or convalescent home** §4.10
- viii. **General hospitals**<sup>□</sup> §4.11
- ix. **Home occupations**<sup>□</sup> §4.12
- x. **Adult foster care small group home**<sup>□</sup> §4.77
- xi. **Family day-care**<sup>□</sup> (7–12 persons) §4.13
- xii. **Bed and breakfast lodging facilities**<sup>□</sup> §4.14
- xiii. **Private wastewater treatment systems** §4.16
- xiv. **Accessory boathouses, boat hoists, and boat storage** §4.74
- xv. **Accessory buildings**<sup>□</sup> §5.21 and uses customarily incidental to any of the above permitted uses
- xvi. **Accessory building over 3,600 square feet** §4.76
- xvii. Uses similar to the above uses

\*Ira Township Master Plan, adopted on April 8, 1996, and its subsequent amendments





## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓔ</sup>: 7,200 sq ft  
 Minimum lot width<sup>Ⓔ</sup>: 60 ft

### Lot Coverage

Maximum lot coverage: 35%

### Setbacks<sup>Ⓔ</sup>

Minimum front yard setback:  
 Marine City Highway: 105 ft  
 Major thoroughfare: 90 ft  
 Collector road: 73 ft  
 Local street: 30 ft  
 Minimum rear yard setback: 35 ft  
 Minimum side yard setback:  
 Least side: 5 ft  
 Greater side: 10 ft  
 Total of two sides: 15 ft

### Building Height<sup>Ⓔ</sup>

Maximum building height: 25 ft or 2 stories

### Depth Ratio

Maximum Depth to Width Ratio: 4-to-1

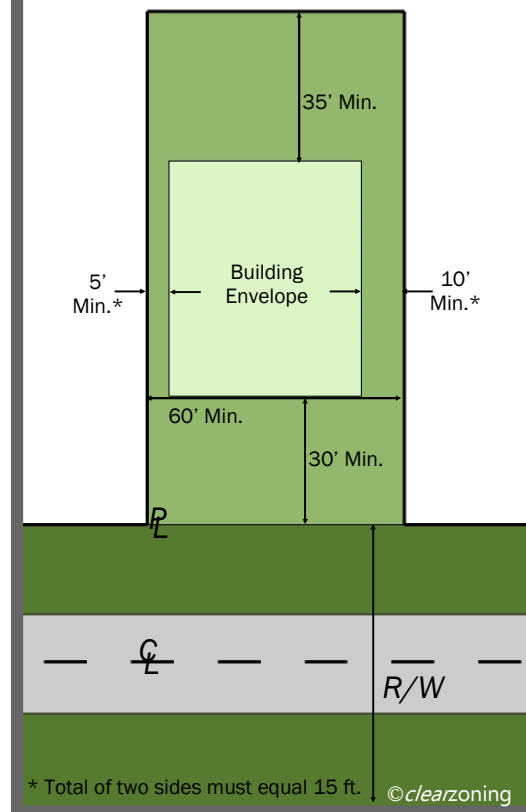
### Floor Area<sup>Ⓔ</sup>

Minimum floor area:  
 One-story structure: 1,200 sq ft  
 Two-story structure:  
 First floor: 650 sq ft  
 Total floor space: 1,200 sq ft

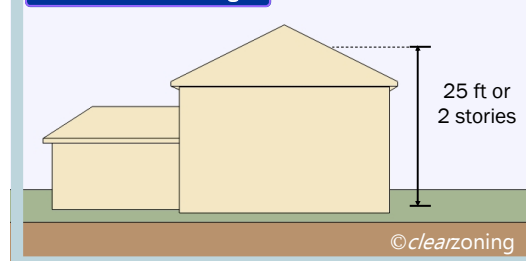
### NOTES

- For additions to the above requirements, refer to **Section 3.4: A, B, C, D, and E.**

Local Street Illustration



How do I calculate height?



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Residential Open Space §3.11
- Planned Development §3.12
- General Exceptions §3.13

### 4. Use Standards

- Swimming Pools, Private §4.48
- Earth-Sheltered Buildings §4.50
- Wind Powered Electric Generators §4.51
- Condominium Subdivision §4.53
- Ponds §4.54
- Temporary Uses §4.55
- Garage, Private §4.59
- Waterfront and Canal Lot Accessory Structures and Boathouses §4.73
- Additional Access Drives §4.75

### 5. Site Standards

- Off-Street Parking Requirements §5.1
- Off-Street Parking Space Layout Standards... §5.2
- Off-street Loading and Unloading §5.3
- Performance Standards §5.4
- Landscaping and Screening §5.5
- Signs §5.6
- Exterior Lighting §5.7
- Corner Clearance §5.8
- Walls and Fences §5.9
- Residential Entryways §5.10
- Access Requirements and Private Roads §5.12

### More than One Principal Structure on a Lot §5.13

- Waterfront Lots §5.14
- Building Appearance §5.15
- Decks §5.16
- Building Grades §5.17
- Non-Residential Driveways §5.18
- Traffic Impact Study §5.19
- Natural Resource Greenbelt §5.20
- Use Restriction §5.22

### 6. Development Procedures

- Site Plan Review §6.1
- Special Land Use Approval Requirements §6.2

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement





# RT Residential Transitional District

## A. INTENT

The RT Residential Transitional district is designed to provide single family housing sites and residentially related uses within the planned densities and rationales of the Ira Township Master Plan\*. This district is generally intended to provide a transition between the Township traditional planned sewer district and the outlying larger, non-sewered properties within the western portions of the Township. Principal Permitted Uses and Special Land Uses are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic influences



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **One-family detached dwellings** <sup>¶</sup> §4.18
- ii. **Places of worship and any uses normally incidental thereto** §4.5
- iii. Public buildings, public libraries, publicly owned and operated parks, parkways and recreational facilities
- iv. Adult foster care family home <sup>¶</sup>
- v. **Accessory buildings** <sup>¶</sup> §5.21 and uses customarily incidental to any of the above permitted uses.

## C. SPECIAL LAND USES

- i. **Utility and public service facilities** <sup>¶</sup> and uses §4.4
- ii. **Cemeteries** §4.6
- iii. **Public and parochial schools, private schools, charter schools, colleges, universities, and other such institutions of higher learning** §4.79
- iv. **Non-public recreational areas and recreation facilities** §4.7
- v. **Golf courses, which may or may not be operated for profit** §4.8
- vi. **Nursery schools, day nurseries and child care centers** §4.9
- vii. **An orphanage or a home for the aged, indigent, or physically handicapped, a rest or convalescent home** §4.10
- viii. **General hospitals** <sup>¶</sup> §4.11
- ix. **Home occupations** <sup>¶</sup> §4.12
- x. **Adult foster care small group home** <sup>¶</sup> §4.77
- xi. **Family day-care** <sup>¶</sup> (7–12 persons) §4.13
- xii. **Bed and breakfast lodging facilities** <sup>¶</sup> §4.14
- xiii. **Private wastewater treatment systems** §4.16
- xiv. **Accessory boathouses, boat hoists, and boat storage** §4.74
- xv. **Accessory buildings** <sup>¶</sup> §5.21 and uses customarily incidental to any of the above permitted uses
- xvi. Uses similar to the above uses

\*Ira Township Master Plan, adopted on April 8, 1996, and its subsequent amendments



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>Ⓜ</sup> :	
No public sewer:	43,560 sq ft
With public sewer:	32,000 sq ft
Minimum lot width <sup>Ⓜ</sup> :	
No public sewer:	150 ft
With public sewer:	125 ft

### Lot Coverage

Maximum lot coverage:	35%
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### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback:	
Marine City Highway:	105 ft
Major thoroughfare:	90 ft
Collector road:	73 ft
Local street:	30 ft
Minimum rear yard setback:	40 ft
Minimum side yard setback:	15 ft

### Building Height<sup>Ⓜ</sup>

Maximum building height:	30 ft or 2 stories
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### Depth Ratio

Maximum Depth to Width Ratio:	4-to-1**
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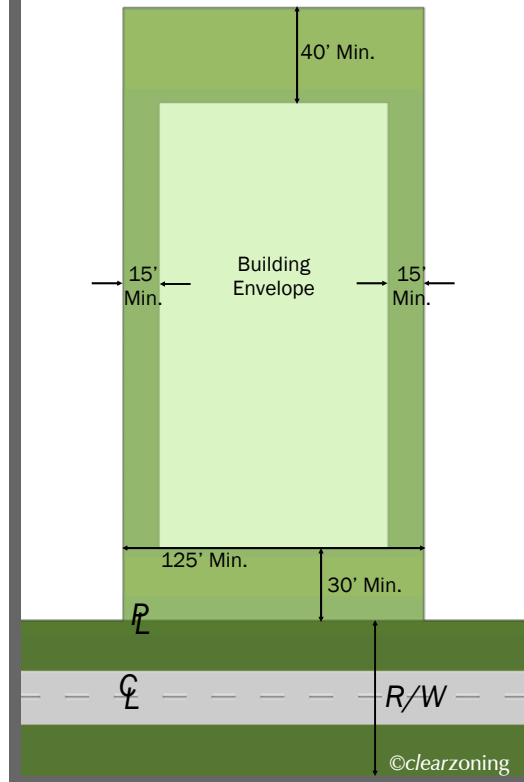
### Floor Area<sup>Ⓜ</sup>

Minimum floor area:	
One-story structure:	1,200 sq ft
Two-story structure:	
First floor:	650 sq ft
Total floor space:	1,200 sq ft

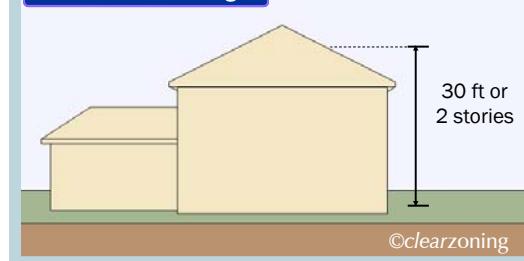
### NOTES

- For additions to the above requirements, refer to [Section 3.4: A, B, D, and E.](#)

Local Street with Public Sewer Illustration



How do I calculate height?



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Planned Development](#) §3.12
- [General Exceptions](#) §3.13

### 4. Use Standards

- [Swimming Pools, Private](#) §4.48
- [Earth-Sheltered Buildings](#) §4.50
- [Wind Powered Electric Generators](#) §4.51
- [Condominium Subdivision](#) §4.53
- [Ponds](#) §4.54
- [Temporary Uses](#) §4.55
- [Garage, Private](#) §4.59
- [Waterfront and Canal Lot Accessory Structures and Boathouses](#) §4.73
- [Additional Access Drives](#) §4.75

### 5. Site Standards

- [Off-Street Parking Requirements](#) §5.1
- [Off-Street Parking Space Layout Standards...](#) §5.2
- [Off-street Loading and Unloading](#) §5.3
- [Performance Standards](#) §5.4
- [Landscaping and Screening](#) §5.5
- [Signs](#) §5.6
- [Exterior Lighting](#) §5.7
- [Corner Clearance](#) §5.8
- [Walls and Fences](#) §5.9
- [Residential Entryways](#) §5.10
- [Access Requirements and Private Roads](#) §5.12

### 6. Development Procedures

- [More than One Principal Structure on a Lot](#) §5.13
- [Building Appearance](#) §5.15
- [Decks](#) §5.16
- [Building Grades](#) §5.17
- [Non-Residential Driveways](#) §5.18
- [Traffic Impact Study](#) §5.19
- [Natural Resource Greenbelt](#) §5.20
- [Use Restriction](#) §5.22

### 6. Development Procedures

- [Site Plan Review](#) §6.1
- [Special Land Use Approval Requirements](#) §6.2

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6 Development Procedures

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### 3.1.5 RM-1 Multiple-Family Residential (Low-Rise) District

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

#### A. INTENT

The Multiple-Family Residential district is designed to provide sites for multiple dwelling structures with height restrictions compatible with single-family residential districts to serve the limited needs for the apartment type of unit in an otherwise single-family residential community, and to provide zones of transition. The RM-1 district is intended generally for the development of a planned complex of buildings on acreage parcels.

**i** **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

#### B. PRINCIPAL PERMITTED USES

- i. **Multiple-family dwellings** §3.6
- ii. **Two-family dwellings** §4.18
- iii. **Places of worship and any uses normally incidental thereto** §4.5
- iv. Adult foster care family home
- v. **Adult foster care small group home** §4.77
- vi. **Adult foster care large group home** §4.77
- vi. **Adult foster congregate care facility** §4.77
- viii. **Accessory buildings** §5.21 and uses customarily incidental to any of the above permitted uses.

The following uses are permitted as regulated in the immediately abutting One-Family Residential District:

- ix. **One-family detached dwellings** §4.18
- x. Public buildings, public libraries, publicly owned and operated parks, parkways and recreational facilities
- vi. **Garage sales, yard sales or similar types of sales** §4.2
- vii. **Accessory buildings** §5.21 and uses customarily incidental to any of the above permitted uses.

#### C. SPECIAL LAND USES

The following uses are permitted as regulated in the immediately abutting one-family residential district:

- i. **Utility and public service facilities** and uses §4.4
- ii. **Cemeteries** §4.6
- iii. **Public and parochial schools, private schools, charter schools, colleges, universities, and other such institutions of higher learning** §4.79
- iv. **Non-public recreational areas and recreation facilities** §4.7
- v. **Golf courses, which may or may not be operated for profit** §4.8
- vi. **Nursery schools, day nurseries and child care centers** §4.9
- vii. **An orphanage or a home for the aged, indigent, or physically handicapped, a rest or convalescent home** §4.10
- viii. **General hospitals** §4.11
- ix. **Family day-care (7–12 persons)** §4.13
- x. **Bed and breakfast lodging facilities** §4.14
- xi. **Private wastewater treatment systems** §4.16
- xii. **Accessory buildings** §5.21 and uses customarily incidental to any of the above permitted uses
- xiii. Uses similar to the above uses



D. DEVELOPMENT STANDARDS

**Lot Size**

Multiple and two-family minimum lot area<sup>Ⓜ</sup>: 12,000 sq ft  
 Multiple and two-family minimum lot width<sup>Ⓜ</sup>: 100 ft

Minimum Land Area Per Dwelling Unit	
Dwelling Unit	Minimum Land Area Per Unit
Efficiency	3,200 sq. ft.
One-Bedroom	3,800 sq. ft.
Two-Bedroom	4,200 sq. ft.
Three-Bedroom	4,600 sq. ft.
Four-Bedroom	5,000 sq. ft.

**Lot Coverage**

Maximum lot coverage: 30%

**Setbacks<sup>Ⓜ</sup>**

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 35 ft  
 Minimum side yard setback: 20 ft

**Building Height<sup>Ⓜ</sup>**

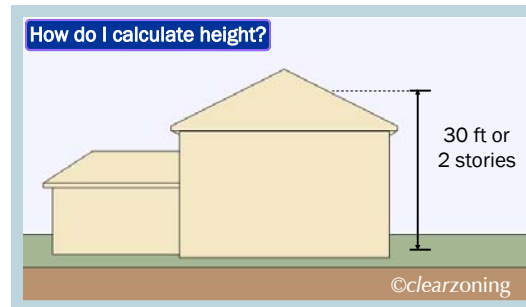
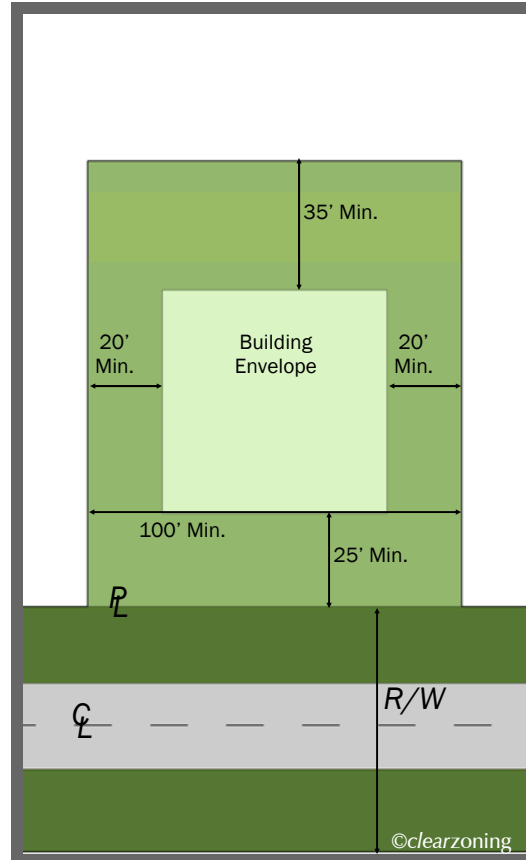
Maximum building height: 30 ft or 2 stories

**Floor Area<sup>Ⓜ</sup>**

Minimum floor area: See Section 3.6.5

**NOTES**

- For additions to the above requirements, refer to Section 3.4: F



The above drawings are not to scale.

SELECTED REFERENCES

**3. Zoning Districts**

- Notes to Permitted Uses in the RM-1, RM-2 and RM-3 Districts §3.6
- Notes to Permitted Uses in the RM-1 and RM-2 §3.7
- Planned Development §3.12
- General Exceptions §3.13

**4. Use Standards**

- Swimming Pools, Private §4.48
- Earth-Sheltered Buildings §4.50
- Wind Powered Electric Generators §4.51
- Condominium Subdivision §4.53
- Ponds §4.54
- Temporary Uses §4.55
- Waterfront and Canal Lot Accessory Structures and Boathouses §4.73
- Additional Access Drives §4.75

**5. Site Standards**

- Off-Street Parking Requirements §5.1
- Off-Street Parking Space Layout Standards... §5.2
- Off-street Loading and Unloading §5.3
- Performance Standards §5.4
- Landscaping and Screening §5.5
- Signs §5.6
- Exterior Lighting §5.7
- Corner Clearance §5.8
- Walls and Fences §5.9
- Residential Entrways §5.10
- Access Requirements and Private Roads §5.12
- More than One Principal Structure on a Lot §5.13
- Waterfront Lots §5.14
- Building Appearance §5.15

- Decks §5.16
- Building Grades §5.17
- Non-Residential Driveways §5.18
- Traffic Impact Study §5.19
- Natural Resource Greenbelt §5.20
- Use Restriction §5.22

**6. Development Procedures**

- Site Plan Review §6.1
- Special Land Use Approval Requirements §6.2



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### 3.1.6 RM-2 Multiple-Family Residential (Low-Rise) District

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

#### A. INTENT

The Multiple-Family Residential district is designed to provide sites for multiple dwelling structures with height restrictions compatible with single-family residential districts to serve the limited needs for the apartment type of unit in an otherwise single-family residential community, and to provide zones of transition. The RM-2 district is intended for limited usage in areas where land use transition is desired, but where the existing pattern of platting is in small lots.

**i** **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

#### B. PRINCIPAL PERMITTED USES

- i. **Multiple-family dwellings** §3.6
- ii. **Two-family dwellings** §4.18
- iii. **Places of worship and any uses normally incidental thereto** §4.5
- iv. Adult foster care family home
- v. **Adult foster care small group home** §4.77
- vi. **Adult foster care large group home** §4.77
- vii. **Adult foster congregate care facility** §4.77
- viii. **Accessory buildings** §5.21 and uses customarily incidental to any of the above permitted uses.

The following uses are permitted as regulated in the immediately abutting One-Family Residential District:

- ix. **One-family detached dwellings** §4.18
- x. Public buildings, public libraries, publicly owned and operated parks, parkways and recreational facilities
- vi. **Garage sales, yard sales or similar types of sales** §4.2
- vii. **Accessory buildings** §5.21 and uses customarily incidental to any of the above permitted uses.

#### C. SPECIAL LAND USES

The following uses are permitted as regulated in the immediately abutting one-family residential district:

- i. **Utility and public service facilities** and uses §4.4
- ii. **Cemeteries** §4.6
- iii. **Public and parochial schools, private schools, charter schools, colleges, universities, and other such institutions of higher learning** §4.79
- iv. **Non-public recreational areas and recreation facilities** §4.7
- v. **Golf courses, which may or may not be operated for profit** §4.8
- vi. **Nursery schools, day nurseries and child care centers** §4.9
- vii. **An orphanage or a home for the aged, indigent, or physically handicapped, a rest or convalescent home** §4.10
- viii. **General hospitals** §4.11
- ix. **Family day-care (7–12 persons)** §4.13
- x. **Bed and breakfast lodging facilities** §4.14
- xi. **Private wastewater treatment systems** §4.16
- xii. **Accessory buildings** §5.21 and uses customarily incidental to any of the above permitted uses
- xiii. Uses similar to the above uses



D. DEVELOPMENT STANDARDS

**Lot Size**

Multiple and two-family minimum lot area<sup>Ⓜ</sup>: 12,000 sq ft  
 Multiple and two-family minimum lot width<sup>Ⓜ</sup>: 100 ft

Minimum Land Area Per Dwelling Unit	
Dwelling Unit	Minimum Land Area Per Unit
Efficiency	2,800 sq. ft.
One-Bedroom	3,400 sq. ft.
Two-Bedroom	3,800 sq. ft.
Three-Bedroom	4,200 sq. ft.
Four-Bedroom	4,600 sq. ft.

**Lot Coverage**

Maximum lot coverage: 30%

**Setbacks<sup>Ⓜ</sup>**

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 35 ft  
 Minimum side yard setback: 20 ft

**Building Height<sup>Ⓜ</sup>**

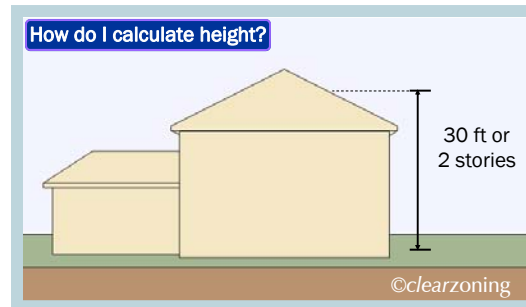
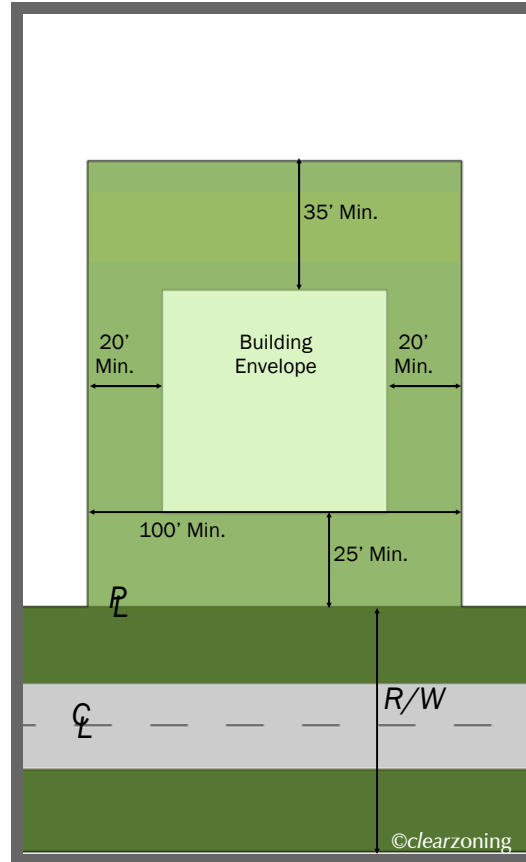
Maximum building height: 30 ft or 2 stories

**Floor Area<sup>Ⓜ</sup>**

Minimum floor area: See Section 3.6.5

**NOTES**

- For additions to the above requirements, refer to Section 3.4: F



The above drawings are not to scale.

SELECTED REFERENCES

**3. Zoning Districts**

- Notes to Permitted Uses in the RM-1, RM-2 and RM-3 Districts §3.6
- Notes to Permitted Uses in the RM-1 and RM-2 §3.7
- Planned Development §3.12
- General Exceptions §3.13

**4. Use Standards**

- Swimming Pools, Private §4.48
- Earth-Sheltered Buildings §4.50
- Wind Powered Electric Generators §4.51
- Condominium Subdivision §4.53
- Ponds §4.54
- Temporary Uses §4.55
- Waterfront and Canal Lot Accessory Structures and Boathouses §4.73
- Additional Access Drives §4.75

**5. Site Standards**

- Off-Street Parking Requirements §5.1
- Off-Street Parking Space Layout Standards... §5.2
- Off-street Loading and Unloading §5.3
- Performance Standards §5.4
- Landscaping and Screening §5.5
- Signs §5.6
- Exterior Lighting §5.7
- Corner Clearance §5.8
- Walls and Fences §5.9
- Residential Entryways §5.10
- Access Requirements and Private Roads §5.12
- More than One Principal Structure on a Lot §5.13
- Waterfront Lots §5.14
- Building Appearance §5.15

- Decks §5.16
- Building Grades §5.17
- Non-Residential Driveways §5.18
- Traffic Impact Study §5.19
- Natural Resource Greenbelt §5.20
- Use Restriction §5.22

**6. Development Procedures**

- Site Plan Review §6.1
- Special Land Use Approval Requirements §6.2



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### 3.1.7 RM-3 Multiple-Family Residential (High-Rise) District

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards


5 Site Standards

6 Development Procedures

7 Admin and Enforcement

#### A. INTENT

The RM-3 High-Rise Multiple-Family Residential district is established to provide sites for higher density multiple dwelling structures characterized by height in excess of two (2) stories. This district is further designed to provide for extensive open space settings for multiple high-rise structures.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

#### B. PRINCIPAL PERMITTED USES

- i. **Multiple-family dwelling units<sup>m</sup> in high-rise structures** §4.19
- ii. **Business uses** §4.20
- iii. **Accessory buildings<sup>m</sup>** §5.21 and uses customarily incidental to any of the above permitted uses

#### C. SPECIAL LAND USES

- i. **Private wastewater treatment systems** §4.16





## D. DEVELOPMENT STANDARDS

### Lot Size

Multiple-family minimum lot area <sup>§</sup> :	3 acres
Multiple-family minimum lot width <sup>§</sup> :	200 ft

### Lot Coverage

Maximum lot coverage:	30%
-----------------------	-----

### Setbacks<sup>§</sup>

Minimum front yard setback:	See Section 3.8
Minimum rear yard setback:	See Section 3.8
Minimum side yard setback:	See Section 3.8

### Building Height<sup>§</sup>

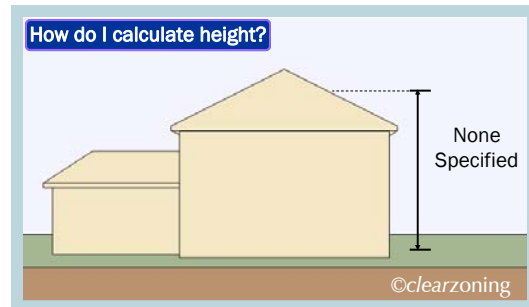
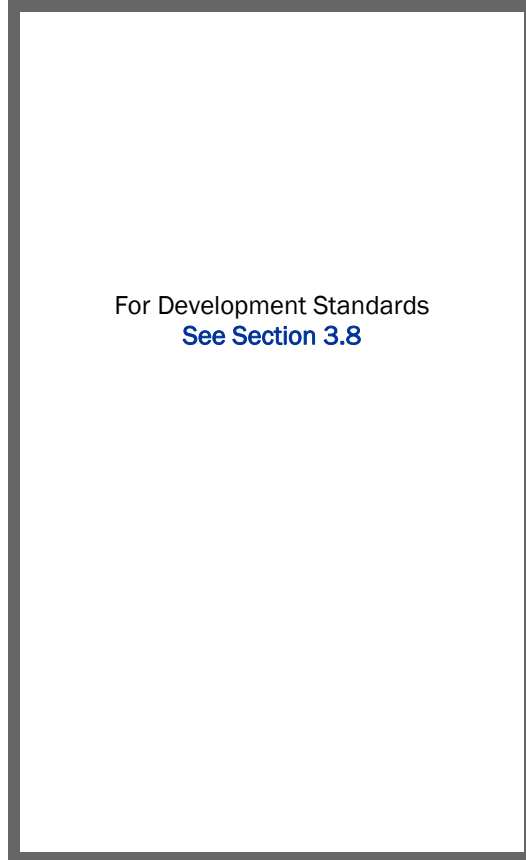
Maximum building height:	See Section 3.8
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### Floor Area<sup>§</sup>

Minimum floor area:	See Note to District Standards 3.6.5
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### Land Area

Minimum land area per dwelling unit:	See Section 3.8
--------------------------------------	-----------------



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Notes to Permitted Uses in the RM-1, RM-2 and RM-3 Districts §3.6
- Planned Development §3.12
- General Exceptions §3.13

### 4. Use Standards

- Swimming Pools, Private §4.48
- Earth-Sheltered Buildings §4.50
- Wind Powered Electric Generators §4.51
- Condominium Subdivision §4.53
- Ponds §4.54
- Temporary Uses §4.55
- Waterfront and Canal Lot Accessory Structures and Boathouses §4.73
- Additional Access Drives §4.75

### 5. Site Standards

- Off-Street Parking Requirements §5.1
- Off-Street Parking Space Layout Standards... §5.2
- Off-street Loading and Unloading §5.3
- Performance Standards §5.4
- Landscaping and Screening §5.5
- Signs §5.6
- Exterior Lighting §5.7
- Corner Clearance §5.8
- Walls and Fences §5.9
- Residential Entryways §5.10
- Access Requirements and Private Roads §5.12
- More than One Principal Structure on a Lot §5.13
- Waterfront Lots §5.14
- Building Appearance §5.15

- Decks §5.16
- Building Grades §5.17
- Non-Residential Driveways §5.18
- Traffic Impact Study §5.19
- Natural Resource Greenbelt §5.20
- Use Restriction §5.22

### 6. Development Procedures

- Site Plan Review §6.1
- Special Land Use Approval Requirements §6.2

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### A. INTENT

The MH Mobile Home Park district is designed to permit the development of residential neighborhoods in planned mobile home park settings.

**i** **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

### B. PRINCIPAL PERMITTED USES

- i. **Mobile home parks (trailer court)**<sup>¶</sup> §3.9
- ii. **Accessory commercial uses** §3.9
- iii. **Signs**<sup>¶</sup> §3.9

### C. SPECIAL LAND USES

- i. **Private wastewater treatment systems** §4.16
- ii. **Recreational Vehicle Parks** §4.57



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum Mobile Home Park Size: 10 acres  
 Minimum lot area<sup>Ⓜ</sup>: 5,500 sq ft

### Setbacks<sup>Ⓜ</sup>

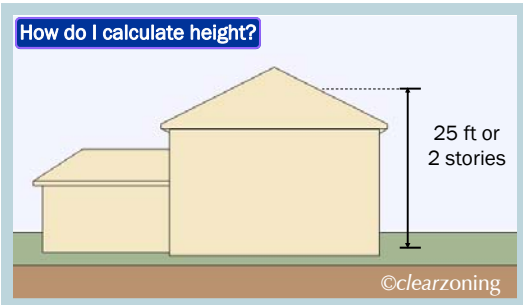
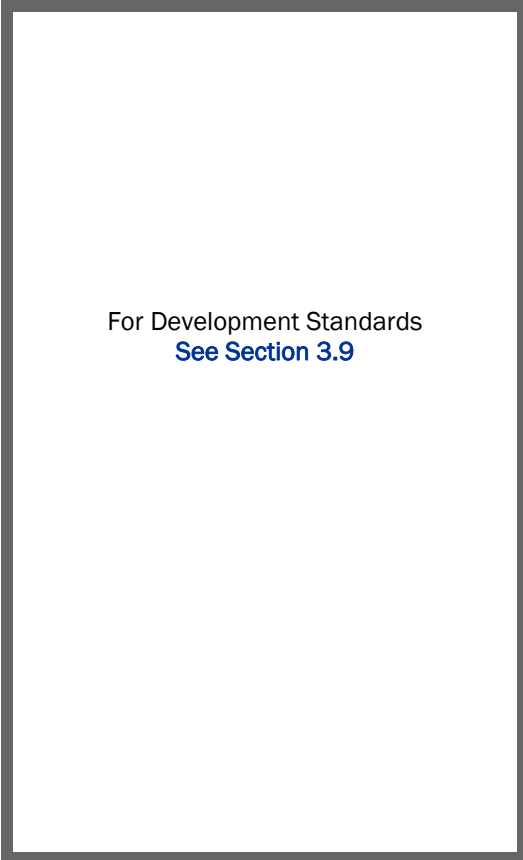
Minimum front yard setback: 35 ft  
 Minimum rear yard setback: 35 ft  
 Minimum side yard setback: 35 ft  
 Minimum road setback: 35 ft

### Building Height<sup>Ⓜ</sup>

Maximum building height: 25 feet or 2 stories

### Floor Area<sup>Ⓜ</sup>

Minimum floor area: 720 sq ft



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Mobile Home Parks](#) §3.9
- [Planned Development](#) §3.12
- [General Exceptions](#) §3.13

### 4. Use Standards

- [Wind Powered Electric Generators](#) §4.51
- [Ponds](#) §4.54
- [Temporary Uses](#) §4.55
- [Waterfront and Canal Lot Accessory Structures and Boathouses](#) §4.73
- [Additional Access Drives](#) §4.75

### 5. Site Standards

- [Off-Street Parking Requirements](#) §5.1
- [Off-Street Parking Space Layout Standards...](#) §5.2
- [Off-street Loading and Unloading](#) §5.3
- [Performance Standards](#) §5.4
- [Landscaping and Screening](#) §5.5
- [Signs](#) §5.6
- [Exterior Lighting](#) §5.7
- [Corner Clearance](#) §5.8
- [Walls and Fences](#) §5.9
- [Residential Entryways](#) §5.10
- [Access Requirements and Private Roads](#) §5.12

- [More than One Principal Structure on a Lot](#) §5.13
- [Waterfront Lots](#) §5.14
- [Building Appearance](#) §5.15
- [Decks](#) §5.16
- [Building Grades](#) §5.17
- [Non-Residential Driveways](#) §5.18
- [Traffic Impact Study](#) §5.19
- [Natural Resource Greenbelt](#) §5.20
- [Use Restriction](#) §5.22

### 6. Development Procedures

- [Site Plan Review](#) §6.1
- [Special Land Use Approval Requirements](#) §6.2

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### A. INTENT

The B-1 Local Business districts are designed to give the Township a business district that is somewhat more selective than a General Business district, and to provide for the establishment of neighborhood shopping areas, personal services and professional office areas that are primarily compatible with, and of service to, Township residential uses.

**i** **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

### B. PRINCIPAL PERMITTED USES

The following uses are subject to the regulations in **Section 3.10**.

- i. Office buildings for executive, administrative, professional, governmental and sales
- ii. Medical and dental offices, including clinics
- iii. Banks and financial institutions
- iv. Retail business<sup>m</sup>
- v. Personal service establishment<sup>m</sup>
- vi. Private clubs<sup>m</sup> and lodge halls.
- vii. Places of worship
- viii. **Utility and public service facilities and uses** §4.4
- ix. **Accessory buildings<sup>m</sup>** §5.21 and uses customarily incidental to the above permitted uses
- x. Other uses similar to the above uses

### C. SPECIAL LAND USES

- i. **Restaurants** §4.21
- ii. **Hotels<sup>m</sup>, motels<sup>m</sup>, cabin courts, and tourist lodging facilities** §4.22
- iii. **Private wastewater treatment systems** §4.16
- iv. **Temporary Outdoor Sales<sup>m</sup>** §4.82
- v. **Accessory buildings<sup>m</sup>** §5.21 and uses customarily incidental to the above permitted uses.
- vi. Uses similar to the above uses.



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>: None Specified  
 Minimum lot width<sup>Ⓜ</sup>: None Specified

### Lot Coverage

Maximum lot coverage: See [Section 3.4.2.K](#)

### Setbacks<sup>Ⓜ</sup>

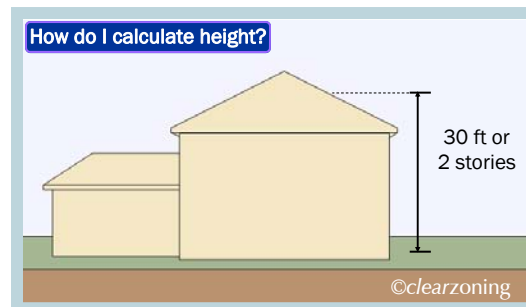
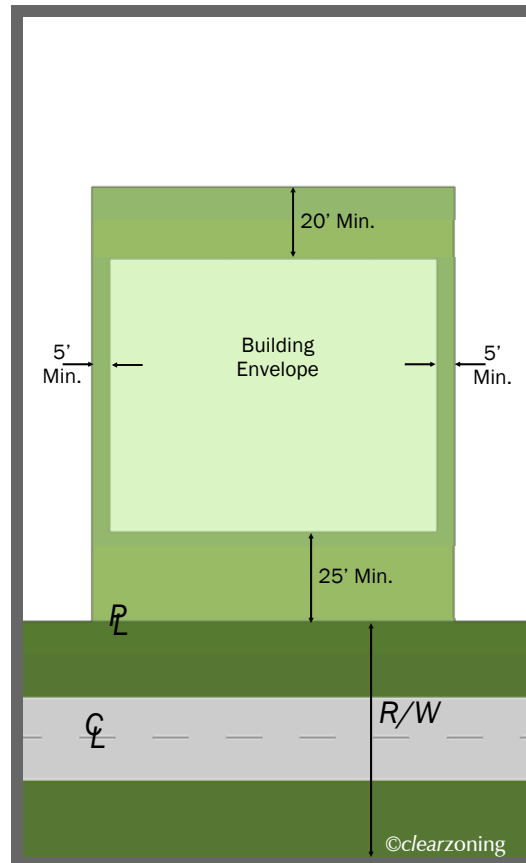
Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback: 5 ft

### Building Height<sup>Ⓜ</sup>

Maximum building height: 30 ft or 2 stories

### Impervious Surface<sup>Ⓜ</sup>

Maximum impervious surface: 60%



The above drawings are not to scale.

### NOTES

- For additions to the above requirements, refer to [Section 3.4: G, H, I and K.](#)

## SELECTED REFERENCES

### 3. Zoning Districts

- [B-1 Permitted Uses](#) §3.10
- [Planned Development](#) §3.12
- [General Exceptions](#) §3.13

### 4. Use Standards

- [Wind Powered Electric Generators](#) §4.51
- [Ponds](#) §4.54
- [Temporary Uses](#) §4.55
- [Waterfront and Canal Lot Accessory Structures and Boathouses](#) §4.73
- [Additional Access Drives](#) §4.75

### 5. Site Standards

- [Off-Street Parking Requirements](#) §5.1
- [Off-Street Parking Space Layout Standards...](#) §5.2
- [Off-street Loading and Unloading](#) §5.3
- [Performance Standards](#) §5.4
- [Landscaping and Screening](#) §5.5
- [Signs](#) §5.6
- [Exterior Lighting](#) §5.7
- [Corner Clearance](#) §5.8
- [Walls and Fences](#) §5.9
- [Residential Entryways](#) §5.10
- [Access Requirements and Private Roads](#) §5.12

- [More than One Principal Structure on a Lot](#) §5.13
- [Waterfront Lots](#) §5.14
- [Building Appearance](#) §5.15
- [Decks](#) §5.16
- [Building Grades](#) §5.17
- [Non-Residential Driveways](#) §5.18
- [Traffic Impact Study](#) §5.19
- [Natural Resource Greenbelt](#) §5.20
- [Use Restriction](#) §5.22
- [Trash Enclosures](#) §5.24

### 6. Development Procedures

- [Site Plan Review](#) §6.1
- [Special Land Use Approval Requirements](#) §6.2

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## A. INTENT

The B-2 General Business district is designed to provide sites for more diversified business types and is often located so as to serve passer-by, highway-oriented traffic.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Office buildings for executive, administrative, professional, governmental and sales
- ii. Medical and dental offices, including clinics
- iii. Banks and financial institutions
- iv. Retail business<sup>m</sup>
- v. Personal service establishment<sup>m</sup>
- vi. Private clubs<sup>m</sup> and lodge halls.
- vii. Places of worship
- viii. **Utility and public service<sup>m</sup> facilities and uses** §4.4
- ix. Tourist facilities including, but not limited to: rooming houses, motels<sup>m</sup> and hotels<sup>m</sup>, cabin courts, and gift shops
- x. **Wholesale uses and storage uses** §4.24
- xi. **Theaters, assembly halls and similar places of assembly** §4.25
- xii. Bottling works and food packaging
- xiii. New automobile and boat sales or showroom
- xiv. Restaurants, supper clubs and taverns
- xv. Bowling alleys, pool or billiard parlor or club.
- xvi. Commercial printing and newspaper offices
- xvii. Business schools or private schools operated for profit
- xviii. **Offices and showrooms of plumbers, electricians, decorators, or similar trades** §4.26
- xix. Governmental offices or other governmental uses; public utility<sup>m</sup> offices, and uses, utility exchanges, transformer stations, pump stations and service yards; and other public service facilities
- xx. **Veterinary hospitals and clinics** §4.27
- xxi. **Accessory buildings<sup>m</sup>** §5.21 and uses customarily incidental to the above uses
- xxii. Uses similar in character to the above-listed uses

## C. SPECIAL LAND USES

- i. **Outdoor sales space for the exclusive sale of second-hand automobiles, house trailers, travel trailer rental** §4.28
- ii. **Commercially used outdoor recreational space** §4.29
- iii. **Gasoline service station<sup>m</sup>** §4.30
- iv. **Car washes** §4.31
- v. **Businesses utilizing outdoor storage** §4.32
- vi. **Adult uses (sexually oriented business)<sup>m</sup>** §4.33
- vii. **Private wastewater treatment systems** §4.16
- viii. **Retail and food establishments providing outdoor entertainment, service, or other activities** §4.34
- ix. **Drive-thru facilities** §4.78
- x. **Temporary Outdoor Sales<sup>m</sup>** §4.82
- xi. **Accessory buildings<sup>m</sup>** §5.21 and uses customarily incidental to above special land use
- xii. Other uses similar to the above and regulated as special land uses





## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>: None Specified  
 Minimum lot width<sup>Ⓜ</sup>: None Specified

### Lot Coverage

Maximum lot coverage: See [Section 3.4.2.K](#)

### Setbacks<sup>Ⓜ</sup>

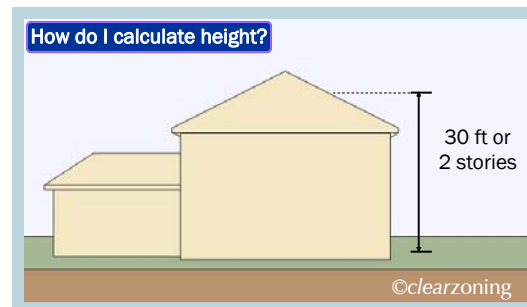
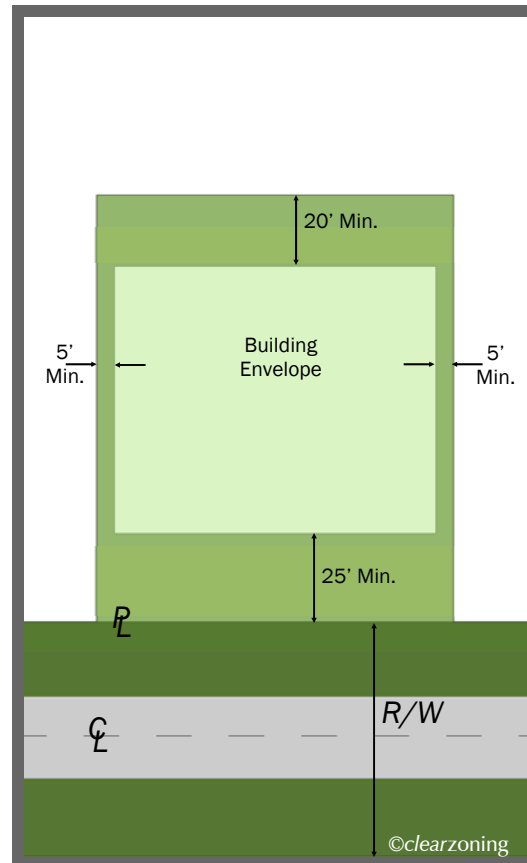
Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback: 5 ft

### Building Height<sup>Ⓜ</sup>

Maximum building height: 30 ft or 2 stories

### Impervious Surface<sup>Ⓜ</sup>

Maximum impervious surface: 75%



The above drawings are not to scale.

### NOTES

- For additions to the above requirements, refer to [Section 3.4: G, H, I, and K](#)

## SELECTED REFERENCES

### 3. Zoning Districts

- Planned Development §3.1.2
- General Exceptions §3.13

### 4. Use Standards

- Wind Powered Electric Generators §4.51
- Ponds §4.54
- Temporary Uses §4.55
- Waterfront and Canal Lot Accessory Structures and Boathouses §4.73
- Additional Access Drives §4.75

### 5. Site Standards

- Off-Street Parking Requirements §5.1
- Off-Street Parking Space Layout Standards... §5.2
- Off-street Loading and Unloading §5.3
- Performance Standards §5.4
- Landscaping and Screening §5.5
- Signs §5.6
- Exterior Lighting §5.7
- Corner Clearance §5.8
- Walls and Fences §5.9
- Residential Entryways §5.10
- Access Requirements and Private Roads §5.12

### 6. Development Procedures

- More than One Principal Structure on a Lot §5.13
- Waterfront Lots §5.14
- Building Appearance §5.15
- Decks §5.16
- Building Grades §5.17
- Non-Residential Driveways §5.18
- Traffic Impact Study §5.19
- Natural Resource Greenbelt §5.20
- Use Restriction §5.22
- Trash Enclosures §5.24

### 6. Development Procedures

- Site Plan Review §6.1
- Special Land Use Approval Requirements §6.2

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## A. INTENT

The WM Waterfront Marina district is established primarily to accommodate boating, along with those activities and services related to harbor and waterway improvements, thereby facilitating navigation and providing safe and economical waterfront recreation development.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

All of the requirements of **Section 5.4** shall be strictly adhered to for the following uses:

- i. **Federal, state, municipal, or private development of either the berthing, protection, or servicing of recreational boats, yachts, cruisers, inboards, outboards and sailboats** §4.80
- ii. Commissary facilities for the provision of food, beverages and the like to be stored aboard boats
- iii. Federal, state, municipal or private beaches, and water-related recreation areas
- iv. Retail businesses, waterfront marina <sup>■</sup>
- v. Restaurants, lounges or clubs where operations are conducted entirely indoors.
- vi. Hotels<sup>■</sup>, motels<sup>■</sup> or other such facilities to provide temporary homeport accommodations.
- vii. **Accessory buildings**<sup>■</sup> §5.21 and uses customarily incidental to the above permitted uses.
- viii. Other uses which are similar to the above permitted uses
- ix. Boat fuel stations
- x. **Accessory dwelling unit**<sup>■</sup> §4.46

## C. SPECIAL LAND USES

All of the requirements of **Section 5.4** shall be strictly adhered to for the following uses:

- i. Engine and hull repair shops
- ii. Propeller and shaft repair shop.
- iii. **Private wastewater treatment systems** §4.16
- iv. **Retail uses which provide service to the general public (beyond marina users)** §4.47
- v. **Temporary Outdoor Sales**<sup>■</sup> §4.82
- vi. **Accessory boathouses, boat hoists, and boat storage** §4.74
- vii. **Retail and food establishments providing outdoor entertainment, service, or other activities** §4.34
- viii. Other similar uses as approved by the Planning Commission



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>: None Specified  
 Minimum lot width<sup>Ⓜ</sup>: None Specified

### Lot Coverage

Maximum lot coverage: See [Section 3.4.2.K](#)

### Setbacks<sup>Ⓜ</sup>

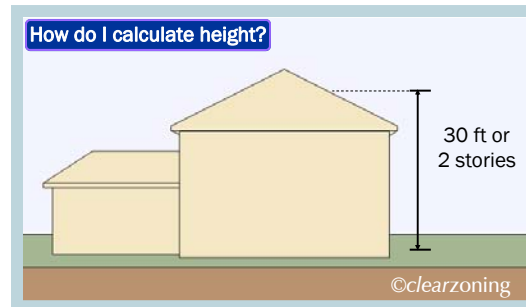
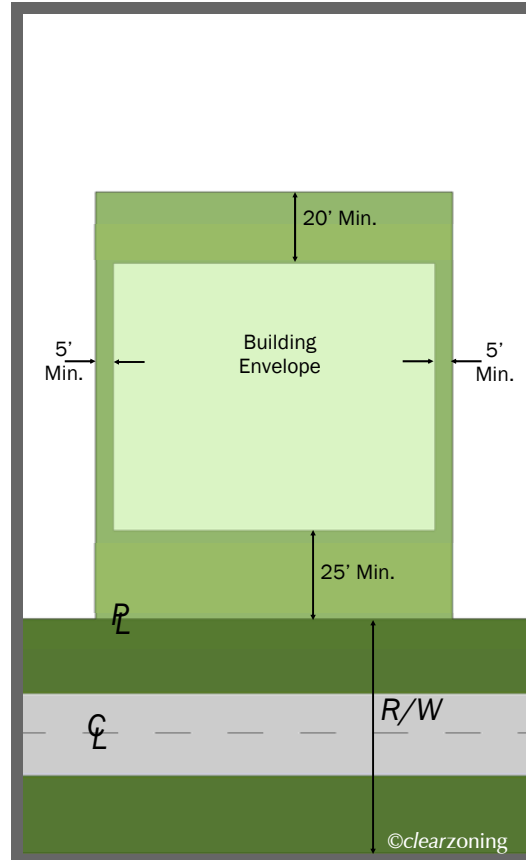
Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback: 5 ft

### Building Height<sup>Ⓜ</sup>

Maximum building height: 30 ft or 2 stories

### Impervious Surface<sup>Ⓜ</sup>

Maximum impervious surface: 75%



The above drawings are not to scale.

### NOTES

- For additions to the above requirements, refer to [Section 3.4: G, H, I and K](#)

## SELECTED REFERENCES

### 3. Zoning Districts

- Planned Development §3.12
- General Exceptions §3.13

### 4. Use Standards

- Watercraft Occupancy Prohibited §4.49
- Wind Powered Electric Generators §4.51
- Ponds §4.54
- Temporary Uses §4.55
- Waterfront and Canal Lot Accessory Structures and Boathouses §4.73
- Additional Access Drives §4.75

### 5. Site Standards

- Off-Street Parking Requirements §5.1
- Off-Street Parking Space Layout Standards... §5.2
- Off-street Loading and Unloading §5.3
- Performance Standards §5.4
- Landscaping and Screening §5.5
- Signs §5.6
- Exterior Lighting §5.7
- Corner Clearance §5.8
- Walls and Fences §5.9
- Residential Entryways §5.10
- Docks and Seawalls §5.11
- Access Requirements and Private Roads §5.12

### More than One Principal Structure on a Lot §5.13

- Waterfront Lots §5.14
- Building Appearance §5.15
- Decks §5.16
- Building Grades §5.17
- Non-Residential Driveways §5.18
- Traffic Impact Study §5.19
- Natural Resource Greenbelt §5.20
- Use Restriction §5.22
- Trash Enclosures §5.24

### 6. Development Procedures

- Site Plan Review §6.1
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3.1.12

# I-1 Light Industrial District

## A. INTENT

The I-1 Light Industrial district is designed so as to primarily accommodate wholesale activities, warehousing, and industrial operations whose external, physical effects are restricted to the area of the district, and in no manner affect in a detrimental way any of the surrounding districts. The I-1 Light Industrial district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **Basic research, design and pilot or experimental product development** §4.40
- ii. Warehousing and wholesale establishments
- iii. Trucking facilities
- iv. Manufacturing<sup>m</sup>
- v. Laboratories<sup>m</sup> - experimental, film, or testing
- vi. Storage, transfer, electric and gas service buildings and yards
- vii. Public utility<sup>m</sup> buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations
- viii. Water and propane tank holders
- ix. Railroad transfer and storage tracks and railroad rights-of-way
- x. Storage facilities for building materials, sand, gravel, stone, lumber, or storage of contractor's equipment and supplies
- xi. Central dry-cleaning plants or laundries
- xii. **Automotive repair garages<sup>m</sup>, auto engine and body repair and undercoating shops** §4.36
- xiii. Non-accessory signs
- xiv. Warehousing and storage of consumer fireworks
- xv. Other uses which are similar to the above uses
- xvi. **Accessory buildings<sup>m</sup>** §5.21 and uses customarily incidental to the above permitted uses

## C. SPECIAL LAND USES

- i. **Retail uses, industrial<sup>m</sup>** §4.81
- ii. **Lumber and planing mills** §4.37
- iii. **Metal plating, buffing and polishing,** §4.38
- iv. **Private wastewater treatment systems** §4.16
- v. **Colleges, universities and other such institutions of higher learning, public or private** §4.39
- vi. **Outdoor theaters** §4.52
- vii. **Radio, television, satellite dish and communications antennae** §4.56
- viii. **Auto race track ( including midget auto and karting tracks)** §4.60
- ix. **Fairgrounds, horse and dog race tracks** §4.61
- x. **Riding academies and stables** §4.62
- xi. **Airports and related uses** §4.63
- xii. **Kennels, commercial** §4.64
- xiii. **Gun clubs** §4.70
- xiv. **Quarry and stripping operations** §4.71
- xv. **Communication Towers, Personal Wireless Service (Cell Towers) and Similar Towers and Antennas** §4.72
- xvi. **Temporary Outdoor Sales<sup>m</sup>** §4.82
- xvii. **Accessory buildings<sup>m</sup>** §5.21 and uses customarily incidental to any of the above permitted uses.
- xviii. Uses similar to the above uses.



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>: None Specified  
 Minimum lot width<sup>Ⓜ</sup>: None Specified

### Lot Coverage

Maximum lot coverage: See [Section 3.4.2.K](#)

### Setbacks<sup>Ⓜ</sup>

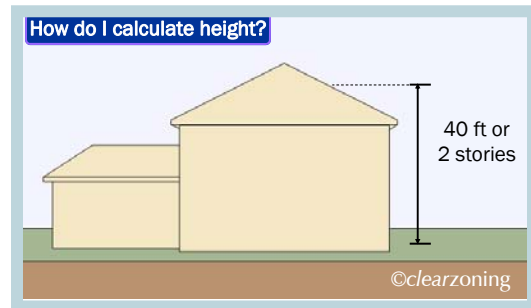
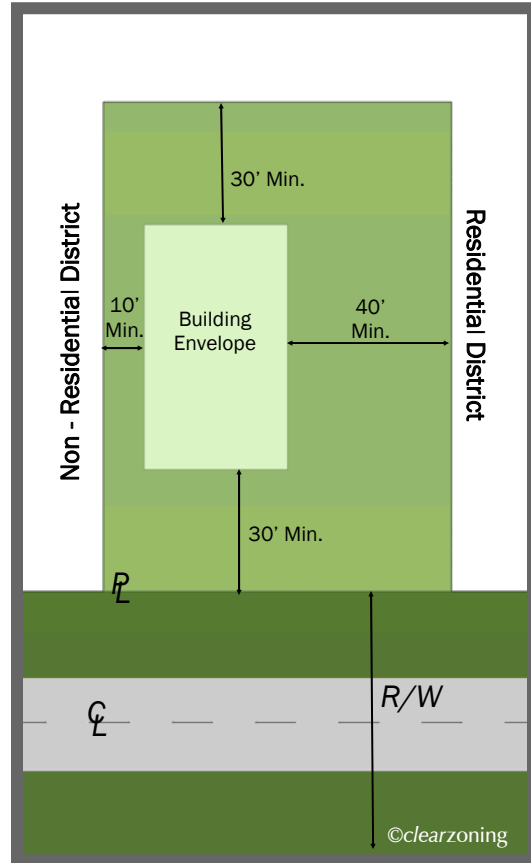
Minimum front yard setback: 30 ft  
 Minimum rear yard setback:  
     Abutting Residential 40 ft  
     Abutting Non-Residential 30 ft  
 Minimum side yard setback:  
     Abutting Residential 40 ft  
     Abutting Non-Residential 10 ft

### Building Height<sup>Ⓜ</sup>

Maximum building height: 40 feet or 2 stories

### Impervious Surface<sup>Ⓜ</sup>

Maximum impervious surface: 75%



The above drawings are not to scale.

### NOTES

- For additions to the above requirements, refer to [Section 3.4.2: H, J, and K.](#)

## SELECTED REFERENCES

### 3. Zoning Districts

- Planned Development §3.12
- General Exceptions §3.13

### 4. Use Standards

- Wind Powered Electric Generators §4.51
- Ponds §4.54
- Temporary Uses §4.55
- Waterfront and Canal Lot Accessory Structures and Boathouses §4.73
- Additional Access Drives §4.75

### Site Standards

- Off-Street Parking Requirements §5.1
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## A. INTENT

The I-2 Heavy Industrial district is established primarily for manufacturing, assembling, and fabrication activities, including large-scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts. The I-2 Heavy Industrial district is so structured as to permit, in addition to I-1 Light Industrial uses, the manufacturing, processing and compounding of semi-finished or finished products from raw materials.

**i** **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **Basic research, design and pilot or experimental product development** §4.40
- ii. Warehousing and wholesale establishments
- iii. Manufacturing<sup>m</sup>
- iv. Laboratories<sup>m</sup> - experimental, film, or testing
- v. Storage, transfer, electric and gas service buildings and yards
- vi. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations
- vii. Water and propane tank holders
- viii. Railroad transfer and storage tracks and railroad rights-of-way
- ix. Storage facilities for building materials, sand, gravel, stone, lumber, or storage of contractor's equipment and supplies
- x. Central dry-cleaning plants or laundries
- xi. **Automotive repair garages<sup>m</sup>, auto engine and body repair and undercoating shops** §4.36
- xii. Non-accessory signs
- xiii. Warehousing and storage of consumer fireworks
- xiv. Serve convenience needs, industrial<sup>m</sup>
- xv. **Lumber and planing mills** §4.37
- xvi. **Metal plating, buffing and polishing,** §4.38
- xvii. **Colleges, universities and other such institutions of higher learning, public or private** §4.39
- xviii. Tractor and trucking facilities, including storage and repair
- xix. Heating and electric power generating plants, and all necessary uses
- xx. **Production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products** §4.41
- xxi. **Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay** §4.42
- xxii. Freight yards and terminals
- xxiii. **Accessory buildings<sup>m</sup>** §5.21 and uses customarily incidental to any of the above permitted uses.

## B. PRINCIPAL PERMITTED USES (continued)

- xxiv. Uses similar to the above uses

## C. SPECIAL LAND USES

- i. **Retail uses, industrial** <sup>m</sup> §4.81
- ii. **Junk yards** <sup>m</sup> §4.43
- iii. **Municipal or commercial composting operations<sup>m</sup> for leaves and grass** §4.45
- iv. **Private wastewater treatment systems** §4.16
- v. **Outdoor theaters** §4.52
- vi. **Radio, television, satellite dish and communications antennae** §4.56
- vii. **Auto race track ( including midget auto and karting tracks)** §4.60
- viii. **Fairgrounds, horse and dog race tracks** §4.61
- ix. **Riding academies and stables** §4.62
- x. **Airports and related uses** §4.63
- xi. **Kennels, commercial** §4.64
- xii. **Waste lagoon ponds** §4.66
- xiii. **Mushroom plants and farms** §4.69
- xiv. **Gun clubs** §4.70
- xv. **Quarry and stripping operations** §4.71
- xvi. **Communication Towers, Personal Wireless Service (Cell Towers) and Similar Towers and Antennas** §4.72
- xvii. **Accessory buildings<sup>m</sup>** §5.21 and uses customarily incidental to any of the above permitted uses
- xviii. Uses similar to the above uses





## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>: None Specified  
 Minimum lot width<sup>Ⓜ</sup>: None Specified

### Lot Coverage

Maximum lot coverage: See [Section 3.4.2.K](#)

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback: 50 ft  
 Minimum rear yard setback: 50 ft  
 Minimum side yard setback:  
     Abutting Residential: 40 ft  
     Abutting Non-Residential: 20 ft

### Building Height<sup>Ⓜ</sup>

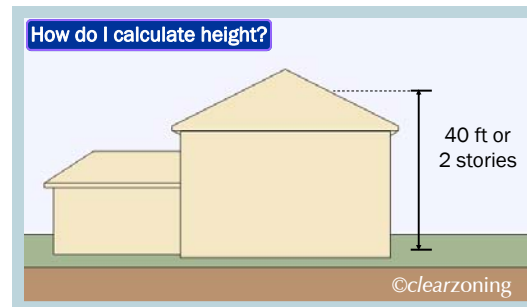
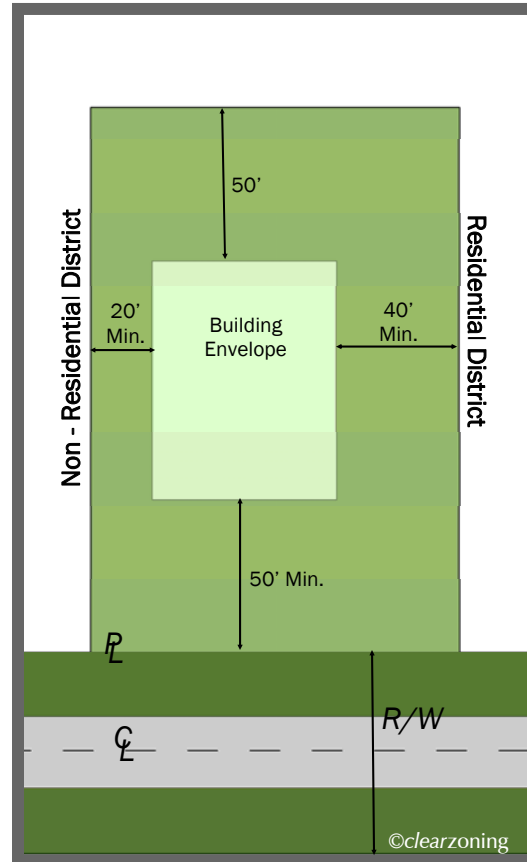
Maximum building height: 40 feet or 2 stories

### Impervious Surface

Maximum impervious surface: 75%

### NOTES

- For additions to the above requirements, refer to [Section 3.4: H, J and K.](#)



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Planned Development §3.12
- General Exceptions §3.13

### 4. Use Standards

- Wind Powered Electric Generators §4.51
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### 3.2 BOUNDARIES

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

1. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
2. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Board of Appeals.

### 3.3 ZONING OF VACATED AREAS.

Whenever any street, alley or other public way within the Township of Ira shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of the land formerly within such vacated street, alley or public way, shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used for that same use as is permitted under this Ordinance for such adjoining lands.

### 3.4 NOTES TO DISTRICT REGULATIONS

1. Applicability. The notes contained in Section 3.4.2 are additions, exceptions, and clarifications to the district standards contained in [Section 3.1](#). The applicability of individual notes to each district is provided in the table on the following page.
2. Notes to District Standards:
  - A. Lots that legally existed and were recorded prior to the adoption of this amended Ordinance may be developed, provided they meet the yard setback requirements of this Article.

- B. The front setback line in the AEC district is measured from the road right-of-way centerline. In all single-family residential districts, local street setbacks shall be measured from the established road right-of-way or road easement line. For all other roads the front setback line is measured from the road right-of-way centerline.
- C. Corner lots and double frontage lots are considered to have two front yards, both of which must meet minimum lot width requirements. Front setback requirements shall be maintained along all street frontages.
- D. Where a single-family home is constructed without a basement, an additional one-hundred (100) square feet shall be added to the minimum required first floor area requirement to provide space for utilities, such as, but not limited to, furnace, hot water heater, laundry tubs and the like.
- E. The one remaining lot or parcel from the parent parcel may exceed the 4-to-1 depth ratio.
- F. Plans presented which include a den, library, or extra room shall have such extra room counted as a bedroom for purposes of this Ordinance.
- G. Planned developments involving three (3) acres or more under one ownership shall be subject to the approval of the Township Board after review by the Planning Commission, after public hearing, regarding modifications with respect to height regulations in "B-1," "B-2," and "B-3" districts.
- H. Parking may be provided in the front yard after approval of the parking plan layout and points of access by the Township Board after review by the Planning Commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines.
- I. No side yards are required along the interior side lot lines, except as otherwise specified in an applicable Building Code. On the exterior side yard that borders on a residential district or street, there shall be provided a setback of not less than ten (10) feet on the side abutting the residential district or street.



3.4.1 Applicability of Notes to District Standards													
Note to District Standard	AEC	RS	RU	RT	RM-1	RM-2	RM-3	MH	B-1	B-2	WM	I-1	I-2
A	✓												
B	✓	✓	✓	✓									
C	✓	✓	✓										
D	✓	✓	✓	✓									
E		✓	✓	✓									
F					✓	✓							
G									✓	✓	✓		
H									✓	✓	✓	✓	✓
I									✓	✓	✓		
J												✓	✓
K									✓	✓	✓	✓	✓

- J. The Board of Appeals may, upon review of the proposed site plan and after public hearing, modify side and rear yard requirements upon a finding that 1) adequate ingress and egress for parking, loading, and fire and police protection needs are met, and 2) that any Building Code requirements relative to the relationship between buildings are met.
- K. The maximum percentage of lot coverage shall be determined by the meeting of yard requirements by the actual use, and by the provision of required off-street parking and loading facilities.

**3.5 NOTES TO PERMITTED USES IN THE AEC AGRICULTURAL DISTRICT**

All principal uses permitted in the RS and RU zoning districts are permitted in the AEC district, provided the minimum lot or parcel area is at least three and one-half (3½) acres and has at least two hundred and fifty (250) feet of frontage on a public road.

**3.6 NOTES TO PERMITTED USES IN THE RM-1, RM-2, AND RM-3 DISTRICTS**

- 1. In the case of multiple-family developments, all site plans shall be submitted to the Planning Commission for its review and recommendation, and shall require approval by the Township Board prior to issuance of a building permit.  
Approval by the Township shall be contingent upon a finding that:
  - A. The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety; and
  - B. All the development features, including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to: channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and



- circulation routes located as to interfere with police or fire equipment access.
- C. Public streets adjacent to or through the proposed development shall be required upon a finding that it is essential to promoting and protecting public health, safety and general welfare.
2. The front and rear of the multiple-family building shall be considered to be the face along the longest dimension of said building or front of the multiple-family building shall be considered to be the direction indicated on the drawings by the designer provided it is consistent with the floor plan of the individual unit; and the side of the multiple-family building shall be considered to be the face along the narrowest dimension of said building unless otherwise indicated on the drawings.
  3. Every lot on which a multiple-family structure is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one (1) foot for each ten (10) feet or part thereof by which length the multiple-family structure exceeds forty (40) feet in overall dimension along the adjoining plot line provided that no multiple-family structure shall exceed one-hundred eighty (180) feet in length along any one face of the building. Any court shall have a width equal to not less than fifty (50) feet for the front yard and sixty (60) feet for the rear yard. The depth of any court shall not be greater than three (3) times the width.
  4. Service drives shall have a width of at least twenty-two (22) feet and shall not be located in any required front yard.
  5. Minimum floor areas for apartments shall be as follows:
    - A. Efficiency Apartment: The term, "Efficiency Apartment" shall mean a dwelling unit containing not over three hundred sixty (360) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining, and necessary sanitary facilities.
    - B. One-Bedroom Unit: The term, "One-Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least six hundred (600) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and necessary sanitary facilities.
    - C. Two-Bedroom Unit: The term, "Two-Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least

seven hundred fifty (750) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining, and necessary sanitary facilities.

- D. Three or More Bedroom Unit: The term, "Three or More Bedroom Unit" shall mean 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 one hundred fifty (150) square feet to the minimum floor area of seven hundred fifty (750) square feet.

**3.7 NOTES TO PERMITTED USES IN THE RM-1 AND RM-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS**

Yards abutting major thoroughfares in "RM-1" and "RM-2" districts shall have a minimum depth of fifty (50) feet. For the purpose of yard regulations, multiple-family dwellings shall be considered as one (1) building occupying one (1) lot. Front, side and rear yards relating to the spacing between buildings within "RM-1" and "RM-2" districts shall have the following minimum overall dimensions:

3.7.Distance Required Between Buildings	
Building Relationship	Overall Distance Between Buildings (Exclusive of Parking Area)
Front to side	45 feet
Front to front	50 feet
Front to rear	*60 feet
Rear to rear	*60 feet
Rear to side	45 feet
Side to side	20 feet
Corner to corner	15 feet
*Parking may be permitted in fifty (50) percent of the required rear yard provided that there shall be at least fifteen (15) feet of yard space between said parking area and the multiple family dwelling.	



3.8.1 Minimum Lot Area Per Dwelling Unit Type			
Dwelling Unit Type	3-Story Building	4-Story Building	5 or More Story Building
Efficiency	1,800 sq ft	1,200 sq ft	600 sq ft
One-Bedroom	2,400 sq ft	1,800 sq ft	900 sq ft
Two-Bedroom	3,000 sq ft	2,400 sq ft	1,200 sq ft
Three-Bedroom	3,600 sq ft	3,000 sq ft	1,500 sq ft
Four-Bedroom	4,000 sq ft	3,600 sq ft	1,800 sq ft

**3.8 NOTES TO PERMITTED USES IN THE RM-3 MULTIPLE-FAMILY RESIDENTIAL (HIGH-RISE) DISTRICT**

1. No multiple-family dwelling in an "RM-3" district shall be erected on a lot or parcel of land which has an area of less than three (3) acres, or has a width of less than two-hundred (200) feet. Refer to Table 3.8.1 for the minimum lot area allowed per dwelling unit.
2. In an "RM-3" district, multiple-family buildings of two (2) stories or less in height shall conform to the requirements of the "RM-2" district.
3. In an "RM-3" district, the minimum distance between the fronts, sides, and rears of any two (2) buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than thirty (30) feet. A minimum distance of thirty (30) feet shall apply to corner-to-corner building relationships. The formula regulating the required minimum distance between the fronts, sides, and rears of any two (2) buildings in the

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

"RM-3" district shall be as follows:

Where:

- A. S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.
- B. LA = Total length of building A. The total length of building A is the length of that portion or portions of a wall or walls of building A from which, viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.
- C. LB = Total length of building B. The total length of building B is the length of that

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

- D. HA = Height of building A. The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.
  - E. HB = Height of building B. The height of building B at any given level is the height above natural grade level of any portion of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.
4. In "RM-3" districts, all exterior yards shall be at least equal to the height of the building; except that where a lot line abuts a street, one-half (1/2) the width of the right-of-way of said street may be considered as yard setback provided that said yard shall not be less than fifty (50) feet in depth. In no instance shall more than thirty (30) percent of any required yard be occupied by parking lots or drives.





### 3.9 NOTES TO PERMITTED USES IN THE MOBILE HOME PARK DISTRICT

The regulations contained herein recognize the unique physical characteristics of mobile home park communities and the regulation of these developments by the State of Michigan.

Unlike the typical single-family subdivision, in which the individual lot provides the open space and amenities necessary for family living, mobile home parks more closely resemble multiple-family development. Mobile home parks are constructed, managed and regulated by the developer. Streets, utilities, recreation areas and amenities are also similarly under the control of the developer. As a result of these similarities, mobile home parks should be designed to provide adequate space and land use separation consistent with their land use intensity relative to the Township's other residential zoning districts. The rules and regulations, as promulgated by the State of Michigan Mobile Home Commission, shall be applicable to the development of mobile home parks in Ira Township, except as modified by [Section 3.9](#):

#### 1. Permitted uses.

- A. Mobile home parks are subject to the requirements as established and regulated by the Mobile Home Commission pursuant to Public Act 96 of 1987, as amended, as well as all other applicable Township codes and ordinances referenced herein.
- B. Accessory commercial uses may be conducted in a mobile home park in separate, permanent structures, and for such purposes as the office of the manager, laundry and dry cleaning facilities, or other services primarily for the residents of the park. The park proprietor or management may display mobile homes and accessories for sale, provided such accessories for sale may be displayed only in a mobile home or other approved permanent structure for this purpose.
- C. Signs. One (1) monument sign, a maximum of thirty-two (32) square feet in area, may be placed at the main entrance of the mobile home park. One (1) additional sign, no larger than ten (10) square feet, may be erected at any secondary entrance to a mobile home park which adjoins a public road. Each sign shall be part of a permanent decorative entranceway that shall be compatible with the surrounding areas. All signs shall observe the setback and height limitations cited in [Section 5.6](#), as well as all corner clearance standards of [Section 5.8](#) of this Ordinance.

#### 2. General site regulations.

- A. Lot Size. The mobile home park shall be developed with sites averaging five-thousand five-hundred (5,500) square feet per mobile home unit. The five-thousand five-hundred (5,500) square feet for any one (1) site may be reduced by twenty (20) percent provided that the individual site shall be equal to at least four-thousand four-hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below five-thousand five-hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space and distance requirements be less than that required under RS25.1046, Rule 946 and RS25.1941 and RS25.1944, Rules 941 and 944 of the Michigan Administrative Code.
- B. Access to Public Roads. A mobile home park shall have direct access to a major thoroughfare by access roads that shall be hard surfaced.
- C. Paving. All internal roads and parking facilities shall be provided with a paved surface in compliance with AASHTO specifications referenced in Rule 922 of the Mobile Home Commission Rules.
- D. Sidewalks. Concrete walks, not less than three (3) feet wide and four (4) inches thick, shall be installed in the mobile home park from the public entrance to all mobile home lots, and to all required service facilities such as, but not limited to, central laundry, central parking, and central recreation and park areas.
- E. Plumbing, Electrical, and TV. All electrical and telephone wiring shall be underground. The installation of all plumbing and electrical services to mobile home sites shall be in compliance with all applicable standards of the Mobile Home Commission.
- F. Floor Space. There shall be not less than seven-hundred twenty (720) square feet of floor space within each mobile home. The floor area of any porch, sun deck or other structure above the roof or outside the floor or walls of the mobile home shall not be counted as part of the seven-hundred twenty (720) square foot minimum.





- G. Screening and Greenbelt. When the mobile home park adjoins a site zoned or developed for single-family residential use, there shall be installed on the park site along the boundary line of such residential site a screening or a greenbelt, as required under [Section 5.5](#) of the Zoning Ordinance.
- H. Storage and Skirting. There shall be no storage of any kind under a mobile home. Each such home shall be skirted within ninety (90) days after being placed on the lot.
- I. Fences. All fences (other than the perimeter screening requirements) shall be uniform in height and shall be constructed and installed in such a manner as not to interfere with free access by firefighters to all sides of a mobile home and shall not exceed thirty-six (36) inches in height. Barbed wire shall not be used in any such fence. Two (2) access gates shall be provided to all fenced areas pursuant to the requirements of the Mobile Home Commission.
- J. Storage. No personal property shall be stored outside or under any mobile home. Storage sheds may be used to store property, but need not be supplied by the owner of the mobile home development. Any storage sheds placed on individual mobile home sites shall be maintained in good condition and kept painted. Storage sheds shall be placed in side or rear yard areas.
- K. Site Plan. In accordance with Sections 11, 12 and 13 of the Mobile Home Commission Act, Public Act No. 96 of 1987, as amended, a person desiring to develop a mobile home park shall submit a preliminary plan to the Ira Township Planning Commission for review and approval. The preliminary plan shall include the location, layout, general design and a general description of the project. The preliminary plan does not need to include detailed construction plans.

- L. Parking. A minimum of two (2) parking spaces shall be provided for each mobile home site. A minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking. Such parking shall be located convenient to the area served. If boats, boat trailers and utility trailers are permitted to be parked in the mobile home park, adequate parking spaces shall be provided in a central or collective parking area.
- M. Smoke Alarms. Smoke alarms and fire extinguishers shall be installed in each mobile home unit pursuant to the requirements of Rule 703 of the Mobile Home Commission.
- N. Water Supply and Sanitary System. Each mobile home, occupied as a dwelling unit on a lot, shall be connected with a water supply and sewerage disposal system approved by the Michigan Department of Health.
- O. Fuel Tanks. Individual fuel oil, liquid petroleum, and other fuel tanks shall not be permitted.

**3.10 NOTES TO PERMITTED USES IN THE B-1 DISTRICT**

In the B-1 district, all permitted uses shall be subject to the following limitations:

- 1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- 2. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

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### 3.11 RESIDENTIAL OPEN SPACE DEVELOPMENT

1. The intent of this Section of the Zoning Ordinance is to provide a preferable alternative to conventional single-family development regulations within the Agricultural Estates Conservation, Residential Suburban and Residential Urban districts. All residential open space developments shall promote the following objectives:
  - A. Maintain the Township's open space and rural setting.
  - B. Preserve the Township's natural resources, including woodlands, wetlands, topography, floodplains and similar natural assets.
  - C. Preserve open space and farming.
  - D. Achieve a balance between farming, open space and growth.
  - E. Encourage a creative approach to the development of parcels exhibiting unusual characteristics and/or land use relationships.
  - F. Provide alternatives to conventional subdivision development.
2. Submission and Preservation Requirements.
  - A. All natural assets and cultural/historic features on the site must be identified on the plan. Such assets shall include natural stands of large trees, wetlands, floodplains, productive farmland, topography, bodies of water (i.e. streams, rivers), land which serves as a natural habitat for wildlife, or other natural assets which should be preserved. Regulated natural features such as, but not limited to, wetlands and floodplains must be identified through documentation from the appropriate Federal, State and/or local authorities. Cultural and historic features may include farmhouses, stone fence lines and buildings or foundations of historic value. Residential open space developments shall preserve all of the above amenities to the extent feasible and desirable to the Township.
  - B. A detailed map of the parcel identifying soil conditions shall be provided.
3. Density. The maximum number of units allowed shall be determined by the submission of a "Yield Plan" (or "Parallel Plan"). The Yield Plan shall be provided by the developer and shall be a feasible development under the requirement standards of the specified zoning district with regard to lot width, lot area, width-to-depth ratios, setbacks, adequate buildable areas, and which meets the State Land Division Act (where applicable). The yield plan shall meet all requirements of the Ira Township Land Development Ordinance. The yield plan shall provide lots with buildable areas of sufficient size to build a house and rear yard deck or patio. Buildable areas shall not include wetlands, floodplains, drainageways, or other non-buildable natural features regulated by Federal, State, County or local agencies.
  - C. The submittal shall include both passive and active recreation areas for residents within the open space community. Active recreation areas shall include an improved trail way system. Trail ways shall not be less than five (5) feet in width and shall be located throughout the entire development. Passive recreation shall include common green areas of a substantial size and open/preserved natural amenity areas. Passive recreation areas could also include benches, barbeques and gazebo-like structures. This provision does not apply to farmland preservation projects.
  - D. A maintenance agreement for all open space areas and common elements.
  - E. A yield plan, as described in [subsection \(3\) Density](#) below.
  - F. An application for a residential open space development shall also include an application for tentative preliminary plat, tentative condominium review or simple land divisions. An approval for an open space development shall be synonymous with tentative preliminary plat approval, tentative condominium approval, or land division approval.



The Planning Commission may require soil and ground water perk tests for lots of a suspect nature. They may also require test wells if adequate well water is questionable. If it is determined through these tests that the number of housing lots proposed is unfeasible, the site plan will be revised and resubmitted, minus the number of house lots that failed the perk and/or water test. Detailed engineering is not required at this stage.

4. Open Space Requirements.
  - A. Building sites and roads shall not cover more than fifty (50) percent of the entire parcel.
  - B. At least one-half (½) of the resulting open space shall be arranged so as to be useable for recreation (upland areas) or agricultural purposes.
  - C. The applicant shall make provisions satisfactory to the Township Board to assure that all designated open space will be irrevocably committed for that purpose and prohibiting the use of this land for development purposes in the future.
  - D. A minimum of fifty (50) percent of all dwelling units within the development shall abut the dedicated open space. This percentage may be reduced at the discretion of the Planning Commission if active farmland is preserved or created.
  - E. A minimum of one (1) access point to the open space, being a minimum of fifty (50) feet in width, shall be provided for each eight (8) households. These access points shall link the open space to the roadway and the remainder of the development.
  - F. Developments shall provide open space in a manner that encourages the future linkage of open space to adjacent parcels.
  - G. Non-agricultural open fields shall be planted with native prairie grass or similar types of ground cover. In addition, two (2) trees of two-and-one-half (2½) inch-caliper or greater shall be planted for each one (1) acre of open field. Such trees shall be planted and maintained within the open field area.
5. Utilities. The applicant shall provide adequate sanitary sewage treatment, water supply and storm water drainage systems to serve the development as approved by the Township Board and the St. Clair County Health Department.

6. Roads. All interior streets and roads shall be public and shall conform to the St. Clair County Road Commission Subdivision Street Standards.
7. Lot Sizes. The minimum lot size within an open space development shall be seven-thousand (7,000) square feet if public sewer and water service the site. If the site is to be serviced with well and septic, the St. Clair County Health Department requirements for such systems shall dictate the minimum lot size permitted.
8. Setbacks. The following building setbacks shall be required:
  - A. Sixty-three (63) feet from the centerline of any interior road right-of way.
  - B. Fifteen (15) feet side yard setbacks. No two (2) principal structures shall be located within thirty (30) feet of each other.
  - C. Rear yard setbacks shall be a minimum of fifty (50) feet. This requirement may be reduced by a maximum of fifty (50) percent, if a majority of the rear property line (over fifty-one (51) percent) abuts dedicated common open space.
  - D. No lot, property line or building site shall be located within two-hundred ten (210) feet of the centerline of any external road right-of-way.
9. Fencing. The use of perimeter fencing around building sites is prohibited except as permitted herein. Rear yards and side yards may be enclosed with split rail, picket-type, wrought iron, or other similar decorative fencing. Such fences shall not exceed forty-eight (48) inches in height. In no case shall view obscuring fences, privacy fences, chain-link fences or other similar wire fences be permitted on a site. Fences are prohibited in the front yard or street-side (front) yard. These provisions shall not apply to open space developments, which incorporate farmland preservation or active pastures.



3.12 PLANNED UNIT DEVELOPMENT (PUD)

- 1. Intent. The planned unit development provisions of this Ordinance are intended to allow flexibility in the design of residential neighborhoods to encourage the conservation of natural features such as, but not limited to, woodlots, slopes, meadows, floodplains, and wetland areas and achieve economies of design related to vehicular and pedestrian circulation ways, utility construction, and dwelling unit siting. This Section provides for a mix of housing types provided that the overall project density does not exceed the density permitted by the underlying zoning district, based on the formula provided by this Section. Further, under certain circumstances and based on a comprehensive plan for the entire development, this Section allows for a mix of residential and compatible non-residential uses oriented toward the planned unit development residents but not exclusively for the residents of the planned unit development.
- 2. Application of Planned Unit Development Provisions.
  - A. Minimum Parcel Criteria: The provisions of this Section may be applied to any parcel of land ten (10) acres or greater, located in any district, which is under single ownership and for which an application for a planned unit development is made as provided herein. In addition to the required residential land area, property zoned for commercial use, which is under the same ownership as the aforementioned residentially zoned property, may be included as a part of the overall planned unit development proposal.
  - B. Exceptions to Minimum Parcel Criteria: Notwithstanding the provisions of paragraph A., an application for a planned unit development on a parcel of land of less than ten (10) acres may be submitted if the Planning Commission finds, based upon information provided by the landowner/applicant, that the minimum area requirement should be waived because a planned unit development is in the public interest and that one (1) or more of the following conditions exist:
    - i. The parcel of land, or the neighborhood in which it is located, has an unusual physical feature(s) that will be conserved by employing the provisions of this Article;

- ii. The parcel of land has a historical character of importance to the Township that will be protected by employing the provisions of this Article; or
  - iii. The parcel of land is adjacent to, or across the road from, a parcel which has been developed as a planned unit development and such will contribute to the maintenance of the amenities and values of the neighboring development; or
  - iv. The application of Planned Unit Development will be in the interest of the Township and the immediate neighborhood area, as determined by the Planning Commission.
- C. Application Criteria: An applicant for planned unit development must demonstrate all of the following:
- i. Application of the planned unit development provisions will result in one of the following:
    - a. A recognizable and material benefit to the future residents of the project as well as the community, where such benefit would otherwise be unfeasible or unlikely without application of the planned unit development provisions; or
    - b. The long-term conservation of natural features and the environmental character to the Township will be achieved; or
    - c. A nonconforming use shall be rendered more conforming to the zoning district in which it is situated or eliminated altogether.
  - ii. The proposed type and density of use shall not result in an unreasonable increased burden upon public services, facilities, and/or utilities in comparison to the use or uses otherwise permitted by the underlying zoning district.
  - iii. The proposed planned unit development shall not result in any unreasonable negative economic impacts on the surrounding properties.



3. Design Standards. A planned unit development proposal shall be consistent with the statement of purpose of this Article as well as the following general standards for the use of land, the type, bulk, design, and location of buildings, the density of use, common open space and public facility requirements, and the development of geographic divisions of the site.
  - A. Residential Dwellings: The plan may provide for a variety of permanent housing types, including both detached and attached single-family dwellings, manufactured homes, and multiple-family dwellings, but not mobile homes, as herein defined. Single-family attached and cluster housing as a means of conserving natural features and providing additional common open space is hereby encouraged.
  - B. Permitted Residential Density: The permitted residential density shall be determined based on the maximum density permitted by the underlying zoning district, as modified by the following formula:
    - i. Gross parcel area minus the area occupied by proposed or existing dedicated public right-of-ways, and minus eighty (80%) percent of the area occupied by any wetlands, and floodplain areas. The resulting land area shall be divided by the minimum lot size of the underlying zoning district to establish the maximum number of permitted dwelling units.
    - ii. The minimum permitted lot size for a detached single-family dwelling in areas not served by public sewer and water shall be determined by the St. Clair County Health Department standards but in no instance be less than twelve thousand (12,000) square feet.
  - C. Common Open Space: All planned unit developments shall maintain a minimum of thirty percent (30%) of the parcel as common open space which is readily accessible and available to the residents of the planned unit development. A portion of the common open space requirement may be fulfilled by wetland, floodplain, and/or open water areas, provided that not more than fifty percent (50%) of the designated common open space area is wetland area, floodplain area, and/or open water.
  - D. Educational and Recreational Uses: Both public and private nonresidential uses of an educational or recreational nature, including but not limited to golf courses, tennis clubs, swim clubs, riding stables, and necessary accessory uses and structures, designed as an integral part of the overall planned unit development, may occupy appropriate portions of the site. The area so occupied may be applied, at the discretion of the Planning Commission and Township Board, to satisfy a percentage of the total common open space requirement. Developed recreational uses such as tennis clubs, swim clubs, riding stables, and the like, may be used to satisfy twenty-five (25%) percent of the common open space requirement. Golf courses may be used to satisfy up to sixty percent (60%) of the common open space requirement, provided such use is integrated into the overall development.
  - E. Commercial Uses: Commercial uses together with such other uses deemed consistent with the overall development plan, may occupy up to ten percent (10%) of the gross area of a parcel greater than twenty (20) acres.
    - i. Commercial and office uses allowed by the B-1 Local Business District may be permitted within a planned unit development.
    - ii. Adjacent property which is zoned commercial and included as part of the planned unit development proposal shall permit those uses allowed within that zone.
    - iii. Planned commercial uses shall be accessed by public roads and sited in such a manner as to not encourage through traffic within the planned unit development or adjacent residential areas.
    - iv. Approval of commercial uses shall be dependent upon the market potential or demand for the uses in the area. The developer shall submit sufficient evidence to justify the need for commercial uses within the planned unit development.
  - F. Off-Street Parking and Loading: Off-street parking and loading/unloading spaces shall be provided in accordance with [Section 5.1](#) of this Ordinance.

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G. Other Site Improvements: Signage, lighting, landscaping, exterior building materials, and other features of the project shall be designed and constructed with the objective of creating an integrated and controlled development, consistent with the character of the community, the surrounding developments, and the site's natural features.

H. Perimeter Setback and Buffering: The proposed location and arrangement of structures shall not be materially detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood. There shall be a perimeter setback and landscaping and/or berming, as recommended by the Planning Commission, for the purpose of buffering the adjacent properties from the planned unit development. The setback distance and buffering treatment need not be uniform at all points on the perimeter of the development. However, in cases where nonresidential uses in the planned unit development are adjacent to residentially zoned property, such uses shall be visually screened by a landscape berm, evergreen screen, or a decorative wall.

I. Phasing: Each residential development phase shall be designed to stand alone and provide a residential environment which is compatible with the surrounding existing development. Deviations from the number of dwelling units per acre established for the entire planned unit development may be permitted within certain development phases as long as the number of dwelling units authorized per acre is not affected. Further, each development phase shall be designed to provide a proportional amount of common open space in each proposed phase.

A minimum of twenty percent (20%) of the total number of residential dwelling units in any planned unit development must be constructed and be ready for sale prior to the construction of any commercial portion of the planned unit development, except that site grading, road construction, and utility installations related to the commercial portions of the planned unit development may be undertaken concurrent with the development of residential units and public or private recreation uses. However, based on

supportive evidence provided by a professional market study, the Planning Commission may authorize the construction of commercial uses prior to the completion of fifty percent (50%) of the total number of residential dwelling units.

J. Planned Unit Development Agreement: The plan shall contain such proposed covenants, deed restrictions, easements, and other provisions relating to the bulk, location, and density of such residential units, nonresidential uses and public facilities, and provisions for the ownership and maintenance of the common open space as are necessary for the welfare of the planned unit development and are not inconsistent with the best interests of the Township. Said covenants, deed restrictions, easements, and other provisions, which are a part of the plan as finally approved, may be modified, removed, or released only in accordance with regulations and standards as may be subsequently set forth by the Township Board. The enforcement of covenants, deed restrictions, and easements shall be carried out by an association formed by the residents of the planned unit development. Further, the bylaws of such association shall provide for the assessment of fees to finance enforcement actions undertaken by the association.

The landowner shall make such easements, covenants and other arrangements, and shall furnish such performance guarantees, as may be required, to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of proposed development before completion.

K. Land Division Requirements: All portions of the planned unit development, including single-family lots, multiple-family dwellings, commercial areas, and public and private recreational uses, and common open space areas shall be platted in conformance with the requirements of the state of Michigan Subdivision Control Act, PA 288 of 1967, as amended, and with the Ira Township Subdivision Control Ordinance; or prepared in conformance with the requirements of the state of Michigan Condominium Act, PA 59 of 1978 and the condominium provisions of this Ordinance.





4. Procedure for Review and Approval.

A. Optional Conceptual Planned Unit Development Submittal. An applicant for planned unit development approval may prepare a conceptual planned unit development submittal to provide the Planning Commission with a general overview of the proposed planned unit development. The conceptual submittal shall be processed in accordance with the following procedures.

- i. The applicant shall provide the required number of copies of the conceptual submittal to the Township at least thirty (30) days prior to the meeting at which the submittal is to be presented. The submittal shall be reviewed to determine that all the required information has been provided. Upon a finding that the submittal is complete, the conceptual submittal shall be placed on the Planning Commission's agenda.
- ii. The following minimum information must be provided as part of the concept submittal.
  - a. Statement of purpose, objectives, and development program including:
    - (1) Discussion of the rationale for employing the planned unit development provisions rather than developing the project conventionally.
    - (2) Total project area.
    - (3) Description of existing site characteristics.
    - (4) Description of proposed character of the development.
    - (5) Densities, areas and setbacks for various residential types.
    - (6) Area and percent of developed and undeveloped open spaces.
    - (7) Discussion of proposed means of serving the development with water,

sanitary waste disposal, and storm water drainage.

- (8) Proposed project phasing and estimated timing schedule by phase to completion.
- (9) Statement of anticipated impact on natural features, public facilities and services such as, but not limited to, police and fire protection, roads, and schools.
- (10) Generalized development plan and program, including:
  - (11) Overall map at a minimum scale of 1 inch equals 2,000 feet showing the relationship of the proposed planned unit development to its surroundings, including section lines, parcel boundaries, major roads, collector streets, among other landmarks.
- b. Generalized graphic depiction at a scale of 1 inch equals 200 feet showing the following:
  - (1) Major access roads serving the site, including right-of-way widths, and existing and proposed road surfacing.
  - (2) Existing utility lines including sanitary sewer, storm sewer, water main, and gas and electric service.
  - (3) Existing adjacent land uses and structures within 200 feet of the proposed planned unit development boundary.
  - (4) Proposed internal pedestrian and vehicular circulation system.
  - (5) Areas to be developed for residential, commercial, recreational, and common open space uses and structure locations.
  - (6) Areas to be preserved in a natural state.

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- (7) Other data or graphics which will serve to further describe the proposed planned unit development.
- iii. The Planning Commission shall review the concept plan with the applicant, shall inform the applicant of the Township's development policies, and shall make comments and suggestions about the proposed concept plan. The Planning Commission shall refer appropriate portions of the submittal to the Township Attorney, Engineer, Planner and/or appropriate county agencies for review and comment, prior to making comments and suggestions to the applicant. The Planning Commission shall report the final results of this review in writing to the Township Board.
- B. Preliminary Planned Unit Development Submittal. A preliminary planned unit development submittal shall be processed in accordance with the following procedures:
  - i. The applicant shall provide the required number of copies of the preliminary planned unit development submittal to the Township at least thirty (30) days prior to the meeting at which the submittal is to be presented. The submittal shall be reviewed to determine that all the required information has been provided. Upon a finding that the submittal is complete, the submittal shall be placed on the Planning Commission's agenda.
  - ii. The following minimum information must be provided by the preliminary planned unit development submittal. If the applicant did not prepare a conceptual submittal, the preliminary planned unit development submittal shall also include the information required by [Section 6.1.2.A](#).
    - a. Existing Site Features
    - b. An overall area map at a scale of not less than 1 inch equals 2,000 feet showing the relationship of the planned unit development to its surroundings such as section lines and/or major roads or collector streets.
    - c. Physical development plan prepared at a minimum scale of 1-inch equals 100 feet.
    - d. Boundaries of proposed planned unit development, section or corporation lines within or adjacent to the tract, and overall property dimensions.
    - e. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the proposed planned unit development site, including those of areas across abutting roads.
    - f. Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the proposed planned unit development site, including those located across abutting roads.
    - g. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the proposed planned unit development site.
    - h. Topography drawn at a two (2) foot contour interval. Topography must be based on USGS datum and be extended a minimum distance of two hundred (200) feet outside the proposed planned unit development boundaries.
      - i. Proposed Development Features
      - j. Layout of internal roads indicating proposed road names, right-of-way widths, and connections to adjoining platted roads, and also the widths and location of alleys, easements, and pedestrian ways.
      - k. Layout, numbers, and dimensions of single-family lots or sites, including building setback lines.
      - l. Layout of proposed multiple-family dwellings, including setbacks, buildings, drives, parking spaces, pedestrian ways, and landscaping.
      - m. Location and function of both developed and undeveloped open spaces, as well as the layout of facilities to be included on developed open spaces.



- n. Depiction of major wooded areas and description of means to be employed to preserve them.
- o. An indication of ownership, and existing and proposed use of any parcels identified as "excepted."
- p. An indication of the proposed sewage, water supply, and storm drainage system. If county drains are involved, the proposed drainage shall be acceptable to the St. Clair County Drain Commissioner.
- q. Conceptual site grading and conceptual landscaping plans.
- r. Depiction of proposed development phases.
- s. Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements.
- t. Tabulations
  - (1) Total site acreage and percent of total project in various uses, including developed and undeveloped open space.
  - (2) Total site density of single-family and multiple-family dwellings and percent of ground area covered by structures other than detached single-family dwelling units.
  - (3) Acreage and number of single-family lots, multiple-family dwellings (including number of bedrooms) to be included in development phases.
- u. Planned Unit Development Agreement
  - (1) Legal description of the total site.
  - (2) Statement of developer's interest in the land proposed for development.
  - (3) Statement regarding the manner in which open space is to be maintained.
  - (4) Statement regarding the developer's intentions

regarding sale and/or lease of all or portions of the planned unit development, including land areas, units, and recreational facilities.

- (5) Statement of covenants, grants of easements (including easements for public utilities), and other restrictions to be imposed upon the uses of the land and structures.
  - (6) Statement of required modifications (variances) to the regulations which are otherwise applicable to the site.
  - (7) Schedule indicating the time within which applications for final approval of each phase of the planned unit development are intended to be filed.
- iii. Planning Commission accepts the submittal and refers the appropriate portions to the Township Attorney, Engineer, Planner, and appropriate county agencies for review and recommendation.
  - iv. The Planning Commission reviews preliminary planned unit development submittal as well as the comments from the Township Attorney, Engineer, Planner and appropriate state and county agencies and then sets a public hearing to receive citizen input on the proposed planned unit development. Notice of such public hearing shall be given in accordance with applicable State law and Township policies and procedures.
  - v. Planning Commission holds a public hearing. After the public hearing, the Planning Commission submits a report on the public hearing and the Commission's recommendation to the Township Board. Before recommending preliminary approval to the Township Board, the Planning Commission shall determine that the stated purpose of the Planned Unit Development Ordinance and the specific conditions of [Section 3.12](#) have been met.

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- vi. The Township Board reviews the public hearing report and the Planning Commission recommendation and either approves, approves with modifications, or denies the preliminary planned unit development submittal.
  - vii. Following approval of the preliminary planned unit development submittal, the Township Board authorizes the developer to prepare the planned unit development agreement and the final planned development submittal.
  - viii. The developer prepares a planned unit development agreement which is reviewed by the Township Attorney, Planner, and Engineer.
  - ix. The Township Board reviews the planned unit development agreement and either approves, approves with conditions, or denies the planned unit development agreement.
  - x. A final planned unit development submittal for some portion of the planned unit development must be submitted within twenty-four (24) months following approval of the preliminary planned unit development. If no final planned unit development submittal is accepted within that period, approval of the preliminary planned unit development is automatically rescinded and the underlying zoning will take effect. However, the Township Board, upon written application by the developer, may extend the designation for successive two (2) year periods; except that no more than two such twenty-four (24) month extensions may be granted.
- C. Final Planned Unit Development Submittal. The final planned unit development submittal for all or a portion of the total planned unit development is reviewed by the Planning Commission and acted upon by the Township Board to assure substantial compliance with the preliminary planned unit development submittal.
- i. The final planned unit development submittal must be prepared as one of the following:
    - a. Subdivision Plat as Defined by the Subdivision Control Act. The final planned unit development submittal must be prepared in the form of a preliminary plat in detail sufficient to be granted tentative preliminary plat approval in conformance with the state of Michigan Subdivision Control Act, the Ira Township Subdivision Ordinance, and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.
    - b. Condominium Plan as Defined by the Condominium Act. The final planned unit development submittal must be prepared in the form of a condominium plan pursuant to the requirements of the Condominium Act in detail sufficient to be granted approval in conformance with the condominium provisions of this Ordinance and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.
    - c. Construction of the initial phase of the planned unit development shall be completed within two (2) years following final preliminary plat or condominium plan approval by the Township Board. This limit may be extended for a reasonable period to be determined by the Township Board, upon written application by the developer for cause shown. If, however, this time limit is not met and an extension is not granted, the planned unit development agreement is automatically rescinded.
  - ii. The following minimum information must be provided by the developer at the time of filing of a final planned unit development submittal for all or a portion (phase) of a planned unit development:



- a. Detailed grading plan.
- b. Detailed landscaping plan.
- c. Detailed utilities layout.
- d. Tabulations showing:
  - (1) Total phase acreage and percent of total planned unit development.
  - (2) Acreage and percent of portion of phase and total planned unit development occupied by single-family, multiple-family, and developed and undeveloped open space.
  - (3) Total phase density and percent of total planned unit development.
  - (4) Number of bedrooms per multiple-family dwelling unit by type (i.e., efficiency, one bedroom).
  - (5) Percent of ground area covered by structures other than detached single-family dwelling units.
- e. Supporting materials:
  - (1) Legal description of the total phase, each use area, and dedicated open space.
  - (2) Copies of covenants, easements, and other restrictions to be imposed.
- f. Proposed dates of construction start and completion of phase.
- iii. The final planned unit development submittal shall not:
  - a. Vary the proposed gross residential density or intensity of use in any portion of the planned unit development by more than ten (10) percent; or
  - b. Involve a reduction of the area set aside for common space; or
  - c. Increase by more than ten (10) percent the floor area proposed for nonresidential use; or
  - d. Increase by more than five (5) percent the total ground area covered by buildings.
- iv. The final planned unit development submittal shall be processed in accordance with the following procedures:
  - a. The applicant shall provide the required number of copies of the final planned unit development submittal to the Township at least thirty (30) days before the meeting at which the submittal will be presented. The submittal shall be reviewed to determine that all the required information has been provided. Upon a finding that the submittal is complete, the final submittal shall be placed on the Planning Commission's agenda.
  - b. The Planning Commission accepts plan and refers the appropriate portions of the submittal to the Township Attorney, Engineer, Planner as well as the appropriate state and county agencies for review and recommendation.
  - c. The Planning Commission reviews the final planned unit development submittal to assure conformance with the approved preliminary planned unit development submittal and planned unit development agreement. Within thirty (30) days following receipt of the final planned unit development submittal, the Planning Commission shall approve or, if the final planned unit development submittal deviates from the preliminary planned unit development submittal by more than the limits prescribed in this Ordinance, require modifications to assure conformance.
  - v. Before either the Planning Commission recommends final approval or the Township Board grants final approval to any planned unit development, the Planning Commission and Township Board shall, respectively, determine that:





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- a. Provisions, satisfactory to the Township Board, have been made to provide for the financing of any improvements shown on the plan for open spaces and common areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the Township Board.
- b. The cost of installing all streets and necessary utilities has been assured by a means satisfactory to the Township Board.
- c. The final plan for any phase is in conformity with the overall comprehensive plan of the entire neighborhood acreage. Any changes or amendments requested shall terminate the overall planned unit development approval until such changes and/or amendments have been reviewed and approved as in the instance of the preliminary submittal.
- d. Proceeding with a planned unit development should only be permitted if it is mutually agreeable to the Township Board and the developer.
- vi. Following approval of a final planned unit development submittal by the Planning Commission, the developer begins processing the plat through the Township Board in conformance with the Subdivision Control Act and the Ira Township Subdivision Ordinance or the condominium plan through the Planning Commission and Township Board in conformance with the Condominium Act and condominium provisions of this Ordinance.

### 3.13 GENERAL EXCEPTIONS AS TO AREA, HEIGHT AND USE

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

1. Essential Services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township.
2. Voting Place. The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.
3. Height Limit. The height limitations of this Ordinance shall not apply to farm silos, chimneys, church spires, flag poles or public monuments; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a special land use.
4. Lot Area. Any lot existing and of record at the time this Ordinance became effective may be used for any principal use permitted, other than conditional uses for which special lot area requirements are specified in this Ordinance, in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance, except as provided in [Section 7.23.2.B, "Nonconforming Lots"](#) of this Ordinance. Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.
5. Lot Adjoining Alleys. In calculating the area of a lot that adjoins an alley, for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) of the width of such alley abutting the lot shall be considered as part of such lot.
6. Yard Regulations. When yard regulations cannot reasonably be complied with, as in the case of a planned development in the Multiple-family district, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.





7. Multiple Dwelling Side Yard. For the purpose of side yard regulations, a row house or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.
8. Porches and Decks. An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies. A deck shall not be exempt from the setback requirements of this Ordinance when it is constructed above the average grade (see [Section 5.16](#)).
9. Projections into Yards. Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.
11. Access Through Yards. For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing the like function, and not in excess of nine (9) inches above grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

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# Article 4.0 Use Standards



## Article 4.0 Use Standards

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- 4.38 Metal Plating, Buffing and Polishing
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- 4.40 Basic Research, Design and Pilot or Experimental Product Development
- 4.41 Production, Processing, Cleaning, Servicing, Testing, Repair, or Storage of Materials, Goods, or Products
- 4.42 Manufacture of Pottery and Figurines or Other Similar Ceramic Products
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## 4.1 FARMS <sup>■</sup>

Farms are a permitted use in the AEC district. Where the raising of animals is conducted, the minimum area of lots shall be five (5) acres, with a minimum frontage of two-hundred fifty (250) feet.

## 4.2 GARAGE SALES

Garage sales, yard sales or similar types of sales, are permitted uses in the AEC, RS, and RU districts, provided no such sale shall take place for a period exceeding fourteen (14) days and no residence shall be permitted more than two (2) such garage sales per year. A permit shall be obtained from the Township Clerk for all garage sales. The fee for the permit is to be established by resolution of the Township Board.

## 4.3 PLANT NURSERIES

Plant nurseries are a permitted use in the AEC district without retail sales, except roadside stands as permitted in [Section 4.66, Roadside Stands](#).

## 4.4 UTILITY AND PUBLIC SERVICE <sup>■</sup> FACILITIES AND USES

1. Utility and public service facilities and uses are permitted as a special land use in the AEC, RS, RU, RT, and P-1 districts, and as a permitted land use in the B-1 and B-2 districts when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity .
2. In the AEC, RS, RU, RT, and P-1 districts, storage yards are excluded, and uses are subject to review and recommended approval of location by the Planning Commission.

## 4.5 PLACES OF WORSHIP

Places of worship and any uses normally incidental thereto are permitted in the AEC, RS, RU, B-1, B-2, and RT districts, provided that ingress and egress from said site shall be directly onto a major thoroughfare. Wherever the parking plan is so laid out as to beam automobile headlights toward any residential land, an obscuring wall or fence four feet six inches (4'6") in height shall be provided along that entire side of the parking area.

## 4.6 CEMETERIES

Cemeteries are permitted as a special land use in the AEC, RS, RU, and RT districts, when developed on sites of fifty (50) acres or more subject to review and recommended approval of location by the Planning Commission after first holding a hearing.

## 4.7 NON-PUBLIC RECREATIONAL AREAS AND RECREATION FACILITIES

Non-public recreational areas and recreation facilities are permitted as a special land use, subject to the following:

1. In the AEC district, when operated on sites of at least ten (10) acres, provided the location has been reviewed and recommendation made by the Planning Commission.
2. In the RS, RU, and RT districts, when not operated for profit and primarily intended to serve Township residents after recommended approval by the Planning Commission, after first holding a public hearing and further providing that one-hundred percent (100%) of the property owners abutting the proposed site shall be given written notice of the hearing at least ten (10) days prior to the hearing.

## 4.8 GOLF COURSES

Golf courses are permitted as a special land use subject to the following:

1. In the AEC, RS, RU and RT districts,
  - A. All sites shall have a minimum area of one-hundred twenty (120) acres.
  - B. Access to the site shall be directly onto a major thoroughfare having an existing or planned right-of-way width of at least one-hundred twenty (120) feet as indicated on the Ira Township Master Plan.
  - C. The clubhouse and parking lot shall be set back at least two-hundred 200 feet from the boundaries of any adjacent property zoned or developed for single-family purposes.
  - D. Maintenance yards and buildings shall be set back at least one-hundred (100) feet from any abutting single-family zoned or developed site and screened from view by a landscaped greenbelt when visible from adjoining residential sites.
  - E. Tees, greens and cart paths shall observe a setback of fifty (50) feet from all property lines.





F. Parking for a golf course shall be provided as per the requirements of [Section 5.1.12.B.viii](#). If a restaurant is provided, additional parking shall be required as specified in [Section 5.1.12.C.viii](#).

2. In the RS, RU, and RT districts, driving ranges and miniature golf courses are not permitted.

#### 4.9 NURSERY SCHOOLS, DAY NURSERIES, AND CHILD CARE CENTERS

Nursery schools, day nurseries and child care centers are permitted as a special land use in the AEC, RS, RU and RT districts, provided that for each child so cared for, there is provided and maintained a minimum of one-hundred (100) square feet of outdoor play area. Such play space shall have a total minimum area of at least one-thousand (1,000) square feet and shall be fenced or screened from any adjoining residential land.

#### 4.10 ORPHANAGE, HOME FOR THE AGED, INDIGENT OR PHYSICALLY HANDICAPPED, OR REST OR CONVALESCENT HOMES

Orphanages, homes for the aged, indigent, or physically handicapped, and rest or convalescent homes are permitted as a special land use in the AEC, RS, RU, RT districts, provided the following conditions are met:

1. All vehicular ingress and egress from the site shall be directly onto a major thoroughfare.
2. The maximum extent of development shall not exceed thirty (30) children or patients per acre.

#### 4.11 GENERAL HOSPITALS<sup>ca</sup>

General hospitals are permitted as a special land use in the AEC, RS, RU, RT districts, when the following conditions are met:

1. Approval shall be contingent upon a finding that:
  - A. The site plan does show that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety; and
  - B. All the development features, including the principal building and accessory buildings open spaces, and any service roads,

driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property.

2. All such hospitals shall be developed on sites consisting of at least five (5) acres in area for the first one-hundred (100) beds or less, plus one (1) acre for each additional twenty-five (25) beds.
3. The proposed site shall have at least one (1) property line abutting a major thoroughfare, and vehicular ingress and egress to the site shall be directly onto said thoroughfare.

#### 4.12 HOME OCCUPATIONS<sup>ca</sup>

Home occupations, as defined in [Article 2](#), are a permitted accessory use in residential districts, subject to the following standards:

1. No person other than members of the family residing on the premises shall be engaged in such occupation.
2. There shall be no sale of any goods manufactured elsewhere in connection with such home occupation.
3. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
4. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.
5. Permitted signs shall be limited to one (1) sign not exceeding two (2) square feet in area, non-illuminated and mounted flat against the wall of the building.
6. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
7. Not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used for the purposes of the home occupation.

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8. The home occupation shall be carried out completely within the dwelling.
9. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupations, other than one (1) sign not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the dwelling.
10. There shall be no sale of any goods manufactured elsewhere in connection with such home occupation.

**4.13 FAMILY DAY CARE<sup>m</sup>**

A family day-care (7–12 persons) is permitted as a special land use in the AEC, RS, RU and RT districts, subject to the following:

1. The proposed use shall not be located closer than one-thousand five-hundred 1,500 feet to any of the following facilities, as measured along a street, road or other thoroughfare, excluding an alley:
  - A. Another licensed group day-care home.
  - B. Another adult foster care small group home or large group home, licensed by the State of Michigan.
  - C. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, whether or not the State of Michigan licenses it.
  - D. A community correction center, resident home, halfway house or other similar facility, which houses an inmate population, under the jurisdiction of the Department of Corrections or a similar governmental authority.
2. Front, rear and side yard minimums shall be the same as is applicable to the zoning district in which the special land use is requested.
3. Maximum lot coverage shall be the same as for the zoning district in which the special land use is requested.
4. On-site parking shall be provided for all employees, in addition to the required off-street parking for the residence. No off-street parking shall be permitted in the required front yard space.
5. Fencing shall be required next to residential uses or districts in accordance with [Section 5.9](#) and shall enclose all outdoor play areas.

6. Sufficient area shall be provided for automobiles waiting to pick up children so those children being dropped off or picked up are not forced to wait or stand on any public street. Vehicles shall not be permitted to block traffic while waiting to drop off or pick up children.
7. All sites and buildings utilized or to be utilized by a special land use as family day-care, shall be consistent with the visible characteristics of the neighborhood. No group day-care home shall permit the modification of the exterior of the dwelling other than herein provided. No equipment may be located in the front yard.

**4.14 BED AND BREAKFAST LODGING FACILITY<sup>m</sup>**

Bed and breakfast lodging facilities are permitted as a special land use in the AEC, RS, RU and RT districts, subject to the following:

1. Not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
2. There shall be no separate cooking facilities used for the bed and breakfast stay.
3. Sufficient off-street parking has been provided to meet the requirements of the existing single-family structure as specified in [Section 5.1](#), as well as one (1) parking space per double-occupied room.
4. No retail or other sales shall be permitted.
5. Signage shall be limited to one (1) non-illuminated nameplate not more than two (2) square feet in area, containing only the name of the establishment.
6. The use will not alter the basic single-family residential characteristics of the surrounding area through the creation of nuisances, such as noise, odor, smoke, electrical disturbances, night lighting, excessive traffic or high public utility loads.

**4.15 DRIVING RANGES**

Driving Ranges are permitted as a special land use in the AEC district, subject to the following:

1. All sites shall have a minimum area of at least 20 acres.
2. Access to the site shall be directly onto a major thoroughfare having an existing or planned right-of-way width of at least one-hundred twenty (120) feet as reflected on the Ira Township Master Plan.



3. No activity shall take place within thirty (30) feet of the perimeter of the site. All such activities shall be adequately screened from abutting property by either a protective wall or landscaped greenbelt.
4. Parking and buildings shall be set back at least two-hundred (200) feet from the boundaries of any adjoining single-family property.
5. Related accessory uses may be permitted in conjunction with the driving range when it is clearly incidental to the principal use.
6. Hours of operation shall be specified.
7. The use of loud speakers and perimeter netting or screening is prohibited.
8. Exterior lighting may be permitted, provided that all such lighting is directed away from any abutting residentially developed or zoned property and arranged so as not to adversely affect driver visibility on adjoining thoroughfares. The maximum height of any site lighting shall be twenty-five (25) feet.
9. Parking shall be provided at the following ratio for driving ranges: one (1) parking space for each tee and one (1) space for each employee. Additional parking shall be required for any accessory uses of the applicable ratio specified in [Section 5.1](#).

#### 4.16 PRIVATE WASTEWATER TREATMENT SYSTEMS

Private wastewater treatment systems may be permitted as a special land use in the AEC, RS, RU, RT, RM-1, RM-2, RM-3, MH, B-1, B-2, I-1, I-2, and WM districts, only outside the Township sewer district, subject to the following:

1. In the AEC, RS, RU, RM-1, RM-2, RM-3, MH, B-1, B-2, I-1, I-2 and WM districts, private wastewater treatment systems are permitted as a special land use, subject to the requirements of Ordinance No. 62 Ira Township Land Development and Engineering Standards Ordinance, Article XI.
2. In the RS, RU, and RT districts:
  - A. No private systems shall be allowed within one-thousand two-hundred fifty (1,250) feet of the Anchor Bay coast line.
  - B. No private systems shall be allowed to be located within or discharge into the Susceptible Area for the Fair Haven Water Treatment Plant, as defined in the Source Water Assessment Report for the Fair Haven Water Supply.

- C. Each application for a private wastewater treatment system shall be accompanied by a Development Impact Statement which shall consist of the following:
  - i. Qualifications of Preparer: Name(s) and address(s) or firm(s) responsible for the preparation of the impact statement and a brief description of their qualifications.
  - ii. Information and Data Required:
    - a. The Development Impact Statement shall include all applicable information as normally required for site plan review, rezoning, or special land use, as specified in [Sections 6.1, 7.1, and 6.2](#) of the Zoning Ordinance; and, in addition, the following supplemental information shall be required:
      - (1) Location map at 1" = 200', indicating the location of the subject property in relation to the Township's thoroughfare system.
      - (2) Zoning Map, indicating the subject property and the zoning of adjacent properties for a radius of one-half (½) mile, measured from the boundaries of the site.
      - (3) Land Use Map, indicating the subject property and adjacent land uses by type for a radius of one-half (½) mile, measured from the boundaries of the site. An aerial photograph may be used to illustrate this information.
      - (4) Site conditions of the subject property, indicating the following information. All information shall be depicted graphically on an existing conditions map and accompanied by the most recent aerial photography supplied by the St. Clair County Equalization Department or by the Southeast Michigan Council of Governments (SEMCOG).

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[A] Location and size of existing natural features, such as streams, bodies of water, floodplains, soil types and conditions, topography, and ground water table. If the possibility of wetlands exist on-site, and official wetlands assessment conducted by the Michigan Department of Environmental Quality or Township Wetlands Official shall be conducted.

[B] Location and size of existing facilities and utilities (thoroughfares, water service, sanitary sewer, storm drain, gas lines, electric lines, etc.) on the site or available to serve the site.

[C] Improvements adjacent to and directly across the street, i.e., driveway approaches, passing lanes, curb-cuts, etc.

(5) Conceptual Plan, showing how the proposed development relates to the above-referenced conditions.

(6) Other information, as determined by the Township Planning Commission, that may be necessary to assess the impact of the proposed development.

b. Impact Assessment. The applicant shall provide information assessing the impact of the proposed development as it pertains to the following factors. The required information shall be provided in narrative and graphic formats, as appropriate.

(1) Land Use Impacts.

[A] Brief description of the proposed land use.

[B] Hours of operation, if applicable.

[C] Identify whether the proposed use will create dust, noise, odor or glare that may impact abutting property.

[D] Project phasing plan or schedule.

[E] Describe how existing natural features will be preserved.

[F] Describe any impact on ground water quality or quantity.

[G] Describe any impact on drinking water quality or quantity.

(2) Impact on Public Utilities.

[A] Describe how the site will be provided with water, including the adequacy of the existing public utility system to accommodate the proposed new development.

[B] General calculations for water flows and water demands.

[C] For sites to be served by wells and septic systems, documentation of adequacy and/or permits from the St. Clair County Health Department shall be required.

[D] Describe the methods to be used to control storm water drainage from the site. This shall include a description of measures to control soil erosion and sedimentation during construction. Correspondence from the St. Clair County Drain Commissioner stating their initial concerns and recommendation shall be attached.



(3) Impact on Public Services. Describe the number of expected residents, employees, visits or patrons, and the anticipated impact on public schools, police, fire and other emergency services. Particular attention to the relationship of the proposed development to the municipal fire stations shall be paid. Letters from the appropriate agencies shall be provided, as appropriate.

(4) Hydrologic Impacts.

[1] Suitability of an aquifer to yield the needed water for the intended purpose to be established by conducting a hydro geologic study for all Type I Community Public Water Supplies, Type II Non-transient Non-Community Public Water Supplies and Type II Transient Non-Community Public Water Supplies.

[2] All hydro geologic studies to be performed in accordance with the Michigan Safe Drinking Water Act, and in particular, pursuant to R 325.10807 (Rule 807), R 325.10809 (Rule 809), R 325.10812 (Rule 812), R 325.10813 (Rule 813), R 325.10814 (Rule 814), and R 325.10830 (Rule 830) of the administrative rules adopted under the Safe Drinking Water Act, Public Act 399 of 1976.

[3] A hydro geologic study report shall be submitted to the Township, concurrent with application to the State for the water supply, and will include all data and information collected upon which the conclusions and recommendations for the water supply are based.

iii. In reviewing Development Impact Statements, the Planning Commission shall consider the information provided in relation to the flowing standards:

a. Land Use Impacts.

(1) The use shall not result in a negative impact on surrounding development, taking into consideration the type and intensity of use on the basis of the potential for nuisances (glare, noise, odor, etc.).

(2) The use is compatible with planned development patterns, as expressed in the Township's adopted Master Plan.

b. Public Utilities.

(1) Public water with adequate capacity to serve the site is available, as determined by the Township Engineer.

(2) For sites where public utilities are not available, documentation has been provided by the appropriate agency that the site is capable of supporting well(s).

(3) That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading the water courses in the area.

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- (4) That the plan provides for the proper extension of public utilities and drainage improvements as provided for in the Township Master Plan and as determined by the Township Engineer.
- c. Public Services.
  - (1) The Township is capable of providing police and fire protection to the proposed development on the basis of existing equipment and personnel.
  - (2) Adequate recreation facilities are available to serve the anticipated residents of the development (applicable to residential projects only).
  - (3) Public schools are available to serve the anticipated number of children to be generated by the proposed development (residential projects only).
- d. Natural Resources.
  - (1) That natural resources will be preserved to the maximum extent feasible, and that areas to be left undisturbed during construction shall be so indicated on the plan.
  - (2) The proposed development does not encroach into waterways, floodways, floodplains, or wetlands.
  - (3) That soil conditions are suitable for excavation and site preparation and the wet or unstable soils not suitable for development will be either undisturbed or modified in an acceptable manner.
  - (4) The proposed development will not cause soil erosion or sedimentation problems.
- e. Any adverse impacts, which are the direct result of mitigation strategies shall also be addressed.

**4.17 AGRI-BUSINESS (VALUE FARMING OPERATIONS)**

Agri-Business (Value Farming Operation) is permitted as a special land use in the AEC district, subject to the following:

1. Intent. The Township recognizes the need for farming and its ancillary uses to evolve as the broader market and economic conditions of farming evolve. Further that, to maintain the remaining farms within the Township, it may be necessary to allow ancillary uses connected with the typical farm and farm operations. This Section of the Ordinance is intended to provide a mechanism to allow value added farming while protecting the long-term interests of the Township. This Section, however, shall only apply to those farming operations that desire to provide ancillary sales and activities above and beyond those of a traditional farming operation, which are permitted under [Section 4.66](#) of the Ira Township Zoning Ordinance.
 

As part of the approval process, a farm must produce some form of recognition from the State of Michigan that the subject site is a bona fide farm. These methods may include tax records, enrollment in state or federal programs, or other acceptable means. Bona fide farms shall not be subject to the full extent of the site plan review requirements set forth in this Ordinance due to the size and large frontage associated with these parcels. However, a site plan of all ancillary activity areas shall be provided and shall be subject to the site plan review process and/or public hearing requirements for special land use approval as provided below.
2. Uses Permitted After Special Land Use Approval. The following uses may be determined acceptable as part of a bona fide farming operation after special land use approval:
  - A. Animated barns (fun houses, haunted house, or similar).
  - B. Ancillary retail sales and gift shops, including the sale of crafts and antiques. The Township may restrict the percentage of hard good sales as it relates to the overall farming operation sales. In this case, a statement from a certified accountant (or other acceptable means as determined by the Township) shall be provided showing compliance with the condition as set forth by the Township.





- C. Kitchen facilities (only accessory to farm markets or cider mill activities).
  - D. Small scale entertainment (not including permanent seating areas).
  - E. Other similar uses as approved by the Township.
  - F. Agricultural products grown onsite, including food products and flowers (a minimum of fifty-five (55) percent grown onsite).
  - G. Cider mills or wineries derived from produce grown primarily onsite (a minimum of fifty-five (55) percent grown onsite).
  - H. Bakeries selling baked goods containing produce grown primarily onsite (a minimum of fifty-five (55) percent grown onsite).
  - I. Children play areas (not including motorized vehicles or rides).
  - J. Petting zoos (limited to farm animals) and pony rides.
3. Minimum Site Requirements. These ancillary uses may only be considered on farms or orchards as recognized by the Township.
- A. Setbacks: See [Section 3.1.1](#)  
The Township in the case of an existing structure or use may alter these requirements.
  - B. Pedestrian Circulation. Dedicated pedestrian walkways or pathways shall be provided from all parking areas to the designated activity or shopping area. Walkways shall incorporate some form or combination of fencing, curbing, landscaping, etc., as a method of separation.
  - C. Parking and Access.
    - i. Permanent parking areas shall be provided for farm stands. Such parking areas shall be paved or gravel.
    - ii. The applicant shall provide estimates for seasonal parking. Overflow parking areas shall be provided which can accommodate seasonal parking peaks. Such parking areas are not required to be paved or gravel.
    - iii. Parking for other types of uses shall be provided as required by this Ordinance.

- iv. Parking shall be properly screened from adjacent residential uses. Screening shall consist of a landscape greenbelt consistent with the standards of this Ordinance.
  - v. No parking shall occur within the required side or rear yard setbacks.
  - vi. Proper access shall be provided for all parking and maneuvering areas servicing the farm stand or farm use.
- D. Conditions.
- i. As a part of the special land use approval the applicant shall provide an emergency reaction plan if the uses being proposed call for such.
  - ii. All proper permitting and licensing records (as required), including those from the St. Clair County Health Department, shall be submitted to the Township.
  - iii. Noise emanating from such use shall meet the acceptable decibel requirements set forth in this [Section 5.4](#).
  - iv. Lighting shall be shielded downward away from adjacent residences.
  - v. Signs shall meet the requirements of this Ordinance.
  - vi. No outdoor storage shall be permitted. All storage shall occur within existing buildings.

#### 4.18 ONE AND TWO FAMILY DWELLING <sup>□</sup> STANDARDS

1. A building permit issued by Ira Township must be obtained prior to construction, reconstruction, relocating, locating or moving into or within the Township. All dwelling units and additions thereto shall be able to meet or exceed the construction standards of the Township building, electrical, plumbing, mechanical and fire codes.

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2. Plans for modulars, prefabricated units and similarly constructed units shall be approved by the State of Michigan Construction Code Commission as meeting the State Construction Code (Public Act 230 of 1972 and Public Act 371 of 1980, as amended) prior to issuance of a building or occupancy permit. Mobile homes or trailers shall meet or exceed the requirements applicable to such structures or shall include a seal attached to the unit. Any addition to a mobile home must be based upon an architectural plan deemed compatible with the overall design of the mobile home and approved by the Building Inspector.
3. All construction shall meet the minimum lot size, yard spaces, setbacks, parking, and all other minimum site requirements applicable to residential dwellings within the zoning district in which the use will be located.
4. All dwelling units shall meet the minimum living area standards for one-family or two-family residential dwellings of the zoning district in which said home is to be located.
5. All one-family dwelling units shall have a minimum width across any front, side or rear elevation of twenty-four (24) feet.
6. All units shall be constructed with a pitched roof of not less than a 4:12 pitch.
7. All dwelling units shall be attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions as the dwelling and additions thereto and be constructed of such materials and type as required in the building code. In the event that the dwelling is a mobile home, as defined here, the dwelling shall also be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a continuous perimeter wall, as required above.
8. Single-family dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than one (1) foot on all sides, or alternatively with roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two (2) exterior doors, with the second one being in either the rear or side of the dwelling and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. In

determining compatibility, the Building Inspector may consider the following factors: total square footage, length to depth proportions; value and quality of construction; exterior building materials; architectural style and design and roof line; as well as the character, design and appearance of a majority of the residential dwellings within one-thousand (1,000) feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

**4.19 MULTIPLE-FAMILY DWELLING<sup>u</sup> UNITS IN HIGH-RISE STRUCTURES**

Multiple-family dwelling units in high-rise structures (three (3) stories or greater) are a permitted use in the RM-3 district, subject to the conditions herein imposed:

1. All vehicular ingress or egress from the site shall be onto a major thoroughfare.
2. The entire area of the site shall be treated so as to service only the residents of the multiple-family development, and any accessory buildings, uses or services shall be developed solely for the use of residents of the main building. Uses considered herein as accessory uses include parking structures, swimming pools, recreation areas, pavilions, cabanas, and other similar uses.

**4.20 BUSINESS USES IN RM-3**

In the RM-3 district, business uses shall be permitted on the site when developed as retail or service uses clearly accessory to the main use, within the walls of the main structure, and obscured from view so as not to encourage patronage from beyond the RM-3 project development.

**4.21 RESTAURANTS**

Restaurants are permitted as a special land use in the B-1 district and a principal permitted use in the B-2 district, provided that:

1. All patrons shall be served while seated indoors or in an approved outdoor dining area. Drive-thrus are prohibited except as permitted under [Section 4.78](#).



2. Outdoor seating areas shall be set back no less than 10 feet from any property line and shall be screened from residential uses by an obscuring fence five (5) to six (6) feet in height, placed ten feet from the property line. A greenbelt meeting the standards of [Section 5.5 Landscaping and Screening Standards](#) shall be planted between the fence and the property line.
3. Lighting for any outdoor seating area shall be placed at a height lower than the fence or concealed by a canopy or other roof structure.
4. No speakers shall be permitted for outdoor seating areas.

#### 4.22 HOTELS<sup>sq</sup>, MOTELS<sup>sq</sup>, CABIN COURTS, AND TOURIST LODGING FACILITIES

Hotels, motels, cabin courts, and tourist lodging facilities are permitted as a special land use in the B-1 district, provided:

1. The use will not be detrimental or cause any nuisance to surrounding districts and uses.
2. There is a direct access onto a major thoroughfare.
3. The location is logical for attracting tourist or seasonal visitors passing through the Township.
4. All lighting shall be shielded so as not to glare or reflect upon any residential district.

#### 4.23 RESERVED

#### 4.24 WHOLESALE AND STORAGE USES

Wholesale uses and storage uses are permitted uses in the B-2 district, when in a completely enclosed building except that new vehicles and/or earth moving equipment for sale may occupy a rear yard area.

#### 4.25 THEATERS, ASSEMBLY HALLS, AND SIMILAR PLACES OF ASSEMBLY

Theaters, assembly halls and similar places of assembly are permitted uses in the B-2 district, when conducted completely within enclosed buildings.

#### 4.26 OFFICES AND SHOWROOMS OF PLUMBERS, ELECTRICIANS, DECORATORS AND SIMILAR TRADES

Offices and showrooms of plumbers, electricians, decorators, or similar trades are permitted uses in the B-2 district, provided:

1. The ground floor premises facing upon, and visible from any abutting street, shall be used only for entrances, offices or display.
2. All storage of material or any incidental repair shall be within the confines of enclosed buildings.

#### 4.27 VETERINARY HOSPITALS AND CLINICS

Veterinary hospitals and clinics are permitted uses in the B-2 district, provided that all animals are kept inside a building.

#### 4.28 OUTDOOR SALES SPACE

Outdoor sales space for the exclusive sale of second-hand automobiles, house trailers, and travel trailer rental is permitted as a special land use in the B-2 district, subject to the following:

1. All lighting shall be shielded from adjacent residential districts.
2. Ingress and egress to the outdoor sales area shall be at least twenty-five (25) feet from a street intersection or residential district.
3. When adjacent to districts zoned for residential use, there shall be provided a completely obscuring wall or fence four-feet six-inches (4'6") in height, measured from the surface of the ground of the abutting residential district.

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**4.29 COMMERCIALY USED OUTDOOR RECREATIONAL SPACE**

Commercially used outdoor recreational space for adult or children's amusement parks, carnivals, rebound tumbling facilities, miniature golf courses, and golf driving ranges are permitted as a special land use in the B-2 district, subject to the following:

1. All lighting shall be shielded from adjacent residential districts.
2. Parking areas shall be provided off the road right-of-way and shall be fenced with a four-foot six-inch (4'6") wall or fence where adjacent to the use.
3. Children's amusement parks must be fenced on all sides with a four-foot six-inch (4'6") wall or fence.
4. Rebound tumbling facilities must be fenced on all sides used for trampoline activity. Said fence shall be no less than six (6) feet high. Pits shall not exceed four (4) feet in depth, shall be drained at all times and filled with earth to grade when the use is discontinued. All manufacturers' specifications for spacing, safety and construction shall be complied with.
5. No loud speaker or public address systems shall be used except by the written consent of the Township Board wherein it is deemed that no public nuisance or disturbance will be established.

**4.30 GASOLINE SERVICE STATIONS**

Gasoline service stations are permitted as a special land use in the B-2 district, subject to the following:

1. Entrances and exits shall be no less than thirty-five (35) feet from any street intersection or residential district.
2. All lighting shall be shielded so as not to glare or reflect upon any residential district or use.
3. There shall be provided on those sides abutting or adjacent to a residential district or use, a four-foot six-inch (4'6") completely obscuring masonry wall measured from the surface of the ground of the abutting residential district or use, and/or a fifteen (15) foot wide greenbelt with planting, all in accordance with [Section 5.5](#) and [Section 5.9](#).
4. Body repair and undercoating are expressly prohibited.

5. The storage of damaged or wrecked vehicles, or those waiting for minor repair or services, shall be obscured from public view in an area provided for such purposes on the site, and no vehicle of any kind shall be stored on-site for a period exceeding one (1) week.
6. Gasoline pumps, air and water hose stands, and other appurtenances, shall be set back not less than twenty (20) feet from all existing or proposed street right-of-way lines.

**4.31 CAR WASHES**

Car washes are permitted as a special land use in the B-2 district, subject to the following:

1. There shall be adequate off-street waiting space for all customers to prevent obstruction of traffic on a public right-of-way. To this end, there shall be provided on-site no less than three (3) waiting spaces for every one (1) space in the wash line.
2. Where a car wash also incorporates gasoline sales, all setback requirements of [Section 4.30](#) shall be met.
3. The greenbelt and screen/wall requirements of [Sections 5.5 and 5.9](#) shall be met.

**4.32 BUSINESSES UTILIZING OUTDOOR STORAGE**

Businesses utilizing outdoor storage, including the storage of machinery, vehicles, boats, building supplies and similar equipment, are permitted as a special land use in the B-2 district, subject to the following:

1. The storage portion of the site shall be in an area enclosed by a masonry wall or an obscuring fence, in accord with the requirements of [Section 5.9](#), of this Ordinance.
2. All storage areas shall be treated or surfaced so as to facilitate proper drainage and to prevent dust or dirt from blowing.
3. Storage areas shall be protected by posts, curbs or similar construction to prevent damage to the enclosure and encroachment upon adjacent property.



### 4.33 ADULT USES (SEXUALLY ORIENTED BUSINESS)<sup>m</sup>

In the development and execution of the amendment to this Ordinance, it is recognized that certain uses as a result of their nature have serious objectionable operational characteristics. In particular, when several of them are concentrated under certain circumstances, they have a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to assure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. It has been determined by the Township through the adoption of this Ordinance, professional consultation, as well as through the development of independent studies that associate blight and increased crime with sexually oriented businesses, that the following provisions are necessary. The independent studies include the City of Detroit, Michigan, in the early 1970s, the City of St. Paul, Minnesota in 1978, the City of Phoenix, Arizona in 1979, the City of Minneapolis, Minnesota in 1980, the City of Austin, Texas in the early 1980s, the City of Indianapolis, Indiana in 1987, Oklahoma City, 1986, 1992, the City of Los Angeles, California in 1984, Adams County, Colorado in 1988, the report of the Minnesota Attorney General Issued in 1989, Times Square, New York 1974, Dallas, Texas 1994, 1997, and Newport News, Virginia 1996.

It has been demonstrated that the establishment of sexually oriented businesses in business districts, which are immediately adjacent to and which serve residential neighborhoods, have a deleterious effect on both businesses and residential segments of the neighborhood. These uses have been shown to cause blight, down grade property values, and in some instances increase crime in the vicinity.

Sexually oriented businesses defined herein shall only be permitted, as a special land use, in the B-2 Zoning district, subject to the following requirements and conditions:

1. Such uses shall be permitted only in the B-2 Zoning district provided no portion of the property upon which such business is situated is within five-hundred (500) feet of any of the following:
  - A. A residentially zoned district;
  - B. Property upon which a residential use exists;
  - C. A place of worship;
  - D. A school;

- E. Night club or dance hall permitting the congregation of persons under twenty-one (21); or

The method of measurement shall utilize the two (2) property edges closest to each other, measured with a direct line.

2. This distance prohibition is subject to waiver upon presentation to the Ira Township Planning Commission and Ira Township Board of a valid petition requesting waiver signed by fifty-one (51) percent, or more, of each of the following categories:
  - A. Persons owning property within five-hundred (500) feet of the proposed location; and
  - B. Persons residing within or occupying any dwelling unit within five hundred (500) feet; and
  - C. Persons or entities operating any of the prescribed uses within five-hundred (500) feet of the proposed location.

### 4.34 RETAIL AND FOOD ESTABLISHMENTS PROVIDING OUTDOOR ENTERTAINMENT, SERVICE, OR OTHER ACTIVITIES

Retail and food establishments providing amplified outdoor music and noise, beverage and food service are permitted as a special land use in the B-2 and WM districts, subject to the following:

1. No patio, deck, tent, or other outdoor activity areas may be added to any facility furnishing beverage or food service unless the special land use has been approved pursuant to these provisions.
2. No outdoor service area shall be permitted which exceeds twenty-five (25) percent of the gross floor area of the fully enclosed permanent structure in which the facility offering outdoor beverage or food service is situated.
3. Attachments or appurtenances to outdoor facilities shall not exceed a height of one story and 14 feet. Outdoor facilities shall not be located at a higher elevation than the ground floor of the principal establishment.
4. No outdoor facility shall be located within twenty (20) feet of a residential property line, unless otherwise regulated by this Ordinance.

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5. Adequate soundproofing measures shall be provided to regulate noise emanating from the site. When the site abuts a non-residential district, the acceptable decibel level shall be seventy (70) dbs, at the property line. When the site is adjacent to a residential zoning district, the acceptable decibel level at the property line shall be fifty-five (55) dbs. The Township may require appropriate documentation of sound studies to verify compliance with this regulation.
6. The Township may limit the hours of operation for any outdoor entertainment, service, or activity area when the use abuts a residential use or district.
7. Adequate parking for both interior and exterior service areas shall be provided as required in this Ordinance.
8. Outdoor facilities shall be screened from neighboring residences by a decorative masonry wall or decorative obscuring fence six feet in height and a 20-foot-wide greenbelt. The greenbelt shall consist, at a minimum, of the following:
  - A. Deciduous trees planted in a row no greater than 25 feet apart on centers.
  - B. Evergreen trees planted in a separate row no greater than 20 feet apart on centers.
  - C. In the event that natural or other existing vegetation along the property line provides equivalent or greater screening than a. and b. above, this vegetation may be preserved with Planning Commission approval in lieu of new plantings.
  - D. Where the outdoor facility abuts water, and a residential use with a direct line of sight to the outdoor facility lies across the water at a distance of less than 75 feet, a hedgerow or other method of screening shall be planted to obscure the facility from the residential use.
9. The use shall be compatible with the planning standards of [Section 6.2](#). Civic or other non-profit uses may request an exemption from these provisions for one time or weekend activities. The request shall be made to the Township Board of Trustees in writing prior to the planned activity. In granting any request, the Township Board may place reasonable conditions on the waiver as it relates to noise, hours of operation, and other items the Board considers appropriate to regulate to preserve the health, safety, and welfare of the community.

#### 4.35 SHELTER FOR ATTENDANT

Shelters for attendants are permitted in the P-1 district, provided they do not exceed fifteen (15) feet in height.

#### 4.36 AUTOMOTIVE REPAIR GARAGES<sup>m</sup>, AUTO ENGINE AND BODY REPAIR AND UNDERCOATING SHOPS

Automotive repair garages, auto engine and body repair and undercoating shops are permitted uses in the I-1 district, when completely enclosed. The storage of damaged or wrecked automobiles on the site shall be obscured from public view and no vehicle of any kind shall be stored in the open for a period exceeding one (1) week.

#### 4.37 LUMBER AND PLANING MILLS

Lumber and planing mills are permitted as a special land use within the I-1 district, when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the "I-1" district.

#### 4.38 METAL PLATING, BUFFING AND POLISHING

Metal plating, buffing and polishing are permitted as special land uses in the I-1 district, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.

#### 4.39 COLLEGES, UNIVERSITIES AND OTHER INSTITUTIONS OF HIGHER LEARNING

Colleges, universities and other institutions of higher learning, public or private, offering courses in general, technical or religious education are permitted as a special land use in the I-1 district, provided:

1. No building shall be closer than seventy-five (75) feet to any property line.
2. Those buildings to be used for servicing or maintenance, such as heating plants, garages, storage structures and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.





**4.40 BASIC RESEARCH, DESIGN AND PILOT OR EXPERIMENTAL PRODUCT DEVELOPMENT**

Any use charged with the principal function of basic research, design and pilot or experimental product development is permitted in the I-1 district, when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.

**4.41 PRODUCTION, PROCESSING, CLEANING, SERVICING, TESTING, REPAIR, OR STORAGE OF MATERIALS, GOODS, OR PRODUCTS**

Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products is permitted in the I-2 district, provided it conforms with the performance standards set forth in [Section 5.5](#).

**4.42 MANUFACTURE OF POTTERY AND FIGURINES OR OTHER SIMILAR CERAMIC PRODUCTS**

The manufacturing of pottery and figurines or other similar ceramic products is permitted in the I-2 district, only when using previously pulverized clay.

**4.43 JUNK YARDS<sup>4</sup>**

Junk yards are permitted as a special land use in the I-2 district, provided they are entirely enclosed within an eight (8) foot obscuring wall. There shall be no burning on the site and all industrial processes including the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.

**4.44 RESERVED**

**4.45 MUNICIPAL OR COMMERCIAL COMPOSTING OPERATIONS<sup>4</sup> FOR LEAVES AND GRASS**

Municipal or commercial composting operations for leaves and grass are permitted as a special land use in the I-2 district, subject to compliance with the following standards:

1. Site Requirements.
  - A. The minimum site shall be twenty (20) acres.

- B. A minimum area of one (1) acre shall be provided for each four-thousand (4,000) cubic yards of organic material to be composted. These requirements shall only apply to that portion of the site used for the storage or processing of yard wastes. Additional space shall also be provided to accommodate required setbacks, office storage and service buildings, internal roads, storm water retention basins and other ancillary support activities.
  - C. All ingress and egress shall be to Marine City Highway.
  - D. All internal access roads leading to the compost processing and staging area shall be paved with a concrete surface, with a minimum width of twenty-four (24) feet. All other vehicle circulation areas shall have a dust-free surface area meeting the requirements of the Township Engineer.
  - E. Only typical yard waste shall be composted or stored on site. These yard wastes typically include leaves, grass clippings, brush, or shrub trimmings.
2. Application Requirements (may be shown on the site plan or as an addendum to the plan).
    - A. A site plan meeting the requirements of [Section 6.1](#).
    - B. Name, address and telephone number of the person, firm or corporation who or which will be conducting the actual composting operation.
    - C. Types of materials to be composted.
    - D. Types and number of equipment used (i.e., shredders, front-end loaders, and windrow turning machine, screening and shakers).
    - E. Location and sizes of staging area, windrows, curing area, screening area, finished product, shipping and loading.
    - F. Location and dimensions of office control booths, maintenance and storage buildings. Plans shall show the location of all fuel storage facilities and shall detail all primary and secondary containment for all hazardous materials.
    - G. Location, numbers, types and cross-sections for landscaping, screening, berms and buffers.
    - H. Location of any adjacent wetland or floodplain.

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- I. On-site topography with elevations or contours not greater than two (2) feet. The site shall be graded in such a fashion as to eliminate all ponding and have a uniform gradient of between two (2) and three (3) percent.
  - J. A site drainage plan addressing the method of storm water runoff shall be provided for review and approval by the Township Engineer. Ponded water shall not be permitted to collect on site. A settling basin/detention pond or similar device shall be installed prior to the discharge off site.
  - K. Soil types and water table.
  - L. Water source.
  - M. Personnel, number and classifications.
3. Ground and Surface Water Quality.
- A. A composting facility shall not be allowed in any 100-year or 500-year floodplain, unless the Michigan Department of Natural Resources (MDNR) has approved the area for such operations. Permission from the MDNR stating where composting operations will be allowed in the floodplain shall be necessary before site plan review.
  - B. A composting facility shall not be allowed in any protected wetland, as determined by the Michigan Department of Environmental Quality. A wetland determination shall be made by the MDEQ prior to site plan review.
  - C. The site shall be compacted, graded and/or ditched to prevent contaminants from exiting the site via surface or groundwater.
  - D. Sanitary facilities shall be provided in accordance with the requirements of the Township, St. Clair County Health Department, or State of Michigan.
  - E. To ensure that ground or surface waters are not contaminated, monitoring wells shall be installed by the owner/operator and/or lessee on site prior to construction of the composting facility in accordance with MDNR standards. The number and location of said wells shall be subject to the requirements of the Township Engineer.
  - F. If any stream, swale, County drain or other natural watercourse is present on the site, it shall be buffered by a twenty (20) foot unoccupied setback measured from the outer edge of the floodplain or all alluvial soils. Approval from the St. Clair County Health Department and the designated agent responsible for the enforcement of the Soil Erosion Control Act (the St. Clair County Department of Public Works) shall be required, ensuring the stream is adequately protected from pollution.
  - G. The surface and groundwater at a composting facility shall comply with the water quality requirements of Act 451 of Public Acts of 1995, as amended, being Section 323.1 et seq. of the Michigan Administrative Code.
  - H. Sampling of groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two-year period after operations cease. The monitoring shall be done under the supervision of the MDNR. All costs for such monitoring shall be assumed by the owner/operator and/or lessee.
  - I. Should test wells reveal the presence of contamination, the petitioner shall be required to install a groundwater redemption system. The system shall be based on one of the following:
    - i. Purge well system, in which water is pumped at a sufficient volume to capture contaminated groundwater, by creating a cone of influence.
    - ii. Cutoff trench system, in which the trench intercepts contaminated groundwater.
    - iii. Either system shall be installed to MDNR specifications. Contaminated water collected by either system shall be treated in accordance with MDNR specification to remove contaminants before discharge to a storm or sanitary system. Periodic monitoring of the system shall also conform to MDNR specifications. All costs associated with these procedures shall be assumed by the owner/operator and/or lessee.



- J. Surface water monitoring shall also be required in addition to groundwater monitoring to assess the adequacy of leachate containment and runoff control. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator and/or lessee.
  - K. Analysis for all ground and surface water monitoring events shall be submitted to the Health Department within sixty (60) days after analysis.
4. Operational Requirements. The applicant shall submit an operational plan describing how the composting operation shall be conducted. The operational plan shall address each of the following items:
- A. Methods of composting to be used on site.
  - B. Operation cycle and timetable from acceptance of material on site to disposition of the final product. This shall include shredding, aeration, moisture control, mechanical turning, and screening.
  - C. Proposed methods of disposing of the final product. The applicant shall show that sufficient contracts exist for the sale of the final product. The plan shall show the size and height of the storage area. The plan shall indicate the type of sales or distribution of product (i.e., retail, individual bags, truckloads or wholesale).
  - D. All operational details shall be clearly delineated. The hours of operation and days of the week the facility is open shall be stated.
  - E. Use of any chemicals or accelerating agents, including bacteria, fungi, nitrogen or sewerage. The location and storage characteristics of any hazardous substances shall be identified, including secondary containment measures to prevent spills.
- F. Monitoring and control methods for environmental protection (odor, dust, anaerobic problems, methane production). Prior to the start of operation, the owner or operator shall provide a written control plan to the Township, which shall outline the steps necessary to reverse a breakdown in the system or a pollution problem. Upon a declaration by the Township that such a problem exists, the owner and operator shall be notified and given a reasonable time to correct the problem. If the problem is not corrected, the Township shall have the right to intervene, correct the problem, and use the performance bond to pay for the services.
- G. Plan to ensure that trash and contaminants are not brought onto the site or, if they are, that there is a plan for proper disposal of non-yard wastes at an approved sanitary landfill.
  - H. Plan for disposition of unmarketable compost.
  - I. Yard waste shall be actively rotated. There shall be a maximum accumulation period of three (3) years.
5. Area, Height and Placement Requirements.
- A. Front Yard Setbacks: One-hundred twenty-five (125) feet from right-of-way centerline. No stockpiling shall be located closer than one-hundred seventy-five (175) feet from the right-of-way centerline.
  - B. Side and Rear. No composted material, stockpiling or processing shall be located closer than one-hundred (100) feet from side or rear property lines.
  - C. Height. The height of any composted material (windrows or stockpiling) shall be limited to eight (8) feet.
  - D. Distance to Housing. No stockpiling, storage, transfer, loading or unloading, processing, windrows or composting shall take place within five-hundred (500) feet of an existing residential dwelling unit.
6. Other Requirements.
- A. Screening. That portion of the site used for composting or stockpiling, which is visible from the street or an adjacent residence or located adjacent to property zoned for residential or agricultural purposes, shall be enclosed, screened or buffered, as determined by the Planning Commission and meeting the requirements of [Sections 5.5 and 5.9](#).

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- B. Trash Receptacles. Adequate trash receptacles shall be provided and shall be completely obscured from view by a screen fence or wall.
- C. Parking. The Planning Commission shall determine the number of additional parking spaces necessary based on the number of employees and the anticipated traffic that will be generated as proposed in the applicant's site plan and operational plan.
- D. Performance Guarantees. The Township Board shall require and establish the amount of any performance guarantees, such as bonds or letters of credit, to assure zoning and special approval compliance; to correct breakdowns in the composting system; and to guarantee restoration in the event of abandonment, hazardous waste or other environmental pollution.
- E. Approvals. The applicant shall provide letters from St. Clair County and the State Department of Natural Resources (DNR) that this operation, based on the proposed site plan:
  - i. Is consistent with the St. Clair County Solid Waste Plan; and
  - ii. That the State DNR Waste Management Division has reviewed the plan and is not aware of any problems and does not have any environmental concerns from the proposed operation.
- G. Annual Operational Permit. All composting facilities and operations regulated by this Ordinance shall be subject to an annual operational permit issued by the Ira Township Board. Any violation of this Ordinance or any other appropriate State, County or local regulation, or noncompliance with the conditions of the special land use approval, shall be grounds for the denial of an operational permit or its renewal. Renewal of an annual operational permit shall not be given without receipt of a letter of compliance from the Michigan Department of Natural Resources Waste Management Division and the County Health Department and compliance with and receipt of a performance guarantee as required in this Section.

- H. Inspection. An annual summer inspection for rodents, or one required upon a signed complaint of sighting, shall be performed by a licensed pest control company. Copies of the report shall be transmitted to the Township. If rodents are detected, appropriate measures shall be taken to capture or exterminate the rodents in an environmentally safe manner.

**4.46 ACCESSORY DWELLING UNIT**

One accessory dwelling unit for the owner or caretaker of a marina is permitted in the WM district, provided the dwelling unit meets the minimum requirements for a dwelling in the RU Residential Urban zoning district.

**4.47 GENERALIZED RETAIL USES WHICH PROVIDE SERVICE TO THE GENERAL PUBLIC (BEYOND MARINA USERS)**

Generalized retail uses which provide service to the general public (beyond marina users) are permitted as a special land use in the WM district, subject to the following:

1. The parking and maneuvering relationship between those areas dedicated for general public use and those dedicated for marina users shall ensure that proper safety is being maintained.
2. The Planning Commission may limit the amount of general retail usage on the site based on the surrounding existing and planned land uses.
3. Additional parking may be required based on the types of uses and the anticipated separate users of the general retail uses and the marina itself.
4. Generalized retail uses shall be ancillary to either existing or proposed marina use. If the marina use ceases to exist, so shall the generalized retail use unless a rezoning is obtained to an appropriate zoning district.
5. The Planning Commission shall pay particular attention to the relationship of the existing marina use as well as those retail uses which are being proposed to the existing surrounding land uses and the need to minimize impacts between non like uses. In addition, the overall access to the site (driveway and access road) shall also be found to be satisfactory in terms of size, configuration, surface material, etc. prior to approval.





#### 4.48 SWIMMING POOLS, PRIVATE

1. Application for Building Permit. The application for building permit to erect a swimming pool shall include: the name of the owner; a plot plan and location of adjacent buildings, fencing, gates, public utilities; specifications and plans to scale of pool walls, slope, bottom, walkway, diving boards; type and rating of auxiliary equipment, piping and valve layout; and any other detailed information affecting construction as required by the State Health Department.
2. Pool Location. Swimming pools shall not be located in any front yard, waterfront yard or canal yard setbacks. Pool locations shall observe the side yard requirements of the district. Rear yard setbacks shall not be less than four (4) feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line, or less than four (4) feet between the pool wall and any building on the lot.
3. Enclosure. For the protection of the general public, all pools shall be completely enclosed by an acceptable barrier meeting the requirements of the Township's adopted building code.
4. Electrical Installation. All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall provide written proof of satisfactory arrangements with the utility involved for the relocation of such wires before a permit shall be issued for the construction of a swimming pool.
5. Swimming Pool Construction. All in-ground or public swimming pools erected in the Township shall be erected by a contractor licensed to install swimming pools.

#### 4.49 WATERCRAFT OCCUPANCY PROHIBITED

No watercraft shall be used as a permanent dwelling and furthermore, no watercraft shall be continuously occupied for more than six (6) consecutive days except from April 1st through October 31st when said watercraft may be occupied for longer periods of time. In those instances where watercraft occupancy is allowed by this Section, it shall occur only at a facility with water and sewer hook-ups or an approved sewerage pump-out facility.

#### 4.50 EARTH-SHELTERED BUILDINGS<sup>B</sup>

Because of the unique nature of earth-sheltered and underground buildings, all such buildings including single family residences shall submit the following for approval by the Building Inspector:

1. Structural integrity of the building, particularly the increased wall and roof loads involved in building underground, shall be certified by a Registered Architect or Professional Engineer licensed by the State of Michigan.
2. Special attention shall be given to the design of systems for waterproofing all areas of the building to be located underground. The system should be impermeable, able to bridge cracks and accommodate minor structural movements, resist temperature extremes, soil chemicals and aging in underground service, and have the ability to localize a leak should it occur. Where necessary, the Building Inspector may seek the advice of the Township Engineer in evaluating such systems.
3. Guardrails should be provided on or near the edge of any accessible roof where there is a grade change greater than thirty (30) inches.
4. Alternative fire fighting entrance provisions should be made for interior courts below grade, such as a stairway within the court leading directly to the exterior ground level.
5. Total window area must exceed eight (8) percent of total habitable floor area, but individual rooms may be windowless where ventilation and exit requirements are met.
6. Setbacks shall be the same as those for aboveground buildings

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4.51 WIND ENERGY CONVERSION SYSTEMS (WINDMILLS)<sup>2</sup>

1. Applicable Zones. Wind Energy Conversion System (WECS) or similar weather monitoring devices may be permitted in any zoning district subject to the following Special Land Use Approval Requirements except as provided for in this Section.

2. Applicability of Ordinance. The standards that follow shall apply to systems intended for the provision of the electrical or mechanical power needs of the owner/operator of the system; also, such a system shall be for one main building and its accessory buildings only. Said approval shall cover the location of the system (shown on a survey of the property) on the site, the noise generated by the system, assurances as to the safety of the features of the system, and compliance with all state and federal statutes and regulation. Planning Commission approval shall specifically be required for arrays of more than one WECS and for systems wherein one WECS is intended to provide the electric power for more than one main building.

Further, on-site WECS including towers shall comply with Federal aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations.

- 3. Standards for and Regulation of WECS.
  - A. Construction: Tower construction shall be in accordance with the latest edition of the Michigan Building Code, and any future amendments and/or revisions to it.
  - B. Electric-Magnetic Interference (EMI): WECS generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause harmful interference with radio and/or television broadcasting or reception, and shall comply with the provisions of Title 47, Chapter 1, Part 15 of the Federal Code of Regulations and subsequent revisions governing said emissions.

The structural design shall be signed and sealed by a professional engineer, registered in the State of Michigan, certifying that the structural design complies with all the standards set forth for safety and stability in all applicable codes then in effect in the State of Michigan and all sections referred to herein above.

C. Setbacks: The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to the height of the tower. The setback shall be measured from the edge of the base of the tower to the nearest applicable property line.

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

D. Maximum Height: The maximum height permitted shall be one-hundred and fifty (150) feet, unless otherwise prohibited by any state or federal statutes or regulations.

E. Minimum Blade Height: The minimum distance between the ground and any protruding blades utilized on a WECS shall be twenty (20) feet, as measured at the lowest point of the arc of the blades.

F. Labeling Requirements: A minimum of one sign shall be posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the WECS:

- i. The maximum power output of the system and the wind speed at which it is achieved.
- ii. Nominal voltage and maximum current.
- iii. Manufacturer's name and address, serial number and model number.
- iv. Maximum survival wind speed and the emergency and normal shut down procedures.

G. Utility Company Notification: The Detroit Edison Company (or other applicable energy company) shall be notified in writing of any proposed interface with company's grid prior to installing such interface and shall conform with any legislated requirements governing installations of WECS so as to comply with the Utility Tariff specifications.





- H. Safety: The WECS manufacturers shall document that the WECS model has been tested and certified by Underwriter's Laboratory, or other such applicable independent accrediting agency, and that when installed in accordance with recommended specifications shall have a maximum survival wind speed of not less than eighty (80) miles per hour.
  - I. Noise: The maximum level of noise to be generated by a WECS shall be fifty (50) decibels, as measured on the dBA scale, measured at each property line at any time. Proof from the manufacturer that the unit is capable of meeting these requirements shall be provided at the time a permit is requested.
4. Miscellaneous.
- A. All electric line/utility wires shall be buried underground.
  - B. Any mechanical equipment associated with and necessary for operation, including a building for batteries and storage cells shall be enclosed with a six (6) foot fence and properly landscaped/screened.
  - C. When a building is necessary for storage of cells or related mechanical equipment, the building may not exceed one-hundred forty (140) square feet in area nor eight (8) feet in height, and must be located at least the number of feet equal to the height of tower from any property line.
  - D. The tower and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the tower and related structure shall be dismantled and removed from the property within sixty (60) days. To ensure the removal of such structure, a financial guarantee acceptable to the Township shall be submitted. The amount of such guarantee shall be based on a cost estimate supplied by the applicant and accepted by the Township.
  - E. Every WECS shall be insured with minimum liability insurance of five-hundred thousand dollars (\$500,000) for each occurrence. Proof of insurance shall be furnished to the Township.
5. WECS (Single Family Use)
- A. The erection of one (1) WECS on a single parcel of land shall be considered a permitted use in the AEC zoning district and shall not require special land use and

Planning Commission approval. The approval of a windmill under this requirement shall be subject to administrative approval through the Building Department, as well as all other applicable provisions of this Section of the Zoning Ordinance.

- B. The erection of all WECS within the TR, RS, and RU Single Family zoning districts shall require special land use approval regardless of height.
- C. Setbacks shall be equal to the height of the tower. If the height exceeds the setback which can be provided, special land use approval shall be required.

#### 4.52 OUTDOOR THEATERS

Outdoor Theaters. Because outdoor theaters possess the unique characteristic of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted as a special land use in the I-1 and I-2 districts, subject to the following conditions:

1. The proposed internal design shall receive approval from the Building Inspector or Official as to adequacy of drainage, lighting and other technical aspects.
2. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares of one-hundred and twenty (120) foot right-of-way or greater, and shall not be available from any residential street.
3. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space in the ratio of one (1) space for every ten (10) viewing spaces within the drive-in. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.

#### 4.53 CONDOMINIUM SUBDIVISIONS

1. Intent. The intent of these requirements is to ensure that all condominium subdivisions are developed in compliance with accepted planning and engineering standards applicable to similar forms of development, as reflected in the ordinances and requirements of Ira Township. Single-family detached condominiums may be allowed as a permitted use in the (AEC) Agricultural and the RS and RU One-Family Residential zoning districts.



2. Submission Requirements. All subdivisions shall be submitted and comply with the requirements of the Ira Township Land Division Regulations Ordinance No. 71. All condominium subdivision plans shall be submitted for review as required by Section 6.1 of this Ordinance and Section 66 of the Condominium Act, and include the following additional information:

- A. Name, address and telephone number of all persons, firms, corporations and partnerships that have an interest in the land, with a description of their interest (fee simple, land contract, purchaser or optionee).
- B. A survey of the condominium subdivision site.
- C. A survey or drawing delineating all natural features on the site including, but not limited to, ponds, streams, lakes, drains, floodplains, wetlands and woodland areas.
- D. The location size, shape, area and width of all condominium units and common elements, and the location of all proposed streets.
- E. A generalized plan for the provision of utilities and drainage systems.
- F. A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project.
- G. A utility plan showing all sanitary sewer, water, and storm drainage improvements, plus all easements granted to the Township for installation, repair and maintenance of all utilities.
- H. A street construction, paving, and maintenance plan for all streets within the proposed condominium subdivision plan.
- I. A storm drainage and stormwater management plan, including all line, swales, drains, basins, and other facilities.
- J. A maintenance plan for all street lighting and other common elements of the subdivision, including landscaping, detention basins, clustered mailboxes, entrance signs, and the like.

3. Review. Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans shall require approval by the Planning Commission before units may be sold or site improvement initiated. The review process shall consist of the following two steps:

- A. Preliminary Plan Review - In the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of the Ira Township Zoning Ordinance and Master Land Use Plan. Plans submitted for preliminary review shall include information specified in items **A - E** of **Section 4.53.2** Submission Requirements.
  - B. Final Plan Review - Upon receipt of Preliminary Plan Approval, the applicant should prepare the appropriate engineering plans and apply for Final Review by the Planning Commission. Final plans shall include information as required by items **A - I** of **Section 4.53.2** Submission Requirements. Such plans shall be reviewed by the Township Attorney and the Township Engineer. Further, such plans shall be submitted for review and comment to all applicable local, county and state agencies as may be appropriate. Final approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on said plans.
4. District Requirements. The development of all condominium subdivisions shall observe the applicable yard setback and minimum floor area requirements of the district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided pursuant to the Subdivision Control Act, P.A. 288 OF 1967, as amended.
5. Design Standards. All development in a condominium subdivision shall conform to the design standards of the Ira Township Land Division Regulations Ordinance. This includes the requirement that all streets and roads be dedicated to the public. Street connections shall be required, where necessary, to provide continuity to the public road system.



6. Master Deed and By-Laws. The Master Deed of the condominium shall include the following language: "Responsibility for Road Repairs. All roads within the subdivision are deeded to St. Clair County, and St. Clair County is responsible for their maintenance. In situations where the residents of the subdivision wish to request repairs or maintenance exceeding those scheduled by the county, pursuant to and in accordance with MCL 41.721-738, as amended, the homeowners' association may petition the Ira Township Board to establish a special assessment district to cover the cost of the project."
7. All maintenance requirements and provisions of the Ira Township Ordinance No. 71 Land Division Regulations shall apply to site condominium developments.
8. Utility Easements. The condominium subdivision plan shall include all necessary public utility easements granted to Ira Township to enable the installation, repair and maintenance of all necessary public utilities to be installed. Appropriate dedications for sanitary sewers, lines, and storm drainage improvements shall be provided.
9. Final Acceptance. The Township shall also require all appropriate inspections. After construction of the condominium subdivision, an as-built reproducible mylar of the completed site is to be submitted to the Township for review by the Township Engineer. A final certificate of occupancy and any building bonds will not be released to the developer/owner until said as-built mylar has been reviewed and accepted by the Township.

#### 4.54 PONDS

Farm, fish or aesthetic private ponds may be allowed as a permitted use in any zoning district, subject to compliance with the following:

1. The applicant shall obtain a permit from the Zoning Administrator, which shall contain the following:
  - A. The name of the owner(s) of the property.
  - B. The legal description of the property, along with commonly known address.
  - C. A site plan prepared with drafting instruments and drawn to a scale suitable to demonstrate compliance with applicable regulations.

2. Requirements:
  - A. All ponds shall be located on a contiguous parcel of at least two (2) acres.
  - B. Ponds shall only be of an excavation type as defined by the Soil Conservation Service (SCS) engineering standard and all ponds shall be constructed to the SCS standards. (See circular 378 of the Soil Conservation Service.)
  - C. No commercial activities including public (paid or unpaid) fishing shall be allowed.
  - D. The pond and any incidental structures and uses shall be a minimum distance of fifty (50) feet to the public rights-of-way. A minimum fifty-foot setback is required to the property line of abutting lands. Where a three-foot high berm is constructed between the pond and the adjoining property line, the setback to the property line of abutting lands may be reduced to twenty (20) feet.
  - E. Ponds shall be provided with a drainage system to protect adjacent properties from water overflow.
  - F. A pond shall not be greater than twenty-five (25) feet in depth.
  - G. A pond may occupy up to a maximum of twenty (20) percent of the lot or property upon which it is placed.
  - H. A pond shall be a minimum of fifty (50) feet from any dwelling, septic field or well. This requirement shall take precedence over any setback requirement herein specified.
  - I. If the pond is intended for swimming, the swimming area shall be free of all underwater obstacles, such as sudden drop-offs, deep holes, trees, stumps, brush, rubbish, wire, junk machinery, and fences. The swimming area, if any, shall be marked with a float line.
  - J. A pond shall be located so as to prevent sewerage or run-off from barnyards from draining into the pond.
3. No pond shall be constructed without first obtaining a permit from the Michigan Department of Environmental Quality (MDEQ) if such pond would be:
  - A. Five (5) acres or greater in area, or
  - B. Connected to an existing lake or stream, or
  - C. Located within five-hundred (500) feet of the ordinary high water of an existing inland lake or stream.



Obtaining a permit from the MDEQ, however, shall not relieve a person from also complying with the requirements of this Section.

4.55 TEMPORARY USES—SPECIAL EVENTS AS APPROVED BY THE TOWNSHIP BOARD

The Township Board may approve a temporary use or special event subject to the following:

- 1. This section applies to all events planned to draw the following number of attendees:

4.55.1 Number of Attendees	
Property Size	Number of Attendees
2 or more acres (87,210 + sq ft)	500
1.5 - 2 acres (65,340 - 78, 290 sq ft)	300
1 - 1.5 acres (43,560 - 65,339 sq ft)	150
Less than 1 acre (less than 43,560 sq ft)	100

For outdoor gatherings of one thousand (1,000) or more attendees, refer to the Ira Township Outdoor Gatherings Ordinance (193.000 Outdoor Gatherings, Ord. No. 27).

- 2. The period of operation of the proposed use shall not exceed seven (7) consecutive days.
- 3. An application shall be filed in the manner specified by the Township, thirty (30) days in advance of the event, accompanied by a plot plan drawn to scale showing the proposed layout of the site (if applicable), along with a fee to be established by Township Board resolution.
- 4. Written verification of ownership of the subject site shall be provided if requested. Written permission of the property owner shall also be furnished to the Township if applicant is not the owner.
- 5. No activity shall be conducted within the public right-of-way.
- 6. There shall be adequate parking provided (hard surface if deemed appropriate) on the site consistent with the scope of the proposed use.
- 7. The proposed site shall be laid out so as to ensure safe vehicular and pedestrian circulation.

- 8. The hours of operation may be limited to hours specified by the Township Board. Such hours shall generally be consistent with the nature of the use and compatible with other activities on the site and adjacent parcels.
- 9. All sanitary service, electrical lines, and all other operations shall comply with all applicable Township codes, ordinances, and regulations and any other applicable statutes, rules, or regulations of any governmental body having jurisdiction over the activity. Any permits required shall be obtained by the applicant, or if required, by a licensed contractor. The Township Board may forward the application to various Township departments, as deemed necessary, to determine compliance with the applicable Township codes, regulations, and standards.
- 10. Any temporary structures shall be erected in a safe manner in accordance with any applicable Township codes, ordinances, or standards. If approval is granted by the Township Board, the applicant agrees to schedule required inspections prior to the beginning of the event. Further, a financial means acceptable to the Township shall be filed in an amount and by a company satisfactory to the Township Board to ensure the prompt removal of any temporary use or structure.
- 11. The property shall be maintained in a neat and orderly condition, and cleaned immediately after the close of each business day.
- 12. Final clean-up shall be the responsibility of the applicant, and shall be assured by the posting of a cash deposit or irrevocable letter of credit in an amount determined by the Township Board to ensure performance of the clean-up within forty-eight (48) hours of termination of the temporary use.
- 13. If the proposed temporary use or any part does not meet all of the conditions determined to be applicable by the Township Board, the use shall not receive administrative approval and may be reviewed and considered for approval only by the Zoning Board of Appeals under the temporary use powers set forth in this Ordinance.





#### 4.56 RADIO, TELEVISION, SATELLITE DISH AND COMMUNICATIONS ANTENNAE.

Radio, television, satellite dish and communications antennae shall be permitted as a special land use in the I-1 and I-2 districts, subject to the following

- A. Any antenna or tower having a height greater than fifty (50) feet above grade shall be permitted only in "I" districts and only after Special Land Use Approval. No guide wires or other accessories shall cross, encroach, or otherwise project beyond any lot line or over any electric power lines. All attendant facilities shall be housed in a building that shall comply with all setback requirements of the district in question.
- B. In a residential district, no antenna shall be located between the principal building and the front lot line. The maximum overall height for a ground-mounted antenna, including mounting hardware, shall be fifteen (15) feet. The maximum diameter for satellite dish antennae shall be twelve (12) feet. Only perforated or mesh-type satellite dishes shall be permitted when mounted on or above a building roof. Roof mounted satellite dishes shall not exceed the height limit of the zoning district. Ground mounted satellite dishes shall be set back the height of the antenna from all lot lines and no satellite dish shall overhang any lot line. All satellite dishes shall be mounted at least twelve (12) feet from any electric wires.
- C. In a non-residential zone, no satellite dish antenna shall be located between any principal building and the front lot line. All satellite dish antennae over twelve (12) feet in diameter and all ground mounted satellite dishes over fifteen (15) feet in overall height shall require Special Land Use approval by the Township Board. Roof mounted satellite dishes shall not exceed the zoning district height limit. Where placement of the satellite dish will cause it to be visible from a residential district or a public right-of-way, it shall be screened from view. The screening may consist of structures, plant materials, earth berms and/or fences. At least seventy-five (75) percent of the antenna, to a height of six (6) feet above the average ground elevation, must be screened from view of the abutting lot or right-of-way.

#### 4.57 RECREATIONAL VEHICLE PARKS

Recreational Vehicle Parks may be permitted as a special land use, subject to the following:

1. All Recreational Vehicle Parks shall be used solely for the temporary placement of motor homes, travel trailers, and similar recreational vehicles and shall be developed in accordance with Act 368 of 1978 (Public Health Code), as may be amended and Administrative Rules and Regulations promulgated subsequent to the Act, as may be amended.
2. Only seasonal occupancy shall be permitted; no year-round residency in a motor home, travel trailer, or similar recreational vehicle shall be permitted. No recreational vehicle park shall be open for more than eight (8) months per year.
3. No more than one (1) permanent dwelling unit shall be allowed in a recreational vehicle park, which shall only be occupied by the owner, manager or an employee.
4. The minimum site size shall be twenty (20) acres with a minimum lot width of six hundred sixty (660) feet in the AEC district. Minimum site size and lot width in the MHP district shall be determined by the Planning Commission's review of a site plan, based upon the proposed number of recreational vehicle sites, and demonstration of compliance with required setbacks, provision of recreation space, required sanitary facilities, and appropriate landscaping and screening.
5. Each recreational vehicle site shall be not less than one thousand two hundred (1,200) square feet in area.
6. A common use, recreational area shall be provided at a rate of two hundred fifty (250) square feet per recreational vehicle site.
7. Each recreational vehicle site shall be provided a picnic table.
8. All recreational vehicle sites shall have a central water supply system with potable water under pressure provided to each site.
9. Where a public water supply system is available within one hundred fifty (150') feet of any portion of the recreational vehicle park, the water supply system shall be connected to the public water supply.
10. All recreational vehicle sites shall have a fire extinguisher or fire hydrant located within five hundred (500) feet.

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- 11. Separate male and female toilet and bathing facilities shall be provided at a ratio of one each per twenty (20) recreational vehicle sites for each sex and shall provide hot and cold running water.
- 12. All such toilet and bathing facilities shall be approved by the state and county health departments.
- 13. Where a public sanitary sewer is available within five hundred (500') feet of any portion of the recreational vehicle park, toilet and bathing facilities and all facilities for disposal of sanitary waste from holding tanks on the individual motor homes, travel trailers, and similar recreational vehicles shall be connected to the public sanitary sewer.
- 14. Sewer, water, fuel, electrical, and telephone installations and connections shall be in accordance with plans approved by the appropriate utility, public agency, and the Township Board, upon recommendation from the Planning Commission.
- 15. In MHP districts, access to all recreational vehicle sites shall be by means of a roadway paved with asphalt or concrete for a minimum width of twenty (20') feet, in accordance with the Ira Township Land Development and Engineering Standards Ordinance. In AEC districts, the roadway may have a gravel surface, provided it complies with the Ira Township Land Development and Engineering Standards Ordinance. Parking shall be prohibited on such roadways, which shall be posted "No Parking". Parking areas shall be provided by means of separate parking bays or parking lanes.
- 16. If a parking bay or lane is not provided, one parking space shall be provided on each recreational vehicle site. This provision may be modified for those sites designed for a more natural outdoor experience. In such case, an adequately sized off-roadway parking stall shall be provided for each recreational vehicle site at an alternate location on the property.
- 17. No building, structure, or accessory use shall be located closer than thirty (30) feet to any exterior property line in the AEC district. In the MHP district, buildings, structures and all recreational vehicle sites shall be buffered from an adjoining residential district or use by a minimum landscaped area 10 feet wide, unless the Planning Commission finds that a wider separation and screening is required to protect a residential neighbor.

- 18. Fences and/or greenbelts may be required by the Township Board, upon recommendation by the Planning Commission.
- 19. No business of any kind shall be conducted on the premises, except for a management office, laundry facilities and/or camp store for the sole use of recreational vehicle park customers.
- 20. The site plan shall demonstrate that a proper relationship exists between all recreational vehicle sites, the internal roadway, and the public streets so that proper circulation, vehicular and pedestrian safety is assured.
- 21. Each recreational vehicle site shall include a pedestal or similar facility with a site number clearly posted, to aid emergency services personnel.
- 22. There shall be no fire pits nor tents permitted at any recreational vehicle park or on any recreational vehicle site.
- 23. Recreational Vehicle Park management shall prohibit the sub-leasing of recreational vehicle sites and/or renting or leasing of private recreational vehicles within the park.

4.58 KEEPING OF HORSES

The keeping of a horse for the purpose of this Ordinance, shall constitute a farm and require at least five (5) acres for the first horse with no more than two (2) horses on the first five (5) acres plus one (1) acre for each additional horse.

4.59 GARAGE, PRIVATE

Private garages shall be construed to permit the storage on any one lot, for the occupants thereof, of not more than one commercial vehicle not exceeding a rated capability of three-fourths (3/4) ton. This shall not include the storage of large tractors, backhoes, bulldozers, other construction-type equipment or similar equipment.





#### 4.60 AUTO RACE TRACK

Because auto race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas, and cause noise levels which may project beyond the property so used, they shall be permitted as a special land use in the I-1 and I-2 districts when located adjacent to a major thoroughfare, and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following:

1. All parking shall be provided as off-street parking within the boundaries of the development and shall meet the requirements of [Sections 5.1 and 5.2](#).
2. All access to the parking area shall be provided from a major thoroughfare.
3. All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot wide greenbelt planting, and fence or wall, so as to obscure from view all activities within the development. Said planting shall be in accord with [Section 5.5](#).

#### 4.61 FAIRGROUNDS, HORSE AND DOG RACE TRACKS

Because horse and dog race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and require sizeable land areas which would be incompatible with business or residential districts, they shall be permitted as a special land use in the I-1 and I-2 districts when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following conditions

1. All parking shall be provided as off-street parking within the boundaries of the development.
2. All access to the parking areas shall be provided from a major thoroughfare.
3. All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot wide greenbelt planting, and fence or wall, so as to obscure from view all activities within the development. Said planting shall be in accord with [Section 5.5](#).

#### 4.62 RIDING ACADEMIES AND STABLES

Facilities for horseback riding, accessory trails and stables may be permitted as a special land use on parcels of ten (10) acres or more, or on parcels zoned AEC, I-1 and I-2, provided that animal housing facilities or enclosures are located at least two hundred and fifty (250) feet from any residential structure. Under a temporary permit basis, riding trails may extend into the rugged and/or undeveloped portions of the AEC district.

#### 4.63 AIRPORTS AND RELATED USES

Airports, landing fields, and platforms, hangars, masts, and other facilities for the operation of aircraft, may be permitted as a special land use in the AEC, I-1, and I-2 districts, subject to the following conditions:

1. The plans for such facility shall be given approval by the Federal Aviation Agency prior to submittal to the Planning Commission and Township Board for their review and action.
2. The standards for determining obstruction to air navigation as announced in the FAA Technical Order N-18, April 26, 1950 (as amended July 30, 1952) and any amendments thereto shall be complied with. The class of airport as determined by the FAA shall apply this standard.
3. The area of the "clear zone" (see FAA definition) shall be provided for within the land area under airport ownership, and in no instance shall the "clear zone" be above property zoned RS, RU, RM, or MH.

#### 4.64 KENNELS AND KEEPING OF ANIMALS

1. Keeping of Animals. The keeping animals shall be allowed in every district, subject to the following provisions:
  - A. Nothing in this ordinance shall be construed to prevent the keeping of domestic pets in any district. A commercial kennel, however, shall not constitute keeping of domestic pets.

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- B. The keeping of farm animals shall only be allowed on a minimum site of five (5) acres in the AEC district and on a Hobby Farm in the RS and RT districts. The raising of animals for a school project, 4H project, or similar educational program shall be exempt from the five (5) acre requirement only for animals that will be sold at the agricultural fair. Horses being raised for a 4H or similar equestrian project shall be limited to one (1) horse on parcels less than five (5) acres, and one (1) additional horse per each acre over five (5) acres.
  - C. It shall be unlawful to keep an exotic or wild animal as defined in this Ordinance, unless it can be shown to meet the definition of a customary domestic pet or unless the owner possesses a valid permit from the Michigan Department of Natural Resources.
2. Raising or Keeping of Fur Bearing Animals.
- A. The raising or keeping of fur bearing animals may be permitted on sites of at least five (5) acres.
  - B. Pens and runs shall be located no closer than one hundred fifty (150) feet to any property line.
  - C. All runs and breeding areas shall be enclosed.
  - D. All animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.
  - E. All objectionable noise shall be controlled as required by [Section 5.4](#).
  - F. Any use permitted by the Township shall terminate immediately when the lot area requirements herein set forth are decreased in any manner or the provisions of this ordinance violated.
3. Commercial Kennels
- A. General Standards
    - i. In the I-1 and I-2 districts, commercial kennels may be permitted on sites of at least five (5) acres.
    - ii. The site shall abut either a public road shown as a major or secondary thoroughfare on the Township's adopted Master Plan or an internal industrial park street.
  - iii. All animals shall be adequately housed, fenced, and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.
  - iv. Kennels housing more than ten (10) dogs shall provide one (1) off-street parking space for each five (5) animals that can be boarded. Other uses shall provide parking to accommodate the maximum number of patrons using the facility at any one time.
  - v. Between the hours of 10:00 p.m. and 6:00 a.m. all animals shall be confined in a sound and odor-proof kennel building that is completely enclosed and climate-controlled. During all other hours, the animals may be exercised as provided for in item G below.
  - vi. All objectionable noise shall be controlled as required by Section 5.4 and shall not be permitted to become a nuisance for adjoining residential properties.
  - vii. Outdoor animal exercise shall be conducted within the confines of a fenced exercise yard on the property, and limited to:
    - a. Leashed animals under the direct supervision of their owners or commercial kennel staff;
    - b. Small "play groups" of animals pre-selected for compatibility, supervised by kennel staff.
- B. Exterior Standards
- i. Exercise yards and kennel buildings shall be located no closer than one hundred fifty (150) feet to any abutting residential property line.
  - ii. A dog kennel shall have at least the following two levels of outdoor exercise:
    - a. Individual outdoor pens separated by privacy panels to prevent the dogs from seeing one another;
    - b. A yard completely enclosed by an obscuring fence.



- iii. A second yard enclosed by a 5-foot high chain link fence is optional and may be substituted for B(i) above.
  - iv. Unsupervised outdoor dog runs and pens are not permitted.
- C. Interior Standards
- i. The number of dogs housed, boarded, or kept in a kennel building shall not exceed one (1) dog for every fifty (50) square feet of floor area.
  - ii. All kennel buildings shall be fitted with sound-proofing on walls, windows, and doors.
  - iii. The interior of the kennel building shall be capable of being hosed down and sanitized. Water supply shall be available and floor drains shall be connected to the septic system.
  - iv. All kennels shall have an isolation pen for dogs that bark uncontrollably, in order to reduce their influence on other dogs.
  - v. Privacy panels are required between isolation pens.
  - vi. A variety of pen sizes shall be provided to accommodate both individuals and “families” of dogs.
4. Private Kennels. Private kennels for housing only those animals owned by the proprietor may be permitted as a use requiring Planning Commission approval, subject to the following:
- A. A private kennel must be accessory to a permitted single family residence.
  - B. No animal shall be allowed to run free. Outdoor exercise areas shall be properly fenced and located no closer than 100 feet to any abutting residential property line.
  - C. The minimum site size shall be five (5) acres with a minimum width of 300 feet.
  - D. No animal shall be housed that is not the personal property of the proprietor except for incidental breeding.
  - E. All animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.

#### 4.65 OVERNIGHT CAMPING FACILITIES

Overnight camping facilities, such as recreational campgrounds for tents, campers, and travel trailers, may be permitted as a special land use in the AEC district, provided the following special standards are met:

1. There will be no permanent storage of tents, campers and/or travel trailers.
2. Where the use abuts property zoned residential, there shall be no activities within thirty (30) feet of the property line. Adequate fencing and a landscaped greenbelt shall be provided to screen the use from all adjoining residential zones.
3. All principal and accessory buildings shall be set back at least one-hundred (100) feet from all property lines.

#### 4.66 ROADSIDE MARKETS

Because roadside markets are seasonal in character and utilized on a temporary basis, roadside markets may be permitted as a special land use in the AEC district, provided the following provisions are met:

1. The sale of farm products in a roadside market shall not take place within the dedicated right-of-way of any thoroughfare within the Township, and assurances shall be made to the Township that ample off-street parking has been provided, and adequate ingress and egress provided to the market.
2. No permanent structure of any type shall be erected, and upon discontinuance of the temporary use, the temporary structures shall be removed from the roadside.
3. All requirements of [Section 7.22.4](#) shall be met.

#### 4.67 WASTE LAGOON PONDS

Because waste lagoon ponds are industrially oriented and permanent in character, and because of technical treatments necessary for the proper operation of lagoon ponds, they shall be permitted as a special land use in I-2 and AEC districts (if related to an agricultural use), provided the following conditions are met:

- A. In no instance shall a waste lagoon pond be closer than one-hundred and fifty (150) feet to front property line or abutting residential district.

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- B. An eight (8) foot wall or fence shall be erected around the entire site, and control gates for ingress and egress shall be installed.

4.68 HOG FARMS

Because of the nature of hog farms and piggeries, they may be permitted as a special land use in the AEC district only, provided the following requirements are met:

- 1. All requirements of Section 5.4 shall be strictly adhered to.
- 2. Pens and cages shall be located no closer than one-hundred and fifty (150) feet to any front property line, or any adjacent property line.

4.69 MUSHROOM PLANTS AND FARMS

Because of the nature of the process for growing mushrooms, mushroom growing plants may be permitted as a special land use in the I-2 district only, provided the following conditions are met:

- 1. The plant structure shall be located no closer than one-hundred and fifty (150) feet to any front property line, or to any adjacent property.
- 2. The area utilized for the dispensing of waste material shall be no closer than three-hundred (300) feet to any existing or proposed public right-of-way or to any adjacent property line.
- 3. All requirements of Section 5.4 shall be strictly adhered to.
- 4. No residential structure, either permanent or temporary shall be placed closer than five-hundred (500) feet to any mushroom growing plant.

4.70 GUN CLUBS

Gun Clubs. Gun clubs, whether operated for profit or not, may be permitted as a special land use in the I-1 and I-2 districts only, provided the following conditions are met:

- 1. All Federal, State, County and Township codes and ordinances in regard to firearms shall be strictly adhered to.
- 2. In no instance shall a firearm be discharged closer than one-thousand (1,000) feet to an existing residence.
- 3. In no instance shall a firearm be discharged on any range in any gun club without the presence of an employee of the gun club for supervision.

- 4. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission for review in compliance with Section 6.1, and clearly indicate all safety provisions to assure that any missile fired within the confines of a gun club shall not carry into or over any adjacent district or area.
- 5. A six (6) foot chain link fence shall be provided around the entire gun club site to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged.
- 6. Any other provision which the Township Board and Planning Commission deem necessary to assure the health, safety and general welfare of the inhabitants of Ira Township and adjacent communities.

4.71 QUARRY AND STRIPPING OPERATIONS

Mining of topsoil, clay, sand, gravel, other aggregates and similar natural resources shall be permitted as a special land use in the AEC, I-1 and I-2 districts, subject to the following standards:

- 1. The initial period of the permit shall not exceed five (5) years. Extensions may be granted at the discretion of Township Board, with each extension not to exceed two (2) years.
- 2. The minimum required site size shall be 40 acres with a minimum width of 660 feet.
- 3. No cut or excavation shall occur within 75 feet of any neighboring property line, within 100 feet of any neighboring residential use, or within 100 feet of any street right-of-way line.
- 4. If any stream, swale, County drain or other natural watercourse is present on the site, it shall be buffered by a twenty (20) foot unoccupied setback measured from the outer edge of the floodplain or all alluvial soils.
- 5. All adjoining properties that permit residential uses shall be protected by a minimum 6 foot high earthen berm, with not greater than a 1:3 slope and a three (3) foot wide crown, planted with appropriate grasses or similar vegetation designed to stabilize the slopes and prevent erosion and blowing of soil material. The side facing the residential use district shall be supplemented by planting with evergreen shrubs and/or evergreen trees designed to give the berm a more natural appearance.
- 6. Hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 12:00 p.m. (noon) Saturday, with no Sunday or holiday hours except as otherwise specified or permitted by the Township Board.





7. The applicant shall demonstrate, by the submission of appropriate engineering or similar studies, that a valuable natural resource (s) exists on the property in question, and that the applicant, by extracting the natural resource(s) can receive revenue and reasonably expect to operate at a profit.
8. The applicant shall submit a Traffic Impact Study that demonstrates the anticipated impact on the immediate vicinity of the extractive operations and along the proposed haul route.
9. Natural resource extraction operations shall comply with the noise standards of this ordinance and other applicable Township ordinances. The Board may require such other performance standards where, because of peculiar conditions, they deem it necessary for the protection of health, safety, and welfare of the citizens of Ira Township.
10. Dust shall be controlled at all times on the extractive site and on the public and private roads used to haul the material from the site, in compliance with the standards of this ordinance and any other regulations of the St. Clair County Road Commission and the Michigan Department of Transportation.
11. The applicant shall demonstrate that there is a need for the natural resource(s) by the applicant or in the market served by the applicant.
12. The applicant shall demonstrate that there will be no very serious consequences resulting from the extraction of those natural resources with regard to the following:
  - A. The relationship of the extraction and associated activities to existing uses of land in the immediate vicinity and along any proposed haul route.
  - B. The impact on existing land uses in the vicinity of the property.
  - C. The impact on property values in the vicinity of the property and along the proposed haul route serving the property, based on credible evidence.
  - D. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed haul route serving the property.
  - E. The impact on other identified health, safety, and welfare interests of Ira Township.
- F. The overall public interest in the extraction of the specific natural resource(s) on the property.
- G. The impact on other natural resources of the Township, with particular attention to surface waters and ground water aquifers, including those that supply the Township's public water system.
13. The Township Board shall require and establish the amount of any performance guarantees, such as bonds or letters of credit, to assure zoning and special approval compliance and to guarantee security and restoration of the site in the event of abandonment, hazardous waste or other environmental pollution.
14. The Township Board, based on recommendation of the Planning Commission, shall apply such additional operational conditions as it finds necessary to protect the health, safety, and welfare of persons living in the immediate vicinity of the extractive operations and along the proposed haul route, as well as the other natural resources of the Township. The Board may prescribe more strict requirements in order to give sublateral support to surrounding properties where soil or geographic conditions warrant it.
15. Specific Regulations for Quarry Excavation.
  - A. Where an excavation in excess of five (5) feet will result from such operations, the applicant shall erect a fence with warning signs completely surrounding the portion of the site where the excavation extends. Said fence will be of wire mesh or other suitable material and not less than five (5) feet in height complete with gates, which shall be kept locked when operations are not being carried on.
  - B. When operations cease at any quarry, the entire excavation shall be fenced with a suitable eight (8) foot high chain link or comparable fence, upon which there shall be placed and maintained appropriate signs warning the public of danger.
  - C. Where quarrying operations result in a body of water, the owner, operator and/or permittee shall place appropriate "KEEP OUT - DANGER" signs around said premises not more than two-hundred (200) feet apart.

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- D. The slope of the banks within the second one-hundred (100) feet measuring from the near edge of a public highway, or within the second one-hundred (100) feet measuring from the property line of an adjoining land owner, or within the second two-hundred fifty (250) feet to the nearest residence, shall not exceed one (1) foot vertical drop to each seven (7) feet horizontal.
16. Specific Regulations for Stripping or Removal Operations Not Incidental to Quarry Operations.
- A. No soil, sand, gravel, clay or similar materials shall be removed below a point twelve (12) inches above the mean elevation of the center line of the nearest existing or proposed street or road established or approved by the St. Clair County Road Commission, except as required for the installation of utilities and pavements; provided further that where approved county drain ditches exist and/or are adjacent to the property under permit, that the grade and slope of removal will meet all requirements and approval of the St. Clair County Drain Commission.
  - B. No soil, sand clay, gravel or similar materials shall be removed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health or safety. The premises shall at all times be graded so that surface water drainage is not interfered with.
  - C. Wherever topsoil exists suitable for growing turf or for other land uses, at the time the operations begin, a sufficient quantity of topsoil shall be stockpiled on said site so that the entire site, when stripping or removal operations are completed, may be recovered with a minimum of four (4) inches of topsoil and the replacement of such topsoil shall be made immediately following the termination of the stripping or removal operation. In the event, however, that such stripping or removal operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored topsoil over the stripped areas as he progresses. Such replacement shall be in a manner suitable for growing turf or for other land uses.

**4.72 COMMUNICATION TOWERS, PERSONAL WIRELESS SERVICE (CELL TOWERS) AND SIMILAR TOWERS AND ANTENNAS**

1. Purpose and Intent. It is the general purpose and intent of Ira Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems as may be required by law. However, it is the further purpose and intent of the Township to provide for such authorization only in a manner that will retain the integrity of neighborhoods and the character, property values, and aesthetic quality of the community at large. In fashioning and administering the provisions of this Ordinance, an attempt has been made to balance these potentially competing interests. It is noted that communication towers do not fall under the classification of essential services and may in no way be regulated as such.
 

Pursuant to the general purpose and intent as set forth above, the goals of this Ordinance are to:

  - A. Protect residential areas and land uses from the potential adverse impact of towers and antennas.
  - B. Permit the location of towers in non-residential areas.
  - C. Minimize the total number of towers or antennas throughout the community.
  - D. Strongly encourage the joint use of existing tower or antenna sites, rather than construction of additional ones.
  - E. Require users of towers and antennas to locate in areas where the adverse impact on the community is minimal.
  - F. Encourage personal wireless services to configure or design antennas in a way that minimizes the adverse visual impact of the towers and antennas through stealth technology, careful design, siting, landscape screening and innovative camouflaging techniques.
  - G. Avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of tower structures.
  - H. In furtherance of these goals, Ira Township shall give due consideration to the Township's Master Plan, Zoning Ordinance, existing land uses, and environmentally sensitive areas in considering sites for the location of towers and antennas.





The Township also determines that the presence of towers and/or pole structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, may have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of tower and/or pole structures which have a negative architectural and aesthetic appeal to most persons. It recognizes that the absence of such regulation would or could adversely impact property values and, further, that this economic component is an important element to preserving public health, safety and welfare.

2. Locational Requirements.

- A. Wireless communication towers, including their respective transmission towers, relay and/or receiving antennas, and normal accessory facilities may be located in the I-1 and I-2 districts, after Special Land Use Approval (Section 6.2), provided the location of such facilities does not represent a hazard to the use and/or development of other uses on the site or within the vicinity of the site.
- B. The development of stealth, concealed antennas, or such appurtenances on existing buildings or structures may be permitted in other zoning districts, subject to Special Land Use Approval (Section 6.2) and the provisions of this Section. Such approval would require a unique approach with no adverse impacts on the surrounding residential properties or adjacent neighborhoods.
- C. The Township strongly encourages the development of towers on suitable Township property or co-location upon current towers already constructed within the Township. The applicant shall have reviewed public sites, existing towers, tall buildings, or similar structures which are, or may be, capable of providing adequate service.

- D. If the application is for co-location on an existing tower or structure, the site plan requirements are waived by the Planning Commission and approval shall be by the Building Official after review of the construction plan, the approved site plan for the tower, and documentation by the co-user as to their compliance with all of the terms and conditions required of the host applicant and this Ordinance.
3. General Requirements.
- A. Monopole antenna structures shall be required for new freestanding towers. Where technologically feasible, the Township encourages innovative designs and utility pole camouflage as practical solutions for minimizing the visual pollution impact on residential neighborhoods or the motoring public.
  - B. No tower or antenna shall exceed one-hundred eighty (180) feet in height.
  - C. Lighting on a wireless communication facility shall be prohibited unless otherwise required by the Federal Aviation Administration or Michigan Aeronautics Commission. The Planning Commission may require a height reduction to eliminate the need for lighting unless the applicant provides adequate technical data demonstrating the need for the requested height, including an analysis demonstrating that other sites are unavailable or inadequate for their purposes.
  - D. All new tower construction shall provide for multiple facilities upon the tower. The applicant shall provide a letter of intent to lease any excess space on a tower facility and commit itself to:
    - i. Promptly responding to any requests for information from a potential co-user of their tower/antennae.
    - ii. Negotiate in good faith and allow for leased, shared use of the facility, when it is their tower/antenna.
    - iii. Make no more than a reasonable charge for a shared use lease.

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E. Applications for colocation on existing, approved structures shall be reviewed administratively. Colocation of new wireless communications antennas and equipment is eligible for approval by the Zoning Administrator within fourteen (14) days of receipt of a complete application package and applicable fees, if all of the following standards are satisfied:

- i. The wireless communications equipment will be colocated on an existing wireless communications support structure or in an existing equipment compound
- ii. The existing wireless communications support structure or existing equipment compound is in compliance with the Clay Township zoning ordinance or was approved by the Clay Township Planning Commission.
- iii. The proposed colocation will not do any of the following:
  - a. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original approved height, whichever is greater.
  - b. Increase the width of the wireless communications support structure by more than the minimum necessary to permit colocation.
  - c. Increase the area of the existing equipment compound to greater than 2,500 square feet.
  - d. The proposed colocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Planning Commission.

3. Requirements of the Applicant.

A. A site plan, as referred to in [Section 6.1](#) of the Zoning Ordinance, shall be prepared and submitted, showing the location, size, roads, adjacent uses within two-hundred (200) feet, screening, and design of all buildings and structures including fences and outdoor equipment, all of which shall be designed to conform to applicable building codes and the Zoning Ordinance.

B. If a new tower is proposed, the application shall include a map showing existing and known proposed wireless communication facilities within the Township and, further, showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township, in the location and area relevant in terms of potential co-location or in demonstrating the need for the proposed facility.

C. The Township may also request that the applicant provide a map or overlay identifying all of the tower locations, "search rings," or coverage areas within Ira Township and the nearest adjoining units of government which are within a one-mile radius of the applicant's site. The Township may also require the applicant to show why a cable based, fiber optic, or similar system cannot or should not be used in lieu of a wireless communication tower.

D. If, and to the extent, the information in question is on file with the Township, the applicant shall be required only to update as needed. Any such information, which is a trade secret and/or other confidential commercial information which, if released, would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy (MCL 15.243(1)(g)). This Ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.

E. The tower site shall be landscaped in an aesthetically pleasing and functional manner. The purpose of this landscaping is to obscure the view of the tower base, accessory buildings, and/or protective fences from any public right-of-way or residence by means of a greenbelt or landscaped berm in accordance with [Section 5.5](#) of this Ordinance. Greenbelts or landscaped berms may also be required along any residential zoning district. Such landscaping shall be incorporated along access drives servicing the tower site.



F. The application shall include three (3) copies of a signed and sealed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure would fall under the most catastrophic conditions. The fall zone criteria should also include the area in which there is a potential hazard from falling ice, debris, or collapsing material. This certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities. When located in or adjacent to non-residential zoning districts, the setback shall not be less than the certified fall zoned noted above.

If such information is not provided or not accepted or approved, the setbacks shall be established as follows:

- i. When adjacent to a residential district, the tower setback shall not be less than the overall height of the tower/ antenna, plus fifty (50) feet.
- ii. When adjacent to a non-residential zoning district, the setback shall be equal to or exceed the overall height of the tower.

Further modifications to setbacks may be considered when it is documented that the adjacent property is unbuildable due to wetlands, floodplains, or other significant limitations. It shall also be found that no adverse effects on reasonable development patterns in the area would be created by developing the tower or antenna.

G. A visual simulation (rendered drawing) may be required in a district that is within or abuts sensitive or extremely visible areas, as determined by the Planning Commission. This simulation should include existing structures and natural elements and the tower's relation to those elements.

H. In addition to site plan review for new or reconstructed towers, the Planning Commission, upon deeming it necessary, shall require an independent third party review of an application. Such review shall be conducted by a professional engineer specializing in this type of communication technology and will be paid for by the applicant. The requirement for such a

review shall be based on one (1) or more of the following findings:

- i. The applicant has not substantiated a need for a proposed tower to the satisfaction of the Commission.
  - ii. The applicant has been unable to disprove the ability to co-locate on an existing tower or structure to the satisfaction of the Commission.
  - iii. The applicant has not substantiated the structural safety of a structure to be commensurate with the requested setback.
  - iv. The data supplied by the applicant is determined to be disorganized, confusing or misleading by the Commission.
- I. The applicant has not substantiated that alternative technology cannot be utilized as a substitute to the proposed tower construction.
- J. All structures, buildings, and required improvements shall comply with all other applicable codes and ordinances, including Federal Aviation Agency and Federal Communications Commission standards, and shall be continuously maintained in a safe and complying condition. The permit may include a requirement for periodic structural and safety inspections and reports, as deemed necessary by the building official.
- K. The applicant shall submit a letter agreeing that should any tower/antenna facility approved under this Section cease to be used for its approved use for more than ninety (90) continuous days, or more than ninety (90) days of any one-hundred twenty (120) day period, it shall be removed from the site within one-hundred eighty (180) days of cessation. Removal of the tower/ antenna and its accessory use facilities shall also include removing the top three (3) feet of the caisson upon which the tower is located and covering the remaining portion with top soil. If the tower has not been removed within one-hundred eighty (180) days of cessation, Ira Township may order the tower removed and assess all costs, including legal, against the property owner and/or owners of the tower.

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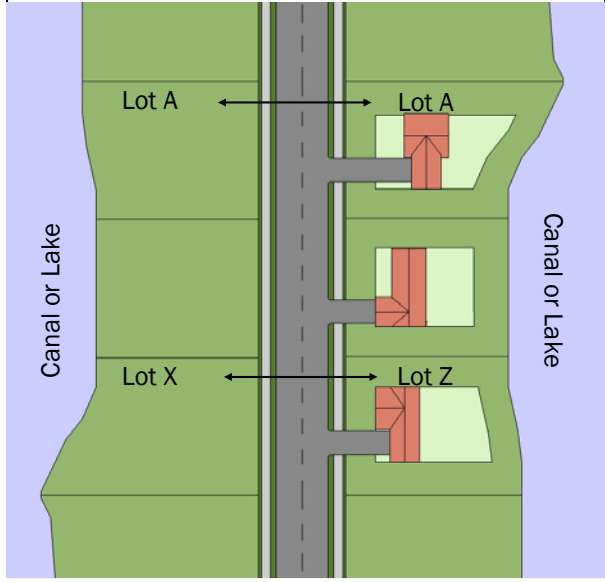


4. Planning Commission Decisions. The record of the Planning Commission and Township Board shall include findings of fact and evidence to support such decisions. The written findings and conclusions shall be contained within the minutes of the Commission.

**4.73 WATERFRONT AND CANAL LOT ACCESSORY STRUCTURES AND BOATHOUSES**

This subsection is intended to provide for waterfront and canal lot accessory structures and boathouses on vacant lots that may or may not be part of the lot of record containing the residence. Such lots may be separated from the lot of the principal structure by a road or alley, and may have a separate parcel identification number. The Township may permit these types of accessory buildings only after site plan approval.

**4.73 Waterfront and Canal Lot Accessory Structures and Boathouses on Vacant Lots**



The structure shall be located in a manner that reasonably facilitates vehicular access and circulation without encroaching on surrounding properties. Further, such structure shall be constructed so that clear vision along the adjacent roadway or alleyway is maintained.

1. Setbacks shall be determined by the Planning Commission as an element of site plan approval, based upon the following:
  - A. Standard setbacks for accessory structures in the district shall be the guide.

- B. Setback from the street right-of-way shall not be less than twenty (20) feet.
  - C. Side setbacks shall not be less than five (5) feet.
  - D. Setbacks shall be subject to building separation standards in the Building Code.
3. Height requirements for standard accessory structures shall apply.
4. Unless otherwise stated herein, all other applicable regulations pertaining to accessory structures and/or boathouses shall apply.
5. A plot plan shall be deemed acceptable for the initial site plan review, in lieu of a site plan. However, depending on the complexity of the application the Planning Commission may request additional topographic or surveying data.
6. No more than a total of two (2) waterfront accessory structures shall be permitted for each corresponding residence. One (1) may be a boathouse.
7. As a condition of site plan approval, the land owner shall file with the St. Clair County Register of Deeds a deed restriction with each lot which binds the parcels under separate parcel identification numbers as one (1) lot or parcel. A copy of such deed restriction shall also be placed on file with the Township.

**4.74 ACCESSORY BOATHOUSES, BOAT HOISTS & BOAT STORAGE**

In the RS, RU, RT, and WM districts, accessory boathouses, boat hoists, boat storage devices and similar apparatuses may be located in the waterfront setback subject to special land use approval and the following standards:

1. Side yard setbacks for standard accessory structures shall apply.
2. Height requirements for standard accessory structures shall apply.
3. Unless otherwise stated herein, all other applicable regulations pertaining to accessory structures and/or boathouses shall apply.
4. A plot plan shall be deemed acceptable for the initial site plan review, in lieu of a site plan. However, depending on the complexity of the application the Planning Commission may request additional topographic or surveying data.
5. No more than a total of two (2) waterfront accessory structures shall be permitted for each corresponding residence. One (1) may be a boathouse.



4.75 ADDITIONAL ACCESS DRIVES

Additional access driveways may be permitted by the Township Board subject to special land use approval.

1. The Planning Commission and Township Board shall consider the request for special land use approval after a traffic impact study has been submitted by the applicant which substantiates the need for additional access drives. The Planning Commission and Township Board may waive certain provisions of [Section 5.19, Traffic Impact Studies](#) which are deemed non-applicable.
2. In making the determination as to whether or not additional access drives are necessary, the Planning Commission and Township Board shall consider the location of driveways on adjacent sites and across the street, turning movements and traffic volumes.
3. Additional access driveways shall meet the standards of [Section 5.18 Non-Residential Driveways](#).

4.76 ACCESSORY BUILDINGS OVER 3,600 SQUARE FEET

In the AEC, RS, and RT districts, accessory buildings which are proposed to exceed three-thousand six-hundred (3,600) square feet in size may be permitted as a special land use providing the following conditions are met:

1. The parcel shall be five (5) acres in size or greater.
2. The accessory building shall be set back a minimum of 100 feet from any neighboring residential property.
3. The exterior finish of the accessory building shall be in harmony with the principal building on the parcel.
4. The accessory building shall be in harmony with the environment and topography of the parcel, and also with the surrounding properties.
5. The accessory building shall be proportional to the size of the lot and the principal building. In no case shall the size of the accessory building be greater than twice the square footage of the principal building.
6. The accessory building shall not be constructed in a front yard.

4.77 ADULT FOSTER CARE FACILITIES

Adult foster care facilities may be permitted in the districts noted in the table below, subject to the general standards in subsection 1 and the additional standards in subsection 2 below:

4.77 Adult Foster Care Facilities Permitted by District		
Land Use	Number of Residents Permitted	Permitted Districts
Small Group Home	7-12 Residents	AEC, RS, RU, RT, RM-1, RM-2
Large Group Home	13-20 Residents	AEC, RS, RU, RT, RM-1, RM-2
Congregate Facility	21+ Residents	RM-1, RM-2

1. General Standards
  - A. The use shall be registered with the Ira Township Clerk’s Office and shall continually have on file with the Township documentation of a valid license, as required by the State of Michigan.
  - B. Documentation of compliance with state building and fire codes shall be provided.
  - C. The applicant shall provide evidence that the facility is at least 1,500 feet from another adult foster care facility, group home, day-care home, or similar facility.
  - D. All vehicular ingress and egress shall be directly onto a County Primary Road or a paved County Secondary Road, as designated by the St. Clair County Road Commission.
  - E. There shall be no more than two (2) occupants per bedroom.
  - F. Outdoor recreation areas may be required to provide fencing with a secure-access gate, based upon the needs of the residents. For example, persons with dementia or closed-head injuries may require special protection.





- G. Building side setbacks shall each be a minimum of 25 feet.
  - H. A minimum of 1,500 square feet of open space shall be provided per resident. This open space may include land, setbacks, and the required outdoor recreation area as noted in I. below, but may not include the principal building.
  - I. An outdoor recreation area shall be provided equal to five hundred (500) square feet per resident, and such recreation area shall be designed and oriented to meet any special needs of residents, as noted in F above.
  - J. One off-street parking space shall be provided for every three (3) residents, plus one space per employee in the largest working shift.
  - K. Off-street parking shall be located within a side or rear yard whenever possible, and individual parking bays shall not exceed 4 vehicles in the front yard. Parking shall be screened from the road and adjacent parcels by a greenbelt meeting the standards of [Section 5.5](#) of the Zoning Ordinance.
  - L. The building shall have an appearance that is residential in character and consistent in color, materials, roof-line and architecture with the zoning district in which it is located, as determined by the Planning Commission.
  - M. One identification sign, not to exceed eight (8) square feet, shall be permitted to assist emergency services personnel and visitors in locating the site.
  - N. The site plan shall illustrate an appropriate fire lane that affords emergency services personnel unimpeded access to the building, including barrier-free access to a main door.
  - O. The applicant shall submit evidence that the St. Clair County Health Department has evaluated the well and septic system for the proposed facility and found them to be adequate for the number of residents and caregivers who occupy the building(s).
2. Additional Standards for Adult Foster Care Large-Group and Congregate Facilities:
- A. The minimum site size shall be 5 acres in AEC and RT and 3 acres in RS, RU, RM-1 and RM-2.
  - B. Minimum lot width shall be two hundred (200) feet.

- C. All buildings shall be set back at least 75 feet from all property lines.
- D. All parking and service areas shall be screened from view of an adjoining residential district, as approved by the Planning Commission.

**4.78 DRIVE-THRU FACILITIES**

Drive-thru facilities shall be permitted as a special land use in the B-2 General Business district, subject to the following:

1. The site and use shall be located on M-29/ Dixie Highway or Marine City Highway.
2. Any freestanding drive-thru facility located in a shopping center shall be aesthetically compatible in design and appearance with the other buildings and uses located in the shopping center. In making this determination, the Planning Commission shall consider the architectural design of the building, the signage and the landscaping to ensure that the design and appearance of the developed site is compatible with the design and appearance of the remainder of the shopping center.
3. Multiple drive-thrus shall be permitted on a multi-tenant site, provided that ingress and egress to each drive-thru is adequately separated and that circulation on the site is safe and orderly, as determined by the Planning Commission. Each drive-thru shall fully comply with the standards of this section.
4. Drive-thru lanes shall not be located on the street-facing side of the building.
5. Multiple lanes may be permitted for any drive-thru facility, so long as stacking space is provided for each drive-thru lane.
6. Drive-thru lanes shall at all points in their course be set back no less than 60 feet from any neighboring residential property line.
7. No drive-thru use shall have greater than one driveway or two one-way drives per street frontage.
8. Drive-thru lanes shall be screened from neighboring residences by a decorative masonry wall or decorative obscuring fence six feet in height and a 20-foot-wide greenbelt. The greenbelt shall consist, at a minimum, of the following:
  - A. Deciduous trees planted in a row no greater than 25 feet apart on centers.





- B. Evergreen trees planted in a separate row no greater than 20 feet apart on centers.
  - C. In the event that natural or other existing vegetation along the property line provides equivalent of greater screening than a. and b. above, this vegetation may be preserved with Planning Commission approval in lieu of new plantings.
9. Where the exit from the drive-thru lane faces a roadway, said exit shall be screened from traffic on the roadway by evergreen shrubs reaching a height of no less than 3 feet in order to prevent headlights from shining directly into the roadway.
  10. All site lighting shall consist of full cut-off fixtures, shielded to direct light downward and away from all neighboring residences and roadways. Site lighting shall otherwise comply with [Section 5.7 Exterior Lighting](#).
  11. Devices for electronically amplified communication shall be directed or muffled to prevent any such noises from being audible at any lot line. Outdoor sound systems that do not directly aid communication between customers and employees are not permitted.
  12. Drive-thru lanes shall provide at least one means for vehicles to bypass the remainder of the lane between the entrance to the lane and the order pick-up window, or payment window, if a separate payment window is included in the plan.
  13. Stacking spaces shall not interfere with access to parking spaces, maneuvering lanes, or loading areas.
  14. Vehicle stacking lanes shall not cross any maneuvering lanes, drives or sidewalks.
  15. The centerline turning radius of all drive-thru lanes shall be a minimum of 25 feet.

#### 4.79 SCHOOLS

Public and parochial schools, private schools, charter schools, colleges, universities, and other such institutions and higher learning shall be permitted as a special land use in the AEC, RS, RU, RT, RM-1, and RM-2 districts, subject to the following:

1. The site shall be located as to provide for ingress to and egress from said site directly onto a major or secondary thoroughfare having an existing or planned right-of-way of at least eighty six (86) feet in width.

2. A minimum site size of ten (10) acres shall be required for public, parochial and other private elementary, intermediate, and/or high schools offering courses in general education, and not operated for profit.

#### 4.80 WATERCRAFT MAINTENANCE AND REPAIR

Watercraft maintenance and repair establishments shall be permitted in the WM district subject to the following:

1. To the extent possible, watercraft maintenance shall be conducted indoors. Watercraft maintenance and repair conducted outdoors shall be set back no less than fifty (50) feet from neighboring residences and shall be conducted only between the hours of 8:00 a.m. and 10:00 p.m.
2. All watercraft maintenance and repair operations shall limit, to the extent possible, the escape of odors and noise from the premises.

#### 4.81 INDUSTRIAL RETAIL USES

Industrial Retail Uses shall be permitted as special land uses in the I-1 and I-2 districts, subject to the following standards:

1. Outdoor storage yards shall be contained within a decorative wall or fence six feet in height.
2. Outdoor storage yards shall be set back no less than 40 feet from any property line abutting either a public right-of-way or a residential parcel. Outdoor storage yards shall additionally be screened with a greenbelt in accordance with [Section 5.5 Landscaping and Screening Standards](#).

#### 4.82 TEMPORARY OUTDOOR SALES

1. Intent. The Ira Township Board finds and declares that the interest of the public health, safety and welfare of the citizens of Ira Township require the regulation, licensing and control of temporary outdoor sales establishments within Ira Township as defined in Article 2. This section is intended to provide standards for those temporary outdoor sales establishments which are not specifically permitted in any district.

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2. General Provisions:

- A. The allowance of a temporary outdoor sales establishment shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary outdoor sales are permitted.
- B. Temporary outdoor sales shall be in harmony with the general character of the district.
- C. Permission for temporary outdoor sales shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
- D. All structures constructed on the property, even if they are temporary and seasonal, must comply with the Ira Township Building Code in its entirety should those structures be occupied at any time by either employees or members of the public. In addition, such structures, including tents with sides, must comply with the Ira Township Fire Code in every respect including, but not limited to, safe ingress and egress by persons within the structure and emergency exit lighting. Likewise, all structures must have working fire extinguishers on the premises.

3. Site Plan Submission and Approval Required for Temporary Outdoor Sales Uses. Temporary Outdoor Sales establishments may be permitted in the B-1, B-2, W-M, and I-1 districts subject to the following requirements:

- A. A site plan meeting the requirements of Section 6.1 shall be submitted to the Planning Commission for approval. The application for site plan approval must be made in writing on such forms and in such manner as prescribed by the Clerk of the Township and shall be made at least sixty (60) days prior to the date of the opening of the proposed temporary outdoor sales use.

- B. Temporary outdoor sales may take place not more than four (4) times per calendar year on a lot or parcel (i.e., four sales events per year per lot). The total duration of a sales event shall not exceed thirty (30) days. There shall be at least fifteen (15) days between any two temporary sales events on a lot or parcel.
- C. Temporary outdoor sales may be conducted only upon a lot or parcel of property having frontage upon a major or secondary thoroughfare.
- D. Temporary outdoor sales areas and temporary structures such as tents shall comply with the setback requirements for buildings in the district.
- E. Where a temporary outdoor sales use requires parking in excess of parking already provided on the site, the parking area shall be clearly identified; parking provided specifically for temporary outdoor sales is not required to be paved.
- F. If temporary outdoor sales are proposed to be conducted in the parking lot of an active use, the applicant shall demonstrate that there is ample space for the temporary outdoor sales, any principal uses, and parking for both the temporary outdoor sales use and any other use on the subject site, without adverse impact on parking lot circulation.
- G. The temporary outdoor sales use shall have up to five (5) days to establish the temporary use including erection of tents, placement of merchandise, and placement of temporary signs. Set-up may occur within the 15-day interim period. The temporary sales use may have up to an additional five (5) days for disassembly and removal of all temporary structures.



container / trailer shall not be placed closer to public street than the tent.

- J. Each temporary outdoor sales use may have one sign attached to a tent or other structure on the site. The sign area shall not exceed fifty (50) square feet. For corner lots, one additional sign of up to fifty (50) square feet may be permitted. In addition, signs required by law designating fire routes, tent entrances and exits shall be permitted. Also, directional signs up to three (3) square feet in area and not greater than thirty (30) inches in height may be permitted at driveways serving the site and up to 2 additional directional signs meeting the same height and area requirements may be placed at locations within the site if necessary for wayfinding and/or traffic safety. Temporary signs shall be permitted in addition to other signage permitted on the site and shall be removed when the temporary outdoor sales cease.
- K. No balloons, festoons, inflatables or other similar devices designed to attract attention to the site or use shall be permitted.
- L. Provided that the temporary outdoor sales use complies with all conditions of site plan approval and re-uses the approved site plan, without modification, re-approval of the temporary outdoor sales use permit shall be automatic each year upon receipt of the fee.
- M. Temporary outdoor sales shall comply with all other applicable laws and ordinance regulations of the Township.

**4.83 MEDICAL MARIJUANA USES**

- A. Intent
  - 1. Voters in the State of Michigan approved the referendum authorizing the use of marijuana for certain medical conditions.
  - 2. The intent of the referendum was to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate / grow, use and distribute marijuana and to assist specifically registered individuals identified in the

statute without fear or criminal prosecution under limited, specific circumstances.

- 3. Despite the specifics of the state legislation and the activities legally allowed as set forth therein, marijuana is still a controlled substance under Michigan law and the legalization of obtaining, possession, cultivation/growth, use and distribution in specific circumstances has a potential for abuse that should be closely monitored and to the extent permissible regulated by local authorities. Further, the obtaining, possession, cultivation/growth, use and distribution of marijuana is Federally prohibited.
- 4. If not closely monitored or regulated, the presence of marijuana even for the purposes legally permitted by the legislation can present an increase for illegal conduct and / or activity and this threat affects the health, safety and welfare of the residents of Ira Township.
- 5. It is the intention of Ira Township that nothing in this Ordinance be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for non-medical purposes or allow activity relating to the growing, distribution or consumption of marijuana that is otherwise illegal.
- B. Registered Primary Caregiver. A single, registered primary caregiver, in compliance with the Michigan Medical Marijuana Act, MCL 333.26421. et. seq. (MMMA), and the requirements of this Section, shall be permitted to grow marijuana as a home occupation as regulated in the Ira Township Zoning Ordinance, [Section 4.12](#). Nothing in the Section, or in any other regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the MMMA and the MMMA Administrative Rules. Also, since Federal Law is not affected by the MMMA or MMMA Administrative Rules, nothing in this Section, or in any companion regulatory provision adopted in any other provision of the Zoning Ordinance, is intended to grant, nor shall they be construed as

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granting, immunity from criminal prosecution under Federal Law. The MMMA does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following requirements and standards shall apply to the location at which the medical use of marijuana is conducted by a caregiver:

1. The medical use of marijuana shall comply at all times with the MMMA and the MMMA 2. Administrative Rules, as amended.
2. A registered primary caregiver shall not possess marijuana, or otherwise engage in the medical use of marijuana, in a school bus, on the grounds of any preschool or primary or secondary school, or in any correctional facility.
3. Not more than one registered primary caregiver, who shall also be a full-time resident of the dwelling, shall be permitted to operate at any one property.
4. The medical use of marijuana shall be conducted entirely within a dwelling or attached garage, except that a registered primary caregiver may keep and cultivate, in an "enclosed, locked facility" (as that phrase is defined by the MMMA), up to 12 marijuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marijuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA.
5. A sign identifying the home occupation by word, image or otherwise, or indicating that the medical use/cultivation of marijuana is taking place on the premises, shall not be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.
6. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use/cultivation of marijuana, no other materials or equipment not generally associated with normal ownership, use and maintenance of a dwelling shall be permitted.

7. Distribution of marijuana or use of items in the administration of marijuana shall not occur at or on the premises of the primary caregiver. A qualifying patient shall not visit, come to, or be present at the residence of the primary caregiver to purchase, smoke, or consume any marijuana.
8. Except for the primary caregiver, no other person shall deliver marijuana to the qualifying patient.
9. No one under the age of 18 years shall have access to medical marijuana.
10. No on-site consumption or smoking of marijuana shall be permitted within the dwelling (or on the property) of a caregiver, except for lawful medical marijuana consumption by the primary caregiver if registered as a qualifying patient under the MMMA.
11. Medical marijuana shall not be grown, processed, handled or possessed at the dwelling of the primary caregiver beyond that which is permitted by Michigan statutory law.
12. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a building, structure or premises in which equipment and devices that support the cultivation, growing or harvesting of marijuana are located or used.
13. If marijuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
14. Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver, apart from the permitted quantity of medical marijuana.
15. To ensure compliance with all applicable requirements, laws and codes the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs, are subject to inspection and approval by the zoning administrator or other authorized official.
16. The property, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official or law enforcement official.



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<b>Article 5.0</b>	<b>Site Standards</b>
5.1	Off-Street Parking Requirements
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# 5.0 Site Standards

## 5.1 OFF-STREET PARKING REQUIREMENTS

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

1. Off-street parking may be located within any non-required yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted in a required front or side yard setback unless otherwise provided in this Ordinance.
2. Off-street parking for other than residential use shall be either on the same lot or within three-hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership or use agreements acceptable to the Township Attorney shall be shown of all lots or parcels intended for use as parking by the applicant.
3. Residential off-street parking shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of [Section 5.21, Accessory Buildings](#), of this Ordinance.
4. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere, except that, eighty (80) percent of the parking area required for uses in the WM Waterfront Marina district may be used for winter storage of recreational boats after review of the parking and winter storage layout by the Planning Commission and approval by the Township Board as a part of site plan review. Further, no parking lot in the WM district shall be occupied by stored boats during the period from June 15 to September 15. All such storage shall be arranged in an orderly manner and at least one-half (1/2) of the parking area shall be conveniently available for customer parking by June 1.
5. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
6. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
7. In the instance of dual-function off-street parking spaces, where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
8. Within parking areas, the storage of merchandise, motor vehicles for sale, trucks or repairs of vehicles is prohibited.
9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use that the Planning Commission considers similar in type.
10. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half ( $\frac{1}{2}$ ) shall be disregarded and fractions over one-half ( $\frac{1}{2}$ ) shall require one (1) additional parking space.
11. In this Section, the reference to "permitted by maximum occupancy" shall refer to the occupancy levels as established by the Township Fire Chief or Fire Marshal.
12. Where the property owner can demonstrate or the Planning Commission finds that the required amount of parking is excessive, the Planning Commission may approve a reduction in required spaces, provided that:
  - A. Area of sufficient size to meet the parking space requirements of this Section is retained as open space. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout.
  - B. The applicant provides a written legal agreement, approved by the Township Attorney, to construct the deferred parking at the direction of the Planning Commission, based on observed usage, within six (6) months of being informed of such request in writing by the Building Department.
13. The Building Department may require posting of a performance bond to cover the estimated construction cost of the deferred parking with a refund in two (2) years if the additional parking is not found to be necessary.
14. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

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**5.1.14 Minimum Off-street Parking Spaces**

Use	Required Spaces
<b>A. Residential:</b>	
i. Residential, one-family and two-family	Two (2) for each dwelling unit
ii. Residential, multiple-family	One and one-half (1½) for each efficiency or one (1) bedroom unit. Two (2) for each two-bedroom unit. In addition, one-half (½) space per unit shall be provided for visitor parking.
iii. 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.
iv. Mobile home park	Two (2) for each mobile home site, and one for each 300 square feet of gross floor area of the management office space. In addition, one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking.
<b>B. Institutional:</b>	
i. Places of worship	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship
ii. Hospitals	One (1) for each one (1) bed
iii. Homes for the aged/convalescent homes	One (1) for each two (2) beds
iv. Elementary and junior high schools	One (1) for each teacher, employee, or administrator, in addition to the requirements of the auditorium ( <b>see xi</b> ) below) with the exception of the additional employee spaces
v. Senior high schools	One (1) for each one (1) teacher, employee, or administrator and one (1) for each five (5) students, in addition to the requirements of the auditorium ( <b>see xi</b> ) below) with the exception of the additional employee spaces
vi. Private clubs and lodge halls	One (1) for each seventy-five (75) square feet of gross floor area.
vii. Private golf clubs, tennis clubs, or other similar uses.	One (1) for each one and a half (1½) member families or individuals
viii. Golf courses open to the general public except miniature or "par-3" courses ( <b>see C.xii. below</b> )	Eight (8) for each one (1) golf hole
ix. Fraternity or sorority	One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater
x. Stadium, sports arenas, or similar place of outdoor assembly	One (1) for each three (3) seats or six (6) feet of benches



5.1.14 Minimum Off-street Parking Spaces (continued)	
Use	Required Spaces
<b>B. Institutional: (continued)</b>	
xi. Theaters and Auditoriums	One (1) for each three (3) seats plus one (1) for each two (2) employees. If no seats, then one (1) space for each three (3) persons permitted by maximum occupancy.
xii. Libraries	One (1) space for each five-hundred (500) square feet of gross floor area
xiii. Child care	One (1) space for every three-hundred (300) square feet of gross floor area.
xiv. Gymnasium	One (1) space for each three (3) seats plus one (1) space for each two (2) employees. If no seats, then one (1) space for each three (3) persons permitted by maximum occupancy.
xv. Government offices	One (1) space for each two-hundred (200) square feet of gross floor area
xv. Municipal composting operations for leaves and grass	Three (3) off-street parking spaces shall be provided and shall be laid out in such a way that they can be safely and conveniently used.
<b>C. BUSINESS AND COMMERCIAL</b>	
i. Auto wash – Full service	One (1) for each one (1) employee, plus stacking spaces equal in number to five (5) times the maximum capacity of the auto wash for automobiles awaiting entrance, plus two (2) drying spaces at the exit. Maximum capacity of the auto wash shall be determined by dividing the length in feet in each wash line by twenty (20).
ii. Auto wash – Self Service	Three (3) exterior waiting spaces per bay, plus two (2) exterior drying spaces per bay.
iii. Beauty parlor or barber shop	One (1) per one-hundred square feet of gross floor area
iv. Bowling alleys	Five (5) for each one (1) bowling lane. Restaurants, bars and the like shall be calculated separately.
v. Dance halls, pool or billiard parlors, coin and token amusement device centers, and similar game rooms, roller or skating rinks, exhibition halls, and assembly halls without fixed seats	One (1) for each three (3) persons allowed within the maximum occupancy
vi. Restaurants: carry out / fast food with inside dining areas	One (1) for each three (3) persons permitted by maximum occupancy including outdoor seating areas

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5.1.14 Minimum Off-street Parking Spaces (continued)	
Use	Required Spaces
<b>C. BUSINESS AND COMMERCIAL (continued)</b>	
vii. Restaurants: carry out restaurants with no inside dining areas	One (1) for each seventy-five (75) square feet of gross floor area. If a drive-through is provided, the required number of spaces may be reduced by ten (10) percent.
viii. Restaurants: consumption on the premises of beverage, food, or refreshments, except otherwise specified herein	One (1) for each three (3) persons permitted by maximum occupancy including outdoor seating areas
ix. Furniture and appliance, household equipment repair shop, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses.	One (1) for each eight-hundred (800) square feet of usable floor area. In addition, one (1) space shall be provided for each two (2) persons employed therein.
x. Automobile service stations	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump. Spaces for convenience stores or restaurants shall be calculated separately.
xi. Laundromats and coin-operated dry cleaners	One (1) for each two (2) machines
xii. Miniature "par-3" golf courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee
xiii. Mortuary	One (1) for each three (3) persons permitted within the maximum occupancy
xiv. Motel, Hotel or other commercial lodging establishment	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.
xv. Motor vehicle sales and service establishments	One (1) for each two-hundred (200) square feet of gross floor space.
xvi. Retail stores except as otherwise specified herein	<ul style="list-style-type: none"> <li>- Less than 50,000 square feet - One (1) for each 200 square feet of gross floor area</li> <li>- Between 50,000 and 100,000 square feet - One (1) for each 250 square feet of gross floor area</li> <li>- Between 100,001 and 400,000 square feet - One (1) for each 300 square feet of gross floor area</li> <li>- More than 400,000 square feet - One (1) for each 350 square feet of gross floor area</li> </ul>
xvii. Showrooms for plumbers, cabinet makers, electricians, and similar professions	One (1) for each 300 square feet of showroom
xviii. Waterfront marinas	On shore, in-and-out or rack storage, and boat rentals. Three-quarters (¾) of a space for each boat stored or rented. Where launching from a boat trailer is permitted, twenty-four (24) vehicle/trailer spaces (ten (10) feet x forty (40) feet) shall also be provided for each launching ramp as part of any parking plan.
	In-water boat wells or marinas (rental/lease). One (1) space for each boat, plus one (1) for every two (2) employees in the largest working shift, plus one (1) for every one-thousand five-hundred (1,500) square feet of indoor storage or work floor space.
	In-water boat wells (Dockominiums). Two (2) spaces for each watercraft moored in the water or hoisted individually above the well.



5.1.14 Minimum Off-street Parking Spaces (continued)	
Use	Required Spaces
<b>C. BUSINESS AND COMMERCIAL (continued)</b>	
xix. Drive-in restaurants	One (1) for each two (2) employees; plus one (1) space for every three (3) seats intended for patrons within the restaurant building; plus one (1) space for every twenty (20) square feet of gross floor area available in the order-waiting area.
xx. Agri-business (Value Farming Operations)	One (1) space for each seventy-five (75) square feet of farm stand area.
xxi. Commercial composting operations for leaves and grass	Three (3) off-street parking spaces shall be provided and shall be laid out in such a way that they can be safely and conveniently used.
<b>D. DRIVE-THRU COMMERCIAL USES</b>	
i. Drive-thru restaurants, carry-out only:	<b>Parking spaces:</b> One (1) for each employee on the largest shift, plus three (3); <b>Stacking spaces:</b> five (5) stacking spaces between the pick-up window and the ordering kiosk, plus five (5) additional stacking spaces before the ordering kiosk
ii. Drive-thru restaurants, with seating:	<b>Parking spaces:</b> One (1) space for every two (2) employees, plus one (1) space for every two (2) customers permitted under maximum occupancy; <b>Stacking spaces:</b> five (5) stacking spaces between the pick-up window and the ordering kiosk, plus five (5) additional stacking spaces before the ordering kiosk
iii. Stacking spaces for pharmacies:	Three (3)
iii. Stacking spaces for banks:	Three (3) per lane
<b>E. OFFICES</b>	
i. Banks	One (1) for each two-hundred (200) square feet of gross floor area, plus 5 waiting spaces for each drive-up teller window or machine
ii. Business offices, or professional offices, except as indicated herein	One (1) for each two-hundred fifty (250) square feet of gross floor area
iii. Medical offices of doctors, dentists or similar professions	One (1) for each one-hundred twenty-five (125) square feet of gross floor area
iv. Medical and Veterinary Clinics	One (1) for each one-hundred (100) square feet of gross floor area
<b>F. INDUSTRIAL</b>	
i. Industrial or research	- Less than 50,000 square feet – One (1) for each five-hundred (500) square feet of gross floor area - More than 50,000 square feet – One (1) for each eight-hundred (800) square feet of gross floor area
ii. Wholesale establishments	One (1) for every twelve-hundred (1,200) square feet of gross floor area

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5.1.14 Minimum Off-street Parking Spaces (continued)	
Use	Required Spaces
<b>F. INDUSTRIAL (continued)</b>	
iii. Mini-warehouse or self-storage	Three (3) spaces, plus one (1) per seventy (70) storage units
iv. Heavy and major auto repair	Four (4) spaces for each service stall, rack, or pit, and one (1) for each two-hundred (200) square feet of gross
v. Quick oil change	Three (3) spaces per plus one (1) space for each two-hundred (200) square feet of gross floor area in the retail sales area, if applicable

**5.2 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE**

Wherever the off-street parking requirements in [Section 5.1](#) above require the building of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until the Building Inspector or Official therefore issues a permit. Permits shall not be granted until such time that the Planning Commission and Township Board have reviewed and approved plans for such.
2. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

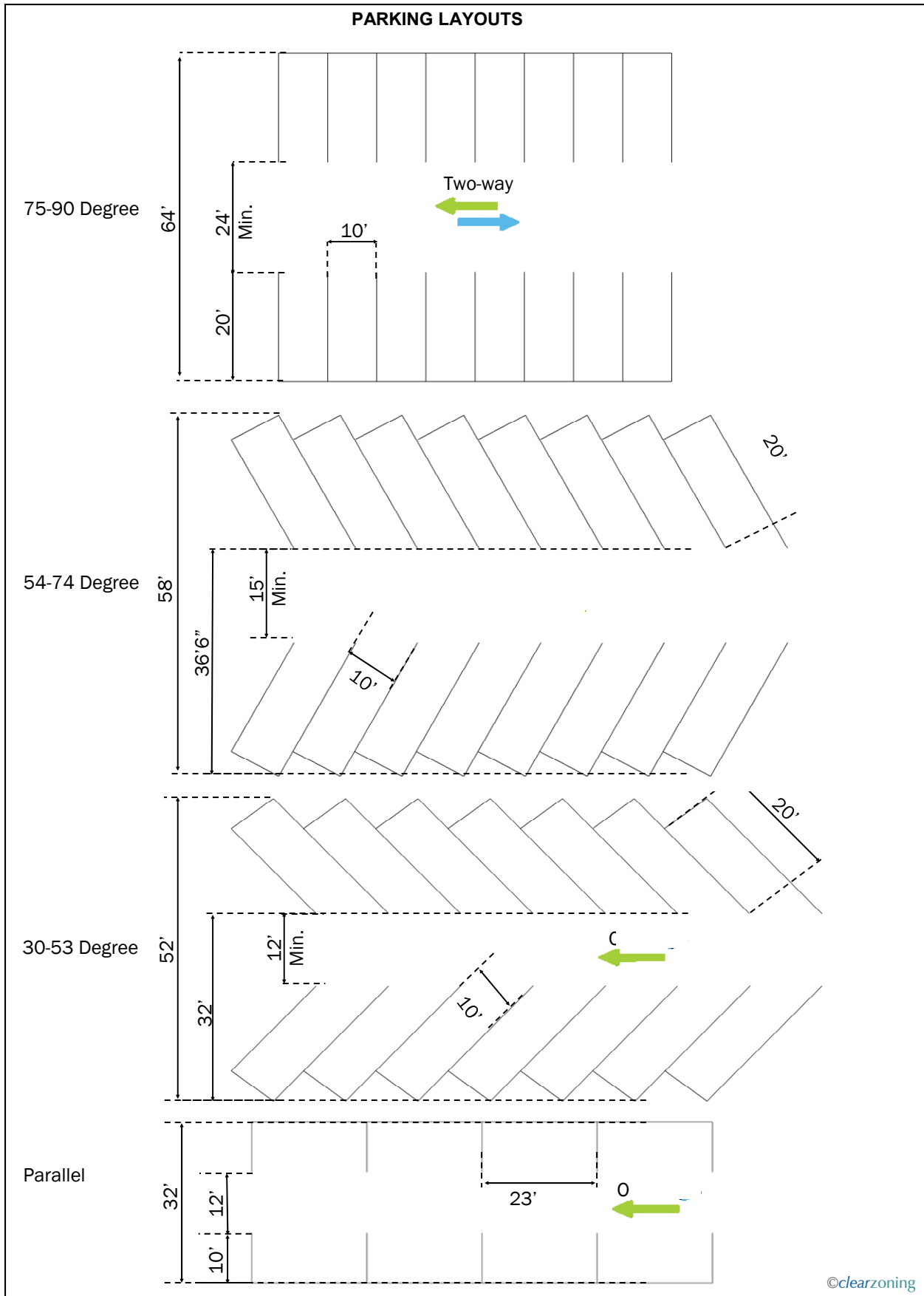
**5.2.2 Minimum Off-street Parking Dimensions**

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0 parallel parking	12'	10'	23'	22'	32'
30 to 53	12'	10'	20'	32'	52'
54 to 74	15'	10'	20'	36'6"	58'
75 to 90	24'	10'	20'	44'	64'

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
5. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least fifty (50) feet away from any adjacent property located in any single-family residential district.







7. The off-street parking area shall be provided with a continuous and obscuring wall of four (4) feet six (6) inches to six (6) feet in height, as determined by the Planning Commission measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district and shall be subject further to the requirements of [Section 5.9, Walls and Fences](#)

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

8. Surfacing Requirements

A. In RM-1, RM-2, RM-3, MH, B-1, B-2, B-3, and WM districts and for all special land uses, the entire parking area, including all parking spaces and maneuvering lanes required under this Section, shall be provided with dust free and durable asphalt or concrete surfacing in accordance with specifications approved by the Township Board. The parking area shall be surfaced within one (1) year of the date the certificate of occupancy is issued.

B. In I-1 and I-2 districts only, parking areas need not have a paved surface if the following requirements and standards are met: Engineering plans shall be submitted for review by the Township Engineer that show proper design including removal of topsoil, a compacted base course, a compacted dust-free top course, and proper grading plan to ensure positive drainage.

C. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the Township Board.

D. In the case of seasonal and temporary uses, or institutional, religious and similar buildings where the building or use will only be occupied on an infrequent basis (that is, generally less than twenty-four (24) hours in any one (1) week), the Township Board

may waive the hard surfacing requirements for a specific period not to exceed two (2) years. All such uses shall provide an entrance drive and parking area in accordance with the standards listed in [Section 5.2.8.B](#) above. If the parking lot is not paved within the allotted time granted by the Township Board, the Township shall have the power to have the parking lot paved at the owner's expense.

E. Where installed, all curbing within a parking lot area shall be composed of concrete.

9. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only. The Planning Commission may require a photometric study to verify illumination levels.

10. In all cases where a wall extends to any alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.

11. Cast in place concrete curb landscaped islands shall be placed at the ends of parking groupings to separate parking spaces from maneuvering aisles and provide for safe traffic flow.

12. Parking lot trees shall be planted within the parking area at a rate of one (1) tree for each five (5) parking spaces. These trees shall be planted within the parking islands or directly adjacent to the parking lot area.

13. In any area where front-end parking abuts a curbed area or raised walk, a two (2) foot vehicle overhang shall be required to maintain a five (5) foot walkway.

14. If sufficient evidence is provided that the total number of parking spaces required in this Ordinance is excessive, based on the specific needs of the use, the Planning Commission may reduce the total number of spaces required to be built, provided that the number of spaces which the total is reduced by is shown on the site plan as "reserve parking." If the Township or the owner determine that traffic patterns or a change in use constitutes a need for the reserve spaces to be constructed, such spaces shall be constructed as shown on the site plan.



15. Upon application by the property owner of the off-street parking area, and after a recommendation of the Planning Commission, the Board of Appeals may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section.

5.3 OFF-STREET LOADING AND UNLOADING

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

- 1. All loading spaces shall be located in the rear or required rear yard and designed to avoid creating traffic hazard to public use of all public rights-of-way, and shall not block any required parking spaces(s), except that the planning commission may approve a loading area in a side yard when a lot fronts on an industrial collector road provided that it finds the loading area otherwise meets the standards of this section. For the purposes of this Ordinance, overhead doors shall be considered loading and unloading areas.
- 2. All spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five-hundred (500) square feet in area, with clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in Industrial districts shall be provided in the following ratio of spaces to floor area:

5.3.2 Minimum Off-street Loading and Unloading Space Requirements in the Industrial Districts	
Gross Floor Area (in Square Feet)	Loading and Unloading Space Required in Terms of Square Feet of Usable Floor Area
0–1,400	None
1,401–20,000	One (1) space
20,001–100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001 square feet.
100,001 and over	Five (5) spaces

3. In the B-1, B-2, and WM districts, loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building, and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.

5.4 PERFORMANCE STANDARDS

No use otherwise allowed shall be permitted within any district that does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area.

1. Smoke. It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period or periods aggregating four (4) minutes in any thirty (30) minutes.

Method of Measurement: For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the Unbrascop readings of smoke densities may be used when correlated with Ringlemann's Chart.



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- 2. Dust, Dirt and Fly Ash. No person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of five-hundred (500) degrees Fahrenheit.
- 3. Open Storage. The open storage of any industrial or commercial equipment, industrial or commercial vehicles and all industrial or commercial materials including wastes, except new merchandise for sale and/or display, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of an obscuring wall or obscuring fence not less than the height of the equipment, vehicles and all materials to be stored. Whenever such open storage is adjacent to a residential zone or mobile home park in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring wall or obscuring fence of at least six (6) feet in height.
- 4. Glare and Radioactive Materials. Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, including electro-magnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- 5. Fire and Explosive Hazards. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended.

- 6. Noise. Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
- 7. Odors. Creation of offensive odors shall be prohibited.
- 8. Wastes. No waste shall be discharged in the public sewer system that is dangerous to the public health and safety. The following standards shall apply at the points wastes are discharged in the public sewer.
  - A. Acidity or alkalinity shall be neutralized within an average pH range of between 5½ to 7½ as a daily average on the volumetric bases, with a temporary variation of pH 4.50 to 10.0.
  - B. Wastes shall contain no cyanides. Wastes shall contain no chlorinate solvents in excess of .1 p.p.m.; no fluorides shall be in excess of 10 p.p.m. and shall contain no more than 5 p.p.m. of hydrogen sulfate and shall contain not more than 10 p.p.m. of sulfur dioxide and nitrates and shall contain not more than 25 p.p.m. of chromate.
  - C. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceed a daily average over 500 p.p.m. or fail to pass a number eight (8) standard sieve or have a dimension greater than one-half (½) inch.
  - D. Wastes shall not have chlorine demand greater than 15 p.p.m.
  - E. Wastes shall not contain phenols in excess of .05 p.p.m.
  - F. Wastes shall not contain any grease or oil or any oil substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.
- 9. Waste and Rubbish Dumping. No garbage, sewerage, filth, refuse, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes, and crates or other offensive or obnoxious matter shall be piled, placed, stored, or dumped on any land within the Township until the operator has obtained a landfill permit from the Michigan Department of Natural Resources under the rules and regulations of Public Act 451 of 1994, as amended. Such uses shall be located only on land that has been shown as a landfill site on the adopted St. Clair County Waste Management Plan.



All uses in every zoning district shall place waste materials in an appropriate covered container and properly dispose of it at least once each month in accordance with State Law and Township Ordinance. Nothing contained herein shall prevent the reasonable use of fertilizers, manures and similar materials for the improvement of land utilized for agricultural purposes where such use does not constitute a public or private health hazard.

**5.5 LANDSCAPING AND SCREENING STANDARDS**

Whenever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

1. Plant Material Spacing.
  - A. All required greenbelts shall be at least ten (10) feet in width.
  - B. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
  - C. Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows.
  - D. Evergreen trees shall be planted not more than thirty (30) feet on centers.
  - E. Narrow evergreens shall be planted not more than six (6) feet on centers.
  - F. Deciduous trees shall be planted not more than thirty (30) feet on centers.
  - G. Tree-like shrubs shall be planted not more than ten (10) feet on centers.
  - H. Large deciduous shrubs shall be planted not more than four (4) feet on centers.
2. Suggested Plant Materials; Minimum Size. See Table 5.5.2 Plant Materials with Minimum Height Requirements.

5.5.2 Suggested Plant Materials with Minimum Height Requirements	
Suggested Plant Material	Minimum Height Requirement in Feet
<b>Evergreen trees</b>	
Juniper	5
Hemlock	5
Fir	5
Pine	5
Spruce	5
Douglas Fir	5
<b>Narrow Evergreens</b>	
Column Hinoki Cypress	3
Blue Columnar Chinese Juniper	3
Pyramidal Red Cedar	3
Swiss Stone Pine	3
Pyramidal White Pine	3
Irish Yew	3
Douglas Arborvitae	3
Columnar Giant Arborvitae	3
<b>Tree-like Shrubs</b>	
Flowering Crabs	4
Russian Olives	4
Mountain Ash	4
Dogwood	4
Redbud	4
Rose of Sharon	4
Hornbeam	4
Hawthorn	4
Magnolia	4

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5.5.2 Suggested Plant Materials with Minimum Height Requirements (continued)	
Suggested Plant Material	Minimum Height Requirement in Feet
Large Deciduous Shrubs	
Honeysuckle	6
Viburnum	6
Mock Orange	6
Forsythia	6
Lilac	6
Ninebark	6
Cotoneaster	6
Hazelnuts	6
Evonymus	6
Privet	6
Buckhorn	6
Sumac	6
Large Deciduous Trees	
Oaks	8
Hard Maples	8
Hackberry	8
Planetree (Sycamore)	8
Birch	8
Beech	8
Gingko	8
Honeylocust	8
Hop Hornbeam	8
Sweet Gum	8
Linden	8

3. Trees Not Permitted.
  - A. Box Elder
  - B. Soft Maple (Red Silver)
  - C. Elms
  - D. Poplars
  - E. Willows
  - F. Horse Chestnut (Nut Bearing)
  - G. Tree of Heaven
  - H. Catalpa

**5.6 SIGNS<sup>m</sup>**

1. General Regulations. No sign may be erected, displayed or substantially altered or reconstructed, except in conformance with the regulations specified in this Ordinance. The following conditions shall apply to all signs regardless of use district, unless otherwise specified in this Ordinance.
  - A. Sign Permits
    - i. Permit Required. No person shall alter, relocate, erect, re-erect or construct any sign, except those that are exempted in this Section, unless the Township has issued a permit for it. Signs that are approved as part of a site plan do not require a separate application and sign fee for Planning Commission review. This does not include building permit fees.
    - ii. Application for Permit. Written application shall be made on forms provided therefore by the Township. Such application shall be accompanied by a site plan, sign drawing and sign data presented in accordance with the following requirements and showing the information hereinafter required:
      - a. The site plan shall be drawn to a scale not less than fifty (50) feet to the inch.
      - b. The site plan shall show the location of all existing and proposed sign(s) on the site.
      - c. The site plan shall show the location of existing and proposed streets, roadways, parking areas, entrances and exits within fifty (50) feet of the proposed sign(s). Clearly indicate the setback and clear vision triangle.





- d. Drawing of the proposed sign(s) to be erected or installed on the site shall be submitted with the site plan and shall include all of the following detailed information:
  - (1) Height of the sign above the ground.
  - (2) Surface of the sign (material, color and dimensions).
  - (3) Area of sign surface. Clearly outline the areas computed as sign area on an illustration.
  - (4) Lettering of sign drawn as it will appear on the erected sign. It need not be in the style of the finished sign, but must be neatly printed in the size and weight approximating that of the final constructed sign.
  - (5) Method and color of illumination, if any.
  - (6) Logos, emblems or additional features.
  - (7) Such additional information as the Planning Commission deems necessary and/or pertinent to the application.
  - (8) A drawing of the total building wall upon whose face the sign is to be displayed at a reasonable scale, preferably one-quarter (1/4) inch to one (1) foot.
- iii. Granting and Issuance of Permit.
  - a. All new signs, which are not exempt, shall be reviewed by the Planning and Zoning Administrator or the Building Inspector. The Planning and Zoning Administrator or the Building Official, at his/her discretion, may order any sign to be reviewed by the Planning Commission. Signs may be, and are encouraged to be, reviewed and approved by the Planning Commission as part of the overall site plan review process.
- b. Upon receipt of all necessary materials required by this Ordinance, the Planning and Zoning Administrator or the Building Official shall review such application for conformance with this Ordinance. The Planning and Zoning Administrator or Building Inspector shall either approve or disapprove the application within a reasonable time based upon the standards set forth in this Ordinance. If the application is referred to the Planning Commission the Planning Commission shall review such application at its next available Planning Commission meeting. If the application is approved by the Planning and Zoning Administrator, Building Inspector or the Planning Commission and conforms to Building Code requirements, the Building Official shall issue a permit. If the application is denied the reasons for such denial shall be clearly set forth and the application returned to the applicant.
- iv. Signs Not Requiring a Permit. The following signs, as defined therein, shall be exempt from procedural, review and approval requirements as specified in the following Sections. The signs shall, however, conform to all applicable regulations specified within this Ordinance.
  - a. The following signs shall not require approval and building permits:
    - (1) Address numbers consistent with this Ordinance.
    - (2) Governmental signs.
    - (3) Handicap signs.
    - (4) Historical marker signs (official).
    - (5) Identification signs or nameplates.
    - (6) Incidental signs.
    - (7) Political signs.
    - (8) Real estate signs for a single-family home or a single-family unit. Other real estate signs



are exempt from Planning Commission approval, but a building permit must be obtained.

- (9) Refacing an existing sign frame (shall not include any changes to the frame or structure). Such a change shall require a building permit when applicable.
  - b. Township, County, State or Federal road or traffic control signs shall be exempt from the provisions of this Ordinance.
  - c. Signs not visible beyond the boundaries of the lot or parcel upon which they are situated or from any public thoroughfare or right-of-way shall not be counted toward the maximum number of signs permitted on the subject lot or parcel. These signs shall remain subject to Planning Commission approval, permit requirements, inspections, and height and setback requirements.
  - d. In all zoning districts, flags of the United States, the State of Michigan, any political subdivision of the State of Michigan, or other flags or banners specifically approved by the Township Board for general display, are permitted as long as the size or number of such flag or flags are not of such nature that it would be commonly understood that their display was primarily intended to be a commercial advertisement to attract the attention of the general public.
- B. Prohibited Signs. Unless otherwise specifically permitted under this Ordinance, the following signs and/or sign parts shall not be permitted or erected in the Township:
- i. Cloth signs, balloon signs or displays, streamers, windblown devices, spinners, and pennants.
  - ii. Off-site signs, including billboards.
  - iii. Portable signs.
  - iv. Pylon signs.

- v. Flashing, animated, moving, laser light, and bare bulb signs or displays. This shall not include digital signs as regulated in this Section.
  - vi. Signs affixed to or painted on street furniture, telephone or light poles, and the like.
  - vii. Banner signs, window signs, A-frame signs, and any other sign not specifically authorized herein.
  - viii. No more than twenty (20) percent of a permanent freestanding sign shall be utilized for changeable copy unless otherwise specified in this Ordinance. Schools, places of worship and public buildings may utilize up to fifty (50) percent of the sign face for changeable copy.
  - ix. Signs painted directly onto wall surfaces.
  - x. Vehicle business signs and trailer signs.
  - xi. Projecting signs.
- C. Locational Requirements.
- i. No sign, except as otherwise permitted herein, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, or be attached to a utility pole.
  - ii. No sign, except those established and maintained by the Township, County, State or Federal governments, shall be located within the triangle formed by the intersection of any road right-of-ways and/or access drive at points twenty-five (25) feet distant from the point of their intersection.
  - iii. No signs shall be located so as to impede pedestrian or automobile traffic.
  - iv. In no case shall a sign be closer than ten (10) feet to any property line. All signs shall meet the following minimum setbacks as measured in feet from the centerline of each road right-of-way (ROW) in accordance with the Township's Master Plan. An additional ten (10) foot setback from road centerlines and property lines shall be required for all signs constructed in residential zoning districts.



For business located along M-29 from Palms to Meldrum the Planning Commission may approve an alternate setback for sign locations due to the existing right-of-way as it relates to the existing built environment such as buildings, parking lots, drives and other permanent structures. In no instance however may the sign encroach into the existing right-of-way for M-29.

5.6.4.C.IV Minimum Sign Setback From R.O.W. Centerline	
Road Type (*See Master Plan)	Distance in Feet
Regional (204' R.O.W.)	112
Regional (150' R.O.W.)	85
Major (120' R.O.W.)	70
Secondary (120' R.O.W.)	70
Collector (86' R.O.W.)	53
Local (80' R.O.W.)	45
Local (66' R.O.W.)	40
Cul-de-sac	70
Freeway*	50
Private Roads**	20
* Freeways shall be measured from the established right-of-way lines.	
** Measured from the road easement or common usage line.	

D. Measurement of Sign Area. Sign area, unless otherwise noted herein, shall include the total area within any circle, triangle, rectangle, or other geometric shape or envelope enclosing the extreme limits of writing, representation, emblem, logo, graphic or any similar figure or element of the sign, together with any frame or other material forming an integral part of the display, if any, or used to differentiate such sign from the background against which it is placed.

- i. In the case of a wall sign in which there is no frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed, the envelope shall be around the full perimeter of any grouping of letters, logos, emblems, figures, pictures, etc.
  - ii. In the case of an awning or canopy sign, where there is no design or envelope forming an integral part of the display, which differentiates the sign from the background of the awning material or color, the envelope shall be around the full perimeter of any grouping of letters, logos, emblems, figures, stripes, etc. For transparent or translucent awnings or canopies with internal lighting, the entire surface of the awning or canopy shall be considered as the sign.
  - iii. For a single-faced sign, the area shall be computed as the total exposed exterior surface in square feet.
  - iv. The area of a double-faced freestanding sign shall be computed using only one (1) face of the sign, provided that the outline and dimensions of both faces are identical and that the faces are back-to-back so that only one (1) face is visible at any given location. In all other cases, the sum of both faces shall be computed for the sign area.
- E. Width-to-Height Ratio. In no case shall any sign exceed a maximum width-to-height ratio of six (6) to one (1), unless otherwise provided for within this Ordinance.
- F. Landscape Requirements. A monument sign shall be located within a landscaped area. Such landscaping shall include evergreen shrubs and other landscape amenities.
- G. Illumination.
- i. Illumination of signs shall be positioned in a down-lit manner and shall be shielded so that the light shines away from adjoining properties and the eyes of motorists or pedestrians. The light source of such illumination shall be shielded from public view.

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- ii. Specialty lighting, such as neon accent lighting, may be permitted by the Planning Commission on a finding that the proposal is in character with the use and not detrimental to other use in the vicinity. This regulation does not apply to lighted window signs.
- H. Addresses. Addresses shall meet the following requirements and shall not be included in sign area computations.
  - i. Numbers shall be between four (4) and six (6) inches and shall be of a contrasting reflective color. Numbers shall be in numerical block format.
  - ii. Address numbers shall be located on all store doors at the front and rear of the facility.
  - iii. Addresses shall be integrated with the structure on all monument signs and shall be clearly distinguishable from the sign face. For signs advertising more than one (1) address, the range of addresses shall be on the sign.
- 2. Zoning District Regulations. For the purpose of this section, the term "site" shall be defined as all land in a development which is necessary or indicated as part of the development proposal to meet parking requirements, setback requirements, landscape requirements, drainage requirements (i.e., retention or detention basin), and lot coverage requirements.
  - A. Residential Zoning Districts (AEC, RS, RU, RT, RM-1, RM-2, RM-3, and MH zoning districts).
    - i. One (1) identification sign or nameplate is permitted for each dwelling unit with a permitted home occupation.
    - ii. One (1) monument sign is permitted for each approved non-residential building site.
    - iii. One (1) double-faced subdivision entrance sign placed parallel to the entrance road or two (2) single-faced subdivision entrance signs placed perpendicular or within forty-five (45) degrees of the entrance road shall be permitted for each major entrance to a residential subdivision, mobile home park and multiple-family development, as approved in the site plan or subdivision approval.

- B. Local and General Business Zoning Districts and Waterfront Marina District (B-1, B-2, and WM Zoning Districts).
  - i. One (1) monument sign shall be permitted for each site.
  - ii. One (1) wall sign shall be permitted for each tenant having an individual public entrance to a building. In those cases where multiple tenants share an entrance, one (1) wall sign shall be permitted to include all tenants.
  - iii. One (1) additional wall sign shall be permitted on buildings that front on two (2) major streets. Only one (1) wall sign shall be placed on each street facade. This provision shall also apply to those businesses which front on a major street as well as a canal, water channel, or the bay.
  - iv. Temporary signs as regulated by this Ordinance.
- C. Industrial Zoning Districts
  - i. One (1) monument sign shall be permitted for each site.
  - ii. One (1) wall sign shall be permitted for each tenant having an individual public entrance to a building.
  - iii. One (1) subdivision entrance sign shall be permitted for each major road entrance to identify an industrial or technical park.
  - iv. Temporary signs as regulated by this Ordinance.
- D. Properties along M-29.
  - i. Properties along M-29 where a monument sign is infeasible based on the existing building's proximity to the road right-of-way, existing parking lot and driveway configuration, or other significant impediment, the Planning Commission may approve a projecting wall sign subject to the following:
    - a. The sign shall not extend into the road right-of-way, unless specific permission in writing has been obtained from the Michigan Department of Transportation. The Township shall not be responsible or liable for any matters relating to the sign extending into the road right-of-way.



- b. It shall be satisfactorily shown that the projecting wall sign can be adequately supported by the structure to which it is to be attached.
- c. A minimum of eight (8) feet of clearance shall be provided in those areas where vehicles are not permitted under a sign, and fourteen (14) feet of clearance shall be provided where vehicles are permitted.
- d. Where projecting signs are not practical, the Planning Commission may permit up to one (1) additional wall sign on each side façade of the principal building on the site. These wall signs shall comply with the wall sign provisions of this section.

3. Specific Regulations.

A. Awning and Canopy Signs.

- i. An awning or canopy sign may be used to display the name of the firm, the address or a symbol, or type of business, and shall be placed only on the principal front of the building.
- ii. An awning or canopy sign shall be permitted in lieu of a permitted wall sign.
- iii. An awning or canopy sign shall not exceed one (1) square foot for each linear foot of store frontage on which the sign is to be placed, or fifteen (15) square feet, whichever is greater. In no case shall an awning or canopy sign exceed sixty (60) square feet.
- iv. A minimum vertical clearance of fourteen (14) feet shall be provided beneath any awning or canopy sign which projects over a parking area or driveway. In all other areas, a minimum vertical clearance of eight (8) feet shall be provided beneath an awning or canopy.

B. Digital and Changeable Copy Signs. Digital signs (electronic message centers) and changeable copy signs shall be subject to the following requirements:

- i. All digital and changeable copy signs shall be integrated into the freestanding sign for the site. Digital or changeable copy areas shall be

considered part of the overall permissible sign area for the freestanding sign and shall constitute no greater than fifty (50) percent of the total sign area.

- ii. Digital and changeable copy signs shall be permitted in the Township's commercial and industrial districts as a permitted use. Digital and changeable copy signs may also be permitted for nonresidential uses (ie churches, schools, etc.) in the Township's residential districts as a special land use.
- iii. No digital sign shall be permitted to scroll, oscillate, or have full animation or video. Such signs shall be deemed to constitute a distraction/safety hazard to drivers or pedestrians. All digital signs shall have "instant" changes with no effects.
- iv. Any electronic message displayed shall remain unchanged for a minimum of ten (10) seconds prior to switching messages.
- v. The digital sign shall be a single color (ie amber) and may not display light of such intensity or brilliance as to cause glare or otherwise impair the vision of the driver, or result in a nuisance to the driver.
- vi. All digital signs shall maintain an automatic brightness control keyed to ambient light levels.
- vii. Digital signs shall be programmed to go dark if the sign malfunctions.
- viii. The Planning Commission may further restrict the lighting intensity and operational times of digital signs when located within or adjacent to a residential district.
- ix. Signage shall not be designed to emulate traffic safety signage.
- x. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the maximum permitted intensity level:

5.6.3.B.x Digital Sign Maximum Light Intensity		
	Daytime	Nighttime
Brightness	5,000 nits	250 nits





C. Directional Signs.

- i. Directional signs shall not exceed two (2) square feet in area, and shall not exceed three (3) feet in height. No more than one (1) such sign shall be located at each drive location.
- ii. At-grade directional signs painted on or adhered to the surface of paved areas are exempt from these standards.
- iii. All directional signs required for the purpose of orientation, when established by the Township, County, State or Federal government, shall be permitted.

D. Identification Signs.

- i. One (1) unlit wall-mounted sign for each permitted home occupation is permitted.
- ii. One (1) unlit wall-mounted identification sign shall be permitted for each approved professional office or each exterior entrance for a multiple tenant office. Such sign shall be located at the entrance of the office to which it refers.
- iii. An identification sign shall not exceed two (2) square feet in sign area.

E. Incidental Signs.

- i. The total square footage of incidental signs on a property shall not exceed 6 square feet in the AEC, RS, RU, RT, RM -1, RM-2, RM-3, and MH zoning districts, 16 square feet in the B1, B2 and WM zoning districts, or 24 square feet in the I-1, and I-2 zoning districts.
- ii. The installed height of any incidental sign shall not exceed six feet, except where an incidental sign is mounted on a building, fence or other structure, in which case, the sign shall not protrude beyond the eave or upper edge of the structure.
- iii. Incidental signs are not permitted for single-family residential uses.

F. Monument or Ground Signs.

- i. Monument or ground signs shall not exceed sixty-four (64) square feet in sign area in the B-2 and WM Zoning districts, forty (40) square feet in the B -1 Zoning district, and, twenty-four (24) square feet in all residential zoning districts and in the I-1 or I-2 Zoning

districts. Retail establishments with over eighty-thousand (80,000) square feet of gross floor area and over three-hundred (300) feet of road frontage on a single thoroughfare shall be permitted two (2) ground signs with forty (40) square feet of sign area each. The signs shall be evenly spaced along the frontage of the site and shall not in any case abut each other.

- ii. Monument signs, including the architectural features, shall not exceed six (6) feet in height. Monument signs shall not have more than one (1) foot of clearance between the bottom of the sign and the established grade.

G. Real Estate and Development Signs.

- i. In no case shall a site contain both a real estate sign and a real estate development sign.
- ii. One (1) unlit real estate sign shall be permitted advertising the sale, rental, or lease of the premises or property upon which said sign is located.
- iii. In residential districts, no real estate sign shall exceed six (6) square feet in display area.
- iv. In non-residential zoning districts, real estate signs shall not exceed twenty (20) square feet in display area.
- v. One (1) real estate development sign shall be permitted for each development in which lots/units are still available. Such sign shall only be located on the site of the development. No such sign shall exceed twenty (20) square feet in sign area or six (6) feet in height.
- vi. Such sign shall be removed within seven (7) days after all of the units or lots on that site have been sold or leased.

H. Subdivision/Apartment Entrance.

- i. A subdivision or apartment entrance sign shall not exceed twenty-four (24) square feet in sign display area.
- ii. A subdivision entrance sign shall not exceed five (5) feet in height.





- iii. A subdivision entrance sign may be located in a traffic island at the entrance of a subdivision if the Planning Commission determines that the sign will not obstruct motorist vision.
  - I. Temporary Signs. A business or organization shall be permitted temporary signs, including banners, advertising flags, feather signs, and the like, subject to the following:
    - i. Not to exceed thirty-two (32) square feet in display area and eight (8) feet in height (if freestanding). Temporary signs attached to the building shall not extend above the roofline.
    - ii. A maximum of four (4) temporary sign permits shall be permitted for a single business or organization during a calendar year, with a combined permitted display time not exceeding one-hundred twenty (120) days. The applicant may apply for one (1) permit which would allow for all one-hundred twenty (120) days to be permitted at one time, provided all one-hundred twenty (120) days are continuous from the date the permit is issued.
    - iii. Temporary signs shall be kept in good condition and shall not become tattered, torn, or otherwise in a state of disrepair which may cause a safety concern as determined by the building official.
    - iv. Political and real estate signs shall not be subject to the requirements of this temporary sign provision.
    - v. Temporary signs shall not include reader board signs or portable digital signs, and shall not be internally illuminated
  - J. Wall Signs
    - i. A wall sign shall not project more than twelve (12) inches horizontally beyond the wall of a building.
    - ii. A wall sign shall be used to display the name of the firm, the address or a symbol, or type of business.
    - iii. Wall signs shall not project above the roof line (eave) of a building or structure.
    - iv. Wall signs shall not exceed one (1) square foot for each linear foot of store front on which the sign is to be placed, or fifteen (15) square feet, whichever is greater. In no case shall a wall sign exceed sixty (60) square feet, unless otherwise noted.
    - v. Large multi-department stores and big box uses with over one-hundred fifty-thousand (150,000) square feet of floor area may be permitted a wall sign area equal to one (1) square foot for each linear foot of store frontage up to a maximum of two-hundred (200) square feet.
    - vi. Multiple wall signs may be permitted by the Planning Commission provided that the total area of all wall signs shall not exceed the area permitted by Ordinance.
  - K. Window Signs. Window signs shall not exceed fifty (50) percent of the total window area of any business.
4. Administration & Enforcement
- A. Nonconforming Signs
- i. A sign lawfully erected prior to the adoption of this chapter or any applicable amendment thereto which does not meet the standards of this chapter may be maintained as a legal non-conforming sign, except as hereinafter provided.
    - a. A legal non-conforming sign shall not be substantially altered in content unless the use to which it applies remains the same after the change in the words or symbols.
    - b. A legal non-conforming sign shall not be substantially altered in structure so as to change the shape, size, location, type or design of the sign.
    - c. A legal non-conforming sign shall not be reestablished or continued after the activity, business or use to which it applied has been discontinued for 180 days or longer.
    - d. "Substantially altered" does not refer to normal maintenance, such as painting, or a change in message panels.



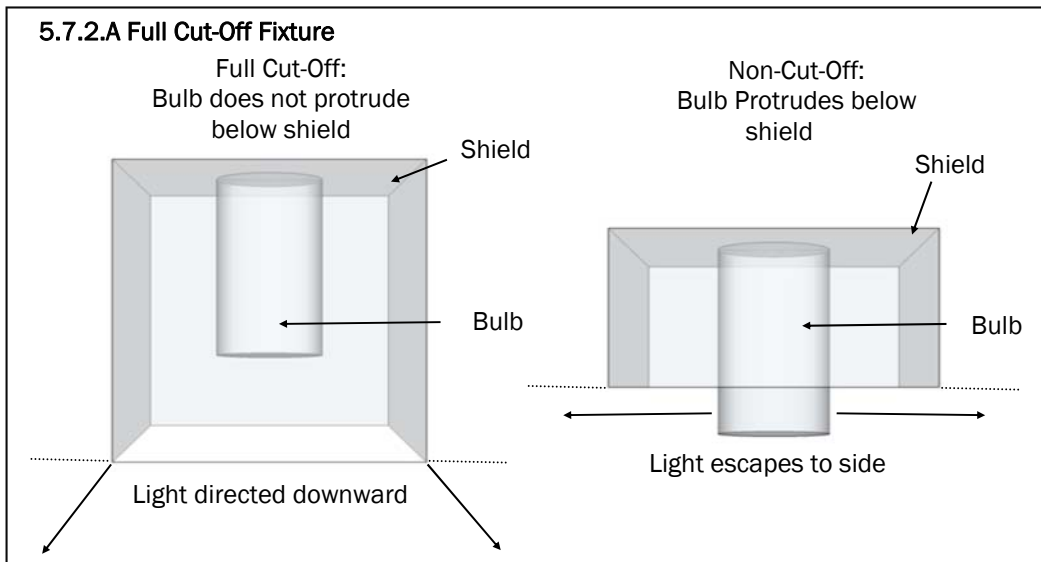
- e. A non-conforming sign may remain as long as the sign is properly maintained and is not detrimental to health, safety, and welfare. If damaged beyond normal maintenance, the sign shall not be repaired/replaced except in conformity with this ordinance.
  - ii. If the owner of the premises on which a sign is located changes the use of the premises, or changes the location of a property line or sign so that a sign is rendered non-conforming, the sign must be removed or made to conform to the provisions of this chapter.
- B. Maintenance of Signs
- i. Signs, including the face, framing and all supports thereof, shall be kept and maintained in a safe condition, shall be adequately protected against corrosion and shall conform to all the provisions of this chapter.
  - ii. Signs which are broken, torn, bent or whose supports are broken, bent or damaged, and signs that are not reasonably level and plumb shall be repaired and re-installed in a manner prescribed by the Enforcement Officer and / or Building Official.
  - iii. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code. Failure to comply with this section may result in action by the Enforcement Officer or Building Official to rescind the permit with subsequent removal of the entire structure.
  - iv. A sign shall have no more than 20 percent of its surface area covered with disfigured, cracked, rippled or peeling paint, poster paper or other material for a period of more than 30 successive days.
  - v. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 degrees from vertical for a period of more than 30 successive days, unless determined by the Building Official to pose a safety hazard, in which case immediate action may be required.

- vi. A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed, for a period of more than 30 successive days.
- vii. An internally illuminated sign shall not be allowed to stand with only partial illumination for a period of more than 30 successive days.
- viii. Any sign erected or displayed without a permit or any sign which does not comply with the provisions of this chapter shall be deemed a hazard to the safety of the public and is declared to be a public nuisance and may be abated by removal without notice.

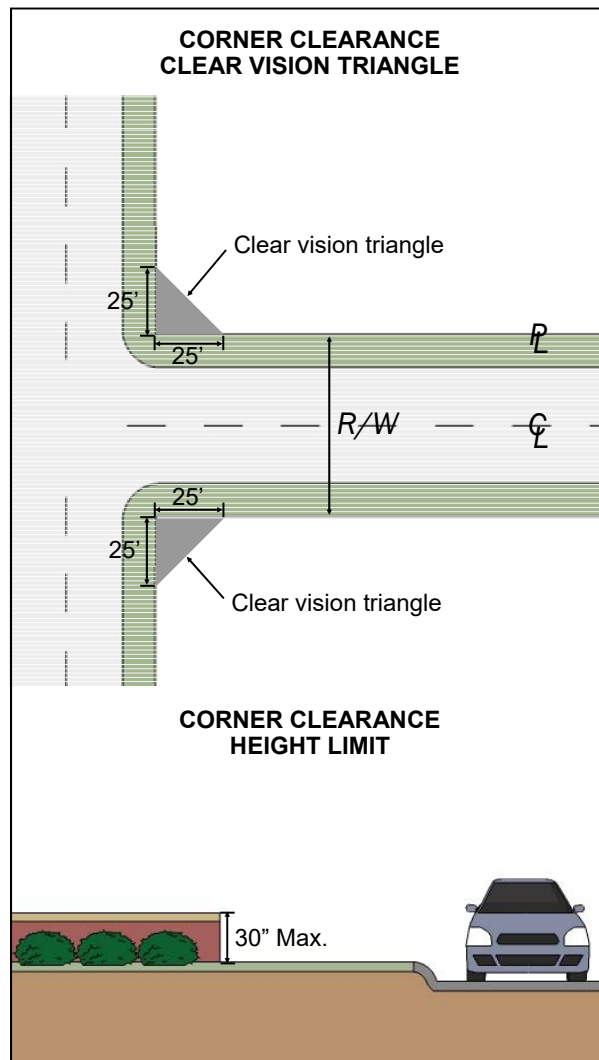
5.7 EXTERIOR LIGHTING

1. Intent. The purpose of this Ordinance is to provide regulations for outdoor lighting that will:
  - A. Permit the use of outdoor lighting for the purposes of night-time safety, utility, security, productivity, enjoyment, and commerce.
  - B. Minimize adverse offsite impacts of lighting such as light trespass and obtrusive light.
  - C. Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy.
  - D. Help protect the natural environment from the adverse effects of night lighting.
  - E. Conserve energy and resources to the greatest extent possible.
  - F. Promote traffic safety by minimizing glare.
  - G. Promote the general health, safety, and welfare of the Township.
2. Specific Regulations. The following regulations shall govern external site lighting for all non-single family detached residential uses:





- A. All light fixtures shall be full cut-off fixtures, shielded such that the light-emitting portion of the fixture is not visible below the plane of the bottom of the shield. This requirement may be waived by the Township Board, upon a recommendation by the Planning Commission, for ornamental or decorative luminaries, but unshielded fixtures shall minimize glare. Decorative luminaries shall be provided with an internal system to redirect light to grade. In no case shall light from a fixture shine directly onto residential property.
- B. The use of high-efficiency lighting types such as LEDs is encouraged.
- C. Lights mounted on poles or pylons shall be located no less than five (5) feet from any residential property line. Lights within fifteen (15) feet of a residential property line shall not be mounted higher than fifteen (15) feet and shall be designed such that all light is directed away from the property line. The maximum mounting height for any light on a site adjacent to residential property shall be twenty-five (25) feet.



**5.8 CORNER CLEARANCE**

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



**5.9 WALLS AND FENCES**

1. For those use districts and uses listed below, one (1) or a combination of the following screening mechanisms shall be constructed and maintained on those sides abutting or adjacent to a residential district. The screening mechanism shall be clearly shown on the submitted site plan and reviewed by the Planning Commission and Township Board for those uses requiring a site plan. If no site plan is required, the Building Official may review and approve the type and location of the screening mechanism for compliance with this Ordinance.

<b>5.9.1 Screening Mechanisms and Uses that Must Provide Them when Abutting or Adjacent to Residential</b>	
Screening Mechanisms	Minimum Dimension Requirements (in feet)
Obscuring masonry wall	4'6" high
Obscuring fence	4'6" high
Fence together with a landscaped greenbelt	4'6" high and 10' wide
Obscuring landscaped greenbelt	4'6" high and 10' wide
Fencing	4'6" high
Uses that Must Provide Screening when Abutting or Adjacent to Residential	
Off-Street Parking Areas.	
Non-residential uses in the B-1, B-2, B-3, and RM districts	
All permitted and special land uses in the I-1, I-2 and WM districts.	
Utility buildings, stations and/or substations; except that in cases where all equipment is contained within a building or structure constructed so as to be similar in appearance to the residential buildings in the surrounding area, the Board of Appeals may waive the wall requirements.	

2. Locational Standards for Walls. Walls shall be located on the property line, except as follows:
  - A. Where underground utilities interfere with placement of the wall, the wall shall be located no further from the property line than necessary to accommodate the utilities.
  - B. Where a non-residential use is separated from a residential use by a public alley, the wall shall be placed on the side of the alley right-of-way closest to the residential use.
  - C. Where the Planning Commission determines that a greenbelt between the wall and the neighboring residential use would result in more comprehensive and effective screening than a wall placed directly on the property line, the wall shall be located no further from the property line than necessary to accommodate the greenbelt.
3. Such walls and screening barriers shall have no openings for vehicular traffic or other purposes except as otherwise provided in this Ordinance and except for such openings as may be approved by the Building Inspector. All walls herein required shall be constructed of materials approved by the Building Inspector to be durable, weather resistant, rust proof and easily maintained. Wood or wood products shall be specifically excluded.
 

Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the Building Inspector and shall not be less than four (4) inches wider than the wall to be erected.

Masonry walls may be constructed with openings higher than thirty-two (32) inches above grade provided such openings are not larger than sixty-four (64) square inches, provided that the openings shall be so spaced as to maintain the obscuring character required. Such openings shall not reduce the minimum wall height requirement.
4. The Board of Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four- feet six- inches (4'6") in height.
 

In consideration of requests to waive wall requirements between non-residential and residential districts, the Board shall refer the request to the Planning Commission for a determination.



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

The Planning Commission may recommend and the Township Board may require fences, obscuring walls, or berms to be of a height higher than four-feet six-inches (4'6") where the four-foot six-inch (4'6") height does not accomplish the obscuring, screening, or protective objective. The Planning Commission may recommend and the Township Board may require the location of obscuring walls, fences, or berms to be at alternative locations other than on the property line. The Planning Commission may recommend and the Township Board may require various materials such as steel, wood, chain link, masonry, plant materials, poured concrete slab, or other suitable materials necessary to achieve the obscuring, screening or protective objective, and the Planning Commission may recommend and the Township Board may require any combination as provided in Item [Section 5.9.1](#), to achieve the obscuring, screening or protective objective, provided that the increased height requirement, alternative location, materials, or combination, is within reason.

5. Whenever a fence is proposed in other than a residential or agricultural district, it shall comply with the following:
  - A. The maximum height for all fences, including security fences and obscuring fences, shall be six (6) feet, unless otherwise provided for in this Ordinance.
  - B. Open, wire fences shall be of a chain-link variety only. Plastic, vinyl, aluminum or wood slats, or similar devices placed through the wire fence, shall not be used to satisfy the requirements of this Ordinance for screening or an obscuring fence.
  - C. When an obscuring wood fence is proposed, it shall be constructed entirely of pressure treated wood or metal posts and pressure treated wood panels, to assure durability and relative freedom from the need for regular maintenance.

6. Residential Yard Fences (Not including waterfront lots which are regulated in Section 5.14). All residential yard fences shall be constructed such that the finished side of the fence faces the exterior property lines and shall further conform to the following requirements:
  - A. Side and Rear Yard Fences. Fences constructed within a side or rear yard shall have a maximum height of six (6) feet, except as provided herein.
  - B. Front Yard Fences.
    - i. In the AEC district and on properties over one (1) acre in size in the RT, RS and RU districts:
      - a. Only decorative nonconfining fences (opaque wooden privacy, stockade or shadow box style fences shall not be permitted) shall be located in the required front yard of a lot.
      - b. Fences located in the front yard shall not exceed a total height of four (4) feet.
      - c. No fence, hedge or other landscaping located in a required front yard area shall interfere with visibility from a driveway approach.
    - ii. On properties less than one (1) acre in size in the RT, RS and RU districts, no fences, regardless of the type or configuration, shall be permitted within the front yard.
    - iii. Privacy gates located across driveways shall be permitted on all properties subject to the following conditions:
      - a. The property on which the gates are located shall be no less than three and one half (3.5) acres in size and shall have a minimum of two-hundred-fifty (250) feet of frontage.
      - b. The height of the privacy gates shall not exceed six (6) feet.
      - c. Emergency access shall be provided in a manner acceptable to the Ira Township Fire Department
    - iv. Fencing for farms shall not be subject to the above conditions. However, fences along the front property line or within 25 feet of the public right-of-way shall not be obscuring fences.

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5.10 RESIDENTIAL ENTRANCEWAY

In RS and RU districts, so-called entranceway structures, including but not limited to walls, columns and gates, marking entrances to single-family subdivisions, multiple housing projects, or mobile home parks, may be permitted and may be located in a required yard except as provided by Section 5.8, Corner Clearance, provided that such entranceway structures shall comply with all codes and ordinances of the Township and be approved by the Building Inspector or Official. A building permit shall be required for such structures.

5.11 DOCK AND SEA WALLS

All dredging, construction and/or development of docks and sea walls shall be subject to the requirements of all subject codes and Ordinances of the Township of Ira.

5.12 ACCESS REQUIREMENTS AND PRIVATE ROADS

1. The Township has determined that public streets are necessary to provide continuity between new development and existing development, as continuity is important for public safety purposes. The Township finds it desirable to avoid creating freestanding residential developments with dead-end streets that preclude interconnections with surrounding parcels. All uses in every zoning district shall abut and have direct access to a public street constructed to the applicable standards of the St. Clair County Road Commission on county roads or the Michigan Department of Transportation on state highways, unless direct access to a private road is approved by the Township.

2. Private roads may be approved as the means of access for all uses in any zoning district, subject to special land use review by the Planning Commission and approval by the Township Board. Private road standards may be found in the Ira Township Land Development and Engineering Standards Ordinance, as amended or as superseded. All private roads shall require approval by the Township Board.

3. An application for a private road shall demonstrate compliance with the following special land use standards:

The proposed private road shall be demonstrated to be the only practical way in which to provide access to the proposed development.

A. The proposed private road shall be demonstrated to be the most practical way in which to provide access to the proposed development.

B. The proposed private road shall demonstrate one of the following clearly defined circumstances exists, or the Planning Commission finds a circumstance exists that is similar to one of the following:

- i. For parcels located along the waterfront, where the size and configuration of the parcel may not be able to practically accommodate a public road. In these circumstances, private roads may help facilitate a redevelopment objective.
- ii. For parcels of land between M-29 and Lake St. Clair that, because of their size and configuration, cannot practically or possibly accommodate a public road.
- iii. For mobile home park and multiple family sites, where a public road is not required to provide continuity of development and access to surrounding parcels.
- iv. For commercial and industrial sites with more than one building located on the site.
- v. For roads which cannot be extended because of wetlands, floodplains or similar resources
- vi. For roads that are only accessible from another existing private road.
- vii. The private road, if approved, will not be the sole means of access to any





- D. Where a private road is approved, the Master Deed and Bylaws of the association responsible for maintenance of the road shall include the following:
- i. A clear process for authorizing maintenance and repairs by the association.
  - ii. A provision clearly defining association members' responsibility for road maintenance and repair, and how assessments for repairs will be administered. This provision should address both repairs that affect the entire association, and repairs that affect only a portion of residents.
- E. Where a private road is approved, the developer shall be responsible for the establishment of a repair fund, and the association shall be responsible for ensuring that the fund grows commensurate with the need for future repairs. The township assumes no responsibility for maintenance of private roads, nor for the funding of maintenance.
- F. Where a private road is approved, the Master Deed and Bylaws of the association shall guarantee the ability of the township to access, maintain, replace, upgrade, or otherwise modify township-owned infrastructure as needed to township standards.

**5.13 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT**

In an Agricultural district or a One-Family Residential district there shall not be more than one (1) single-family or two-family dwelling on a recorded lot or parcel of land. Every parcel of land which is created for the purpose of erecting another dwelling shall meet the lot area and width requirements of the applicable zoning district.

**5.14 WATERFRONT LOTS**

1. Waterfront Lots - For those lots with frontage on Lake St. Clair, that portion of the lot fronting on the lake shall be subject to a waterfront setback.
  - A. The required waterfront setback shall remain open and unobstructed. The location of accessory structures including boathouses, boat hoists, boat storage devices and similar apparatus shall not be permitted without first obtaining special land use approval. (Refer to [Section 4.74](#) for special land use standards.)
  - B. For lots along the waterfront, one davit or jib crane shall be permitted for each property. Additional davits or jib cranes shall require a variance by the Zoning Board of Appeals.
  - C. The construction of jetties or other similar types of projections into the water shall not be permitted along Lake St. Clair.



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- D. The altering of grade for the purposes of raising the grade of a patio or the construction of a deck above the level of the seawall or the established line of the adjacent seawall shall not be permitted unless such alteration is twelve (12) inches or less from the established grade of the property.
- E. The planting of landscaping within the waterfront setback shall be limited to large deciduous trees (pruned to a minimum height of eight (8) feet above grade), or low level shrubs (those which will be maintained at four (4) feet in height or less above grade).
- F. Fences of any kind, including obscuring landscaping, shall not be located within the waterfront setback without first obtaining Special Land Use approval from the Township. In no instances, shall fences be permitted to extend into the water.
- G. The minimum required waterfront setback shall be:
  - i. Forty (40) feet for property zoned RS and thirty-five (35) feet for property zoned RU for all instances except ii. and iii. noted below.
  - ii. Where residences exist on one or both adjacent lots, the waterfront setback shall be the average of the existing setback of the principle structures of the ten (10) nearest residential lots.
  - iii. Where one of the ten (10) nearest residences is set back over 80 feet on property zoned RS or over seventy (70) on property zoned RU, that residence shall be disregarded for the purposes of averaging the waterfront setback.
  - iv. The waterfront setback shall be measured from the bulkhead line or, when the shoreline is natural, from the ordinary high water mark, as established at the time of building permit application.

- 2. Canal Lots - For those lots with frontage on a canal, that portion of the lot fronting on the canal shall be considered to be a canal yard.
  - A. Fences, accessory buildings, boat houses/hoists and view-obscuring landscaping may be permitted within these canal yard areas, subject to all applicable regulations.
  - B. For lots along canals, davits and jib cranes shall be permitted.
  - C. The construction of jetties or other similar types of projections into the water shall not be permitted within canals.
  - D. Fences shall not be permitted to extend into the water.
  - E. The minimum required canal setback shall be: Forty (40) feet for property zoned RS and thirty-five (35) feet for property zoned RU.
- 3. Required setbacks along lakes, rivers, canals, etc. - The required yard setback along a waterbody shall be measured from the property line unless such property line extends into the adjacent waterbody. If the property line extends into the adjacent waterbody, the seawall or bulkhead, or if there is no seawall or bulkhead on the subject property, the average shoreline between such seawalls or bulkheads on adjacent properties shall be used to measure the required setback. In those instances where a boat well cuts into a property, a minimum setback of ten (10) feet for principal structures shall be maintained from such boat well, but in no case shall the setback be less than the required waterfront setback.

5.15 BUILDING APPEARANCE

In any case where a principal commercial or industrial building or accessory building is erected or placed within two-hundred (200) feet of the front property line, the front walls of said building or accessory building shall be constructed of stone, face brick, or other decorative material approved by the Township Board as part of site plan review upon receipt of a recommendation by the Planning Commission.

5.16 DECKS

Decorative decks may be permitted in any agricultural or residential zoning district. Decks may be allowed to project not more than fifteen (15) feet into the required rear yard or open space provided that the following conditions are met:



1. The deck does not encroach into any easement.
2. The deck conforms with applicable side yard setback requirements.
3. The deck is located not less than ten (10) feet from any detached accessory building
4. Any additional structure attached to the deck, such as a gazebo, shall be located at least ten (10) feet from the principal residential structure.
5. The deck and all other appurtenant facilities shall conform with any applicable codes and ordinances.
6. Decks which extend into the required rear yard setback shall not be constructed higher than the grade elevation of the first floor of the house. Decks or balconies which conform to all required setbacks of the principal residence may be built higher than the grade elevation of the first floor. Decks or balconies which extend above the second floor line or the roof line shall require a variance by the Zoning Board of Appeals.

#### 5.17 BUILDING GRADES

A plot plan shall be submitted to the Building Inspector showing building grades. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A sloping grade shall be established and maintained from the center of the front lot line to the finished grade at the front of the building, also from the rear lot line to the rear wall of the building. However, this shall not prevent the grading of a yard space to provide a sunken or terraced area, provided proper means are provided and maintained to prevent the runoff of surface water from flowing onto adjacent properties or septic system. The yard around any new building or addition shall be graded in such a manner as to meet existing grades and not permit runoff of surface water to flow or be stored on the adjacent properties.

The final grade of a building shall not be less than one (1) foot, or more than three (3) feet above the elevation of the fronting street surface. Where floodplains exist at elevations above the current road elevation, such final building grade shall be built in accordance with FEMA regulations, or if building grades are otherwise established by the St. Clair County Health Department to accommodate on-site septic systems, such building grade shall

not be less than eight (8) inches, or more than twenty-four (24) inches, above the invert at the foundation. The permitted height of structures shall be measured from the established building grade height. Any other variances from these grade requirements must be submitted to the Zoning Board of Appeals.

#### 5.18 NON-RESIDENTIAL DRIVEWAYS

1. Non-residential driveways, entrances and exits shall be subject to approval by the St. Clair County Road Commission and/or the Michigan Department of Transportation where applicable, and by the Planning Commission and Township Board after considering the effects on surrounding property, pedestrian and vehicular traffic and the movement of emergency vehicles.
  - A. All non-residential sites may be permitted one (1) access drive onto the abutting public thoroughfare.
  - B. In the case of a corner lot or double frontage lot, the site may be permitted one (1) access drive for each roadway frontage, provided that no driveway is closer to the intersection of the streets than permitted by the standards of the St. Clair County Road Commission or the Michigan Department of Transportation, as applicable.
  - C. The width of such drive shall be a minimum of thirty (30) feet and a maximum of thirty-six (36) feet. Driveway widths shall be approved by the St. Clair County Road Commission or the Michigan Department of Transportation, as applicable.
  - D. Access management techniques, as described in the current edition of "A Policy on Geometric Design of Highway and Streets", AASHTO, shall be employed when reviewing the locations and uses of driveways.
2. Tapers and bypass lanes may be required, as determined by the Planning Commission and Township Board, subject to the review and approval of the St. Clair County Road Commission and/or the Michigan Department of Transportation, where applicable.
3. The Planning Commission or Township Board may require an access easement to provide for vehicular access to existing or contemplated adjacent parking areas to minimize the need for driveways to each facility and thereby decrease hazards to vehicular traffic. In such instances, a reciprocal use agreement shall be signed by each owner.

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5.19.2.D Land Use Thresholds which Require a Traffic Impact Study		
Land Use Type	Correlating ITE Trip Generation Code	Threshold Value
Residential	210, 220, 222, 230, 270	50 Dwelling units, or having a density of five (5) units or more per acre
Retail	814, 815, 820	15,000 gross floor area
Office	710, 714, 715, 750, 770	35,000 sq. ft. gross floor area or three (3) acres
Industrial	110, 120, 130, 140	70,000 sq. ft. gross floor area or 10 acres
Education	520, 530, 550	25,000 sq. ft. gross floor area or 250 students
Lodging	310, 312, 320	100 occupied rooms
Medical	610	40,000 sq. ft. gross floor area

5.19 TRAFFIC IMPACT STUDY

1. Ira Township recognizes the direct correlation between land use policy and decisions and the impacts to traffic densities and operations. The intent of this Section is to allow Ira Township to accurately review the anticipated impacts that proposed projects will have on their surrounding roadways. It is intended that this Ordinance also help achieve the following objectives:
  - A. Provide a standard set of analytic tools and format for preparing traffic impact studies.
  - B. Allow the community to assess the effects that a proposed project may have on the community by outlining information needed and evaluation procedures to be used.
  - C. Help ensure safe and reasonable traffic operating conditions on streets and intersections after development of the proposed use.
  - D. Reduce the negative traffic impacts created by individual developments, and which may negatively impact such developments, by helping to ensure the transportation system can accommodate the expected traffic safely and efficiently.
  - E. For rezonings, the traffic impact study is intended to evaluate if the rezoning is timely and, if inconsistent with the Master

- Plan, if the rezoning would be a logical alternative to the Master Plan.
- F. Realize a comprehensive approach to the overall impacts of various developments along a corridor or within part of a community rather than a piecemeal approach.
- G. Provide direction to community decision makers, road agencies and developers of expected impacts of a project.
- H. Alert the community, transportation agencies and developers of improvements or modifications needed to the roadway, access or site design.
- I. Protect the substantial public investment in the existing street system.
2. A traffic impact study shall be submitted with the following applications:
  - A. Any proposed rezoning which is inconsistent with the Master Plan where the rezoning would constitute a more intense use.
  - B. Any official request made by an applicant to amend the Master Plan to a more intensive use.
  - C. Any time that the St. Clair County Road Commission requires such a study to be conducted.





- D. Any development which triggers the following warrants or generates more than fifty (50) street peak hour trips:

Either the applicant or the Township may request an initial meeting be held to determine if a study is needed, what type of study is needed, the study area, and the specific items to be addressed in the study. Attendees at this meeting may include the applicant, Township Planner, Township Engineer, Road Commission Staff, Transportation Planners and the like.

- 3. A traffic study shall include the following information:

- A. Description of Existing Traffic Conditions.

- i. Traffic Counts. Existing conditions, including existing peak-hour traffic volumes and daily volumes, if applicable, on street(s) adjacent to the site.

Traffic count data shall not be over two (2) years old, except the community or road agency may permit twenty-four-hour counts up to three (3) years old to be increased by a factor supported by documentation or a finding that traffic has increased at a rate less than two (2) percent annually in the past three (3) to five (5) years. Traffic counts shall be taken on a Tuesday, Wednesday, or Thursday of non-holiday weeks.

- ii. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include land configurations, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds and any sight distance limitations. Existing levels of service shall be calculated for intersections included within the study area.
- iii. Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described.
- iv. The existing right-of-way shall be identified, along with any planned or desired expansion of the right-of-way requested by the applicable road agency.
- v. Traffic crash data and analysis covering the most recent three (3) years for the study area or proximity to the site access points may be required by the Township.

- vi. Approved developments within the study area shall be part of all calculations for anticipated traffic.

- B. Trip Generation.

- i. Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation, published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan.
- ii. For rezoning requests where a traffic study is required, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the Planning Commission.
- iii. Any trip reduction for pass-by trips, transit, ride sharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The community may elect to reduce the trip reduction rates used.
- iv. For projects intended to be developed in phases, the trip generation by phase shall be described.

- C. Trip Distribution. The projected traffic generated shall be distributed (inbound vs. outbound, left turn vs. right turn) onto the existing street network to project turning movements at site access points and nearby intersections, where required. Projected turning movements shall be illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be attached (trip distribution model, market studies, counts at existing driveways, etc.).

- D. Impact Analysis. Level of service or "capacity" analysis at the proposed access points using the procedures outline in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board.



E. Access Design/Access Management Standards. The report shall include a map and description of the location and design of proposed access (driveways or new street intersections), including any sight distance limitations, dimensions from adjacent driveways and intersections within two-hundred fifty (250) feet on either side of the main roadway, data to demonstrate that the number of driveways proposed are the fewest necessary, support that the access points will provide safe and efficient traffic operation, and be in accordance with the standards of Ira Township and the St. Clair County Road Commission (not required for rezoning application). The study shall also include reference to any necessity for acceleration or deceleration lanes as well as by-pass lanes. This should be coordinated with the St. Clair County Road Commission.

- F. Other Study Items.
- i. Need for, or provision of, any additional right-of-way where planned or desired by the applicable road agency as well as any additional roadway improvement.
  - ii. Changes which should be considered to the plat or site plan layout.
  - iii. Description of any needed non-motorized facilities.
  - iv. If the use involves a drive-thru facility, the adequacy of the (queuing and/or stacking) area should be evaluated.
  - v. If a median crossover is desired, separate analysis should be provided.
  - vi. If a traffic signal is being requested, the relationship of anticipated traffic to traffic signal warrants in the Michigan Manual of Uniform Traffic Control progression along the roadway through coordinated timing, etc.
  - vii. Description of site circulation and available sight distances at site driveways.
  - viii. Conflicts with pedestrian traffic within the development and along all site boundaries which require sidewalk access.

G. Mitigation/Alternatives. The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques, should be discussed with the applicable road agency. The responsibility and timing of roadway improvements shall be described.

H. All traffic impact studies shall be prepared by a registered Professional Engineer specializing in the preparation of traffic studies. The preparer shall have a minimum of three (3) years of recent experience in the preparation of traffic impact analyses and provide evidence of ongoing familiarity with the Highway Capacity Manual.

4. The Planning Commission shall review the submitted Traffic Impact Study as a part of the site plan, special land use, subdivision, site condominium or PUD process and forward their findings to the Township Board as a part of their record.
  - A. The proposed development has access to a public road capable of supporting the development.
  - B. The use will not increase traffic that will effectively result in a lower level of service on the abutting road or at intersections proximate to the site.
  - C. The number of driveways serving the site are the minimum necessary to accommodate anticipated traffic.
  - D. The placement and design of driveways will accommodate safe movement of traffic into and out of the site.
  - E. Adequate provisions have been made to accommodate pedestrians.
  - F. Appropriate mitigation measures have been provided to address the anticipated traffic impacts of the development.





5. The Planning Commission or Township Board may waive any of the above requirements upon a finding that such requirements are not necessary to complete a thorough review of the site. The rationale for such waiver shall be set forth in the record of the Planning Commission or Township Board. The Planning Commission or Township Board may consult with the St. Clair County Road Commission or St. Clair County Metropolitan Planning Commission as to whether a waiver is granted.

**5.20 NATURAL RESOURCE GREENBELT**

The Township recognizes the fragility and benefits of certain natural features within the Township such as wetlands, marshes, bogs, streams, inland lakes, ponds, and drains. These features help regulate storm water drainage and water quality, help control erosion and sediment disposition, and provide wildlife and plant habitat. In an effort to help preserve these environmental features and the benefits which they provide, the Township shall require natural resource buffers or greenbelts around natural features located on-site. These buffers will help ensure that no damage, impairment, or other intrusion occurs to the natural habitat and that contaminants do not degrade or destroy these areas.

1. A twenty-five (25) foot undisturbed greenbelt shall be preserved around the boundary of any state or federally regulated wetland and all other flagged wetlands which are intended to remain on-site, and from the ordinary high water mark of any inland lake or pond, stream, creek or drain (improved or unimproved). These areas shall be conspicuously noted on the site plan. Before any land clearing activities are commenced, the developer shall erect and maintain a suitable barrier between such environmental feature greenbelt and lands which are intended to be cleared.
2. There shall be no construction, removal, or deposit of any structures or soils, including dredging, filling, or land balancing within a required natural resource greenbelt.
3. These requirements may be modified by the regulating state, county, or federal agency.

**5.21 ACCESSORY BUILDINGS<sup>m</sup>**

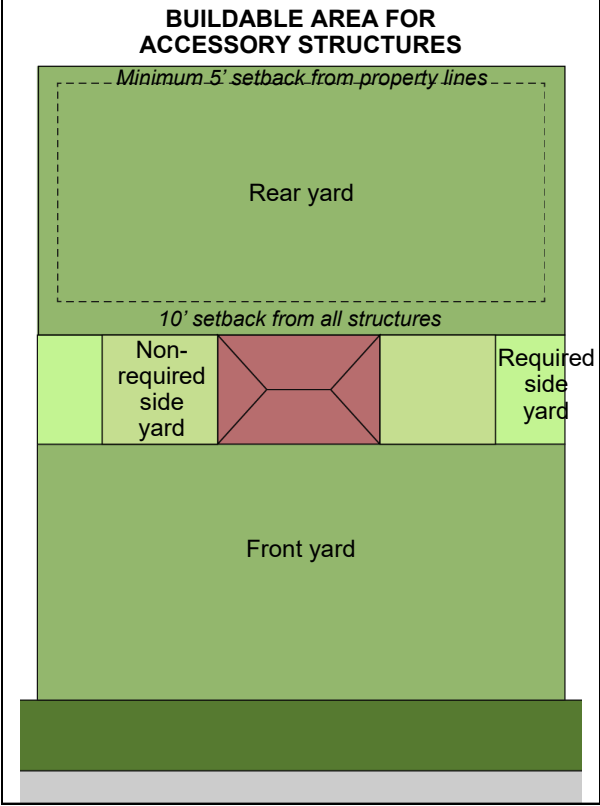
Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. By definition, an accessory building is clearly incidental to the principal building housing the main use; therefore, the Building Inspector shall not issue a building permit for an accessory structure prior to the issuance of a building permit for the main or principal building, and no rough framing of an accessory building shall begin until the rough framing of the principal building has been completed.
2. In the event that a situation arises where the principal building is demolished, leaving an accessory building on the site, said accessory building shall not be used or reused for any purpose other than accessory to a permitted use in that zoning district.
3. 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 the main building.
4. Accessory buildings shall comply with the following requirements:
  - A. Accessory buildings shall be allowed in a rear yard, provided they maintain a minimum setback of five (5) feet from all property lines, and ten (10) feet from all other structures.
  - B. Accessory buildings may be allowed in the non-required side yard, upon compliance with the following:
    - i. The minimum lot size, as measured at the front yard setback line, is one-hundred fifty (150) feet.
    - ii. The minimum side yard setbacks of the zoning district must be maintained.
    - iii. No accessory structure shall be closer than ten (10) feet to any other building.
    - iv. The accessory structure shall be no closer to the front property line, than the front of the principal structure

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5. Accessory buildings shall not exceed one and one-half (1½) stories, or fourteen (14) feet in height in the RS, RU and RT Single Family Residential districts and eighteen (18) feet in height in the AEC Agricultural Estates Conservation and MHP Mobile Home Park districts. Further, such building may not occupy more than twenty-five (25) percent of a required rear yard, or more than forty (40) percent of any non-required rear yard.
6. The total floor area of all detached residential accessory buildings in the RS, RU, and AEC districts shall be in accordance with the following schedule:  

No more than two (2) detached accessory buildings are permitted. The total floor area of both buildings shall not exceed the square footage allowed for that lot size.

In the instance the applicant desires to construct a new accessory structure where the property already contains the maximum size or number of accessory structures permitted by Ordinance and the applicant intends to replace the existing accessory structure with a new structure, the Building Inspector may allow for a permit to construct such accessory structure, provided that a cash performance guarantee of a sufficient amount (as determined by the Building Inspector) to remove the existing structure in a timely manner is provided.

**5.21.6 Total Floor Area of All Detached Residential Accessory Buildings**

Parcel Size	Total Floor Area
Up to 1 acre	900 sq. ft.
1–2 acres	1,600 sq. ft.
2–3½ acres	2,200 sq. ft.
3½–4 acres	2,900 sq. ft.
4–5 acres	3,600 sq. ft.

7. When an accessory building is a boathouse, a boat well, or is substantially over the water, whether it be a river, lake, or canal:
  - A. No more than thirty (30) percent of the building area may have flooring, be it earth, concrete, wood, or any flooring material other than water.
  - B. Boathouses shall not exceed the area of the primary (residential) building, nor shall the sum of a boathouse and any other accessory building exceed the lot coverage requirements of the district.
  - C. A commercial use of a boathouse is not permitted, unless it is located within a commercial district.
  - D. All boathouses, which exceed fourteen (14) feet in height, or with wells to accommodate more than two (2) boats, shall be subject to prior approval of the Zoning Board of Appeals.
  - E. A building permit for a boathouse shall not be issued unless and until the applicant has:
    - i. Complied with all the provisions of this Ordinance, the Township Building Code, and Act 59 of 1995, as amended; and
    - ii. Secured written approval from the U.S. Army Corps of Engineers and the Michigan Department of Natural Resources when such permits are required and within the jurisdiction of those agencies.
8. This Section of the Ordinance shall not apply to agricultural buildings accessory to a working farm, as protected by the "Right-to-Farm" Act.
9. For the purposes of this section, canvas-sided buildings shall be considered accessory buildings requiring a building permit. Such buildings shall be subject to all regulations of [Section 5.21](#).



## 5.22 USE RESTRICTION

Where a portion of a lot or parcel is used to satisfy a provision of this ordinance regarding required yards, lot area per family, density of multiple-family development, or percentage of lot occupancy or coverage, that portion of the lot shall not be used again to satisfy similar requirements for any other building, lot, or parcel.

## 5.23 STORAGE OF VEHICLES, TRAILERS, AND MACHINERY

1. No automotive vehicles, travel trailers, utility trailers, motorized or non-motorized watercraft and or other recreational vehicle(s), whether or not they are registered with the Michigan Secretary of State, shall be parked or stored on any vacant lot in any district. A mobile home being utilized while a permanent home is being constructed shall be permitted during construction. For the purposes of Section 5.23, a vacant lot shall refer to any lot upon which no dwelling unit or other principal building or approved principal use exists.
2. Over the road truck trailers, shipping containers, and similar vehicles and containers shall not be stored on any lot in any zoning district except as follows:
  - A. Commercially leased mobile storage units may be kept on a site for up to one hundred twenty (120) days; such units may be kept on a site during construction provided that a valid building permit for said construction has been issued by the Township.
  - B. Such vehicles and containers may be kept on the lots of working farms and businesses provided that they are customary and integral to the operation of the farm or business and properly registered for such use.
3. Parking of Commercial Vehicles on Residential Property. Commercial vehicles may be parked on the site of a single family home, subject to the following:
  - A. A commercial vehicle may be parked in a garage or other approved accessory structure.
  - B. No more than one (1) commercial vehicle shall be kept outdoors on any single home site.

- C. Commercial vehicles parked outdoors on home sites shall not be larger than a regularly manufactured pickup truck or van of the type customarily used as a personal vehicle.
- D. Commercial vehicles shall be kept no less than ten (10) feet from the nearest side property line.

## 5.24 TRASH ENCLOSURES

For all uses other than single family homes, all outdoor trash receptacles and areas used for the storage of waste products shall be enclosed and screened from the view of public rights-of-way and adjacent residential properties as follows:

1. The receptacle or storage area shall be enclosed within a fully obscuring fence or wall not less than five (5) feet in height and not more than eight (8) feet in height.
2. The fence or wall shall be constructed of durable materials and designed to match the exterior finish of the principal building on the site.
3. The enclosure shall be accessed by a gate. The gate shall be obscuring and shall remain closed when the enclosure is not being accessed.
4. The enclosure shall be set back no less than fifteen (15) feet from any residential property line.
5. No trash enclosure shall be located in a front yard.
6. Where possible, the applicant is encouraged to incorporate the dumpster enclosure into the building and provide gates, roll-up doors, or similar means of access for trash removal personnel.
7. All trash enclosures shall be mounted on a base of concrete, graded so as to ensure proper drainage of the enclosure. Where sewer service is available, all runoff shall be directed to the sanitary sewer.

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# Article 6.0 Development Procedures



**Article 6.0 Development Procedures**

- 6.1 [Site Plan Review](#)
- 6.2 [Special Land Use Approval Requirements](#)





# 6.0 Development Procedures

## 6.1 SITE PLAN REVIEW

1. The Township Board shall approve a site plan after review by the Planning Commission if one (1) or more of the following conditions apply:

- A. Whenever a building permit is required for the erection or structural alteration of a building (other than farm structures, single-family residential dwellings, and other accessory buildings to such dwellings, unless otherwise regulated by this Ordinance).
- B. For any special land use approval.
- C. Whenever a parking or storage area is to be used or constructed except for single-family residential drives and parking areas.
- D. For any substantial change in use or class of use as determined by the Township.
- E. The development of any public road within the Township not otherwise regulated by Township Ordinances.
- F. Sites being developed for mitigation purposes (i.e. wetland mitigation sites).

Whenever any such development requires site plan approval prior to the issuance of a building or occupancy permit, the procedures outlined below shall be followed and the use shall comply with the requirements and standards of this section.

2. Requirements. The required number of copies of the Site Plan review and/or Special Land Use application (obtainable from the Township) together with the same number of copies of all required drawings and illustrations shall be presented to the Township thirty (30) days prior to the next regular meeting of the Planning Commission to be forwarded to the Planning Commission, Community Planner, Township Engineer and/or Township Attorney where necessary. All of the following detailed information must be submitted:

- A. Application Form
  - i. Applicant's name and address.
  - ii. Name of the proposed development.
  - iii. Common description of the property and complete legal description.
  - iv. Dimensions of land, width, length, acreage and frontage.
  - v. Existing zoning and zoning of adjacent properties.
  - vi. Proposed use of land.

vii. Name, address, city and phone number of:

- a. Firm or individual that prepared site plan.
- b. Legal owner of property.
- c. Applicant (including basis of representation).

viii. Signature of legal owner if not the applicant.

B. Site Plan Drawings and Illustrations (fully dimensioned)

- i. Location map drawn at a scale of four (4) inches equals one (1) mile (showing site in relation to nearest major intersection).
- ii. A minimum drawing sheet size of eighteen (18) by twenty-four (24) inches.
- iii. A scale of not less than one (1) inch equals thirty (30) feet if the developed portion of the property is five (5) acres or less, and one (1) inch equals one hundred (100) feet if over five (5) acres.
- iv. Date and north point.
- v. Location of all existing and proposed structures and uses.
- vi. All aisles, drives and parking areas (include the number of spaces in each).
- vii. Screening and/or protective walls (See [Section 5.9](#)).
- viii. Principal and accessory buildings.
- ix. Location of existing and proposed rights-of-way, widths of all abutting streets, alleys and easements.
- x. Types of facing materials to be used on structures.
- xi. Elevations (front, sides and rear views) of all sides of the building(s).
- xii. A floor plan drawing showing the specific use areas of all existing and proposed buildings on-site.
- xiii. Density calculations.
- xiv. Existing buildings or improvements on the site and on all land adjacent to the site within one-hundred (100) feet.
- xv. Designation of units by type of buildings.

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- xvi. Interior sidewalks and sidewalks within right-of-way.
  - xvii. Exterior lighting locations and methods of shielding.
  - xviii. Trash receptacle location and method of screening.
  - xix. Landscape Plan (See [Section 5.5](#))
  - xx. Drive or street approaches including acceleration, deceleration and passing lanes, if appropriate.
  - xxi. All utilities located on or serving the site.
  - xxii. Loading and unloading area.
  - xxiii. Total floor area.
  - xxiv. Designation of fire lanes.
  - xxv. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension, noise, vibration and emission levels and other data of all such equipment or machinery.
  - xxvi. Location and extent of development of recreation areas, where necessary.
  - xxvii. Seal of a Professional Architect, Landscape Architect, Civil Engineer, Community Planner or Land Surveyor who prepared the site plan drawing. The Planning Commission or its designee may waive this requirement when it is determined that the scope of the project would be minor in nature.
  - xxviii. Existing and proposed contours shall be provided at an interval of one (1) foot. These shall clearly indicate the proposed Grading and Drainage Plan and shall identify any areas of reclaimed or filled land and areas proposed to be dredged and back-filled.
- C. Sign Information. Separate drawings of the proposed sign(s) to be erected on the site may be submitted at the time of site plan review or at a later date. The location of all signs shall be shown on the site plan but the following detailed information may be deferred until later:
- i. Height of the sign above the ground.
  - ii. Surface of the sign (material and dimensions).
    - iii. Area of sign surface. Clearly outline the areas computed as sign area on an illustration.
    - iv. Lettering of sign drawn as it will appear on the erected sign. It need not be in the style of the finished sign, but must be neatly printed in the size and of a weight approximating that of the final constructed sign.
    - v. Method of illumination, if any.
    - vi. Logos, emblems or additional features.
    - vii. Such additional information as the Planning Commission deems necessary and/or pertinent to the application.
    - viii. A drawing of the total building wall upon whose face the sign is proposed to be displayed at a reasonable scale, preferably one-quarter (1/4) inch to one (1) foot.
3. Procedures. When the petition is received, it will be placed on the next available agenda of the next regular meeting of the Planning Commission and a recommendation for approval, revision or disapproval will be made to the Township Board provided the Commission has received a report from all Township Departments, Community Planner, Township Engineer and/or Township Attorney, where necessary. The plan will then be forwarded to the Board for final action at a meeting of the Township Board.
- A. Upon determination of the Township Board that a site plan is in compliance with the Zoning Ordinance as amended and other plans or regulations, it will be so indicated on the site plan.
  - B. Upon determination of the Township Board that a site plan is in compliance except with minor revisions, said changes shall be so indicated. When these changes have been adequately provided, the petitioner may resubmit the site plan to the Planning Commission for review prior to final approval by the Township Board, or
  - C. If extensive revisions to the site plan are necessary to meet the ordinance, plan and regulation requirements, the site plan shall be disapproved and the applicant requested to prepare an alternate site plan. In this case "DISAPPROVAL" shall be written on the plan and reasons for disapproval indicated. If the applicant

desires to prepare an alternate plan, the same procedure as outlined under [Section 6.1.2](#) "Requirements" above must be met.

- D. In the process of reviewing the site plan, the Planning Commission shall consider:
- i. Single-family development on the basis of a subdivision.
  - ii. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic. The traffic circulation features, within the site and location of automobile parking areas; and may make such requirements with respect to any matter as will assure:
    - a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
    - b. Satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
  - iii. Upon approval of a site plan by the Township Board, the petitioner shall request a building permit within twelve (12) months or the site plan shall be declared to be invalid. Upon receipt of a building permit, reasonable construction shall be commenced within six (6) months, and reasonably continued, or the site plan and building permit shall be declared to be invalid, unless the petitioner requests an extension and obtains a renewed building permit from the Building Inspector.
  - iv. Minor revisions to an approved site plan may be approved by the Township Board upon review by the township building official and township planner, provided that such changes do not materially alter the approved site design, intensity of use, or demand for public services. Revisions to an approved site plan that are not considered to be minor, shall be reviewed by the Planning Commission as an amended site plan.

## 6.2 SPECIAL LAND USE APPROVAL REQUIREMENTS

1. General Requirements. For all special land uses, a site plan shall be submitted for review by the Planning Commission and approval by the Township Board and shall conform to the requirements and procedures for site plan review set forth in [Section 6.1](#). If the plans meet the required standards of this Ordinance, Article and applicable Section and indicate no adverse effects which, in the opinion of the Township Board, cause injury to the residents, users or adjoining property or the Township as a whole, the Board shall approve the use. The Planning Commission shall hold a public hearing on the requested special land use and make a recommendation to the Township Board. The Township Board shall have the sole authority to approve or disapprove all special land uses. In consideration of all applications for special land use approval, the Township Board shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed special land use if it is to be approved. Such uses shall be subject to conditions, restrictions and safeguards deemed necessary within the scope of the law as set forth below.
  - A. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
  - B. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.

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- C. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
  - D. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
  - E. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses in regards to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
  - F. The proposed use is necessary for the public convenience at the proposed location.
  - G. The proposed use is so designed, located, planned and operated that the public health, safety and welfare will be protected.
  - H. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
2. Approval. If the Township Board determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular use(s) which have been allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use so approved.
  3. Denial. If the Township Board shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement thereon which clearly sets forth the findings and

- conclusions relative to the special land use application which specifies the basis for the decision and any conditions imposed. The decision to deny the special land use may be appealed before the Ira Township Zoning Board of Appeals. An application for an appeal of denial to the Ira Township Zoning Board of Appeals must be filed with the Township Offices within thirty (30) days of the date the application was denied. The Board of Appeals shall prepare a transcript of the proceeding of any such appeal that shall constitute the official record of the appeal.
4. Record. The decision on a special land use shall be incorporated into a written statement which clearly sets forth the findings and conclusions relative to the special land use application which specifies the basis for the decision and any conditions imposed.
  5. Hearings. The Township Board authorizes the Planning Commission to investigate the circumstances of each request for special land use approval and to hold a public hearing on each such request as required by State law and/or its Rules of Procedure.
  6. Conditions. The Township Board may impose such conditions or limitations in granting approval as may be permitted by State law and this Ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include limitations necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:
    - A. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
    - B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.





- C. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- D. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Township Board shall maintain a record of changes granted in conditions.

7. Revocation

- A. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the Township not later than one hundred twenty (120) days thereafter, or such approval shall automatically be revoked; provided, however, the Planning Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate.
- B. A special land use permit shall be valid for a period of twelve (12) months after the date of issuance of the building permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this 12 month period, the Building Official shall notify the applicant in writing of the expiration of said permit; provided, however, that the Planning Commission may extend the permit for a period of time not exceeding six (6) months if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. Once the special land use is established and the conditions of the permit fulfilled, the special land use permit shall be valid until such time that there is a change of conditions or use related to the permit. The Planning Commission reserves the right to review, with the applicant and the Township Zoning Administrator, the status of Special Use Permits on an annual basis.

- C. If any special land use fails to conform to the specific standards for the particular use, any conditions imposed as part of the special land use permit, the Performance Standards of Article 20, the lot area and width requirements of this Ordinance, any other provisions of the Zoning Ordinance, or any federal, state and local statutes governing the particular land use allowed under the permit, then the Township Board shall have the authority to revoke the Special Land Use Permit based on a site inspection by the Ordinance Enforcement Officer and its own findings of fact. Prior to revoking the special land use permit, the Township shall:
  - i. Have its Ordinance Enforcement Officer inspect the site and use under consideration and issue a written notice of the violation(s) found to the current permit holder by Regular US Mail.
  - ii. Offer the permit holder thirty (30) days to correct all violations, without penalty.
  - iii. If all violations are not corrected within thirty (30) days, the Township Board shall hold a revocation hearing as follows:
    - a. The Township Board shall notify the permit holder by Regular U.S. Mail of the date, time and place of a hearing concerning the proposed revocation of the special land use permit.
    - b. Public notice of the revocation hearing shall be given in the manner required by the Michigan Zoning Enabling Act.
    - c. During the hearing, the permit holder shall be afforded an opportunity to present any reasons for why the standards of the permit and/or this Ordinance are not being met.
    - d. Following the hearing, the Township Board may revoke the special land use permit, based upon findings made in the specific case and testimony received during the hearing, and shall notify the permit holder of the findings and decision in writing.

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D. If at any point the original Special Land Use permit holder transfers the land and the use to another party, the Permit shall remain valid for the property subject to the conditions and requirements of Section 6.2 and any conditions placed on the original special land use and permit by the Township Board. The new holder of the permit shall submit notification of the transfer and an affidavit agreeing to all conditions of the original approval to the Township Board within sixty (60) days of the transfer.





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# Article 7.0 Administration, Appeals and Enforcement



## Article 7.0 Administration, Appeals and Enforcement

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# 7.0 Administration, Appeals, and Enforcement

## 7.1 PERFORMANCE GUARANTEE

Whenever improvements such as paving of parking areas, greenbelts, screen walls, or other improvements are required by this Ordinance, they shall be shown on a site plan for the proposed use. In addition, the owner of the subject property shall deposit with the Township Clerk a cash performance guarantee in the amount of five-hundred dollars (\$500.00) or ten (10) percent of the estimated cost of the required improvements, whichever is the larger amount. The cash performance guarantee shall be a requirement of a temporary occupancy permit. The entire sum shall be returned to the owner upon satisfactory completion of the required improvements within the time limits specified herein.

## 7.2 ENFORCEMENT

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

## 7.3 DUTIES OF BUILDING INSPECTOR

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

The Building Inspector shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of [Section 7.23](#).

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

The Building Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

## 7.4 PLOT PLAN

The Building Inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan (certified plot plans for all lots of one-hundred (100) feet or less of frontage), in duplicate, drawn to scale, showing the following:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures, to be erected, altered or moved and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

Further, a preliminary "certificate of grading and location of house" shall be duly completed and certified by a registered engineer or a registered land surveyor before rough carpentry begins. A final "certificate of grading and location of house", which is substantially the same as the preliminary grade certification, shall be duly completed and certified by a registered engineer or a registered land surveyor before a final certificate of occupancy is granted. A certificate of elevation compliance performed by a licensed surveyor shall also be submitted for all residences located within Flood Zone A, as defined by FEMA. Finally, any other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

## 7.5 PERMITS

The following shall apply in the issuance of any permit:

1. Permits not to be issued. No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this and other Ordinances.

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- 2. Permits Required. No building or structure, or part thereof, shall be hereinafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress, and ingress, or other changes affecting or regulated by the Township Building Code, Housing Law of Michigan or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

Construction plans for water mains, sanitary sewers, paving, storm drainage facilities and site grading, approved by the Township Engineer, shall also accompany an application for a building permit where necessary.

**7.6 CERTIFICATES**

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

- 1. Certificate for New Use of Land. No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.
- 2. Certificate for New Use of Buildings. No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.
- 3. Certificates not to be Issued. No Certificate 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.
- 4. 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 or structure.
- 5. 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.

- 6. Certificates for Existing Buildings. Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
- 7. Records 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.
- 8. Certificates for Dwelling Accessory Buildings. Buildings or structures accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.
- 9. Application for Certificates. Application for Certificates of Occupancy shall be made in writing to the Building Inspector on forms furnished by him, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structures or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant therefor, shall be notified of such refusal and cause thereof, within the aforesaid five-day period.

**7.7 FINAL INSPECTION**

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

**7.8 FEES**

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



## 7.9 INTERPRETATION

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

## 7.10 ZONING COMMISSION

The Township Planning Commission is hereby designated as the Commission specified in Public Act 110 of 2006, as amended, and shall perform the duties of said Commission as provided in the statute in connection with the amendment of this Ordinance.

## 7.11 PLANNING COMMISSION APPROVAL

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

The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, as required under its rules of procedure.

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

## 7.12 CHANGES AND AMENDMENTS

The Township Board may from time to time, on recommendation from the Planning Commission, on its own motion, or on petition, amend, supplement or change this Ordinance in accordance with the procedure established.

## 7.13 FEES—PETITION FOR AMENDMENT

Upon presentation of petition for amendment of the Zoning Ordinance by the owner of the real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the Township Board and shall be paid to the Township Clerk to partly defray the expense of publishing the required notices of public hearings and the expenses of said public hearing.

## 7.14 VIOLATIONS

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five-hundred dollars (\$500.00) and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

At the discretion of the Township Code Enforcement Officer or Agent any person or persons who violate the provisions of the Ordinance shall be deemed to have committed a civil infraction instead of a misdemeanor and upon admission of liability or a court finding of liability such person or persons shall pay the fine and costs that are prescribed in the Municipal Civil Infraction Ordinance of Ira Township.

## 7.15 PUBLIC NUISANCE PER SE

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

## 7.16 FINES, IMPRISONMENT

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

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**7.17 EACH DAY A SEPARATE OFFENSE**

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

**7.18 RIGHTS AND REMEDIES ARE CUMULATIVE**

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

**7.19 VARIANCE**

A zoning variance is a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement would cause practical difficulties owing to circumstances unique to the individual property on which the variance is granted.

**7.20 EXCEPTION**

An exception is a use permitted only after review by the Planning Commission, Township Board, or Board of Appeals of an application, such review being necessary because the provisions of the Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by Ordinance.

**7.21 CERTIFICATES OF ZONING COMPLIANCE FOR NEW, REOCCUPIED, ALTERED OR NONCONFORMING USES**

1. It shall be unlawful to use, occupy, reoccupy, or permit the use or occupancy of any structure or premises, or parts thereof, hereafter created, erected, changed, converted or wholly or partially altered or enlarged, until a Certificate of Zoning Compliance has been issued therefore by the Building Official stating that the proposed use of the structure or lot conforms to the requirements of this Ordinance.
  - A. The Building Official shall maintain a record of all Certificates of Zoning Compliance issued pursuant to this Ordinance.
  - B. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance and shall be punishable under the applicable provisions of this Ordinance.

2. Issuance of Certificate of Zoning Compliance. A certificate of zoning compliance shall be issued by the Building Official upon the recommendation of a review committee, comprised of the Township Supervisor, Clerk, Planning and Engineering consultants, Building Official, Superintendent of the Water and Sewer Department, Assessor, and Fire Inspector or their designees. An application, together with site and floor plans for the proposed use shall be submitted to the Township Clerk. The Clerk will distribute the plans to the review committee. The review committee shall return their written comments to the Clerk's office within five (5) days after receipt from the Clerk. The committee comments shall be either to approve, approve with conditions, or deny the Certificate of Zoning Compliance. The review committee's recommendations to deny the Certificate of Zoning Compliance must state the basis for the recommendation for denial. The Clerk shall transmit the review committee recommendations to the Building Official, who shall then issue the Certificate of Zoning Compliance, or notify the applicant that the application for a Certificate of Zoning Compliance has been denied and the reasons therefore.

**7.22 BOARD OF APPEALS**

1. Creation and membership. There is hereby established a Board of Appeals, hereinafter called the "Board," which shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, as amended, and in such way that the objectives of this Ordinance shall be observed, public safety and welfare secured and substantial justice done. The Board shall be composed of the five (5) following members:
  - A. One (1) member of the Board of Appeals shall be a member of the Township Planning Commission for the period of his term of office.
  - B. The remaining members shall be selected by the Township Board from among the electors residing outside of incorporated cities and villages, for a term of three (3) years.
  - C. One (1) member of the Board of Appeals may be a member of the Township Board, for the period of his term of office.



An elected officer of the Township shall not serve as chairperson of the Board of Appeals. An employee or contractor of the Township Board may not serve as a member of the Board of Appeals.

- D. The Township Board may appoint two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from, or unable to attend, two (2) or more consecutive meetings of the Zoning Board of Appeals, or for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member, having been appointed, shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
2. Meetings. All meetings of the Board of Appeals shall be held at such times as approved by the Zoning Board of Appeals and posted in compliance with the Open Meetings Act, the call of the Chairman and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public. Further, all applications heard at such meetings shall be properly noticed as required in Public Act 110 of 2006, as amended. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

3. Appeal. An appeal may be taken to the Board of Appeals by any person, firm or corporation or by any officer, department, board or bureau affected by a decision of the Building Inspector. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Building Inspector and with the Board of Appeals, a notice of appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from were taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Board of Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificates a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appeal and testify at the hearing, either in person or by duly authorized agent or attorney.

A fee shall be paid to the Township Clerk at the time the notice of appeal is filed, which the Clerk shall forthwith pay over to the Township Treasurer to the credit of the general revenue fund of the Township. The fees to be charged for appeals shall be set by resolution of the Township Board.

4. Jurisdiction. The Board of Appeals shall have the following powers and it shall be its duty:
- A. To hear and decide on all matters referred to it upon which it is required to pass under this Ordinance.
  - B. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Building Inspector in the enforcement of this Ordinance.

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C. To grant variances from the standards of the ordinance. In hearing and deciding appeals, the Board of Appeals shall have the authority to grant such variance therefrom as may be in harmony with their general purpose and intent so that the function of this Ordinance be observed, public safety and welfare secured and substantial justice done, including the following:

- i. May interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the Plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
- ii. May permit erection and use of a building or use of premises in any use district for public utility purpose, upon recommendation of the Planning Commission.
- iii. May permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
- iv. May permit modification of wall requirements only when such modification will not adversely affect or be detrimental to surrounding or adjacent development.
- v. May permit, upon proper application, temporary uses not otherwise permitted in any district, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible, and uses which do not require the erection of any capital improvement of a structural nature.

The Board, in granting permits for the above temporary uses, shall do so as near as possible to the following conditions:

- a. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.

- b. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
- c. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township, shall be made at the discretion of the Board of Appeals.
- d. In classifying uses as not requiring capital improvements, the Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments such as, but not limited to: golf-driving ranges, and outdoor archery courts, or structures which do not require foundations, heating systems or sanitary connections.
- e. The use shall be in harmony with the general character of the district.
- f. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in [Section 7.22.6](#) of this Ordinance.

D. Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties within the meaning of this Ordinance, the Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:



- i. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or classes of uses in the same district or zone.
  - ii. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
  - iii. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
  - iv. That the granting of such variance will not adversely affect the purpose of objectives of the comprehensive Plan of the Township.
- E. In consideration of all appeals and all proposed variations to this Ordinance, the Board of Appeals shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.
- Nothing herein shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the Zoning Ordinance or the official Zoning Map through the granting of use variances or the like, such power and authority shall be reserved for the Township Board in the manner provided by law.

- 5. Exercising powers. In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the individual or decision-making body from whom the appeal is taken.
  - 6. Notice. The Board of Appeals shall make no determination except in a specific case and after a hearing conducted by said Board. A written notice of the time and place of such public hearing shall be provided for as required in Public Act 110 of 2006, as amended.
  - 7. Miscellaneous. No order of the Board of Appeals permitting their erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- No order of the Board of Appeals 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 use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for 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.

**7.23 NONCONFORMITIES**

- 1. Intent. It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed.
- It is recognized that there exist within the districts established by this Ordinance uses which were lawful before this Ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

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

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

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

2. Nonconforming Lots. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements of area, width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area, width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
  - B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
  - C. If such nonconforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
3. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- A. No such structure may be enlarged or altered in a way which increases its nonconformity, such as extending the structure further into the required setback, increasing the building mass in the setback which is nonconforming, etc.
  - B. Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
    - i. This provision shall not apply to nonconforming residential structures provided the residential structure is rebuilt in the exact location and manner in which it was originally constructed as determined by the building official. If the building official determines the proposed construction is substantially different than that of the original structure, all applicable requirements of the Ordinance shall be met. If the structure was located within the existing dedicated public right-of-way or easement, the structure shall not be reconstructed in that location.





- ii. In reviewing the redevelopment of nonconforming nonresidential uses which have been destroyed, the Planning Commission may approve a structure location which does not meet the required setback provided the location represents an overall reduction in the nonconformity and the structure substantially complies with that of the original nonconforming structure. If the proposed structure represents a substantial deviation from the original structure, all applicable requirements of the Ordinance shall be met.
  - C. Should such structures be moved for any reason for any distance whatever, it shall thereafter conform (or conform to the greatest extent possible) to the regulations for the district in which it is located after it is moved.
4. Nonconforming Uses of Structures and Land. If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- 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.  
 This provision shall not apply to nonconforming residential structures provided the residential structure is rebuilt in the exact location and manner in which it was originally constructed as determined by the building official. If the structure was located within the dedicated public right-of-way or easement, the structure shall not be reconstructed within the existing right-of-way or easement.
  - B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
  - C. In any district, if no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification provided that the building official, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the building official may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.
  - D. Any structure, or structure and land combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure and/or land is located, and the nonconforming use may not thereafter be resumed.
  - E. When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
  - F. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
5. Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding sixty (60) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

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Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

- 6. Uses Allowed as Special Land Uses Not Nonconforming Uses. Any use, which is permitted as a special land use, as provided in this Ordinance shall not be deemed a nonconforming use in such district.
- 7. Change of Tenancy or Ownership. There may be a change of tenancy, or ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.





# Appendix A - Schedule of Amendments

## 2021 – Ordinances Amending the Ira Township Zoning Ordinance

Ord. No.	Effective January 27, 2021
Section 4.83	<a href="#">Medical Marijuana Uses</a>
Section 5.9.6	<a href="#">Walls and Fences</a>
Section 5.21.1	<a href="#">Accessory Buildings</a>
Ord. No. 125	Adopted September 22 2021 Effective October 13, 2021
Section 5.9.6	<a href="#">Walls and Fences</a>
Section 5.14.1	<a href="#">Waterfront Lots</a>
Section 6.1.3	<a href="#">Site Plan Review</a>

## 2022 – Ordinances Amending the Ira Township Zoning Ordinance

Ord. No. 126	Adopted January 3, 2022 Effective January 19, 2022
Section 5.21.4	<a href="#">Accessory Buildings</a>



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