

**Kenockee Township
Zoning Ordinance
St. Clair County, Michigan**

Article 1 Title and Preamble

Section 1.1 Title

An Ordinance enacted under Michigan Zoning Enabling Act 110 of 2006, as amended, governing the unincorporated portions of the Township of Kenockee, St. Clair County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semi public or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Township into districts and establishing the boundaries thereof; providing for changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a board of appeals; and imposing penalties for the violation of this Ordinance. [1-1]

Section 1.2 Preamble

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purposes of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and the general welfare of the inhabitants of the Township of Kenockee by protecting and conserving the character and social and economic stability of the residential, commercial, agricultural, industrial, and other use areas; by securing the most appropriate use of land: preventing overcrowding of the land and undue congestion of population; providing adequate light, air, and reasonable access; and facilitating adequate and economical provisions of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan now therefore: [G-1]

ENACTING CLAUSE

The Township of Kenockee hereby ordains:

Chapter I

Section 1.3 Short Title

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

Article 2 Definitions and Construction of Language

Section 2.1 Construction of Language

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

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

Section 2.2 A - D Definitions [TA 2-35]

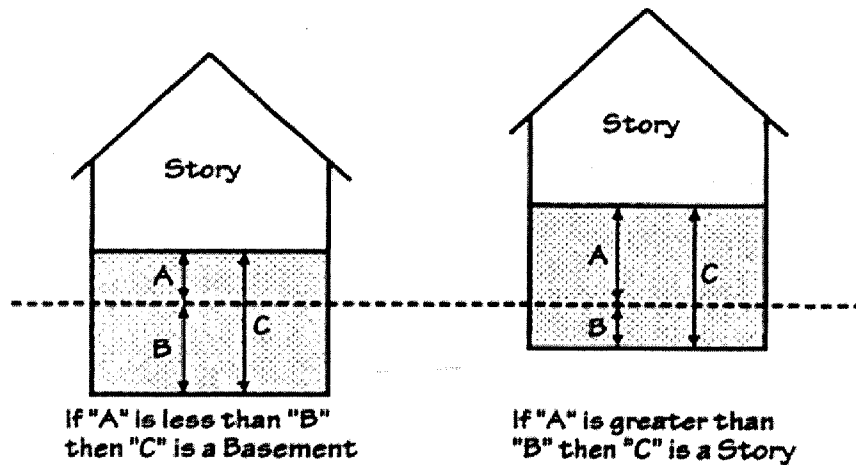
[TA 2-2] [TA 2-3]

1. Accessory Structure: A structure that is subordinate in size or purpose to the principal structure or use of the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal structure or land. [TA 2-33]
2. Agricultural: Means farms and farming in general.
3. Alley: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
4. Alteration: Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

5. **Animal, large:** Cattle, horses, mules, sheep, goats, beasts of burden, or any other domesticated or wild animal weighing more than twenty (20) pounds except pet animals, unusual animals, or fowl. [TR-1]
6. **Animal, small:** Any animal, including rabbits, weighing 20 pounds or less, except pet animals, unusual animals, or fowl. [TR-1] [TA 2-4] [TA 2-5] [TA 2-4] [TA 2-5]
7. **Architectural Features:** Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments. [G-1] [TA 2-4]
8. **Attic:** The space between the ceiling beams of the top habitable floor and the roof. See Figure 2-10: Basic Building Terms. [TA G-3] [TA 2-5] [TA 2-5] [TA 2-5] [TA 2-5] [TA 2-6]
9. **Basement:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. See Figure 2-1: Basement vs. Story Diagram. [G-3]

Figure 2-1: Basement vs. Story Diagram

Definition of Basement and Story



[TA 2-5]

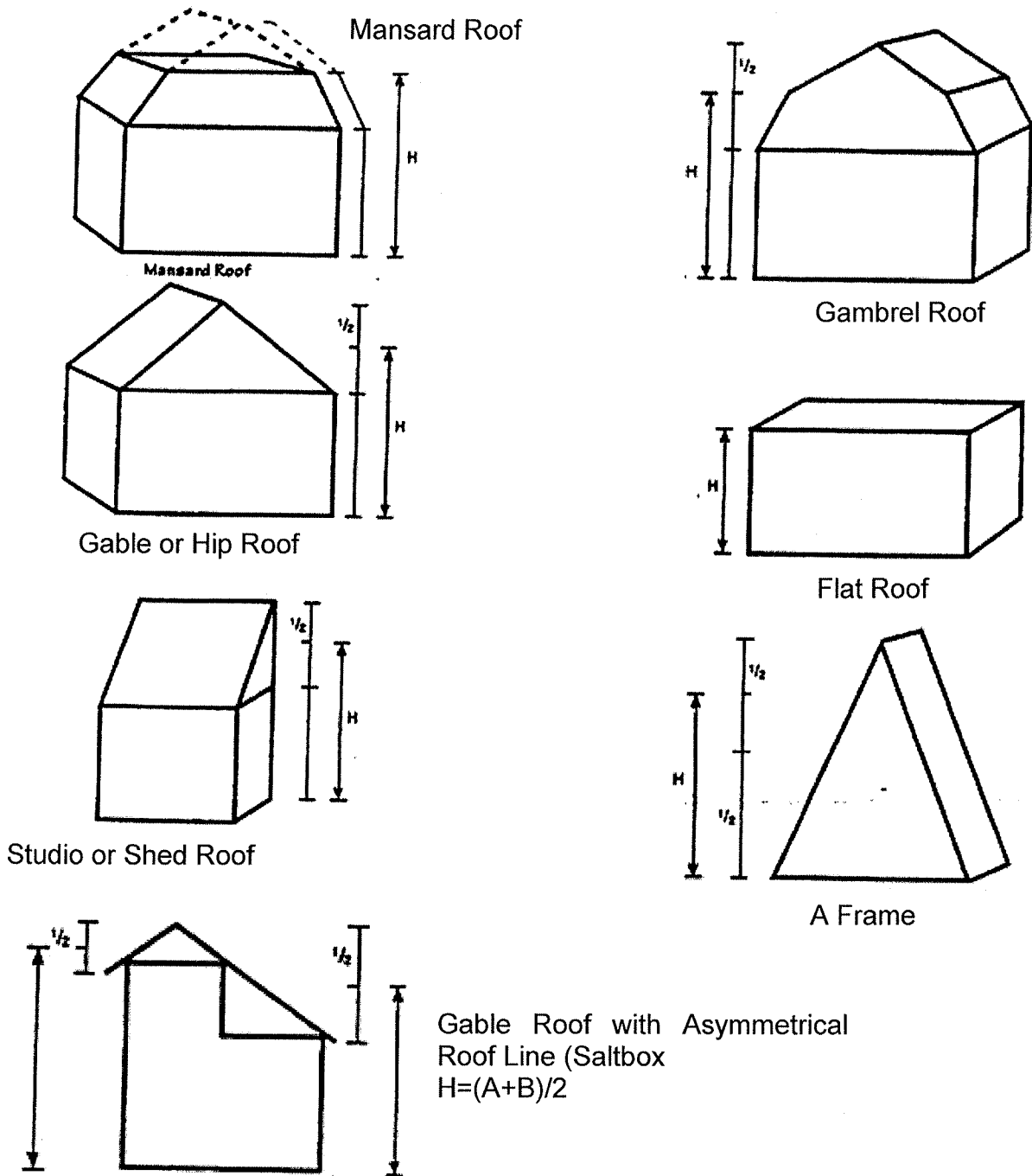
10. **Block:** The property abutting one side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality. [G-1] [TA 2-5]
11. **Building:** A combination of material, whether portable or fixed, forming a structure having a roof supported by columns or by walls affording a facility or shelter for use or occupancy by persons, animals, or property. [TA 2-8]
12. **Building Area:** Means the space remaining after the minimum open space requirements of this Ordinance have been met.

13. Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. See Figure 2-2: Building Height. [G-3]

Figure 2-2: Building Height

Building Height

H = Height of Building



[TA 2-4]

14. Building Permit: Means a permit issued by the Building Inspector under the terms of the Township Building Code; it is not the same as a Zoning Compliance Permit, an Occupancy Permit, nor a special or temporary use permit. [TA 2-9]
15. Cellar: See "Basement". [TA 2-9]
16. Condominium General Common Elements: Portions of the condominium development owned and maintained by the condominium association, as defined in the Condominium Act (PA 59 of 1978). [TA 2-33]
17. Condominium Limited Common Elements: Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all the co-owners of the condominium development, as defined in the Condominium Act (PA 59 of 1978). [TA 2-33] [G-1]
18. Condominium Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in Section 8 of the Condominium Act (PA 59 of 1978). [TA 2-33]
19. Condominium Project: A plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act PA 59 of 1978). [TA 2-33] [G-1]
20. Condominium Project, Conventional: A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area. See Figure 2-3: Conventional Condominium [TA 2-10]

Figure 2-3: Conventional Condominium

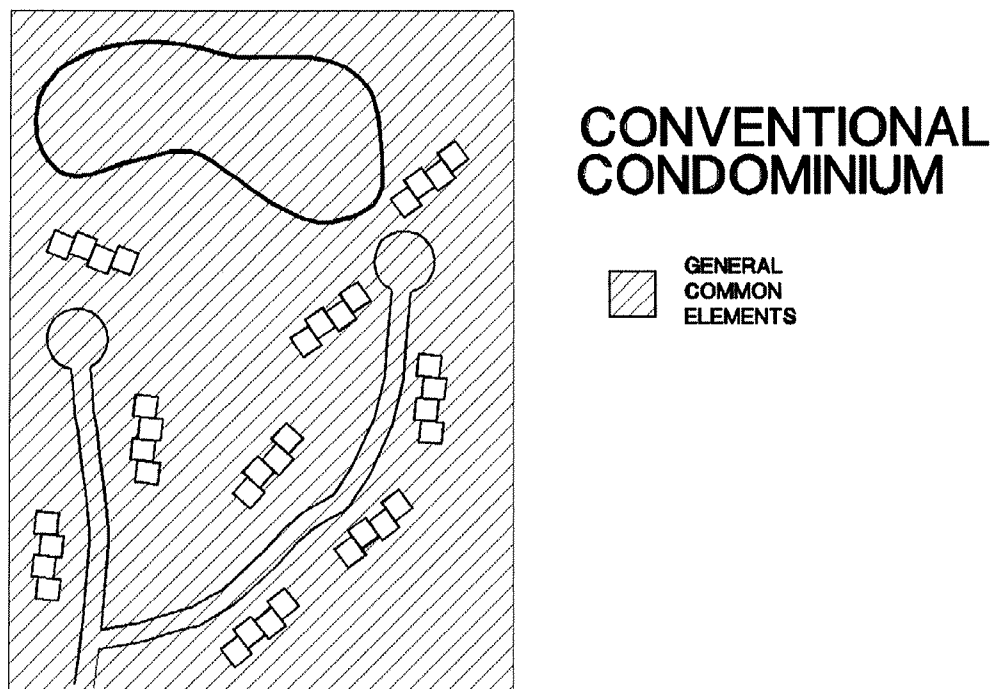
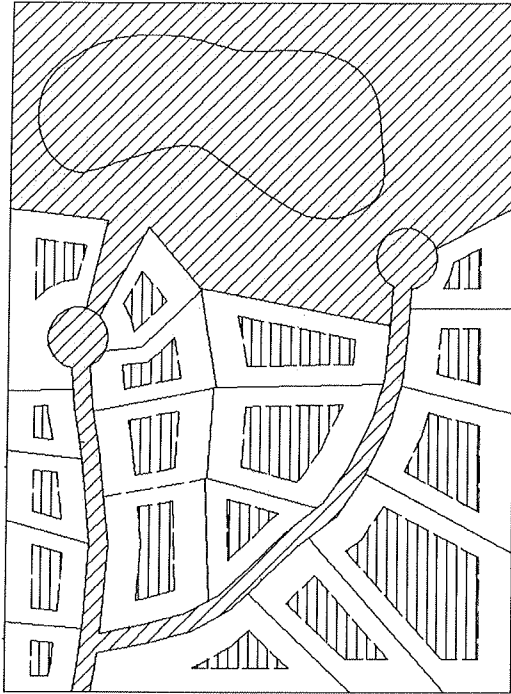





Figure 2-4: Site Condominium



SITE CONDOMINIUM

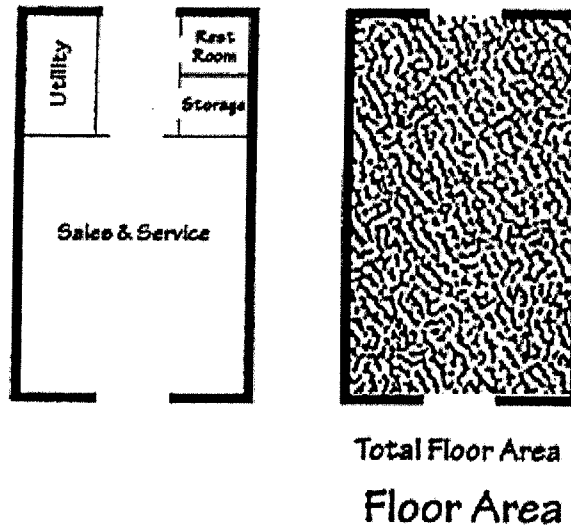
-  GENERAL COMMON AREAS
-  LIMITED COMMON AREAS
-  CONDOMINIUM UNIT

21. **Condominium Project, Site:** A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common elements, constitutes the equivalent of a lot. See Figure 2-4: Site Condominium. [TA 2-10] [TA 2-9]
22. **Court:** An open, uncovered, unoccupied space other than a yard partially or wholly surrounded on at least two (2) sides of a building. A court having at least one (1) side thereof opening onto a public or private street, alley, or yard or other permanent open space is an outer court. Any other court is an enclosed or an inner court.
23. **Density:** The term refers to the number of families residing on, or dwelling units developed on, an acre of land.
24. **Development:** The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.
25. **District:** A portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance. [TA 2-11]
26. **Driveway:** A passageway of definite width, primarily for use by motor vehicles, over private property, loading from a street or other public way to a garage or parking area. A horseshoe shape drive or a "T" shape drive located within a front yard is included within this definition.
27. **Dwelling Unit:** A building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities. [TA 2-12]

Section 2.3 E – I Definitions [TA 2-35]

1. Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.
2. Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings, which are necessary for the furnishing of adequate service by such utility or municipal departments for the general health, safety, or welfare.
3. Excavation: Any breaking of ground, except common household gardening and working of ground for agricultural purposes.
4. Family:
 - a. One or more persons related by blood, marriage, or adoption, with their direct lineal descendants and including the domestic employees thereof living as a single, nonprofit housekeeping unit, or
 - b. A collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort / seasonal in character or nature. [TA 2-12]
5. Fence: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land. [TA 2-12]
6. Floodplain: Means those areas of land adjacent to the rivers, and other water courses of the Township, subject to seasonal or periodic flooding.
7. Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior walls or from the centerline of walls separating two buildings. Gross floor area shall not include: , accessory water tanks, or cooling towers; attic spaces less than 7 feet 6 inches in height, provided that not more than fifty (50%) percent of the perimeter of such terrace, breezeway, or open porch is enclosed. See Figure 2-5: Gross Floor Area. [TA 2-13, G-1 G-3]

Figure 2-5: Gross Floor Area



[TA 2-13]

8. Frontage: That portion of any property abutting a public street or private road; a corner lot and a through lot having frontage on both abutting streets. [TA 2-14]
9. Garage, Private: Means an accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory.
10. Garage, Service: Any premises used for the storage or care of motor driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale. [G-1]
11. Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished ground is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
12. Greenbelt: Is a long strip of land of varying width and shape which is left in its natural state or which is landscaped to provide a protective screening with natural vegetation. Within this area, private construction is prohibited. The purpose for such greenbelts is to provide for permanent open space between two or more urban areas, to retain some of the natural beauty of the region, and/or to provide protective screening. [G-1] [TA 2-14] [TA 2-15] [TA 2-14]

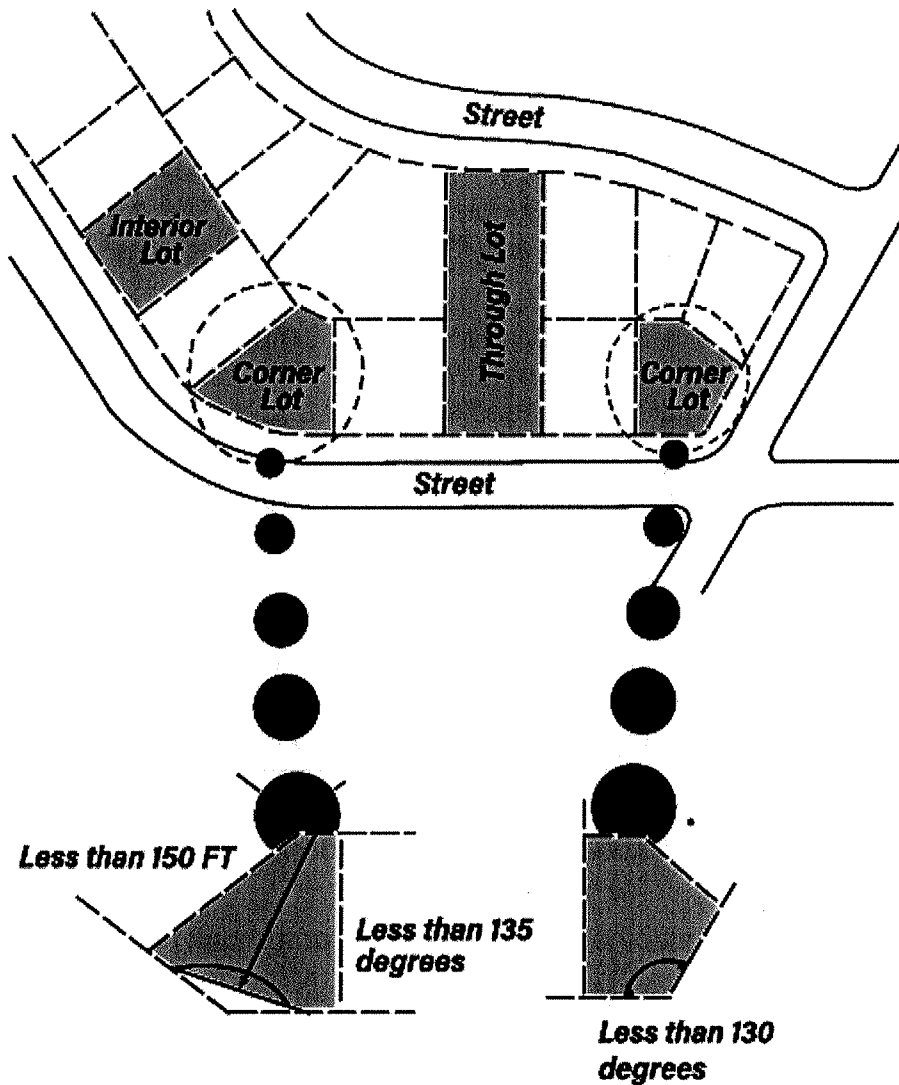
Section 2.4 J - O Definitions [TA 2-35]

1. Junk: Means any motor vehicles, machinery, appliances, product or merchandise with parts missing, or scrap metals, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured. Specifically included are motor vehicles not movable under their own power. [TA 2-14]
2. Landowner: Shall mean the legal or beneficial owner or owners of all the land proposed to be used or developed. The holder of an option or contract to

purchase, or other persons having an enforceable proprietary interest in such land, shall be deemed to be landowner for the purpose of this Ordinance.

3. Landscaping: The treatment of the ground surface with live or synthetic materials such as, but not limited to, grass, ground cover, crushed stone, trees, shrubs, vines and other growing or synthetic horticultural material. Structural features such as fountains, shadow pools, statues, garden walls, pathways, benches, and the like shall also be considered elements of landscaping, but such structural features alone shall not meet the spirit and intent of landscaping requirements. [G-1] [TA 2-6]
4. Loading Space: An off street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
5. Lot: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on Public records. [G-1]
6. Lot, Corner: A lot where the interior angle or two (2) adjacent sides at the intersection of two (2) streets is less than one hundred and thirty (130) 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 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. [G-1]
7. Lot, Interior: Any lot other than a corner lot or through lot. [TA 2-16]
8. Lot, Through: Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required. See Figure 2-6: Lot Type Diagram. [G-3]

Figure 2-6: Lot Type Diagram

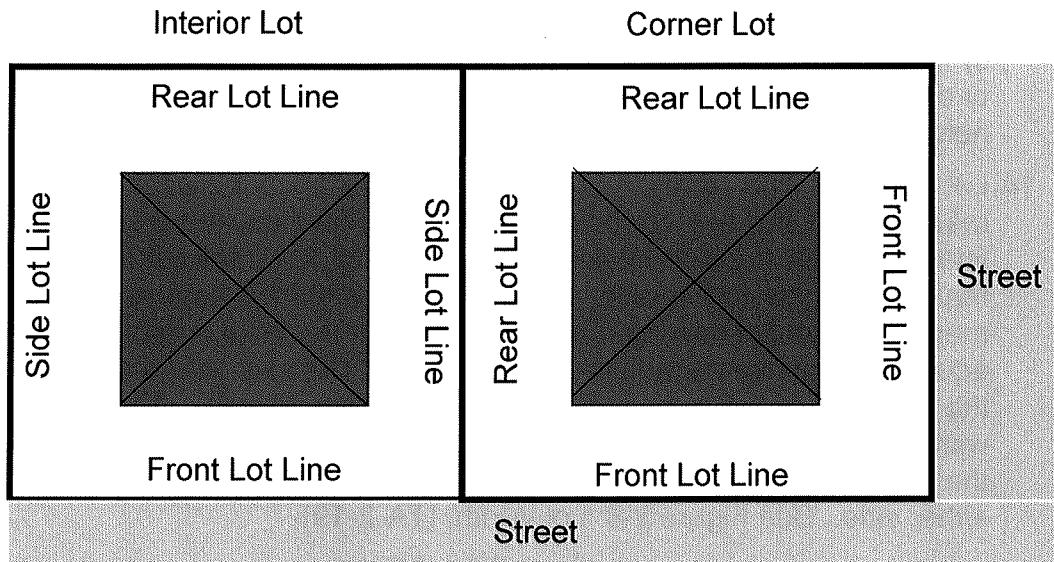


[TA 2-17]

9. Lot Area: The total horizontal area within the lot lines of the lot.
10. Lot Coverage: The part or percent of the lot occupied by buildings, including accessory buildings.
11. Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
12. Lot Lines: The lines bounding a lot as defined herein:

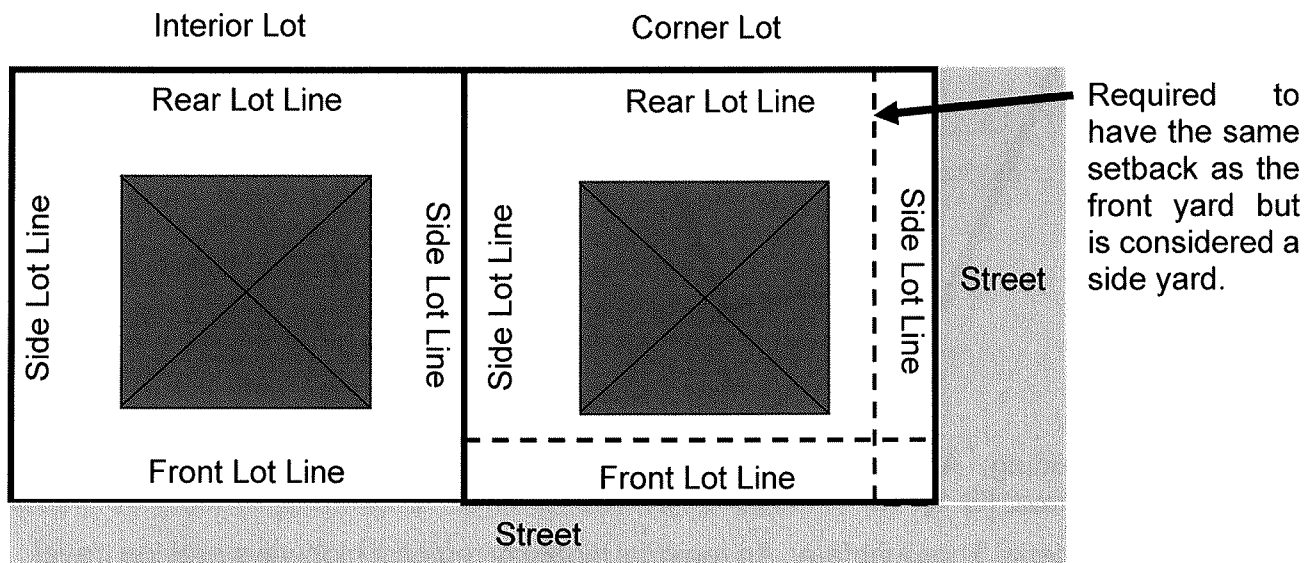
- a. **Front Lot Line:** A lot line that is along the right-of-way on public or private roads. In the case of a corner lot or through lot, there are two front yards.

Figure 2-7: Corner Lot for All Other Districts



In a corner lot, the following shall apply to only the Agricultural, Open Space, and Residential Districts. Where a side yard abuts upon a street on which other residential lots front, the side yard width shall not be less than the required front yard setback. This shall apply whether the side yard is on the same side of the street or across the street from such other fronting residential lots. All buildings, structures and accessory uses shall maintain such required yard space. [16-6]

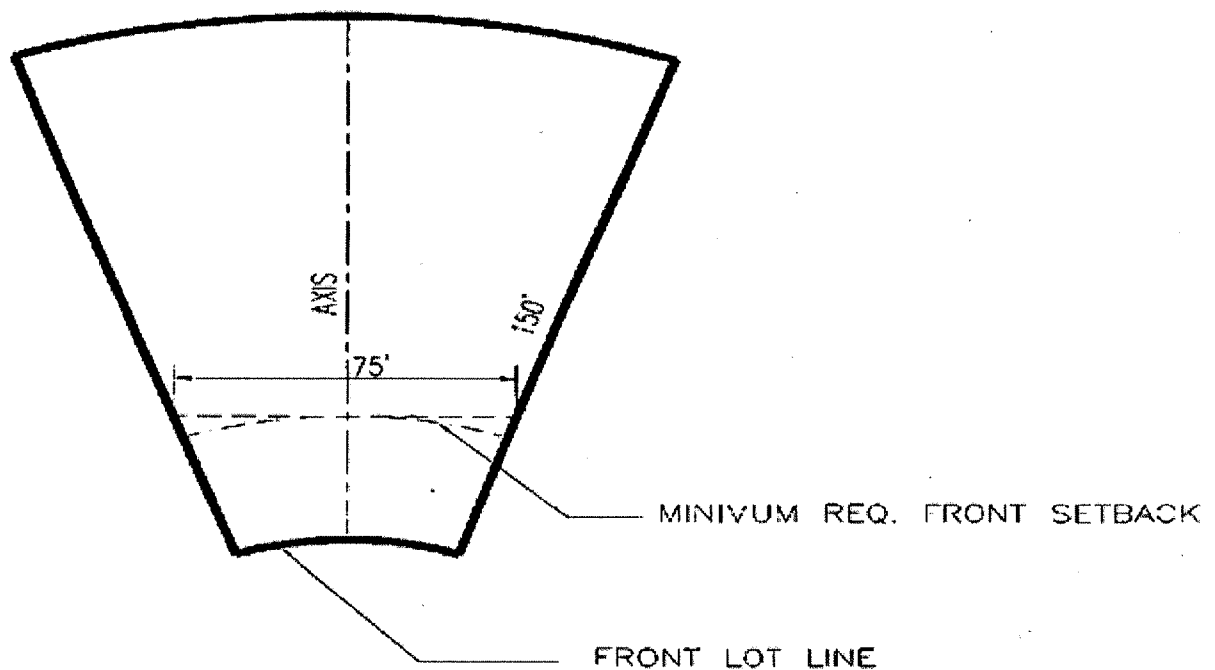
Figure 2-8: Corner Lot for AG, OS, AR, & R



- b. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10') feet long lying farthest from the front lot line and wholly within the lot. In the case of a corner lot or through lot, there is no rear lot line. [G-1]

- c. Side Lot Line: Any lot line other than the front lot line or rear lot line. In the case of a corner lot or through lot, any lot line other than a front yard is a side yard.
13. 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 municipal, or county, officials and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.
14. Lot Width: The straight line horizontal distance between the side lot lines measured at the two (2) points where the minimum required front setback line intersects with the side lot lines. If the side lot lines are not parallel, the width of the lot shall be the straight line horizontal distance between the side lot lines measured along a line intersecting the axis of the lot at a right angle at a distance equal to the minimum required front setback. The axis of a lot shall be a line joining the midpoint of the front and rear lot lines. (See sketch). The minimum required width of a lot shall extend from the front setback line to the rear setback line. In the case of a corner lot, the width shall be the side with the shortest front yard to either side. See Figure 2-9: Lot Width. [TA-2-19]

Figure 2-9: Lot Width



15. Main Building: A building in which houses the principal use of the lot upon which it is situated. [G-1]
16. Major Arterial Thoroughfare: An regional highway regional highways provide travel routes from one city to another, and often times traverse one or more states. They are most often used for longer trips as higher speeds are allowed as stated in the Kenockee Township Thoroughfare Plan. [TA 2-20, G-1] [TA 2-21]
17. Master Plan: Any plan adopted or amended under this act. This includes, but is not limited to, a plan prepared by a planning commission authorized by this act and used to satisfy the requirement of section 203(1) of the Michigan zoning

enabling act, 2006 PA 110, MCL 125.3203, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, township plan, plan, or any other term [TA 2-22, G-1] [TA 2-21]

18. Mezzanine: An intermediate floor in any story occupying not more than one third (1/3) of the floor area of such story. See Figure 2-10: Basic Building Terms.
19. Minor Arterial Thoroughfare: A roadway that provide secondary routes for movement within the community. Their primary function remains the movement of traffic but they serve the secondary purpose of providing access to abutting properties as stated in the Kenockee Township Thoroughfare Plan.

[TA 2-21] [TA 2-15] [TA 2-21] [TA 2-15] [TA 2-14]

20. Municipality: The Township of Kenockee.
21. Nonconforming Building: A building lawfully existed prior to the enactment of the requirements of this Ordinance but does not comply with the current requirements of this Ordinance. [TA 2-24, G-1]
22. Nonconforming Improvement: means parking lot, landscaped area, lighting, or other site plan improvement existed as a legal improvement of record at the effective date of adoption or amendment of this Ordinance, which does not conform to the requirements of this Ordinance until otherwise stated.
23. Nonconforming Lot: Means a lot which exists as a legal lot of record and which existed as a legal lot of record at the effective date of adoption or amendment of this Ordinance, which does not conform to the lot requirements of this Ordinance.
24. Nonconforming Structure: Means a lawful structure which existed at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by means of restrictions on area, lot coverage, height, yards, or other dimensional requirements. [G-1]
25. Nonconforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located. [TA 2-21]
26. Nuisance factors: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, and/or (o) invasion of non abutting street frontage. [G-1] [TA 2-21]
27. Off Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of vehicles. [TA 2-21] [TA 2-25]

Section 2.5 P – R Definitions [TA 2-35]

1. **Parking Space:** An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles. [TA 2-21]
2. **Planning Commission:** Shall mean "Kenockee Township Planning Commission".
3. **Plot Plan:** A plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other such information. [TA 2-33]
4. **Pond:** A body of water usually smaller than a lake, artificially created by embankment or excavation intended for any of the specific permitted uses as provided in Section 7.15. [G-1]
5. **Porch, Open:** A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. [TA 2-21]
6. **Principal Use:** The main use to which the premises are devoted and the principal purpose for which the premises exist.
7. **Projection:** A part or connected component of a building or structure, that goes beyond the main mass of the object. [TA 2-33] [G-1] [TA 2-21]
8. **Recreational Vehicle:** A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. [TA 2-33]
9. **Residential Zoning District:** Shall include the R Residential, MR Multiple Family, MH Manufactured Housing, and AR Avoca Residential zoning districts.
10. **Right-Of-Way:** A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries. [TA 2-33]
11. **Room:** For the purpose of determining the lot area requirements and density in a Multiple Family district, a room is a living room, dining room, or bedroom equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented having one- (1), two- (2), or three- (3) bedroom units and including a "den", "library", or other extra room shall count such extra room as a bedroom for the purpose of computing density. [G-1] [TA 2-21]
12. **Rubbish:** Means the miscellaneous waste materials resulting from housekeeping, mercantile enterprise, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rages, chemicals, or any similar or related combinations thereof. [TA 2-21]

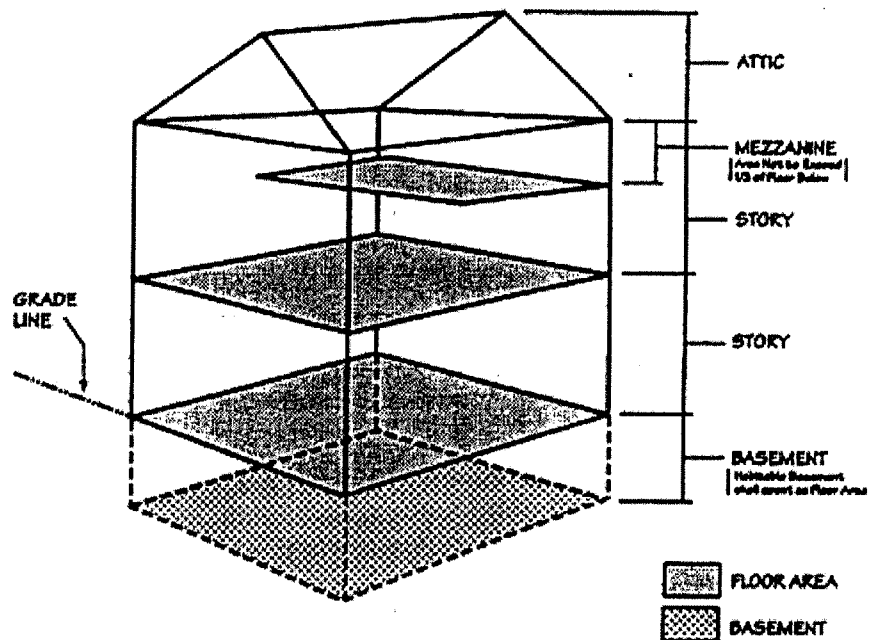
Section 2.6 S - Z Definitions [TA 2-35]

1. **Setback:** The distance between every building and the lot lines of the lot on which it is located. [TA 2-26]

2. Setback, required: The required distance between every building and the lot lines of the lot on which it is located.
3. Sign: A name, identification, description, display, or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel, or lot, and which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign shall include the following types:
 - a. Awning/Canopy Sign: A sign that is painted, mounted, or otherwise applied to a surface located on the canopy or awning located on the premises.
 - b. Billboard Sign: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. [TA 2-27]
 - c. Digital/Message Board Sign: A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.
 - d. Freestanding Sign: A sign which is supported by one or more poles, uprights, or braces in or upon the ground, which are not a part of the building located on the premises.
 - e. Multiple Tenant Sign: An identification sign for a commercial site with multiple tenants.
 - f. Projecting Sign: A sign other than a wall sign suspended from or supported by a building or structure and projecting there from including marquees located on the premises.
 - g. Roof Sign: A sign which is erected, constructed, and maintained above the roof of a building located on the premises. [G-1]
 - h. Wall Sign: A sign which is attached directly to the wall of a building and which extends not more than eighteen (18") inches from the wall located on the premises.
 - i. Window Sign: A sign affixed to the interior or exterior of a window or placed immediately behind a windowpane so as to attract the attention of persons outside the building.
4. Soil Removal: Means the removal of any kind of soil or earth matter which includes topsoil, sand, gravel, clay, or similar materials or any combination thereof, except common household gardening and general farm care. [G-1]
5. Special Land Use: This definition is based upon the division of the Township into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, there is a need to carefully regulate them with respect to their location for the protection of the community. These uses, due to their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use. [TA G-2] [TA 2-21]

6. **Stable, Private:** A structure or shelter where horses that are owned by the immediate family are kept, where said horses are not boarded and are not maintained for the purpose of hire or sale.
7. **Story:** That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50%) percent, by cubic content, is below the height level of the adjoining ground. See Figure 2-1: Basement vs. Story Diagram. [TA G-3]
8. **Story, Half:** An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet, six inches (7'6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

Figure 2-10: Basic Building Terms



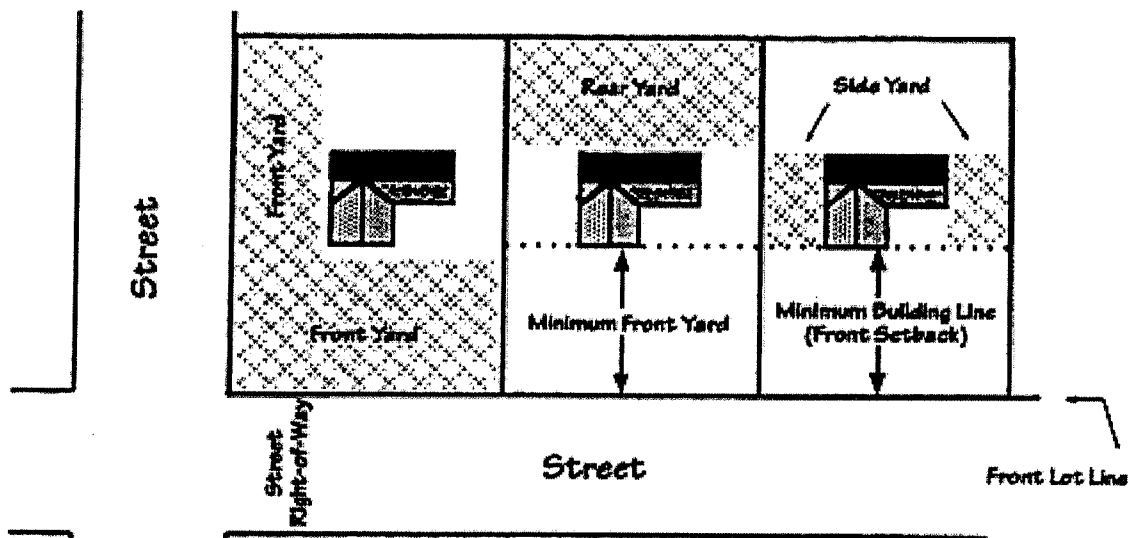
9. **Street:** A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property and which has been improved to the extent that it has been officially accepted by the St. Clair County Road Commission or the Michigan Department of Transportation (MDOT) as a public street, road, or thoroughfare. [G-1]
10. **Structure:** Means anything constructed, placed, or erected which requires permanent location on the ground, and including satellite dish antennae in excess of three (3) feet in diameter, and fences. Excluded are sidewalks, paving on streets, driveways, parking areas, and patios. [TA 2-28] [TA 2-29]
11. **Subdivision Regulations:** Means the regulations governing the subdivision of land, providing the procedure for the preparation and filing of plats, tentative approval of preliminary plats, submission of record of final plats, approval of the

plat by the Township Board, providing for platting regulations and requirements in regard to conformity to the Township's Master Plan.

12. 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. [16-16][TA 2-21]
13. Tents: Means a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.
14. 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. [16-16]
15. Township Board: The legislative body of the Township. [TA 2-33]
16. Township Clerk: The person designated by the Township to carry out the day to day responsibilities and duties of the Clerk. [TA 2-33]
17. Township Engineer: The person designated by the Township to carry out day to day engineering responsibilities. [TA 2-33]
18. Township Planner: The person designated by the Township to carry out day to day zoning administrator or planning responsibilities. [TA 2-21] [TA 2-13]
19. Use: Is an activity being conducted on the site is the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied. [TA 2-30]
20. Use, Change of: A modification or deviation from the original purpose, occupancy, utilization, or classification of a building, structure, or parcel or tract of land. The term is inclusive of (a) a discernible increase in the intensity of use, which by Ordinance imposes more restrictive parking requirements or other more restrictive characteristics of use or (b) an alteration by change of use in a building heretofore existing to a new use group, as defined in the Township's Building Code, which imposes other special provisions of law governing building construction equipment or means of egress. [G-1] [TA 2-31] [TA 2-21]
21. Utility Structure: Means facilities related to and necessary for the operation of: oil, gas, water pipelines, sewer pipelines, electrical transmission lines, telephone and telegraph lines, oil and gas wells, and underground storage fields. Included are such facilities as pumping stations, compressor stations, transformer stations, and switching stations. [G-1]
22. Variance, Non-Use: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted not including a use. [TA 2-32]
23. Wind Rotor: The blades plus hub to which the blades are attached used to capture wind for purposes of energy conversion. [16-16]

24. Yards: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined as follows: See Figure 2-11: Yard Determination
- a. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
 - b. Rear Yard: An open space extended the full width of the lot the depth of which is the minimum horizontal distanced between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
 - c. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.
 - d. Required Yard: That portion of a front, side, or rear yard lying between the front, side, or rear lot line and the corresponding front, side, or rear minimum setback line. [G-1]

Figure 2-11: Yard Determination



25. Zoning Board of Appeals: Is the Zoning Board of Appeals of the Township of Kenockee, which is authorized under the Michigan Zoning Enabling Act 110 of 2006. [TA 2-7]
26. Zoning Permit: A document signed by the Zoning Administrator, as required in the Zoning Ordinance, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure, or building complies with the provisions of the Township Zoning Ordinance or authorized variance there from. [G-1]

Article 3 Zoning Districts and Map

Section 3.1 Districts Established

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

AG	Agricultural District
OS	Open Space Overlay District
R	Residential District
AR	Avoca Residential District
RM	Multiple Family Residential District
MH	Manufactured Housing District
NB	Neighborhood Business District
B	General Business District
I	General Industrial District [3-1]

Section 3.2 Official Zoning Map

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

The Official Zoning Map shall be identified by the signature of the Township Supervisor attested by the Township Clerk, under the following words; "This is to certify that this is the Official Zoning Map referred to in Section 3.2 of the Zoning Ordinance of the Township of Kenockee (include date of adoption)". If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after the amendment has been approved by the Township Board together with an entry on the Official Zoning Map as follows; "On (date), by official action of the Township Board, the following changes(s) were made (brief description with reference number to Board proceedings)". The Zoning Administrator shall be responsible for maintaining an up to date map. [3-2]

Section 3.3 District Boundaries Interpreted

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

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
- D. Boundaries indicated as parallel to or extensions of features shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

E. Where physical or natural features existing on the ground are at odds with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through D above, the Zoning Board of Appeals shall interpret the district boundaries. [TA 2-7, 3-3] [TA 3-4]

Section 3.4 Table of Purpose Statements

Table 3-1: Table of Purpose Statements

<p>AG – Agricultural District</p> <p>The Agricultural District encourages farms on land appropriate for agricultural production, fosters rural life styles, and prevents encroachment from untimely suburban and urban development. Land uses commonly found within the Agricultural District include farming, forestry, plant nurseries, rural residential estates, outdoor recreation and open space, and similar land intensive uses. In the future, based upon the Township's Master Plan, agricultural districts may be converted to other zoning districts to accommodate expansion of urban and suburban areas.</p>
<p>OS – Open Space Overlay District</p> <p>The purpose of this overlay district is to preserve the natural character and beauty of areas having a high degree of environmental quality; to protect the clarity and purity of the watercourses by minimizing bank erosion and sedimentation; and to protect the economic value and the scenic quality of the stream banks and basins for the community and its property owners. The district regulations are designed to ensure that the land will be developed in a manner having the least possible impact on natural resources.</p>
<p>R – Residential District</p> <p>The Residential District encourages the construction of, and the use of the land for, dwellings at a somewhat higher density than the Agricultural district but without overcrowding, where public facilities can be provided at reasonable cost to the owner or developer. The Residential District seeks to provide an environment conducive to the enjoyment of home and family living by discouraging heavy traffic on local residential streets; by not allowing new commercial, industrial and other uses which interfere with residential uses; and by phasing-out already existing non-conforming uses. In the Residential District special provision is made for uses that, because of their character or scale, create a need for public facilities and services that is significantly different from that anticipated in AG developments. Such needs include: water supply, wastewater collection and treatment, new public streets.</p>
<p>AR- Avoca Residential District</p> <p>The AR Avoca Residential District is intended is to encourage the protection and provide areas for dense residential uses. The character of this district is to have a small town feel with a few amenities such as sidewalks. This district is intended to be located in the Avoca Settlement. The residents have access to public sanitary sewer and water services.</p>

RM – Multiple Family District

The RM Multiple Family Residential District is intended to provide areas for residential dwellings and related uses which are of a higher overall density. These districts are intended to be located in areas of the Township which may be provided with public sanitary sewer or water services. Lot size and area minimums are intended to be based on availability of sewer and water services at the time of development.

MH – Manufactured Housing District

The Manufactured Housing District is a moderate density one family residential district designed to provide housing that is safe and adequately spaced for ownership or rental to meet the needs of different age and family groups in the community.

NB – Neighborhood Business District

The NB Neighborhood Business District is intended to provide a small town feel to meet the needs of the neighboring dense residential area and entire Township. Permitted within the NB District are the kinds of businesses associated with "downtowns" or city central business areas. This area is encouraged to have a walkable environment with the ability to allow a mixture of commercial and residential uses. This district is intended to be located in the Avoca Settlement. The developments have access to public sanitary sewer and water services.

B – General Business District

The General Business District is intended to be that district permitting a wide range of retail, office, and personal / business service activities. Permitted within the General Business District are the kinds of businesses associated with planned shopping centers. The permitted uses may serve nearby residential areas, as well as customers from a much larger market area.

The location of General Business Zoning Districts is appropriate at the intersection of highways, since the permitted uses generate vehicular and pedestrian traffic, and some establishments have a tendency to cluster together and can be served by a common parking area. Alternately, such districts may also be planned at appropriate locations along state or county highways, which create business sites easily accessible to customers. General Business Districts are intended to be isolated and buffered from adjacent residential areas where noise and traffic could be disturbing or a hazard.

The mapped General Business Districts in the Township recognize established highway business uses and proposed business concentrations, at locations consistent with the Township's Master Plan. Such districts are proposed to meet future needs for a variety of business sites; to accommodate growth in the region's economy; and to serve a community of households and people increasing in numbers and purchasing power.

I – Industrial District

The General Industrial District is established as a district in which the principal uses allowed are wholesale activities, warehousing, manufacturing, fabrication or processing. For the General Industrial District, in promoting the general purpose of this Ordinance, the specific intent is:

- To control nuisance effects of warehousing, wholesale activities, and industry such as smoke, noise, odor, dust, dirt, glare, vibrations and other adverse effects so that such uses will be compatible with other land uses such as commercial or residential.
- To encourage industrial uses to locate on major highways so that traffic generated by these uses will not utilize local residential streets.
- To provide areas for industrial uses which, because of the nature of their operation cannot control nuisance effects to the extent that they would be compatible with residential or commercial land uses.
- To provide areas in the Township where industrial uses requiring outdoor storage could locate.

Section 3.5 Table of Uses

In order to ensure all possible benefits and protection for the zoning districts in this Ordinance, the land uses have been classified in Table 3-2: Table of Uses.

- A. Permitted Use (P) are land and/or buildings in this district may be used for the purposes listed by right.
- B. Special Land Use (SLU) are uses which may be permitted by obtaining special land use approved when all applicable requirements in Article 15.
- C. Accessory (A) are uses that must have a primary use of the property for it to be considered by right.
- D. If a use is not marked with a P or SLU then that use is not allowed in that corresponding zoning district.

Table 3-2: Table of Uses	Zoning Districts							
	AG	R	AR	RM	MH	NB	B	I
Uses by Category (Key: P= Permitted Use SLU= Special Land Use A= Accessory)								
Agricultural Uses								
Agribusiness uses	SLU							
Farm buildings, nurseries, and greenhouses	P							
Farms	P							
Feedlots	P							
Fish farm operations	P							
Large animals and small-hoofed animals	A							
Public and commercial stables	P							
Roadside stands	P							
Residential Uses								
Adult foster care facility, family home (1-6)	P	P	P					

Table 3-2: Table of Uses	Zoning Districts							
Uses by Category (Key: P= Permitted Use SLU= Special Land Use A= Accessory)	AG	R	AR	RM	MH	NB	B	I
Adult foster care facility, small group home (1-6)		SLU	SLU	SLU				
Adult foster care facility, small group home (7-12)	SLU	SLU	SLU	SLU				
Adult foster care facility, large group home (13-20)		SLU	SLU	SLU				
Boarding house	SLU	SLU	SLU	SLU			P	
Convalescent home, Home for the aged, or Nursing home	SLU			SLU				
Family day care home	P	P	P	P	P			
Group day care home		P	P	P	P			
Home occupations type 1	P	P	SLU	P	P			
Home occupations type 2	SLU	SLU	SLU	SLU	SLU			
Mobile home parks					P			
Multiple-family dwellings				P				
Orphanage, foster home	SLU		SLU	SLU				
Single family dwellings	P	P	P					
Tourist house	SLU	SLU	SLU	SLU			P	
Two family dwellings	SLU	SLU	SLU	P				
Commercial Uses								
Art shops and photographic studios (except those defined as adult entertainment uses), and interior decorating studios						P	P	
Banks, Credit union offices, Savings and loan associations, Stock brokerage						P	P	
Childcare centers, Nursery schools				SLU		P	P	
Drive Through Window Establishments							SLU	
Eating and drinking places including drive in establishments						SLU	SLU	
Gasoline service stations							SLU	
Hotels and motels							SLU	
Medical office, Dental office, Clinics						P	P	
Membership organizations including clubs						P	P	
Major vehicle repair							SLU	
Motor vehicle washing, conveyor, or non-conveyor type							SLU	
Museums, Art galleries							P	
New automobile and truck agency sales and showrooms, open air sale of recreational vehicles, motorcycles, mobile home or other motor vehicle sales areas							SLU	

Table 3-2: Table of Uses	Zoning Districts							
Uses by Category (Key: P= Permitted Use SLU= Special Land Use A= Accessory)	AG	R	AR	RM	MH	NB	B	I
Used automobile and truck agency sales and showrooms, open air sale of recreational vehicles, motorcycles, or other motor vehicle sales							SLU	
Professional Offices, unless otherwise listed						P	P	
Open air business uses						SLU	SLU	
Open front store						P	P	
Retail establishments with 10,000 square feet in GFA or less unless otherwise stated						P	P	SLU
Retail establishments more than 10,000 square feet in GFA unless otherwise stated						SLU	SLU	SLU
Passenger car rental and leasing.						P	P	
Personal service establishments						P	P	
Veterinary Hospitals, Clinics and Kennels	SLU						P	
Entertainment Uses								
Adult entertainment uses							SLU	
Amusement Outdoor Recreation unless otherwise specified	SLU						SLU	
Auto, horse, and sled dog racetracks								SLU
Dance halls, studios and schools						P	P	
Forest and game management areas, Hunting preserves, Wildlife refuges	P							
Golf courses	SLU	SLU		SLU	SLU			
Indoor recreation, unless otherwise listed	SLU				SLU		P	P
Outdoor recreational uses, unless otherwise listed	SLU	SLU		SLU	SLU			
Publicly owned and operated parks, parkways, Recreational facilities	P			P			SLU	
Swimming pools, Community centers, and Similar recreation and resident services uses when constructed as an integral part of a mobile home park				P	P			
Motion picture theaters and outdoor theaters, except adult motion picture theaters							SLU	
Industrial Uses								
Warehousing and wholesale establishments, Storage buildings, Mini warehouses							SLU	P
The compounding, processing, packaging manufacturing, Treatment of semi-fished and finished products								P
All commercial radio, television, and other transmitting or relay antenna towers	P					SLU	P	P

Uses by Category (Key: P= Permitted Use SLU= Special Land Use A= Accessory)	Zoning Districts							
	AG	R	AR	RM	MH	NB	B	I
Lumber and building material dealers							P	P
Concrete and asphalt plants								SLU
Gas or electrical transmission lines							SLU	SLU
High-Volume water well or well system	SLU	SLU		SLU	SLU		SLU	SLU
Junkyards, auto salvage or wrecking yards, waste or scrap recycling operations, and refuse transfer stations								SLU
Laboratories experimental, film, testing, or medical							SLU	P
Local utility facilities (not including storage yards)	SLU	SLU		SLU	SLU		SLU	SLU
Mining and soil removal operations	SLU							SLU
Open Storage	P					SLU	P	P
Public and private use airports	SLU							SLU
Publicly owned buildings, Public utility buildings with service yards; Public water and sewage pumping stations	SLU		SLU					P
Wireless communications facilities	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU
Wind Energy Conversion System	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU
Institutional Uses								
Cemeteries	SLU							
Religious Institutions	SLU	SLU		SLU	SLU	P	P	
Hospitals							SLU	
Parochial elementary, intermediate and secondary schools	P			P			P	
Public and private colleges and universities	SLU	SLU					SLU	
Moratorium, Crematorium, Funeral	SLU					SLU	SLU	
Other Uses								
Accessory Building	P	P	P	P	P	P	P	P
Accessory Use				SLU	SLU	P	P	P
Sanitary Landfill								
Temporary use of building	P	P	P	P	P	P	P	P
Temporary buildings	SLU					SLU	P	SLU
Temporary use: Garage sales, yard sales, or similar types of sales	P	P	P		P			
Temporary outdoor sales	SLU	SLU				SLU	P	SLU
Shipping containers and pre-fabricated metals containers	P	P	P	P	P	P	P	P

Section 3.6 Table of Use Requirements

Below is a table with the definition, parking requirement, and use requirements associated with the various uses in the Ordinance.

Table 3-3: Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Agricultural Uses Agribusiness Uses	The continuation of an agricultural practice with accessory uses that are directly related to agriculture such as: processing; storage; retail or wholesale marketing of agricultural products; value-added agricultural products or activities such as education tours of processing facilities; playgrounds or similar school equipment; nature trails; open air or covered picnic area with restrooms; kitchen facilities and gift shops for the sale of agricultural related products.	One (1) space per 250 sq. ft. of gross floor area, or one (1) space per (4) four patrons to the maximum capacity, plus one (1) space per employee on the largest shift	A. All such uses shall be located on a paved, regional highway, major arterial, and minor arterial thoroughfare unless the use is seasonal in nature and has not permanent buildings for use by the public. B. All buildings, any equipment, materials or produce being stored or for sale shall be set back at least one hundred (100) feet from all property lines. [TR-4]
Farm Buildings Nurseries, and Greenhouses.	A building used for the growing of plants, all or part of which are sold at retail or wholesale. [TR-1]	One (1) for each one (1) employee plus one (1) for each one hundred fifty (150) SF of permanent or temporary area devoted to sales.	N/A
Farms	A farm is an establishment engaged in growing crops, sod, plants, trees, shrubs, nursery stock; an establishment engaged in dairying, the maintaining or the raising of livestock and poultry, the keeping of horses, small animals, as well as other similar enterprises or uses.	N/A	A. No farm shall be operated for the disposal of garbage, sewage (except when such sewage is applied by state approved methods for the purpose of fertilizing the soil on a farm and when approved by the Township Board), rubbish, offal or rendering plants, or for slaughtering of animals (except such animals as may have been raised on the premises immediately prior thereto and for the use and consumption by persons residing on the premises). B. Meet Michigan Department of Agricultura & Rural Development GAAMP.
Feedlots	A place of confined keeping of livestock or other animals for food, fur, pleasure, resale, or training purposes in yards, lots, pens, buildings or other areas not normally used for pasture or crops and in which abnormal amounts of manure or related other animal wastes may originate by reason of keeping such animals, all of which to include chickens, ducks, geese and other fowl.	One (1) for each one (1) employee [TR-2]	Meet Michigan Department of Agricultura & Rural Development GAAMP.
Fish Farm Operations	The hatching and raising of aquatic fish for commercial retail sales. [TR-1], [TR-7]	One (1) for each one (1) employee plus one (1) for each one hundred fifty (150) SF of permanent or temporary area devoted to sales.	Meet Michigan Department of Agricultura & Rural Development GAAMP.
Raising of Large Animals, and Small-Hoofed Animals	See Section 2.2. [TR-1]	N/A	Meet Michigan Department of Agricultura & Rural Development GAAMP.
Public and Commercial Stables	A stable other than a private stable, where horses are boarded or are for hire or sale.	N/A	Meet Michigan Department of Agricultura & Rural Development GAAMP.
Roadside Stand	A temporary open front stand so designed that service to the patron does not require entering the building, and used solely for the sale of farm products and for sale of the by-products of agricultural produce.	One (1) for each one (1) employee plus one (1) for each one hundred fifty (150) SF of permanent or temporary area devoted to sales. [TR-2]	A. The roadside stand shall be located not less than twenty feet (20') from the road right of way, and an open area for patron's parking shall be provided subject to the same twenty feet (20') set back. All structures or buildings used for the sale shall be of portable construction, temporary, non permanent, and not anchored to the site. B. Meet Michigan Department of Agricultura & Rural Development GAAMP.
Residential Uses			
Adult Foster Care Facility, Family Home	A licensed private residence under the Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended, with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week, and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.	One (1) space per employee on the largest work shift, plus one space for every three (3) residents of the home. [TR-2]	A. A state licensed residential facility. B. A state licensed adult foster care group home shall not be located within 1,500 feet of another similar state licensed facility. C. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood. D. Adult foster care large group homes shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility and provide a

Table 3-3: Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Adult Foster Care Facility, Small Group Home (1-6)	A licensed private residence under the Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended, with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week, and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.	One space per employee on the largest work shift, plus one space for every three residents of the home.	loading/unloading area of adequate dimensions for delivery vehicles servicing the facility. A. A state licensed residential facility. B. A state licensed adult foster care group home shall not be located within 1,500 feet of another similar state licensed facility. C. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
Adult Foster Care Facility, Small Group Home (7-12)	A licensed facility under the Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended, with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.	One space per employee on the largest work shift, plus one space for every three residents of the home.	A. A state licensed residential facility. B. A state licensed adult foster care group home shall not be located within 1,500 feet of another similar state licensed facility. C. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
Adult Foster Care Facility, Large Group Home (13-20)	A licensed facility under the Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended, with the approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.	One space per employee on the largest work shift, plus one space for every three residents of the home.	A. A state licensed residential facility. B. A state licensed adult foster care group home shall not be located within 1,500 feet of another similar state licensed facility. C. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
Boarding House	A dwelling where meals, or lodging and meals, are provided for compensation for three or more persons by pre-arrangement for definite periods of not less than five (5) days. A boarding house shall be distinguished from a bed and breakfast establishment, motel or hotel.	One space for each rental unit, plus two spaces. [TR-2]	N/A
Convalescent Home, Home for The Aged, Or Nursing Home	A home for the care of the aged, or infirm, or a place of rest for those suffering bodily disorders, and licensed or required to be licensed by the State of Michigan, but not including housing for the elderly where such persons live independently in individual apartment units.	Two (2) for each three (3) beds or occupants & one (1) for each two (2) staff members	N/A
Family Day Care Home	A private residence where care, protection, and supervision are provided, for a fee to no more than six (6) children at one time, except children related to an adult member of the family. A family day care home shall require no construction features or equipment not customary in a residential dwelling or district. [TR-13]	N/A	N/A
Group Day Care Home	A state licensed, private residence where care, protection, and supervision are provided, for a fee to no more than twelve (12) children at one time, except children related to an adult member of the family. A group day care home shall require no construction features or equipment not customary in a residential dwelling or district [TR-13]	Provides adequate off-street parking for all employees and adequate off-street waiting spaces for parents.	A. A state licensed residential facility. B. Is not located closer than 1,500 feet to another group day care home or an adult foster care home. C. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling, nor should the front yard be the location of play equipment, except on a corner lot.
Home Occupations Type 1	A home occupation is any nonresidential use customarily conducted within the dwelling, of not more than 600 square feet total including storage;	Three (3) parking spaces. [TR-2]	A. Such home occupation must be registered with the Kenockee Township Clerk prior to commencing home occupation. B. That no article or service is sold or offered for sale on the premises except such as is produced by such home occupation.

Table 3-3: Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Home occupations Type 2 [TR-15]	A home occupation is any non-residential use customarily conducted within the dwelling, attached building, or accessory building.	Three (3) parking spaces, plus one (1) per employee on the largest working shift.	C. The above uses shall be permitted only providing such uses are not noxious, dangerous, or offensive by reason of odor, dust, smoke, gas, noise, fumes, flames, lighting, or vibrations more than the ordinarily acceptable and normal conditions connected with agriculture so as to become a public nuisance. A. Such home occupation must be registered with the Kenockee Township Clerk prior to commencing home occupation. B. That no article or service is sold or offered for sale on the premises except such as is produced by such home occupation. C. The above uses shall be permitted only providing such uses are not noxious, dangerous, or offensive by reason of odor, dust, smoke, gas, noise, fumes, flames, lighting, or vibrations more than the ordinarily acceptable and normal conditions connected with agriculture so as to become a public nuisance.
Mobile Home Park	Mobile Home: Means a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle. Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.	Shall comply with design standard established by the Michigan Manufactured Housing Commission.	Shall comply with design standard established by the Michigan Manufactured Housing Commission.
Multiple family dwelling	A building or portion thereof, containing three (3) or more dwelling units designed exclusively for occupancy by three (3) or more families, living independently of each other.	Two (2) parking spaces for each one bedroom dwelling unit. For each additional bedroom over two per unit, one-half (1/2) additional parking space shall be provided.	A. Sites for multiple-family dwellings shall front upon and have direct access to a paved county primary road or a state highway. No access to the site shall be permitted from subdivision streets or from roads that are not a major or minor arterial. B. When a multiple family use abuts a residential district (R and AR) or residential use, a greenbelt shall be provided along all sides abutting the residential district or use in accordance with Section 10.3.
Orphanage, foster home	A facility for childcare in a place of residence of a household for the purpose of providing family care or training for children who are not related to the head of such home, and provided that such home is licensed or otherwise approved by Michigan for such purpose. (TR-1)	Two (2) parking spaces. [TR-2]	A. All vehicular ingress and egress from the site shall be directly onto a major arterial with a planned right of way of not less than 120 feet. B. The maximum extent of development and occupancy shall not exceed the recommendations of the St. Clair County Health Department; but shall in no circumstances be greater than 10 persons, patients or residents per acre. C. No building other than a structure for strictly residential purposes shall be closer than sixty (60) feet to any property line. See Section 3.7D.
Single family dwellings	A building containing not more than one (1) dwelling unit designed exclusively for and occupied exclusively by one (1) family.	Two (2) parking spaces.	See Section 3.7D.
Tourist home	A dwelling in which overnight accommodations are provided or offered for transient guests also referred to as a bed and breakfast.	One (1) space for each rental unit, plus two (2) spaces. [TR-2]	N/A
Two family dwellings	A building containing two (2) separate dwelling units designed exclusively for occupancy by two (2) families living independently of each other	Two (2) parking spaces per dwelling unit.	A. Architectural plans shall demonstrate that the dwelling will be compatible in appearance with single family homes in the immediate neighborhood. B. The applicant shall provide evidence of Health Department approval for the well and septic system(s) designed to serve the two-family unit.

Table 3-3: Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Commercial Uses Art Shops and Photographic	Work space for one or more artists or artisans, including the accessory sale of art or supplemental material produced on the premises or relate to the services provided onsite.	One (1) for each here hundred (300) SF of floor space.	N/A
Banks, Credit Union Offices, Savings and Loan Associations, Stock Brokerage, and Similar Uses.	A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.	One (1) parking space per employee during largest shift plus one (1) parking space per 200 GFA	N/A
Child Care Centers	A facility other than a private residence, which receives 1 or more children under 13 years of age for care for periods of less than 24 hours a day, and at which the parents or guardians are not immediately available to the children. "Center" includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, prekindergarten, play group, or drop-in center.	One (1) parking space per employee. All such uses shall provide adequate drop-off and waiting space so that parents' or guardians' cars are not required to stand in a public right-of-way. At least one (1) drop-off space shall be provided for each five (5) persons or children enrolled or cared for at the facility.	A. A state licensed residential facility. B. Outdoor play space shall be provided in the ratio of one-hundred-fifty (150) square feet per child cared for, to a maximum required of ten thousand (10,000) square feet. No outdoor play area shall be less than one thousand (1,000) square feet. C. To insure child safety, all outdoor use areas shall be enclosed by a 4 foot 6 inch high cyclone fence or equivalent design. On those sides abutting a residential zoning district or use, a 6 foot high obscuring fence of masonry or other material approved by the Commission shall be required. D. The site layout shall be designed to insure pedestrian safety by separating play areas from parking and driveways. E. A copy of the State Fire Marshall's inspection/report shall be submitted as a part of the application package and reviewed by the Township Fire Chief for a report to the Planning Commission.
Drive Through Window Establishments	A business establishment whose method of operation involves the delivery of a service or product directly to a patron inside a vehicle, typically through a service window or other appurtenance to a building, where vehicles are queued within a stacking area or approach to the service window or facility.	One (1) for each one hundred (100) SF of gross floor area and one (1) parking space per employee on the largest working shift.	Two (2) trash receptacles for use by the customer shall be placed in a manner reachable by the customers from their car windows at each point where exit drives empty onto a public street; said receptacles shall be emptied as often as is necessary to insure their efficient and continued use by the customer.
Eating and Drinking Places	Restaurant, Standard: A standard restaurant in any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready to consume state, and whose design or principal method of operation includes one or both of the following characteristics: a. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed. b. A cafeteria type operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building. Restaurant, Carry Out: A carry out restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready to consume state and whose design or method of operation includes both of the following characteristics: a. Foods, frozen desserts, or beverages are usually served in edible containers or paper, plastic, or other disposable containers. b. The consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being	One (1) for each one hundred (100) SF of gross floor area and one (1) parking space per employee on the largest working shift.	N/A

Table 3-3. Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
<p>prohibited and such prohibition is strictly enforced by the restaurant.</p> <p>Restaurant, Drive In: A drive in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready to consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:</p> <p>a. Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle.</p> <p>b. The consumption of foods, frozen desserts, or beverages within motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building is allowed, encouraged, or permitted.</p>	<p>A facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, and minor automobile accessories. In addition, such a facility may provide minor vehicle servicing, minor repairs, oil change, and maintenance.</p>	<p>One (1) per employee on the largest working shift and one (1) parking space per bay door and one (1) space per 300 sqft of gross floor area.</p>	<p>A. There shall be no parking of damaged or disabled motor vehicles except on a temporary basis for seventy two (72) hours or less. Junk parts and junk vehicles shall not be kept outside of the building. No bullpen areas shall be allowed. [TR-31]</p> <p>B. Automobile, truck or trailer renting and leasing may be permitted in connection with a gasoline service station subject to the provision that the number of automobiles, trucks, or trailers on the site that are available for lease shall not exceed one (1) automobile, truck or trailer for each one thousand (1,000) square feet of lot area and shall not be located in areas that are required for parking, aisles, service bays, loading, landscaping or sidewalks.</p> <p>C. Prohibited activities include, but are not limited to: motor vehicle body repair; undercoating; painting; tire recapping; engine and transmission rebuilding; motor vehicle dismantling; upholstery work, and other such activities whose adverse external physical effects would extend beyond the property line.</p>
Hotels and Motels	<p>A series of attached, semi detached, or detached rental units which provides overnight lodging, toilet, and bath facilities, and which offers meals, linen, and maid service to the public for compensation.</p>	<p>One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, in addition to the requirements for ancillary facilities such as restaurants, ballrooms, etc.</p>	<p>A. Vehicular ingress and egress from the site shall be directly onto a major arterial having an existing or planned right-of-way of at least one hundred twenty (120) feet in width. [G-5]B. Each unit shall contain no less than two hundred fifty (250) square feet of floor area.</p> <p>C. Units shall not be occupied as a place of permanent residence and a guest register shall be maintained.</p>
Medical and/or Dental Office, Including Clinics	<p>An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a physician, dentist, or similar professionals.</p>	<p>One (1) space for each three hundred (300) gross floor area</p>	N/A
Membership Organizations Including Clubs.	<p>Club: An organization of persons for special purposes for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit.</p> <p>Membership Organizations: Membership Organizations include community service clubs, lodges, church halls, catering or renting halls, fraternal organizations, and the like. In this Ordinance, Membership Organizations are a permitted use in the General Business District.</p>	<p>One (1) space per three hundred (300) of gross floor area.</p>	N/A
Major Vehicle Repair	<p>A place where, along with the sale of engine fuels, the following services may be carried out: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles;</p>	<p>Parking shall be provided on the site at a ratio of three (3) parking spaces for each</p>	<p>A. All activities shall be conducted in an enclosed building.</p>

Table 3-3: Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
	collision service, such as body, frame, or fender straightening and repair; related overall painting and undercoating of automobiles or similar activity.	one (1) service bay plus one (1) space for each employee.	<p>B. There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of the facility and for retail sale during the hours of operation of the facility.</p> <p>C. There shall be no outdoor parking of damaged motor vehicles except on a temporary basis not to exceed seventy-two (72) hours. Junk parts and junk vehicles shall not be kept on the outside of the building.</p> <p>D. Automobile, truck or trailer renting and leasing may be permitted in connection with motor vehicle repair and service facilities subject to the provisions that the number of automobiles, trucks or trailers on site that are available for lease shall not exceed one (1) automobile, truck or trailer for each one thousand (1,000) square feet of lot area and shall not be located in areas that are required for parking, aisles, service bays, loading, landscaping or sidewalks.</p> <p>E. The parking of tow trucks shall be permitted only in designated areas and shall not be permitted in the clear vision area at the intersection of two streets. Shall only be located in the side and rear yard.</p>
Motor Vehicle Washing, Conveyor, or Non Conveyor Type	A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.	<p>Self-Service: Four (4) spaces for each establishment plus four (4) waiting spaces for each washing stall.</p> <p>Other than self service: Four (4) for each establishment plus twenty (20) waiting spaces for each washing stall or line. A properly drained drying lane fifty (50) feet long shall also be provided at the exit of each washing stall or line in order to prevent undue amount of water from collecting on the public street & thereby creating a traffic hazard</p>	<p>A. A hard surfaced driveway of one (1) or more lanes shall be constructed on the parcel in such a manner as to provide for a continuous movement of cars into the wash rack or bays.</p> <p>B. Where only a single lane is provided, it shall be used for no other purpose than to provide access to the wash rack. All lanes provided shall be separated from and suitably protected from interference by other traffic.</p> <p>[TR-37]</p>
Museums and Art Galleries.	An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.	One (1) for each four hundred (400) SF of floor space.	N/A
New Automobile and Truck Agency Sales And Showrooms, Open Air Sale Of Recreational Vehicles, Motorcycles, Mobile Home or Other Motor Vehicle Sales Areas	The use of any building, land area, or other premises or portion thereof, for the display, sale, or lease of new automobiles, panel trucks or vans, trailers, or recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.	One (1) for each three hundred (300) SF of floor space of sales room & Plus what is required for minor or major repair.	<p>A. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the street intersection formed by the proposed right of way lines.</p> <p>B. Major repair and major refinishing shops shall be permitted as accessory when conducted entirely within an enclosed building.</p> <p>C. No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.</p> <p>D. Outside loud speaker and outside public address systems are prohibited</p>
Retail Establishments With 80,000 Square Feet in GFA Or Less Unless Otherwise Stated	A place of business devoted in whole or in part to the sale, rental, or servicing of goods or commodities which are normally delivered or provided on the premises to a consumer.	One (1) for each three hundred (300) GFA	N/A
Retail Establishments More Than 80,000 Square Feet in GFA Unless Otherwise Stated	A place of business devoted in whole or in part to the sale, rental, or servicing of goods or commodities which are normally delivered or provided on the premises to a consumer.	One (1) for each three hundred (300) GFA	N/A
Professional Offices Unless Otherwise Specified	Occupations that are primarily in an office setting such as executive, administrative professions, accounting, writing, clerical, real estate, attorneys, etc.	One (1) for each three hundred (300) SF of gross floor space.	N/A
Open Air Business Uses, Flea Markets and Farmer's Markets.	<p>Open air business uses: include the following uses when conducted outside the walls of a building:</p> <p>A. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture.</p>	One (1) for each five hundred (500) SF of gross floor area.	A. Outdoor display of merchandise shall be kept back at least eighty (80) feet from the edge of the right-of-way of all roads, as designated on the Township's adopted Master Plan.

Table 3-3: Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
	<p>playground equipment, and other home garden supplies, and home improvement equipment such as lawn mowers, fertilizer spreaders, lawn rollers, etc.</p> <p>B. Retail sale of fruits and vegetables.</p> <p>C. Rental or sale of bicycles, recreational vehicles, mobile homes, trailers, motor vehicles, boats, or small hand equipment.</p> <p>D. Outdoor display and sale of garages, swimming pools, and similar uses.</p> <p>Flea Market: A Flea Market is a site where numerous small sellers congregate to offer a wide variety of new and previously owned things for sale at retail. A flea market operates on an intermittent, seasonal, or periodic basis, such as weekends during warm weather. A Flea Market is distinguished from a roadside stand, roadside sales and garage sales as to the number of sellers, the kinds of merchandise sold, the magnitude of traffic and customers generated, and days and hours of operation. A Flea Market is distinguished from temporary outdoor sales and open air businesses.</p>		<p>B. Outdoor storage shall be limited to the side or rear yard and totally enclosed with view obscuring screening as specified by the Planning Commission based on Section 10.3, when adjacent to any Residential District or open to public view. (Art 9)</p> <p>C. Stacked items on display cannot exceed five (5) feet in height.</p> <p>D. Outdoor display areas shall not occupy required parking spaces.</p>
Open Front Store	<p>A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.</p>	<p>One (1) space for each employee on the largest working shift & one (1) space for each one hundred (100) SF of gross floor area</p>	N/A
Passenger Car Rental And Leasing	<p>Leasing or renting of automobiles, motorcycles, and light load vehicles</p>	<p>One (1) parking space per employee on the largest working shift and one (1) parking space per three hundred (300) square feet of gross floor area</p>	N/A
Personal Service Establishments	<p>Occupations where a service is performed on site such as repair shops, florists, beauty shops, dry cleaner, etc.</p>	<p>Beauty or barber shop: Three (3) spaces for each of the first two (2) beauty or barber chairs, & one and one-half (1 ½) spaces for each additional chair.</p> <p>Other Personal Service Establishments:</p> <p>One (1) for each 300 gross floor area.</p>	N/A
Used Automobile and Truck Agency Sales And Showrooms, Open Air Sale of Recreational Vehicles, Motorcycles, or Other Motor Vehicle Sales Areas	<p>Anyone that sells, trades or buys four (4) or more vehicles per year.</p>	<p>One (1) for each three hundred (300) SF of floor space of sales room. Plus what is required for minor or major repair.</p>	<p>A. The used automobile and truck sales must be located on a site having a frontage on a major arterial with a planned right-of-way of not less than one hundred twenty feet (120').</p> <p>B. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from a street intersection formed by the proposed right of way lines.</p> <p>C. No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.</p> <p>D. Outside loud speaker and outside public address systems are prohibited.</p> <p>E. Any person selling more than four (4) vehicles in any 12 month period shall be defined as a used car dealer and shall be located in General Business District.</p>
Veterinary Hospitals, Clinics and Kennels	<p>Veterinary Hospital/Clinic: Any building or portion of a building designed or used for the care, observation, or treatment of domestic animals.</p> <p>Kennel: Any lot or premises used for breeding, commercial sale, boarding, or treatment of more than ten dogs, cats, or other domestic pets.</p>	<p>One (1) space for each one hundred twenty five (125) SF of floor space.</p>	<p>A. The subject property is so located as not to hinder the appropriate residential development of the affected neighborhood, as determined by the Planning Commission.</p> <p>B. The subject property contains a minimum of five (5) acres and three hundred (300) feet of lot width.</p>

Table 3-3: Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
<p>Entertainment and Recreation Adult Entertainment Uses</p>	<p>Adult Bookstore: An establishment having as a portion of its stock in trade, books, magazines and other periodicals which are restricted to persons over the age of eighteen (18) and which is distinguished or characterized by its emphasis on matters depicting, describing or relating to "Specific Sexual Activities" or "Specific Anatomical Areas" (as defined in this Ordinance) or an establishment with a segment or section devoted to the sale or display of such material. (Art 2)</p> <p>Adult Motion Picture Theater: An establishment used for presenting material restricted to persons over the age of eighteen (18) distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specific Sexual Activities" or "Specific Anatomical Areas" (as defined in this Ordinance) for observation by patrons therein. (Art 2)</p> <p>Premises for Nude Entertainment: An establishment which is restricted to persons over the age of eighteen (18) and used for housing and exhibiting persons in the nude or "Specific Anatomical Areas". (Art 2)</p> <p>Nude Modeling Studio: An establishment restricted to persons over the age eighteen (18) used for housing and exhibiting persons in the nude acting as models for other persons to paint, photograph or draw. (Art 2)</p> <p>Specified Anatomical Areas: Human genitals, pubic region, buttock, and female breast less than completely and opaquely covered; human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Art 2)</p> <p>Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breasts. (Art 2)</p> <p>Premises for Nude Entertainment: An establishment which is restricted to persons over the age of eighteen (18) and used for housing and exhibiting persons in the nude or "Specific Anatomical Areas".</p> <p>Sauna or Open Bath House: An establishment open to the public used for equipment and housing of apparatus wherein members of the public may have a steam bath or hot water bath</p>	<p>One (1) parking space for each three hundred (300) square feet of gross floor area of public space.</p>	<p>C. The building or kennel is located one hundred (100) feet from any neighboring residential use. All kennel runs or breeding areas shall be enclosed by a chain link fence not less than six (6) feet in height. If immediate neighboring parcels are residential use or zoned, a completely obscuring barrier shall be erected, composed of a decorative screen fence and/or a landscaped greenbelt as approved by the Planning Commission.</p>
<p>Amusement Outdoor Recreation Unless Otherwise Specified</p>	<p>Outdoor recreational space for adult or children's amusement parks, circuses, carnivals, rebound tumbling facilities, outdoor dance pavilions, miniature golf courses, combat game areas,</p>	<p>One (1) parking space for each three hundred (300) square feet of gross floor area of public space.</p>	<p>A. No such uses may be permitted within one thousand five hundred feet (1,500') from any dwelling, church, school, playground, public park or youth center as measured from the lot line of the location of the proposed use. B. Any of the above stated adult entertainment uses shall not be located within a one thousand five hundred foot (1,500') radius of any other such use. C. Public display of merchandise for sale or viewing shall be prohibited. D. Additional requirement for advertising signs: No sign shall include language or graphics referring to either specified anatomical areas or specified sexual activities.</p>
		<p>One (1) parking space for each three hundred (300) square feet of gross floor area of public space.</p>	<p>A. Site shall not abut directly or across a street, any Residential District. B. Children's amusement parks shall be fenced on all sides with a wall or fence not less than four feet six inches (46") in height.</p>

Table 3-3: Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Auto, Horse, And Sled Dog Race Tracks	mudboggling, seasonal tourism, and hayrides, and golf driving ranges. A facility consisting of a paved, or gravel roadway used primarily for the sport of automobile racing. A racetrack may include seating, concession areas, suites, and parking facilities, but does not include accessory offices, residences, or retail facilities.	One (1) for each three (3) seats or five (5) feet of benches.	C. No loud speaker of public address system shall be used except by express written consent of the Township Planning Commission wherein it is deemed that no public nuisance or disturbance will be established. A. Located adjacent to a major arterial 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. B. All access to the parking areas shall be provided from a major arterial as described in the master plan
Dance Halls, Studios and Schools.	Any room, place, or space open to the general public patronage in which is carried on dancing wherein the public may participate, whether or not a charge for admission for dancing is made	One (1) parking space for each four (4) persons allowed by the maximum occupancy or one (1) for each three hundred (300) square feet, whichever is greater.	N/A
Forest and Game Management Areas, Hunting Preserves, And Wildlife Refuges	An area licensed by the State of Michigan that must meet certain requirements for area and operating purposes, and which is granted special hunting privileges.	Two parking spaces	N/A
Golf Courses, Not Including Driving Ranges or Miniature Golf Courses	A tract of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses.	Six (6) for each one (1) golf hole & one (1) for each employee on the largest working shift	A. The site is so located as to have at least one (1) property line abutting a paved major arterial, either existing or proposed, and all ingress and egress to the site shall be directly onto a major arterial or a marginal access drive thereof. B. All development features including the principal building and any accessory buildings or structures are so located and related to minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of two hundred (200) feet to the property line of abutting residentially zoned lands and public rights of way provided where topographic conditions are such that the building would be screened from view, the Planning Commission may modify this requirement. C. Major accessory uses which are generally of a commercial nature, such as a restaurant and bar, shall be housed in a single building with a club house. Minor accessory uses which are strictly related to the operation of the golf course itself, such as maintenance garage and pro shop, may be located in separate buildings.
Indoor Recreation	Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, bowling alley, skating rink, indoor shooting range, indoor archery range, and other similar recreation or entertainment.	Bowling Alley: Six (6) for each one (1) bowling lane. All other: One (1) parking space for each four (4) persons allowed by the maximum occupancy or one (1) for each one hundred (100) square feet, whichever is greater.	N/A
Outdoor Recreational Uses	Outdoor recreation uses: include campgrounds, sports fields and courts, concert pavilions and band shells, picnic grounds, golf courses, riding stables, small boat / canoe liveries, shooting range, archery range, swimming facilities, indoor ice rinks, and similar uses. Campground: Means any parcel of land with a minimum parcel size of twenty (20) acres wherein sites are offered for the use of the public or members of any organization, either free of charge, or for a fee, for the establishment of temporary living quarters for the occupation of five (5) or more tents, travel trailers, truck campers, or other similar recreational units.	One (1) for each three (3) seats or sixty (60) inches of benches.	A. A public park for outdoor recreation or a private picnic area may be conducted on a site of ten (10) acres or more. All other approved uses shall be on a parcel of twenty (20) acres or more in area. B. All vehicular ingress and egress from the site shall be directly onto a major or minor arterial as designated on the Township's adopted Thoroughfare Plan. C. No activity shall take place within fifty (50) feet of the perimeter of the recreational area. All such activities shall be adequately screened from abutting residentially zoned property by means of protective wall or greenbelt as approved by the Planning Commission. D. Related accessory commercial uses may be permitted in conjunction with recreation uses when it is clearly incidental to the main recreational character of the use and such related accessory uses shall not include the sale, servicing, or

Table 3-3: Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Publicly Owned and Operated Parks, Parkways, and Recreational Facilities	An open space with natural vegetation and landscaping; may include recreational facilities owned by the public.	Private Parks: One (1) for each two (2) individual members. OR Stadium, sports arena or similar places of outdoor assembly: One (1) for each three (3) seats or sixty (60) inches of benches.	repair of any vehicles or equipment used on the site except that owned by the proprietor. E. Permitted accessory uses which are generally of a commercial nature, shall be housed in a single building. Minor accessory uses which are strictly related to the operation of the recreation use itself, such as a maintenance garage, may be located in separate buildings. F. All offstreet parking shall be screened from view of an adjoining residential district or use by an obscuring fence and/or a greenbelt, as approved by the Planning Commission. G. Campgrounds shall be developed only in accordance with 1978 PA 368 P.A. 171 of 1970 as amended, and its administrative rules and regulations, as amended. H. Campgrounds shall be provided with at least one (1) public telephone, and water and sewage facilities approved by the St. Clair County Health Department. [TR-55]
Swimming Pools, Community Centers, And Similar Recreation and Resident Services Uses	A meeting place where people living in the same community may carry on cultural, recreational, or social activities, and possessing outdoor recreational facilities, such as swimming pool, tennis courts, or playground area.	One (1) space per 250 sq. ft. of gross floor area, or one (1) space per (4) four patrons to the maximum capacity, plus one (1) space per employee on the largest shift.	N/A
Motion Picture Theaters and Outdoor Theaters, Except Adult Motion Picture Theaters	A structure or building that contains audience seating, one or more screens and auditoriums, and can include a lobby and refreshment stand.	One (1) for each three (3) seats plus one (1) for each two (2) employees. If no seats, one for each fifty (50) SF of floor area.	A. Points of ingress and egress shall be available to the theater from abutting major arterials and shall not be available from any residential street. B. All vehicles waiting or standing to enter the facility shall be provided off street waiting space. No vehicle shall be permitted to wait or to stand within a dedicated right of way. C. Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted only when the site in question is surrounded by a non Residential District. D. Outdoor theaters shall be laid out so as to prevent the movie screen from being viewed from residential areas or adjacent major arterials. All lighting used to illuminate the area shall be so installed so as to be confined within, and directed onto the premises of the outdoor theater site.
Industrial Uses Warehousing and Wholesale Establishments, And Storage Buildings and Mini Warehouses.	Mini-Warehouse: A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of customer's goods or wares. Warehousing: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials. The function of the facility is to compound, process, package, or treatment of products that include, but are not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge, and	One (1) for each employee on the largest shift or one (1) for each seventeen hundred (1,700) square feet, whichever is greater.	N/A
The Compounding, Processing, Packaging, Manufacturing, or Treatment Of Semi-Finished And Finished Products		Five (5) spaces plus one (1) for everyone and one-half (1 ½) employees in the largest working shift	N/A

Table 3-3. Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
All Commercial Radio, Television, And Other Transmitting Or Relay Antenna Towers	<p>machine shops, welding shops, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi precious metals or stones, soil, shell, textiles, tobacco, wax, wire, wood or yarns, pottery, music instruments, toys, electronic appliances</p> <p>A specific device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas for commercial purposes.</p>	Two (2) parking spaces.	<p>A. Shall comply with applicable federal, state, and Township Ordinances.</p> <p>B. The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to the height of such tower, with no zoning Ordinance restrictions on tower height.</p> <p>C. The structure plans must be approved by the Building Inspector.</p>
Lumber and Building Material Dealers.	<p>A facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are stored and sold. Lumberyards may also process lumber by performing millwork, planing, cutting, and other customizing processes. Lumberyards may provide for the sale of associated products including tools and fasteners.</p>	One space per each 800 sq.ft. of floor area	<p>A. All storage of building materials shall be within enclosed buildings, or storage sheds, except that outdoor storage may be permitted when within an area enclosed by an obscuring fence or wall not less than six (6) feet nor more than eight (8) feet in height. Screening slats placed in a chain link fence shall not be accepted as a suitable screening device.</p>
Concrete and Asphalt Plants	<p>A plant for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus and uses incident to such manufacturing and mixing.</p>	Five (5) spaces plus one (1) for every one and one-half (1 1/2) employees in the largest working shift	<p>A. The application shall demonstrate that the plant location is the closest possible to the source of sand and aggregate materials for the plant.</p> <p>B. The application shall clearly demonstrate strict compliance with all requirements for air, ground water, and surface water quality, in particular, the Performance Standards of this Ordinance shall be strictly adhered to.</p> <p>C. A Community Impact Study shall accompany the application, according to a format provided by the Township.</p> <p>D. A Market Study, which demonstrates the need for the specific facilities proposed to serve the surrounding area, shall accompany the application.</p> <p>E. The stated life of the plant, in years, shall be specific and tied to the operator's anticipated local reserves of the sand and aggregate materials for the plant.</p> <p>F. The site shall have direct access to a paved thoroughfare.</p> <p>G. The plant equipment shall maintain a minimum separation of 1,300 feet from a residential zoning district or use.</p> <p>H. The plant itself should be screened from view from any adjoining residential zoning district or public street by a 20-foot wide greenbelt planted with vegetation at a sufficient height and opacity to screen at least 90 percent of the facility during the summer months and 70 percent during the winter months. At the discretion of the Planning Commission, an obscuring wall of poured concrete with a brick-like texture, brick, or decorative, pressure-treated wood may be constructed in place of a greenbelt.</p> <p>I. The permit for a concrete or asphalt plant shall be renewed every 2 years. At least thirty (30) days prior to transferring a permit for a concrete or an asphalt plant, the operator shall notify the purchaser of all conditions of the permit and shall notify the Township of the name, address and phone number of the new owner/operator.</p>
Gas or Electrical Transmission Lines And Gas Or Electrical Transmission Lines	<p>A person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under the federal, state, or municipal regulations to the public: gas, steam, electricity, . . . (Art 2)</p>	Two (2) parking spaces.	N/A
High-Volume Water Well or Well System	<p>A well or series of wells capable of producing over 100 gallons per minute peak capacity and intended to serve a use other than one single family home</p>	Two (2) parking spaces.	See Section 3.7B.

Table 3-3: Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Junkyards, Auto Salvage or Wrecking Yards, Waste or Scrap Recycling Operations, and Refuse Transfer Stations	An open space where junk, waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.	Five (5) spaces for every one and a half (1.5) employees on the maximum shift, plus one (1) space for every vehicle customarily used in operation of the use or stored on the premises	A. These uses may only be located upon a site where abutting lands are zoned for non-residential purposes on all sides. B. Any required front yard setback shall not be used for providing off-street parking. C. All sides of the development shall be screened with an un-pierced fence or wall at least eight (8) feet in height and not less than the height of the materials on the lot on which a stated use is located.
Laboratories Experimental, Film, Testing, or Medical.	A laboratory is a place devoted to experimental, routine study or basic study such as testing and analytical operations and in which manufacturing of product or products, except prototypes, is not performed.	One (1) for every five hundred (500) GFA	N/A
Local Utility Facilities	A person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under the federal, state, or municipal regulations to the public: telephone exchanges, gas regulator stations, electric transformers, sewer and water pump stations.	One (1) space for each employee on the maximum work shift.	A. There is no public business office, except in General Business districts, nor any storage yard or storage building operated in connection therewith, except in the General Industrial districts. B. All equipment pads, cabinets, and the like shall be set back at least thirty (30) feet from a side or rear property line.
Mining and Soil Removal Operations	The commercial removal of soil, sand, gravel, stone and other earth materials with more than 1,000 cubic yards are removed per calendar year.	One (1) space for each employee on the maximum work shift.	See Section 3.7C.
Open Storage	Any industrial or commercial equipment, vehicles, and all materials including waste that are not located inside the building but is intended to stay onsite as part of the operation.	N/A	A. The open storage of any industrial or commercial equipment, vehicles, and all materials, including wastes, except new vehicles for sale and/or display, shall be screened from public view, from a public street, and from adjoining properties by an obscuring wall or fence not less than six feet (6') nor more than eight feet (8') high. B. The required height of the wall shall be determined by the Planning Commission so as to properly screen all materials, vehicles and wastes. C. Vehicles and equipment over eight (8) feet high must be properly screened but need not be completely screened above eight (8) feet. Stacked material or products shall not be stacked or exceed above the eight (8) feet. D. Whenever such open storage is adjacent to any residential zone, the required obscuring wall or fence shall be at least six (6) feet in height E. Materials must be completely screened if they are stored within twenty (20) feet of the screen wall or fence. All wastes must be completely obscured from view. F. In no instance shall any open storage of equipment, vehicles and/or materials be permitted within a required front yard in any zoning district. [16-24 & 16.25]
Personal Use Airfields	Any location, either on land or water, which shall be used for the landing or take off of aircraft with safety, solely for the use of the owner of the property, and which is not equipped with commercial facilities for the shelter, supply or repair of aircraft.	N/A	A. Said airport is subject to all rules and regulations of the Federal Aviation Administration and the Michigan Aeronautics Commission, which agencies shall approve the preliminary plans submitted to the Township. All airports shall contain a certificate of approval with the Michigan Aeronautics Commission and shall be registered annually by said Commission. B. Site, Yard and Placement Requirements: 1. No building or structure or part thereof shall be erected closer than one hundred (100) feet to any property line. 2. Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned Agricultural or Residential.

Table 3-3: Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Public Use Airports	Any location, either on land or water, which is used for the landing or take off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas, used or suitable for airport buildings or other airport facilities, and all appurtenant rights of way, whether heretofore or hereafter established. Airports may include commercial activities or operations such as the sale of gasoline or oil, the soliciting or engaging in charter flying or student instruction, the provision of shelter or the tie down of an aircraft, the overhaul or repair of an aircraft or engines, or otherwise offering aeronautic facilities or services to the public. A public use airport shall be distinguished from personal use landing fields.	One (1) parking space shall be required for every three (3) airplanes stored on the site.	<p>3. Airports must be located on a contiguous parcel of land of not less than one hundred sixty (160) acres.</p> <p>4. No part of the site shall abut either directly or across a street any Residential District.</p> <p>C. All layout and design and construction of runway and other facilities shall meet or exceed the standards set by the Michigan Aeronautics Commission for Class C airports.</p> <p>D. Performance Requirements. All lights used for landing strips and other lighting facilities shall be so arranged as not to reflect towards adjoining non airport uses.</p> <p>E. Prohibited Uses. The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than thirty (30) days from the date of the accident.</p> <p>A. Said airport is subject to all rules and regulations of the Federal Aviation Administration and the Michigan Aeronautics Commission, which agencies shall approve the preliminary plans submitted to the Township. All airports shall contain a certificate of approval with the Michigan Aeronautics Commission and shall be registered annually by said Commission.</p> <p>B. Site, Yard and Placement Requirements:</p> <ol style="list-style-type: none"> 1. No building or structure or part thereof shall be erected closer than one hundred (100) feet to any property line. 2. Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned Agricultural or Residential. 3. Airports must be located on a contiguous parcel of land of not less than one hundred sixty (160) acres. 4. No part of the site shall abut either directly or across a street any Residential District. <p>C. All layout and design and construction of runway and other facilities shall meet or exceed the standards set by the Michigan Aeronautics Commission for Class C airports.</p> <p>D. Performance Requirements. All lights used for landing strips and other lighting facilities shall be so arranged as not to reflect towards adjoining non airport uses.</p> <p>E. Prohibited Uses. The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than thirty (30) days from the date of the accident.</p>
Publicly Owned Buildings, Public Utility Buildings with Service Yards; Public Water And Sewage Pumping Stations.	A building owned by a governmental agency which may include accessory uses such as a service yard and public water and sewage pumping stations.	One (1) space per employee on the largest shift plus five (5) parking spaces.	N/A
Wireless Communications Facilities	A wireless communications facility that: (1) consists of a microcell, and (2) is roof- or structure-mounted and is less than 10 feet in height and does not exceed the maximum height permitted in the zoning district in which the facility is located.	Two (2) parking spaces.	<p>A. No wireless communications tower in excess of one hundred (100) feet in height shall be located closer than 2,000 feet to any other such tower.</p> <p>B. All wireless communications towers not subject to the regulations of the Federal Aviation Administration shall be painted with a color designed to cause the tower to blend in with the surrounding landscape.</p> <p>C. No new wireless communications tower shall be constructed where there exists another tower that could reasonably be used to carry the transmission or receiving equipment proposed. The purpose of this Section is to require the sharing of tower space (collocation) by more than one company where broadcast and receiving frequencies do not prohibit such sharing of tower space.</p>

Table 3-3: Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Wind Energy Conversion System	Any device which converts wind energy to mechanical or electrical energy. [16-16]	N/A	D. All new wireless communications towers shall be designed to permit collocation of additional antennas. The application materials shall clearly demonstrate that the height and structural strength of the tower can accommodate up to two additional antenna sets. E. The entire area of the tower, equipment building(s) and parking area for service personnel shall be surrounded by a 20 foot wide, landscaped greenbelt approved by the Planning Commission. F. Innovative collocation proposals that disguise the communications antennas are encouraged, such as the use of stadium lighting towers, church steeples, billboard signs, and similar techniques. See Section 3.7E.
Institutional Uses Cemeteries	Property, including crematories, mausoleums, and/or columbiums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.	One space per full-time employee, plus two (2) parking spaces	All access shall be provided from a public road.
Crematoriums and Funeral Homes	Building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home, as defined for purposes of this code, includes a funeral chapel.	One space per full-time employee, plus two (2) parking spaces	All sides of the cemetery shall be screened from any residential view by providing a continuous and completely obscuring wall, fence, or buffer strip planting as described in Section 10.3.
Religious Institutions	A church or place of worship or religious assembly with related facilities such as the following in any combination: meeting hall, offices for administration of the institution, and playground.	One (1) for each three (3) seats in the main unit of worship.	A. The site is so located as to have at least one (1) property line abutting a public arterial, and all ingress and egress to the site shall be directly onto said public arterial, provided however that no site shall be accessed from a local residential street within a recorded plat. B. In order to ensure that there is sufficient land to accommodate future expansion, and accessory facilities, the subject property shall be a minimum of 5 acres. C. The site shall not be used for dwelling purposes except that residential dwelling facilities may be provided for up to two (2) regular employees of the church and their families. Any such dwelling units or quarters shall comply with the minimum requirements for dwellings in the district in which located.
Hospitals	A building, structure, or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the State of Michigan, and is used primarily for in patient services, and including related facilities such as laboratories, out patient departments, central service facilities, and staff offices.	One (1) for each 500 SF of gross floor area, plus one (1) for every 1.5 employees during the largest working shift.	A. The proposed site shall have at least one property line abutting a paved major arterial and vehicular ingress and egress to the site shall be directly onto said arterial. B. The site plan shall show that a proper relationship exists between the major arterial and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety, and all development features including the principal building and any accessory buildings, open spaces, and service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property. C. All such hospitals shall be developed on sites consisting of at least ten (10) acres in area for the first one hundred (100) beds or less plus one (1) acre for each additional ten (10) beds.
Public and Parochial Elementary, Intermediate and Secondary Schools	A public, parochial, or private institution that provides educational instruction to students.	Elementary and Junior High School: One (1) for each one (1) teacher, employee and administrator, in addition to the requirements of the auditorium. Senior High School: One (1) for each one (1) teacher, employee, & administrator, plus	N/A

Table 3-3. Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Public and Private Colleges and Universities	An institution for post-secondary education, public or private, offering courses in general, technical or religious education. It operates in buildings owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities, and sororities.	one (1) for each ten (10) students in addition to the requirement of the auditorium. One (1) for each one (1) teacher, employee, & administrator, plus one (1) for each ten (10) students in addition to the requirement of the auditorium.	A. All ingress and egress shall be directly to a paved public road B. The minimum site size shall be twenty (20) acres. C. Those buildings to be used for servicing or maintenance, such as heating plants, garages, storage structures, and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.
Other Uses			
Accessory Building	A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building. Not to be used for human habitation.	N/A	See Section 3.7A.
Accessory Use	An "accessory use" is a use which is clearly incidental to, customarily found in connection with and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related.	Determined based on the proposed use.	Review most equivalent use included in the Table of Use Requirements.
Sanitary Landfill	A tract of land developed, designed, and operated for the disposal of solid waste in a manner consistent with the following: A. Criteria established by Act 641 of the Michigan Public Acts of 1978, as amended, and any rules or regulations established based on this Act. B. St. Clair County's adopted Solid Waste Management Plan. C. Applicable Township Ordinances.	N/A	As required by St. Clair County Soil Waste Management Plan.
Temporary Use of Building	A use that exists during periods of construction of the main building or use, or for special events for no more than a period of six (6) months.	N/A	Not to exceed six (6) months with the granting of six (6) month extensions being permissible
Temporary Buildings Pursuant to The Establishment of A Permanent Building and Permitted Use. Temporary Use: Garage Sales, Yard Sales, or Similar Types of Sales	A structure without any foundation or footing and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. A temporary use to sell products at a single family residents.	N/A N/A N/A	A. All such temporary buildings shall be immediately removed upon expiration of the time limit established as a condition of their construction. B. More than 200 sq. ft. gross floor area. A. No residence shall be permitted more than three (3) such sales per year. B. Shall take place for a period of more than seven (7) continuous days and maximum of 16 days.
Temporary Outdoor Sales	Any sale made by a person, firm, or corporation engaging in the temporary business of selling goods, wares, or merchandise from a tent, truck, vending cart, or other area outside of a permanent structure on property owned or leased by the person, firm, or corporation. The temporary outdoor sales, except those conducted by charitable organizations as defined, must be secondary to or incidental to the principal permitted use or structure existing on the property, and not incompatible with the intent of the district. not part of an otherwise approved open air business, provided such display	One (1) per three hundred (300) gross floor area of sales.	A sale is for a period of not more than sixty (60) days per year.
Shipping Containers and Pre-Fabricated Metal Containers [TR-90]	Shipping containers, truck trailers, or similar pre-fabricated primarily metal structures.	N/A	A. The exterior material shall match the character of the surrounding area or earth-tone in coloring. B. Shall be treated as an accessory building and meeting all of those requirements. C. Must be placed on a foundation. D. The wheels of a tractor trailer shall be covered or removed.

Section 3.7 Supplemental Use Requirements**A. Accessory Buildings**

1. Where the accessory building is structurally attached to the main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to main buildings.
2. Except in the Open Space Overlay Districts, no accessory building shall be erected in any required front or side yard. A detached accessory building shall be located only in the rear yard and may occupy not more than thirty percent (30%) of the required rear yard. In no instance shall a detached accessory building be closer than twenty-five (25) feet to a rear or side lot line. [TR-84]
3. No accessory building shall be erected prior to the construction of the main building, except as provided in Section 16.2C above. By definition an accessory building is clearly incidental to the principal building housing the main use; therefore, the Zoning Administrator shall not issue a Zoning Permit for an accessory structure prior to the issuance of a building permit for the main or principle building, and no rough framing of an accessory building shall begin until the rough framing of the principal building has been completed. [TR-84]
4. Accessory buildings in Agricultural (AG) zoning districts shall comply with the following:
 - a. All exposed walls shall have a finished appearance by the application of face brick, wood, aluminum or composition siding, or similar materials approved by the Zoning Administrator where an accessory building is erected or placed within two hundred (200) feet of the front property line of any parcel of land fronting upon a public road. [TR-84]
 - b. All buildings accessory to the operation of a farm, other than those usually incidental to the dwelling, shall be located not less than one hundred (100) feet from any dwelling and not less than twenty-five (25) feet from any lot line or property boundary, with the exception that the main farm barn building shall not less than one hundred and fifty (150) feet from the front property line. This requirement shall not apply to the alteration or addition to an existing barn or other farm buildings, which are located closer to the road and which existed prior to the adoption of this Ordinance, if approved by the Zoning Board of Appeals.
5. Buildings accessory to residential buildings in Residential (R), Open Space (OS), Avoca Residential (AR) Multiple Family Residential (RM), Mobile Home Park (MH) and districts shall comply with the following: [TR-84]
 - a. No residential accessory building shall have exposed or uncovered cement block walls, tarpaper, plywood sheathing, or similar materials. All exposed walls shall have a finished appearance by the application of face brick, wood, aluminum or composition siding, or similar materials approved by the Zoning Administrator. [TR-84]

- b. In order to maintain the appearance of a residential accessory building, overhead or similar doors over nine (9) feet high, and similar equipment and features shall not be permitted on the side of the accessory building facing the front lot line.
 - c. Accessory buildings shall not involve any business, trade or occupation, unless specifically approved as part of a special land use permit under Article 14. No residential accessory building shall exceed a height of sixteen (16) feet.
 6. Accessory Buildings in Commercial and Industrial districts shall comply with the following:
 - a. The exterior walls shall be finished in the same materials as the principal building.
 - b. The accessory building(s) shall comply with all setback requirements of the principal building.
 - c. Accessory structures shall not exceed one story or fourteen (14) feet in height (from church design req. Sec 14.22) [TR-84]
 7. Vehicles and Containers Prohibited as Accessory Buildings
 - a. Over-the-road truck trailers, shipping containers, other enclosed trailers, and similar vehicles and containers shall not be permitted as permanent accessory buildings in any zoning district.
 - b. The Building Inspector may permit the use of trailers, shipping containers, and similar enclosed vehicles for temporary storage at new building construction sites for periods not to exceed 6 months and may grant not more than one 6 month extension. A valid building permit shall be in place during the entire time the temporary storage unit is in use. A cash performance guarantee, in the amount established by resolution of the Township Board, shall be deposited with the Building Department Clerk to guarantee removal of the temporary storage unit upon expiration of the building permit and/or as a condition for issuance of a Certification of Occupancy.
- B. High Volume Water Well or Well System
1. There must be a demonstrated need for the proposed High Volume Water Well or System.
 2. All such uses shall be completely enclosed and without storage yards.
 3. No structure shall exceed the height limit of the district and all storage tanks shall be set back from all property lines a distance equal to at least the height of the tank.
 4. In order to protect surrounding property values, all buildings shall be designed to be compatible in style and materials with other uses and structures permitted in the district.

5. No building shall be located closer than one hundred (100) feet to any property line abutting land zoned for residential use. No High Volume Well or Well System shall be located closer than 200 feet to any property line.
6. Adequate off-street parking, screened from public view, shall be provided for any service personnel and all drives and parking areas shall be built in accordance with Township requirements.
7. The applicant shall submit a site plan and hydrogeologic study prepared by a registered engineer, qualified by training and experience to prepare hydrogeological studies, showing the extent of the well cone of influence, the number and location of wells, and the anticipated average and peak water flow on a daily and peak basis. In addition, the study shall document the location and depth of existing wells within the maximum proposed cone of influence area or 2,000 feet, whichever is greater, and describe the anticipated impact on these wells. Furthermore, the study shall include a plan that provides, at a minimum, for the connection of any and all existing wells within the cone of influence to the proposed well or system free of charge in the event that the wells fail after the proposed well(s) is constructed. As an alternative, the plan may provide for the drilling of new or deeper wells for individuals. The plan shall also provide, at a minimum, for the future connection to the well or system (or drilling of new individual wells) to those properties within the cone of influence that are currently undeveloped or underdeveloped. In no way shall the construction and operation of a water well structure restrict or eliminate the availability of potable water to those residents, businesses, and property owners within the cone of influence of the well(s).
8. The applicant shall submit an application to the Planning Commission for approval to drill a test water well for the purpose of collecting data needed to complete a full application and to determine the feasibility of establishing a permanent well or well system. The drilling of a test well may be permitted as a temporary use not requiring special land use approval. The application shall include the following information:
 - a. Name, address, municipality, zip code and phone number of applicant
 - b. Location of proposed test well
 - c. Purpose of proposed test well
 - d. Anticipated depth and peak volume of well
 - e. A scale drawing showing the location of potential contaminants, industrial uses and industrial zoning districts within 2,000 feet of the proposed well
 - f. Proposed end users of the well or well system and location of end users
 - g. Number of days anticipated to complete drilling and number of days anticipated to complete testing
 - h. Signature of applicant
9. An application for a permanent High Volume Water Well or Well System shall include an application for special land use approval, and all other similar

information as may be necessary to confirm compliance with the provisions of the Kenockee Township Zoning Ordinance.

10. In order to protect the public health, safety and welfare and protect the public supply of drinking water, No High Volume Water Well or Well System shall be constructed within 2,000 feet of any known source of contamination (e.g., waste disposal site, land application of sanitary waste water or sludge, sanitary landfills, chemical or waste chemical storage or disposal facilities, etc.), existing industrial uses, or property zoned for industrial uses. The applicant shall provide a map, prepared by a registered engineer, land surveyor, architect, landscape architect or planner showing the existing uses and zoning within a minimum 2,000 foot radius of the site which shall include an inventory of all hazardous materials users, underground fuel tanks, and similar potential sources of groundwater contamination. This radius may be increased by the Township Board depending on the results of the hydrogeologic study. If other potential sources of contamination other than those listed above are identified within a minimum 2,000 foot radius of the proposed High Volume Water Well or Well System, the Planning Commission may deny the application or, if appropriate, require appropriate conditions to protect the public health, safety and welfare.
11. In addition to the above, the applicant shall address other potential negative impacts that may be caused by the construction and operation of a high volume water well system, and provide and establish a plan for mitigation of these negative impacts.
12. Because the supply of clean, safe drinking water is an important natural community resource, no High Volume Water Well or Well System may supply water to any property outside the limits of Kenockee Township unless an agreement is reached between the Kenockee Township Board and the Legislative Body of the other municipality.
13. An annual permit shall be required for all High Volume Water Wells or Well System. Prior to December 31 of each year, the owner-operator shall submit an application and appropriate application fee to the Township Clerk for renewal of the annual permit. The application shall include well log data including peak and average flow data on a monthly basis and water quality testing results.
14. A performance bond in an amount to be set by the Township Board shall be provided by the Applicant to ensure protection of adjacent property owners' water supply.
15. Well location, construction and operation shall be in conformance with the State of Michigan Public Health Standards and the standards in this Ordinance. In the event of a conflict between the two, the standard(s) which is more restrictive shall apply.

C. Mining and Soil Removal Operation

1. An application for a mining and soil removal special land use shall include the following detailed information and plan drawings:
 - a. Name of the owner, or owners, of land from which removal is to be made.

- b. Name and address of applicant making a request for such permit.
 - c. Name and address of the person, firm, or corporation that will be conducting the actual removal operation.
 - d. Location, size, and description of the area from which the removal is to be made.
 - e. Location of the processing plant.
 - f. Type of materials or resources to be removed.
 - g. Proposed method of removal, general haul route, and whether blasting or other use of explosives will be required.
 - h. General description of equipment to be used.
 - i. The estimated number of years to complete operations.
 - j. A statement that a performance guarantee satisfactory to the Township Board will be furnished. Upon submission of a topographical survey by a Michigan Registered Civil Engineer or Registered Land Surveyor showing completion of the reclaimed areas, the bond or security shall be released, in accordance with the amount of security per acre.
 - k. As part of the application, the applicant shall submit a topographic survey of the existing parcel(s) drawn to scale and prepared by a Michigan Registered Civil Engineer or Registered Land Surveyor with minimum five (5) foot contour intervals based upon U.S.G.S. datum. The drawing shall also clearly show the area to be mined, areas for stockpiling, processing plant locations, maintenance areas, and similar use areas. The applicant shall also prepare a Reclamation Plan which depicts the final elevations referenced to U.S.G.S. datum and prepared by a Michigan Registered Civil Engineer or Registered Land Surveyor. The applicant will propose a certain plan of operation and will be expected to comply with such a plan during the full term of the permit.
 - l. The application shall be accompanied by a processing fee, to be paid by the applicant, in an amount to be established from time to time by resolution of the Township Board.
2. Standards for Mining Operations:
- a. All buildings and stationary equipment shall be located no closer than one hundred fifty (150') feet to the nearest abutting property line.
 - b. No excavation or mining shall take place within fifty (50') feet of the nearest abutting property line, nor within seventy-five (75') feet of the right-of-way of an existing or a platted street. If the circumstances of the site indicate that either or both of these setback requirements would not be adequate to protect abutting property, the Planning Commission shall require a greater distance and may also require provision of a greenbelt and/or earthen berm within a portion of the setback area. A reduction in the setback from a street right-of-way may be granted by the Planning Commission only in those instances

where it is necessary to reduce the final elevation so that it conforms with the elevation of the street.

- c. All active excavation shall be screened from view of an adjoining residential district by one of the following:
- d. Construction of a raised earth berm, along the boundaries of the property, at least six (6') feet in height at its center above the actual elevation of the property along the property lines. The berm shall be planted with grass, trees, and similar vegetation.
- e. Plantings of coniferous trees having a minimum height of eight (8') feet along the boundaries of the property with sufficient staggered rows and of a depth that will guarantee effective screening.
- f. All equipment and facilities used in the production, processing or transportation of sand, gravel, stone, or other earth materials shall be constructed, maintained, and operated, in such manner as to comply with the Performance Guarantees (Section 16.7) of this Ordinance.
- g. Any paved public road used as a haul route to and from the mining site shall be swept, salted, or otherwise maintained as required by the St. Clair County Road Commission, to keep the road in a safe and passable condition. All gravel public roads providing access to the mining site shall be kept dust-free at all times during mining operations by spraying with chloride or other means and shall otherwise be maintained as required by the St. Clair County Road Commission, to keep the road in a safe and passable condition. Any private site drive(s), paved or unpaved, shall likewise be maintained as required by the Township.
- h. The applicant shall acquire approval as to haul routes, bonding requirements, weight limits, speed limits, and other matters within the jurisdiction of the agencies responsible for the public roads.
- i. The haul route shall be chosen so as to cause the least amount of disturbance to residential uses and other non-mining uses in the area. The applicant shall clearly post or otherwise inform all drivers of the approved haul route.
- j. Adequate corner clearance (Section 7.6) for road and drive intersections shall be maintained.
- k. Upon termination of any excavation and/or mining operation either by the applicant (or his agent(s)), the Township through this Ordinance, and/or through judicial means, the land shall be reclaimed according to the standards for rehabilitation
- l. Sand, gravel, and other mining operations shall not leave or bury equipment (obsolete or otherwise), debris, waste, or any other foreign material on the mining site. Violation of this provision shall be grounds for revocation or suspension of the special land use permit for the site. Referral shall be made to the Michigan Department of Environmental Quality for possible violation of state environmental law.

- m. In order to protect the water supplies in the surrounding area, dewatering is prohibited, unless included in the original special land use application (or amendment) and approved by the Planning Commission after first consulting with appropriate state and County agencies and the Township Engineer. The Planning Commission may require that the operator provide at their expense, additional study (ies) and/or measures to ensure that potable water supply (ies) of surrounding area properties are preserved or replaced in a timely manner. Such measures may require transporting of potable water by tanker as needed.
 - n. All trucks shall be prohibited from standing and parking on the public right of way outside the entrance to all mining operation sites.
 - o. If the site is altered for any reason, which is not consistent with the original site plan with details as approved by the Planning Commission, then the Township may require the applicant to apply for a special land use amendment. The Township may, after written notice, suspend the original special land use permit to preserve the health, safety, and welfare of the Township and its residents until such amendment is applied for and finally approved. In addition, as with any special land use permit, the Township retains the right to take appropriate enforcement action against any violation(s).
3. Standards for Rehabilitation of Mined Areas:
- a. All excavations shall be made either to a water-producing depth of at least 8 feet below the low-water mark for at least 80 percent of the water area, or shall be graded or backfilled with earthen materials, to insure:
 - i. That the excavated area shall not collect and permit to remain therein, stagnant water; or
 - ii. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, and so as to produce a level or gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land in the immediate area.
 - b. The banks of all sand and gravel excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be less than three (3') feet horizontal to one (1') foot vertical, and said banks shall be restored with vegetation in a manner set forth hereunder.
 - c. Where a permanent body of water will result from the mining operations, the slopes on all sides of the pit, beginning at the high water mark, shall not exceed four (4') feet horizontal to one (f') foot vertical until the water reaches a depth of five (5') feet at the low water mark.
 - d. Vegetation shall be restored by the use of sufficient overburden for grading and leveling and depth of top soil and by appropriate seeding of grasses and planting of shrubs or trees in all parts of the mining area where such area is not to be submerged under water, as provided above.

- e. Upon cessation of mining operations by completion, abandonment or otherwise, the operator, within a reasonable period of time, not exceeding twelve (12) months thereafter, shall remove all processing plant structures, buildings, stockpiles, and equipment unless such structures, buildings, stockpiles, or equipment can be lawfully used for an approved permitted use or special approval use in the zoning district in which they are located.

D. Single Family Dwelling Standards

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

1. All such dwelling units must meet the current construction standards of the State of Michigan and Kenockee Township prior to being brought into the Township and prior issuance of a building permit. The minimum acceptable standard for factory-built homes shall be the Department of Housing and Urban Development "Mobile Home Construction and Safety Standards" being 24 CFR 3280, and as from time to time such standards may be amended.
2. All such dwelling units must meet the minimum floor area requirements of this Ordinance: 960 square feet. Any addition to a factory-built home must be designed and constructed by the original manufacturer or an architectural plan for a compatible addition may be submitted to the Planning Commission for approval. All additions shall be constructed with similar quality workmanship as the original structure, shall be permanently attached to the principal structure, and permanently supported by and anchored to an approved foundation.
3. All such dwelling units shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code in affect in the Township and shall have a wall of the same perimeter dimensions as the dwelling, and constructed of such materials and type as required in the building code for single family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
4. All wheels, axles, and towing apparatus must be removed from a mobile home prior to issuance of a certificate of occupancy. No dwelling shall have any exposed towing mechanism, undercarriage, or chassis. [G-1]
5. All such dwellings shall be connected to a public sewer and water system or private facilities approved by the St. Clair County Health Department.
6. All such dwellings shall be compatible in appearance with other site-built homes in the Township. To this end, a roof with a minimum pitch of 4/12 shall be required with overhangs or eaves of at least twelve (12) inches. There shall not be less than two (2) exterior doors, on different sides of the dwelling, with access to both doors by means of exterior steps or porches, where a difference in elevation requires the same. All such dwelling units shall have a minimum width on all sides of at least twenty-four (24) feet.

7. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party of the Zoning Board of Appeals within a period of thirty (30) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design, and appearance of one or more residential dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20 percent of the lots situated within said area; or, where said area is not so developed, by the character, design, and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home. [G-1]
 8. All such dwellings shall contain a storage capability area in a basement under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10 percent of the square footage of the dwelling or 100 square feet, whichever shall be less. [G-1]
 9. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state law or federal law or otherwise required by this Ordinance pertaining to mobile home parks.
 10. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township Building Code provisions and requirements and no factory built dwelling shall be brought into the Township until a Building Permit has been issued by the Building Inspector.
- E. Wind Energy Conversion System (WECS)
1. Applicability of Ordinance. The standards which 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. For systems intended for uses other than the above, Planning Commission approval shall be required. Said approval shall cover the location of the system (shown on a survey of the property) on the site, the noise generated by the system, assurances as to the safety features of the system, and compliance with all applicable state and federal statutes and regulations. Planning Commission approval shall specifically be required for arrays of more than one wind energy conversion system and for systems wherein one wind energy conversion system is intended to provide the electric power for more than one main building.

2. Standards for and Regulation of WECS

- a. Construction: Tower construction shall be in accordance with the latest edition of the Township Building Code, and any future amendments and/or revisions to same.
- b. Electro Magnetic Interference (EMI): Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency and/or television broadcasting or reception, and shall comply with the provisions of Title 47, Chapter 1, Part 15 of the Federal Code of Regulations and subsequent revisions governing said emissions.
- c. Setbacks: The structural design shall be signed and sealed by a professional engineer, registered in the State of Michigan, certifying that the structural design complies with all of the standards set forth for safety and stability in all applicable codes then in effect in the State of Michigan and all Sections referred to herein above. The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to the height of such tower. The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the WECS or its supporting structure will not cause any portion of it to fall within five feet (5') of utility lines.
- d. Maximum height: the maximum height permitted (without variance from the Zoning Board of Appeals) shall be fifty feet (50') unless otherwise prohibited by any state or federal statutes or regulations.
- e. Minimum Blade Height: The minimum distance between the ground and any protruding blades utilized on a WECS shall be fifteen feet (15'), 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. Maximum survival wind speed and the emergency and normal shut down procedures.
- h. Utility Company Notification: The Detroit Edison Company shall be notified in writing of any proposed interface with that company's grid prior to installing such interface and shall conform to any legislated requirements governing installations of WECS so as to comply with the Utility Tariff specifications.

- i. Safety: The WECS's 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 eight (80) miles per hour.
- j. 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 the property line.

3. Miscellaneous

- a. All electric line/utility wires shall be buried under ground except in Agricultural Districts.
- b. Any mechanical equipment associated with and necessary for operation, including a building for batteries and storage cells shall be enclosed within a six foot (6') fence. The supporting tower shall also be enclosed within a six foot (6') fence unless the base of the tower is not climbable for a distance of twelve (12') feet.
- c. When a building is necessary for storage of cells or related mechanical equipment, the building may not exceed one hundred forty (140) square feet in area nor eight (8') feet in height, and must be located at least the number of feet equal to the height of the tower from any property line.
- d. The tower and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the tower and related structure shall be dismantled and re-moved from the property within sixty (60) days.
- e. Every WECS shall be insured with minimum liability insurance of one hundred thousand dollars (\$100,000) for each occurrence. Proof of insurance shall be furnished to the Township.

Article 4 Schedule of Regulations

Section 4.1 Table of District Dimensional Regulations

Table 4-1: Table of District Dimensional Regulations

Minimum Lot Size (B)		Minimum Yard Setbacks (A)			Maximum Height of Structures		Maximum Lot Coverage	Minimum Floor Area Per Unit
Area	Width	Front	Each Side	Rear	Stories	Feet		
AGRICULTURAL DISTRICT								
5 acres	300 feet	100 feet	50 feet	50 feet	2	35	20% or 1 acre	960 sq. ft.
AVOCA RESIDENTIAL DISTRICT (AR)								
6,600 sq. ft.	60 feet	25 feet	5 feet	5 feet	2	35	30% 1,980 sq. ft.	960 sq. ft.
RESIDENTIAL (R)								
5 acres	300 feet	100 feet	50 feet	50 feet	2	35	30% or 25% 1.5 acres or 1.25 acres	960 sq. ft.
MANUFACTURED HOUSING DISTRICT (M)								
30 acres	300 feet	50 feet	50 feet	50 feet	C	C	C	N/A
MULTIPLE FAMILY RESIDENTIAL DISTRICT (RM)								
6,600 sq. ft.	60 feet	25 feet	5 feet	5 feet	2	35	30 % 1,980 sq. ft.	N/A
NEIGHBORHOOD BUSINESS DISTRICT (NB)								
6,600 sq. ft.	60 feet	20 feet	10 feet	20 feet	1	35	25%	N/A
GENERAL BUSINESS DISTRICT (B)								
2.5 acres	200 feet	50 feet	25 feet	50 feet	2	35	25%	N/A
GENERAL INDUSTRIAL DISTRICT (I)								
5 acres	300 feet	100 feet	75 feet	75 feet	2	35	50%	N/A

Section 4.2 Notes to Table of District Dimensions Regulations

No building or structure shall be erected, converted, enlarged, reconstructed, moved upon, or structurally altered, except in conformity with the building area, placement and height regulations of the district in which the building is located; and except in conformity with the lot area, width and coverage regulations of the district in which the building is located.

- A. For lots adjacent to any street or highway, the yard setbacks shall be measured from the right-of-way line for such street or highway to the building or structure on a lot.
- B. The ratio of lot depth to lot width shall not exceed 4:1 for any lot 20 acres or less in any district. (TA 13-4 to 13-14)
- C. Individual minimum lot width or setbacks for mobile home park or mobile home condominium projects shall comply with the rules and regulations of the Michigan Mobile Home Commission. (TA 13-17)

Article 5 Open Space Overlay District

Section 5.1 OS – Open Space Overlay District

The purpose of this overlay district is to preserve the natural character and beauty of areas having a high degree of environmental quality; to protect the clarity and purity of the watercourses by minimizing bank erosion and sedimentation; and to protect the economic value and the scenic quality of the stream banks and basins for the community and its property owners. The district regulations are designed to ensure that the land will be developed in a manner having the least possible impact on natural resources.

[TA 5-1, 5-2, 5-3, 5-4, 5-5]

Section 5.2 DEVELOPMENT REGULATIONS

- A. No structure shall be erected or maintained within fifty (50') feet from a floodplain and stream bank or from any embankment identified as an escarpment or a "short steep slope" in the 1974 St. Clair County Soil Survey, whichever is greater. Before issuance of a building permit, the proprietor shall submit a plot plan (Section 18.08) or site plan (Section 16.33) to the Zoning Administrator or Planning Commission, as applicable, showing the proposed location of any dwelling unit or other structure in relation to the stream bank, escarpment, steep slope, and/or floodplain boundaries where applicable. [G-5]
- B. Any land owner or developer who contracts for, allows, or engages in an earth change, excavation, land balancing, or similar moving of earth materials within five hundred (500') of a lake or stream of St. Clair County shall obtain a permit from the Michigan Department of Environment, Great Lakes, and Energy and a Soil Erosion and Sedimentation Control permit. [G-5]
- C. Any part of a lot which lies within fifty (50') feet of a natural feature identified in (A) above, shall not have its natural vegetation removed except in conformity with a permit issued pursuant to B above.

Article 6 RESERVED FOR FUTURE USE

Article 7 General Provisions

Section 7.1 Scope

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

Section 7.2 Performance Guarantee

Whenever improvements such as paving of streets, parking areas, screen walls, or other improvements are required by this Ordinance, these shall be shown on a site plan for the proposed use (including all condominiums). In addition, the owner of the subject property shall deposit a cash performance guarantee in the amount of one hundred and twenty-five (125) percent of the estimated cost of the required improvements, or as otherwise provided in this Ordinance, but not less than two thousand five hundred dollars (\$2,500.00) with the Township Clerk. The entire sum shall be returned to the owner upon satisfactory completion of the required improvements within the time limits specified herein. Failure to complete the required improvements shall result in forfeiture of the Performance Guarantee. [G-1 & G-5]

Section 7.3 Non-Residential Building Standards for Approved Facing Materials

The exterior of all buildings in the Neighborhood Business, General Commercial, and General Industrial districts shall conform to the following: [16-2] [G-1]

- A. The front, and those sides visible from the road, of new buildings shall be constructed of masonry building materials such as face brick, stone, or decorative block (i.e. scored, fluted, split and the like), or other material approved by the Planning Commission as equivalent in quality and appearance to the above materials.
- B. The architecture and exterior facing materials of any building shall be designed to achieve a high quality character throughout the Township's non-residential zones. The Planning Commission shall find that the plans include a complimentary contrast between materials in the overall appearance of the building, and an architectural style appropriate for that particular zoning district.
- C. The Planning Commission shall review and approve the proposed exterior facing materials during site plan review. The proposed exterior facing materials shall be noted on the building elevation drawings.

Section 7.4 Buildings to be Moved

Any building or structure which has been wholly or partially erected on any premises located within or outside the Township shall not be moved to and placed upon any other premises in Kenockee Township until a permit for such relocation shall have been secured from the Zoning Administrator. Any such building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a new building or structure. [16-4]

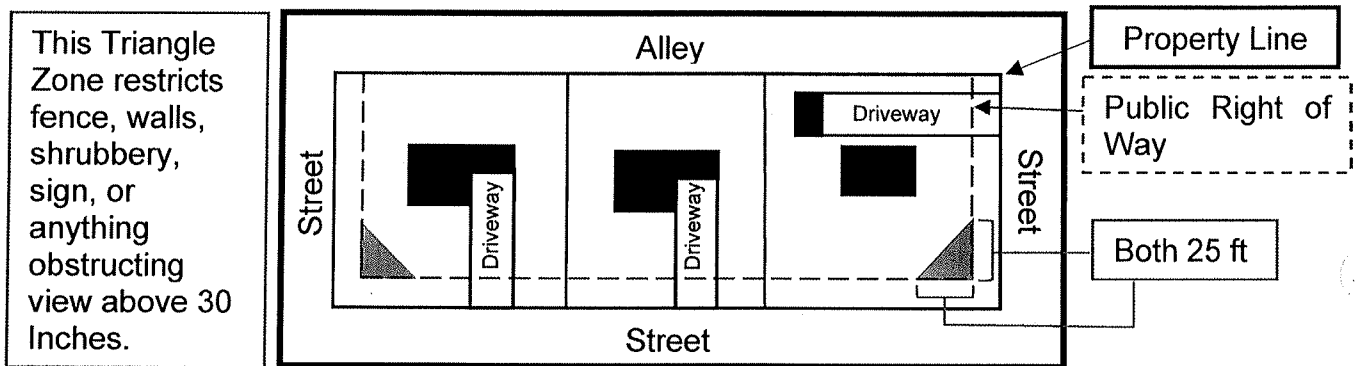
Section 7.5 Conflicting Regulations

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

Section 7.6 Corner Clearance

So as not to obstruct the view of a driver of a vehicle approaching the intersection, no fence, structure, 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 street right-of-way lines and a line connecting them at points twenty five (25) feet from the intersection of the street right-of-way lines or in the case of a rounded property corner from the intersection of the street right-of-way lines extended, excepting that shade trees shall be permitted where all branches are not less than ten (10) feet above the road level. [16-5]

Figure 7-1: Diagram of Corner Clearance



Section 7.7 Excavations or Holes

The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited: provided however, this Section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Building Inspector; and, provided further, that this Section shall not apply to streams, natural bodies of water or to ditches, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, St. Clair County, the Township, or other governmental agency. [G-1]

Section 7.8 Exterior Lighting

- A. All outdoor lighting in all Zoning Districts excluding AG Agriculture and R Residential Zoning Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences. [16-7]

- B. All outdoor lighting in all Zoning Districts excluding AG Agriculture and R Residential Zoning Districts shall be downward facing and directed away from existing residential homes, residential zoning districts, and road right-of-way (ROW).. [16-7 & 16-8] [G-1]
- C. . All outdoor lighting in all Zoning Districts excluding AG Agriculture and R Residential Zoning Districts shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent road ROW . [16-8] [16-9]

Section 7.9 Frontage Requirement

Every dwelling or principal building shall be located on a lot or parcel of land which has frontage on a public street or private road for at least the minimum width of a lot required in the particular zoning district. This Section shall be construed to prohibit the creation of lots or parcels of land that have only a narrow access to the abutting street (sometimes referred to as "flag lots" or "panhandle lots") and other lots of unusual shape that are designed to circumvent or that effectively circumvent this Ordinance's definition of lot width. Lot width shall be measured as defined in Section 2.4., [16-11]

Section 7.10 Lot and Subdivision Limitations

- A. Only one single-family detached dwelling or one two-family dwelling shall be placed on a lot. [G-1]

Section 7.11 Lots, Yards, and Open Spaces

No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit, required by this Ordinance, may by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building. [16-14 [16-15]" [16-15][16-16]

Section 7.12 Residential Entranceway

- A. In Agricultural, Open Space, and all Residential Districts, entranceway structures including, but not limited to, walls, columns, and gates marking entrances to one family residential or multiple family residential developments may be permitted and be located in a required yard, except as provided in Section 2.2, provided that entranceway structures shall comply with all codes and Ordinances of the Township with proper permits issued. [G-1]
- B. Entranceway structures shall refer only to the development on the land upon which it is located.

Section 7.13 Permitted Area and Placement

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, except in conformity with the area and placement regulations of the district in which the building is located. [G-1]

Section 7.14 Permitted Uses

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, designed, or arranged for any purpose other than

is permitted in the district in which the building or land is located, except as otherwise provided herein. [G-1]

Section 7.15 Ponds

- A. Private ponds for fish, ducks, livestock, water, irrigation water, fire protection, recreation, collection of surface drainage or created for the purpose of obtaining fill dirt for on site construction purposes shall be permitted in any district subject to the provisions below and after first obtaining a zoning permit from the Zoning Administrator. The application for the permit shall contain: [16-17]
1. The name of the owner(s) of the property.
 2. Legal description of the property.
 3. A site plan drawn to a scale suitable to demonstrate compliance with applicable regulations.
- B. No pond shall be constructed without first obtaining a permit from the Michigan Department of Environment, Great Lakes, and Energy (DNR) if such pond would be:
1. Five (5) acres or greater in area, or
 2. Connected to an existing lake or stream, or
 3. Located within five hundred (500) feet of the ordinary high water of an existing inland lake or stream.
- Obtaining a permit from the DNR shall not relieve a person from complying with the requirements of this Section.
- C. Applicants under this Section are encouraged to obtain copies of publications concerning ponds from the U.S. Soil Conservation Service and the St. Clair County Cooperative Extension Service.
- D. All ponds constructed after the effective date of this Ordinance shall comply with the following regulations:
1. No pond shall be located nor constructed on any lot or parcel of land having less than five (5) acres in area or having a lot width of less than three hundred feet (300) feet. [G-1]
 2. Excavated earth material created by construction of a pond shall be used to the maximum extent feasible for on site purposes. However, excess excavated earth materials not feasible for use on site may be removed from the property in compliance with an approved site plan and the following requirements. If the applicant proposes that any excess excavated earth is to be removed from the property, he shall first provide a written statement of the cubic yards to be removed. The applicant shall be limited to this stated volume and any amount in excess of the stated volume to be removed must first be approved as an amendment to the site plan. This statement or any amendments thereto shall either be shown on the site plan or physically attached to the site plan and shall be considered a part of the site plan for purposes of review and approval or denial. Further, any excess excavated earth shall be removed within six (6) months after excavation, except

under unusual circumstances (i.e. a long period of bad weather as might occur in winter or spring months) then the applicant may apply to the Planning Commission for one (1) extension of six (6) months. [G-1]

3. Excavations undertaken primarily for the purpose of commercial soil, gravel, or mineral removal, and not primarily for the purposes set forth in this Section above shall not be considered as "ponds" but instead shall be considered as "quarries" and subject to the applicable provisions of Section 3.7C
4. The pond excavation shall not be greater than twenty five feet (25) in depth from the existing grade.
 - a. The spoils shall not exceed thirty-six (36) inches in height.
 - b. The berm shall be a minimum of twelve (12) feet from the edge of the pond. [G-1]
5. The pond may occupy up to a maximum of twenty 20 percent of the lot or property upon which it is placed. [G-1]
6. The pond shall be a minimum of fifty (50) feet from any dwelling, any septic field or any well. This requirement shall take precedence over the setback requirement specified below. [G-1]
7. The pond shall not be placed within a "required" front yard.
8. The pond shall not be located within 25 feet of a driveway, nor shall a driveway be constructed within 25 feet of a pond.
9. The side slopes of the pond shall not exceed a twenty-five 25 percent grade (a 1:4 slope) until the water reaches a depth of five (5) feet below the low water line. In no case shall any slope exceed a fifty (50) percent grade (a 1:2 slope). [G-1]
10. The pond shall be constructed and maintained such that a minimum setback of twenty (20) feet shall be provided between the high water line and any property line. [G-1]
11. At least one (1) permanent safety station consisting of a Coast Guard approved life buoy or ring, 100 feet of ¼-inch rope and a ten (10) -foot pole, all mounted on a post, shall be provided nearest the deepest portion of the pond and erected prior to the completion of the pond. Safety station shall comply with U.S. Soil Conservation Publication SCS REC 121 (3 71). Signs warning of danger and emergency procedures shall also be placed at appropriate locations as indicated in aforementioned S.C.S. publication. [G-1]
12. If the pond is intended for swimming, the swimming area shall be free of all underwater obstacles such as sudden drop offs or deep holes, trees, stumps, brush, rubbish, wire, junk machinery, and fences. The swimming area, if any, shall be marked with a float line.
13. All of the disturbed areas around the pond shall be seeded with adapted grasses or legumes.

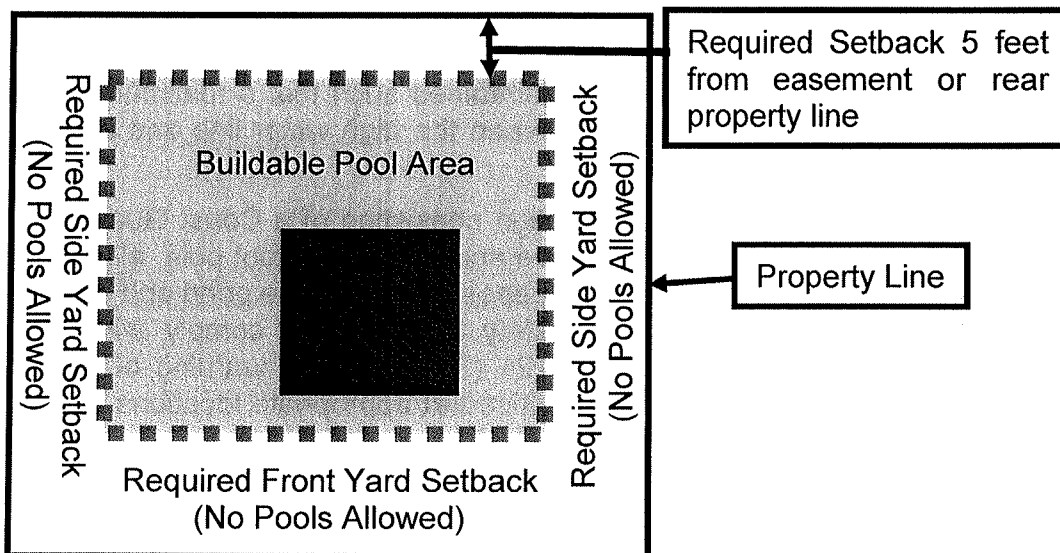
- 14. The pond shall be located so as to prevent sewage or run off from barnyards from draining into the pond.
- 15. All work shall be done in a manner that prevents soil erosion on the subject property and on adjoining properties.
- 16. All ponds permitted under this Section 7.15 shall be completed within nine (9) months of the date of issuance of the zoning. [16-19]

Section 7.16 Swimming Pools

All swimming pools erected in the Township shall comply with the following requirements:

- A. Application. The application for a building permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the pool, a plot plan and location of adjacent buildings, fencing, gates, public utilities, specifications and plans to scale of pool walls, slope, bottom, walkway, and diving boards, type and rating of auxiliary equipment, piping and valve layout, and any other detailed information affecting construction and safety features deemed necessary by the Building Inspector.
- B. Pool Location. Minimum side yard setback shall comply with Article 4 of this Ordinance. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than five (5) feet between the pool outside wall and the rear property line, or less than the established an easement width at the rear property line, or less than five (5) feet between pool wall and any building on the lot. (See Figure 7-2)[16-20] [G-1]

Figure 7-2: Pool Building Location Diagram



- C. Enclosure in the Residential District. For the protection of the general public, all pools in the residential District shall be completely enclosed by a fence, wall or building; or building located not less than four (4) feet from the perimeter of the pool. The fence shall be of a type described in Section 10.7 not less than 4 feet high. Any openings in such enclosure shall be equipped with a self-closing, self-latching gate or door

which shall be securely locked from the pool side or house side when pool is not in use. [G-1]

- D. 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 make satisfactory arrangements with the utility company involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. [G-5]

Section 7.17 Open Parking and/or Storage of Motor Vehicles, Recreational Vehicles, Boats, and Similar Vehicles

- A. No motor vehicle shall be kept, parked, or stored in any district zoned AG Agricultural Residential, R Residential, AR Avoca Residential and MF Multiple Family, unless it shall be in operating condition and properly licensed, or kept inside a building. The purpose of this provision is to prevent the accumulation of junk motor vehicles, and therefore, it shall not apply to any motor vehicle ordinarily used, but temporarily out of running condition. If a motor vehicle is being kept for actual use, but is temporarily unlicensed, the Zoning Administrator may grant the owner a reasonable time, not to exceed six (6) months, to procure such license. [G-5]

Likewise, no old, rusty, and unsightly machinery, machines, or parts of machines not suitable for use upon the premises, or quantities of old and used building materials, shall be kept or stored outside a building: provided, however, that the building materials fit to be used to improve the premises may be kept if it is piled off the ground so as not to become a rat and rodent harbor.

- B. Visitor Parking of Recreational Vehicles. The open parking of a recreational vehicle, snowmobile, off-road motorcycle, boat, or similar vehicle, or a trailer used or meant to be used to haul such vehicles by a visitor of the occupant of the premises shall be permitted for a period not exceeding fifteen (15) days, provided vehicles are currently registered or licensed and shall not be stored within any front yard and shall further respect the requirements applicable to accessory buildings insofar as distances from principal structures, lot lines, and easements are concerned.
- C. Occupant Owned Recreational Vehicles. All recreational vehicles, snowmobiles, off road motorcycles, boats, and similar vehicles owned by the occupant of the premises and stored on the premises shall not be stored within any front yard and shall further respect the requirements applicable to accessory buildings insofar as distances from principal structures, lot lines, and easements are concerned.
- D. All recreational vehicles parked on lands not approved for campgrounds shall not be connected to sanitary facilities, and shall not be occupied.

Section 7.18 Satellite Dish Antennae

- A. Satellite dish type antennae are permitted in all zoning districts.
- B. Satellite dish type antennae in excess of three (3) feet in diameter shall be considered as accessory structures, and shall require a zoning compliance permit from the Zoning Administrator prior to installation as set forth in Section 16.3 [G-1]

General Provisions **Error! Reference source not found.**

- C. In the Residential District, no satellite dish type antennae in excess of three (3) feet in diameter shall be placed in a front yard or a side yard, nor on the roof of any building despite the fact that it may be within the height limit of the district; however, such antennae may be placed in a rear yard subject to the same restrictions as set forth in Section 3.7A for accessory buildings. [G-1]

Section 7.19 Hazardous Materials

All businesses and facilities which use, store, or generate hazardous substances in any quantity shall comply with the following requirements:

A. Groundwater Protection Standards

1. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater, and street slopes. [G-1]
2. Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.
3. General purpose floor drains shall be connected to a public sewer system or an on-site holding tank in accordance with state, county, and Township requirements, unless a groundwater discharge permit has been obtained from the Michigan Department of Environment, Great Lakes, and Energy. [G-1]
4. Sites at which hazardous substances and polluting materials are stored, used or generated shall be designed to prevent spills and discharges of polluting materials to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands. [G-1]
5. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.

B. [16-23]Aboveground Storage

1. Primary containment of hazardous substances shall be product-tight.
2. Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the operator to recover any released substance.
3. Outdoor storage of hazardous substances is hereby prohibited except in product-tight containers which are protected from weather, leakage, accidental damage, and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance, including an allowance for the expected accumulation of precipitation.

General Provisions **Error! Reference source not found.**

4. Secondary containment structures such as out buildings, storage rooms, sheds, and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers. [G-1]
5. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as area where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater, or soils. [G-1]

At a minimum, State of Michigan and Federal Agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport, and disposal shall be met.

C. Underground Storage

1. Existing and new underground storage tanks shall be registered with the Michigan Department of Environment, Great Lakes, and Energy in accordance with federal and state requirements.
2. Installation, operation, maintenance, closure, and removal of underground tanks shall be in accordance with the requirements of the Fire Department and the Michigan Department of Environment, Great Lakes, and Energy. Leak detection, corrosion protection, spill prevention, and overflow protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by state and local officials. [G-1]
3. Out-of-service and/or abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshall Division, the Michigan Department of Environment, Great Lakes, and Energy, and Kenockee Township. [G-1]

Section 7.20 Trash Storage Enclosures

- A. All areas used for the storage of trash and other waste products shall be screened from public view, from a street or alley, and from an adjoining residential district. The following standards shall apply to all such trash enclosures:
 1. Enclosure shall be constructed of the same exterior materials as the buildings they are intended to serve.
 2. Enclosures shall be at least five (5) but not more than eight (8) feet high and shall obscure all wastes and/or containers within.
 3. In all office and business districts, no enclosure shall be permitted within ten (10) feet of the right-of-way of a street or alley that provides access to the side or rear of the building. [G-1]
 4. No trash enclosure shall be located within the front.[G-1]
 5. Where possible, the applicant is encouraged to incorporated the dumpster enclosure into the building and provide gates, roll-up doors, or similar means of access for trash removal personnel. Chain-linked fencing may be allowed if slats are put in to obscure the view. Applicants may use curb side service without an enclosure if appropriate. [16-24 & 16-26]

Section 7.21 Transformer and Mechanical Equipment Screening

- A. For all uses in the NB Neighborhood Business, B General Business, and I Industrial zoning districts, all ground mounted transformers, climate control, and similar equipment shall be screened from view from any street or adjacent property by a wall constructed of the same exterior materials as the building and not less than the height of the equipment to be screened. As an alternative, the equipment may be screened by a dense landscaped planting approved by the Planning Commission. [G-5]
- B. For all uses in the NB Neighborhood Business, B General Business, and I Industrial zoning districts, all rooftop climate control equipment, transformer units, and similar equipment shall be screened from view of any street or adjacent property. The materials used to screen the equipment shall be compatible in color and type with the exterior finish materials of the building. Where possible, a parapet wall or similar architectural feature should be selected as the preferred method. All rooftop equipment shall conform to the maximum height regulations of this Ordinance. [G-5]

[16-29]

Section 7.22 Community Impact Statement Requirements

A. Intent

The community impact statement is intended to provide a format for applicants to document the anticipated impacts of zoning district changes over five (5) acres or intensive development projects as determined by the Planning Commission in the Township of Kenockee. The Planning Commission upon reviewing of the application can require a CIS. Zoning district changes or intensive land uses often have significant impacts on public services, the surrounding neighborhood and the natural environment that must be understood in order for the Township to have a complete understanding of the rezoning and/or development proposal. Home occupations as special land uses do not require a community impact statement. [16-27]

B. Contents

The CIS should address the items below in a concise manner that accurately portrays the proposed land use. The CIS is to be prepared by the Applicant and submitted to the Township Planning Commission for review.

1. General

- a. Brief description of the zoning district change or land use proposed. Include hours of operation (if applicable), impacts on adjacent uses (noise, smoke, dust, etc.), and other pertinent data. Is the zoning district change consistent with the Master Plan?
- b. Brief description of surrounding land uses.

2. Community Facilities and Services

- a. Estimated demand on police services.
- b. Estimated demand on fire services. Include special equipment requirements.
- c. Estimated number of sewer and water taps and demand.

General Provisions ***Error! Reference source not found.***

- d. Estimated number and axle loading of truck trips daily over proposed route through Township. Describe present road cross-section, adequacy to handle proposed traffic, and/or upgrade needed to handle proposed traffic loadings. (Does not apply to rezoning.) [G-1]
 - e. Describe any other significant impacts or needs related to community facilities and services.
3. Economics
 - a. Anticipated number of construction and permanent jobs (in full-time equivalents).
 - b. Anticipated tax revenues to the Township and School District.
 4. Environment
 - a. Describe the area and type of natural features on site including streams, rivers, bodies of water, wetlands, woodlands, and the like. Describe how these features will be impacted by the proposed zoning change or development (e.g. loss of wetlands, potential pollution of water bodies, and any other similar impacts).
 - b. Describe whether the proposed use will include the manufacture, use, or storage of any hazardous materials. If so, describe the types and quantities, storage areas, and product containment measures. Also provide a spill response plan. (Does not apply to rezoning.) [G-1]
 - c. Provide a complete description of the types and quantities of pollutants that are expected to be emitted into the air as a result of this proposal and describe how state and federal air quality standards will be met. Dust particulates should also be included as well as a dust control plan. (Does not apply to rezoning.) [G-1]
 - d. Describe the impact the proposed development will have on groundwater quality and quantity. Describe necessary mitigation measures.
 5. Noise
 - a. Describe the impact of the project on area noise levels. The applicant should document that the noise standards contained in the Zoning Ordinance Performance Standards will be met. The A-weighted decibel levels dB(A) at the property line should be specified (existing and proposed).
 6. Traffic
 - a. Describe the proposed traffic impacts of the zoning change or development, including the number of trips per day that will be generated. Describe the anticipated impact of this additional traffic at the proposed development intersection(s) with public road(s). Provide road capacity analyses at critical intersections (as determined by the Township) using the methodologies in the Highway Capacity Manual. The traffic impact analysis should be prepared by a planner (AICP or PCP) or engineer (PE) with experience in traffic impact analysis.

7. Mapping

- a. Provide a current aerial photograph of the site and surrounding properties within 1,500 feet of the site. (Include an overlay showing the proposed development area and existing residential dwellings within 1,500 feet of the site- for special land use only.) [G-1]

8. Other

- a. Provide any other information necessary to assess the impact of the proposed zoning change or development project on the surrounding community. The Township may request additional data based upon the characteristics of the development proposed.

9. Preparer Information

- a. Provide the names, phone numbers, addresses, and relevant credentials of those preparing the CIS.

Section 7.23 Protection of Flood Plains, Wetlands, Lakes, And Watercourses [G-1]

- A. The Township of Kenockee finds that flood plain protection is important in order to reduce the flood risk to Township residents and other communities up stream. Likewise, wetlands conservation is a matter of Township concern since loss of wetlands may deprive people in the Township of flood and storm control by hydrological absorption and storage capacity of the wetland; wildlife habitat through loss of breeding, nesting, and feeding grounds; protection of subsurface water resources and provision of valuable watersheds and groundwater recharge areas; pollution treatment by serving as a biological and chemical oxidation basin; erosion control by serving as a sedimentation area and filtering basin, absorbing silt, and organic matter. For the above reasons, it shall be unlawful to construct any building or otherwise fill any area that causes a reduction in the floodway of a river or stream in the Township. Likewise, it shall be unlawful to deposit or permit the placing of fill material in a wetland, lake, or watercourse; dredge, remove, or permit the removal of soil or minerals from a wetland, lake, or watercourse; construct, operate, or maintain any use or development in a wetland; or drain surface water from a wetland, lake, or watercourse. [G-1] Excluding regulated wetlands if the necessary permits are granted by Michigan Department of Environment, Great Lakes, and Energy.
- B. A required thirty (30) -foot building setback is required from a flood plain, wetland, or water's edge. [G-1] [16-28]

Section 7.24 Performance Standards

Except for agricultural operations using generally recognized good farming techniques, no use otherwise allowed shall be permitted within any district which does not conform to the following minimum requirements and standards of use, occupancy, and operation: [G-1]

- A. Smoke

General Provisions **Error! Reference source not found.**

No use in any General Business or General Industrial zoning district shall emit smoke that is visible to the naked eye, except for household burning that occurs under a permit issued by Kenockee Township. The emission of smoke from any other property, business, or use shall not exceed limits imposed by the State of Michigan or the United States Environmental Protection Agency. In no case shall any property, business, or use emit smoke in a way which becomes offensive or a nuisance to adjoining properties.

B. Dust, Dirt, and Fly Ash[G-1]

No person, firm, or corporation shall operate any process, device, or equipment in a manner that causes dust, dirt, or fly ash to settle upon or otherwise interfere with the use of other properties. [G-1]

C. [16-29]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 be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

D. Fire and Explosive Hazards

The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the rules and regulations of the State of Michigan.

E. Noise

Noise shall not exceed an excessive level that is not consistent with the character of the subject property. [16-29] [G-1]

F. Odors

Odorous matter released from any commercial or industrial uses or district shall not exceed the odor that constitutes a nuisance beyond the property lines when measured either at ground level or habitable elevation. The air samples shall be taken at the common property line with an adjoining use.

- G. No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes, and crates or other offensive or obnoxious matter shall be piled, placed, stored, or dumped on any land within the Township until the operator has obtained a landfill permit from the Michigan Department of Environment, Great Lakes, and Energy and Township Board approval. All uses in every zoning district shall place waste materials in an appropriate covered container and properly dispose of same at least once each month in accordance with state law and Township Ordinance. Nothing contained herein shall prevent the 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. [G-1] 16-30]

Section 7.25 General Exceptions [17-1]

A. [17-2] Dwelling in A Non Residential District

This Ordinance does not permit dwellings to be constructed in the Commercial or Industrial Districts. However, the sleeping quarters of a watchman or a caretaker may be permitted in said districts in conformance with the specific requirements of the particular district.

B. Essential Services

Essential services, as defined in Section 2.02, of this Ordinance, shall be exempt from application of this Ordinance.

C. Projections into Yards

Architectural features, as defined, not including vertical projections, may extend or project into a required side yard not more than two (2") inches for each one (1') foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three (3') feet. Architectural features shall not include those details which are normally demountable.

D. Voting Place

E. 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. Porches, Patios and Terraces

An open, unenclosed porch, paved patio, or terrace may project into a required front yard for a distance not to exceed ten (10') feet.

[17-4]

Article 8 RESERVE FOR FUTURE USE

Article 9 Off Street Parking

Section 9.1 Intent

- A. The off street parking and loading requirements of this Ordinance are established to prevent congestion on the public streets, remove the hazard to all vehicles when emerging from between parked vehicles onto a public street, to facilitate proper storm water run off, prevent the generation of dust into the air, and make clear the availability and arrangement of spaces to all users. Adequate pedestrian circulation is important to ensure safety of the most vulnerable users from automobiles [O-2 & O-18] [G-1]

Section 9.2 Applicability

- A. Compliance with the number of parking spaces is required when there is a change in use, change in ownership, expansion of a building, site plan review, and special land use review. When additional spaces are required the elements that change must meet the corresponding requirements in this Section. [O-1]

Section 9.3 Off Street Parking Facilities [G-1]

- A. Any existing off street parking facilities being used upon the effective date of this Ordinance shall not hereafter be reduced below the requirements hereof for the use or a similar structure or land use. Whenever a use or an activity requiring off street parking is created or increased in floor area, intensity of activity, or in some other manner, the number of off street parking spaces shall be provided and maintained as required in this Ordinance.
- B. When units of measurements determining the number of required parking spaces result in requirement of a fractional space of .5 or more shall require one (1) parking space. [O-3]
- C. The off street parking facilities required for all uses shall be located on the lot or on property within three hundred (300) feet of the permitted use requiring such off street parking. The distance to be measured along lines of public access to the property between the nearest point of the parking facility and the building to be served, provided that the said off street parking facility shall not be separated from the building by a road. [G-1]
- D. Nothing in this Section shall be construed to prevent collective provision of off street parking facilities for two or more buildings or uses, provided collectively such facilities shall not be less than the sum of the requirements for the various individual uses computed separately. Any such provisions or agreements for collective parking shall be set forth in a recordable instrument and recorded in the Register of Deeds, describing the lands affected by this agreement or easement.
- E. All parking spaces shall have access from an aisle on the site to minimize backing onto a street and having a potential traffic hazard.
- F. In the case of stadia, sports arenas, churches, and other uses where spectators occupy benches, pews, or other similar seating facilities, each twenty (20) inches of such seating shall be considered as one seat for the purpose of determining off street parking requirements. [O-5] [G-1]

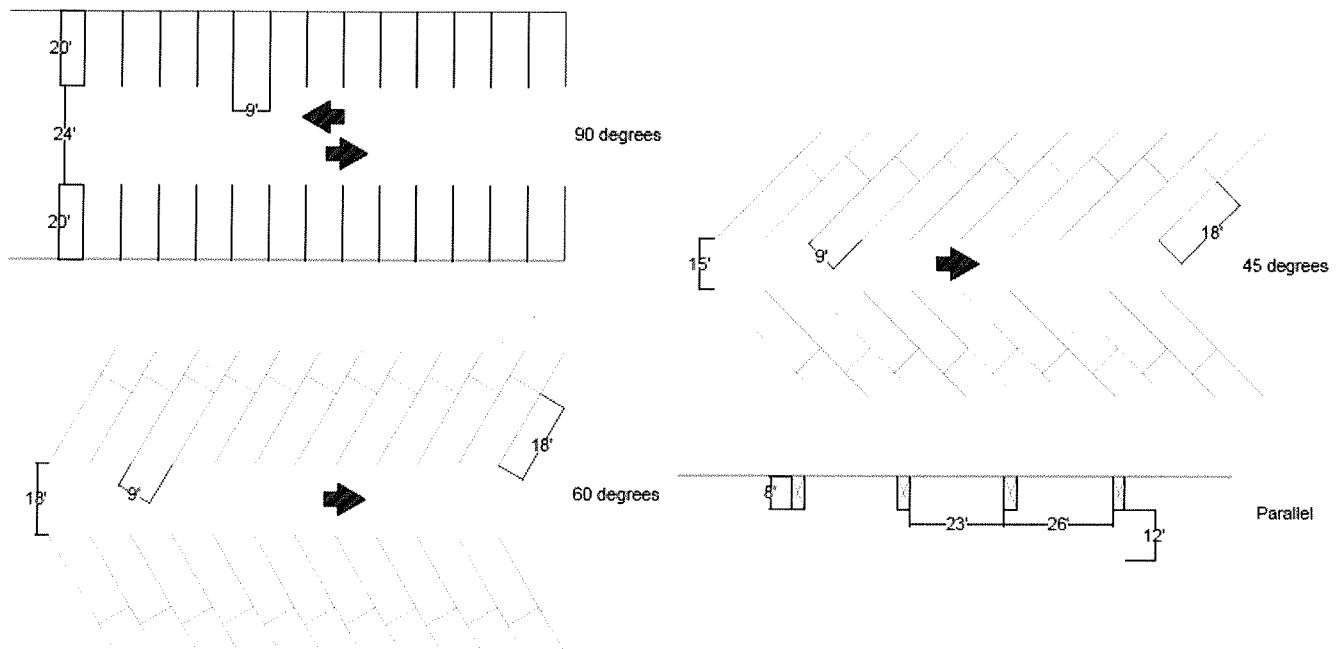
Section 9.4 Off Street Parking Layout, Construction and Maintenance

- A. All spaces shall be laid out in accordance with the following schedule; plans for the layout of off street parking facilities shall be in accordance with the following minimum requirements in Table 9-1:except as otherwise required in Section 9.8
- B. All parking spaces shall be clearly striped to facilitate movement and to help maintain an orderly parking arrangement.
- C. All parking serving other than one family dwellings shall be side by side and tandem parking shall be prohibited.

Table 9-1:Off-Street Parking Layout

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
Parallel	12 ft.	8 ft.	23 ft.
45	15 ft.	9 ft.	18 ft.
60	18 ft.	9 ft.	18 ft.
90	24 ft.	9 ft.	20 ft.

Figure 9-1: Parking Layout Illustration



- D. [O-6]Except for the single family detached dwelling units or farm uses that have ten (10) or more parking spaces or if the road the driveway connects to a paved road, all parking areas required shall be paved with concrete or plant mixed bituminous material in accordance with the plans approved by the cross ref site plan Section. Such concrete pavement shall be of a minimum thickness of six (6) inches and any bituminous paving shall be of a minimum thickness of three (3) inches and shall be placed upon a base of gravel of a minimum thickness of four (4) inches. [O-8] [G-1] [G-5]
- E. [O-8]All spaces shall be provided adequate access by means of paved maneuvering lanes.

Section 9.5 Off Street Parking Development Regulations [G-1]

A. An approved off street parking area as permitted under this Section shall be subject to the following regulations:

1. No repairs or service to vehicles and no display of vehicles for purpose of sale shall be carried on or permitted upon such premises. [O-10]

All land between the lot boundaries of the lot on which is located a parking area and the barriers hereinafter referred to, as well as the surface of the parking area, shall be kept free from tall grass, weeds, rubbish, refuse and debris, and shall be landscaped to conform with the general character of the district. [O-11]

2. A ten (10) foot parking lot front yard setback is required in the B and I zoning districts. The required setback shall at a minimum be grassed or landscaped. [O-9]
3. Side and rear yards shall be maintained for a space of not less than ten (10) feet between the side and rear lot lines adjoining residential lots and the parking area. A protective wall or greenbelt shall be erected and maintained between the required yard space and area to be used for parking. On such other locations where a protective barrier is required, bumper guards or a curb at least six (6) inches high shall be provided to prevent vehicles from striking said wall or shrubbery. [O-9] [G-1]
4. Entrance to such parking areas shall be only from adjoining principal use or adjoining alley or street.
5. It shall be unlawful for any person to leave, park, or store any motor vehicle or to permit any motor vehicle to be left, parked, or stored in a parking lot as permitted in this subsection for a period of longer than 18 hours, it being the purpose and intent of this provision that the requirement is to provide for keeping parked motor vehicles off the streets, but such requirement is not designed to permit the storage of wrecks or junked cars or vehicles. Exempt from this provision is the parking of vehicles accessory to the principal use. [G-1]
6. [O-12]The use of any loud noise producing device or public address system shall be prohibited.

B. Paving Schedule.

1. All paving required by this Ordinance shall be completely installed prior to the issuance of an occupancy permit for the use of the premises, except as provided hereinafter.
2. In any case where the development of the land and/or buildings has been fully completed and an occupancy permit would otherwise be issued, and the complete installation of the paving required is prevented by inclement weather or acts of nature beyond the control of the owner, the owner may obtain a temporary occupancy permit for a period not exceeding six (6) months from the Building Inspector, after review and approval of the Planning Commission, upon written request therefor, provided said owner shall:

- a. Deposit security with the Township Treasurer or other designated person in the form of cash or a corporate surety bond in an amount equal to the cost of the complete installation of the paving (the cost being determined by the Township Engineer) plus an additional ten percent (10%) thereof. The additional sum of ten percent (10%) is hereby determined to be a reasonable expense incurred by the Township for inspection and administrative costs and
 - b. Complete the installation of the required parking in the time required by the terms of the temporary occupancy. Upon completion of the parking area paving, the security deposit required hereunder shall be canceled and returned to the depositor upon demand. Upon failure to completely install the paving as required herein, the security deposit required above shall be forfeited as liquidated damages, the same hereby being declared to be reasonable in view of the difficulty of more exact ascertainment of the damage incurred as a result of such failure.
3. If the security deposit is forfeited as provided in subparagraph (2) above: [G-1]
- a. The Township Engineer, after specific authorization by the Township Board, shall expend such amount as has been authorized by the Township Board not exceeding the total amount of the security deposit to cause the required paving installation to be made, [G-1]
 - b. The building inspector shall not issue a regular occupancy permit until the paving required is completely installed, and
 - c. Use or occupancy of the premises after the expiration of the temporary occupancy permit and before the issuance of a regular occupancy permit shall be unlawful and a violation of this Ordinance.

Section 9.6 Location and Design of Driveways [G-1]

- A. All parking areas shall be provided with a safe entrance and exit from the abutting public thoroughfare. Such entrance and exit in the case of a one way traffic flow system shall be at least fifteen feet (15') in width and may, in the case of a two-way traffic flow system, be combined as one which shall in no event be less than twenty four (24') feet in width.
- B. Provided, however, in no case shall there be more than one separate exit and one separate entrance to and from a single street.
- C. The location of each such entrance and exit shall be submitted for approval of the County Road Commission or the Michigan State Highway Department, as the case may be, and the Township Planning Commission.
- D. A driveway shall not exceed thirty (30') feet in width. [G-1]
- E. **Service Drive Easement Requirement.** Where a proposed General Business use has access to a major thoroughfare, as designated on the Kenockee Township Master Plan, the parking area shall be designed to minimize the number of driveways with direct access onto the major thoroughfare. In order to facilitate this goal, each site plan shall include an easement dedicated to the Township Board for the purpose of establishing a service drive for the joint use of nearby businesses. The front twenty-

five (25) feet of the front yard, except necessary entrance drives, shall be landscaped as a greenbelt for the full width of the property. The next twenty-five (25) feet shall be the area dedicated as an easement to the Township. Said easement shall permit the establishment of a service drive for the purpose of reducing direct access onto the major thoroughfare. The Township Planning Commission shall have the right to require use of the service drive in lieu of an individual driveway entrance onto the major thoroughfare. [P-7]

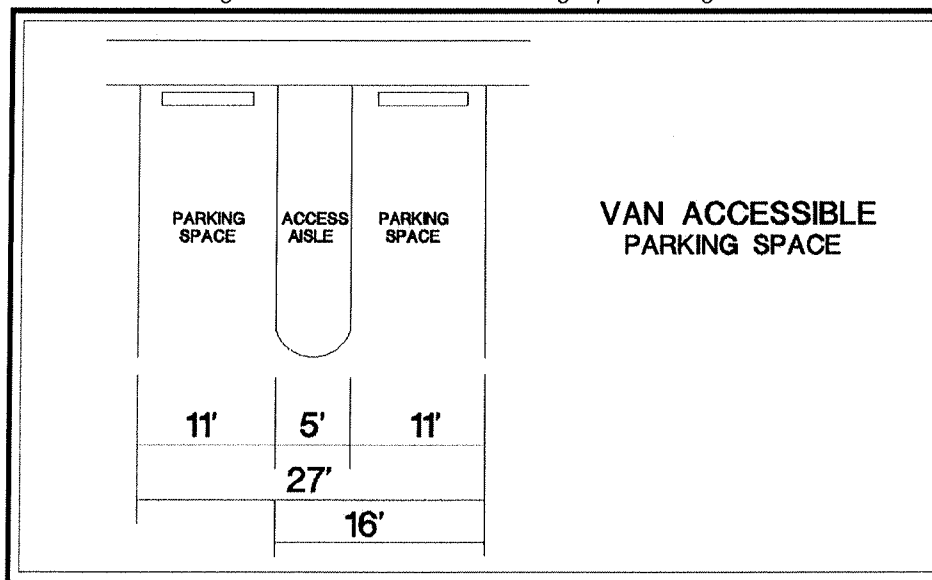
Section 9.7 Off Street Waiting Area for Drive Through Facilities [G-1]

- A. On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window as required in Section 3.5 Table of Uses. [G-1]
- B. A waiting space shall be twenty three (23') feet long by ten (10') feet wide.

Section 9.8 Barrier Free Parking Spaces [G-1]

- A. Each parking lot that serves a building or use, with the exception of single and two-family dwelling units, shall provide spaces for physically disabled persons in accordance with the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division.

Figure 9-2: Barrier Free Parking Space Diagram



- B. The required number of accessible parking spaces shall be included with the number of total parking spaces for the use and shall be in accordance with the following schedule:

Table 9-2: Barrier Free Parking Spaces

Total Number of Parking Spaces Required	Minimum Number of Accessible Spaces Required
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
Over 1,000	20 plus 1 for each 100 spaces over 1,000

[O-4]

Section 9.9 Minimum Number of Off Street Parking Spaces [G-1]

- A. The minimum number of off street parking spaces by type of use shall be irrevocably provided and maintained on the premises occupied by such structure on the basis of the following schedule in Section 3.6
- B. In the case of a use not specifically mentioned, the requirement for off street parking facilities for such use shall be that for a listed use which is most similar as determined by the Planning Commission. [O-16]

Section 9.10 Off Street Loading Requirements [G-1]

- A. On the same premises with every building, structure, or part thereof, erected and occupied and 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 services in order to avoid undue interference with public use of the streets and alleys. [G-1]
- B. Whenever use of a building or lot is changed, loading space shall be provided as required in this Article.
- C. Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten (10) feet by fifty (50) feet or total square footage of five hundred (500) square feet with fifteen (15) foot height clearance.
- D. The loading space may be located in the rear and side yard only. The loading space may not be located in the required setback.
- E. The loading space shall be adequately drained.

- F. Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:
1. Each business served shall have direct access to the central loading area without crossing a street or alleys.
 2. The total loading space provided shall meet the minimum requirements specified, in considering the total Gross Floor Area of all businesses served by the central loading space.
 3. No building served shall be more than three hundred (300) feet from the central loading area.
- G. The required number of spaces shall be provided according to the following schedule. The Planning Commission may modify or waive the number of type of deliveries experienced by a particular business or use: [O-17]

Table 9-3: Loading Space Number Requirement

Gross Floor Area in Square Feet	Spaces Required
0-1,400	None
1,401-20,000	One (1) space
20,001-100,000	One (1) space plus one (1) space for each 20,000 SF
100,001-500,000	Five (5) spaces plus one (1) space for each 40,000 SF in excess of 100,000 SF
Over 500,000	Fifteen (15) spaces plus one (1) space for each 80,000 SF in excess of 500,000 SF

Article 10 Landscaping

Section 10.1 Intent

- A. The intent of this Section is to promote the public health, safety, and welfare by establishing minimum standards for the design, installation, and maintenance of landscaping as buffer zones between zoning districts, along roadways, between adjacent buildings, and in parking lots. [G-1]
- B. The standards of this Section are intended to guide and encourage the protection and enhancement of the environment through requirements for site design and the use of landscape materials. Applicants are encouraged to provide landscaping in addition to the minimum requirements of this Ordinance to further improve the ecological functions, appearances, and values of their property. [L-1] [G-1]

Section 10.2 Applicability

- A. The requirements set forth in this Article shall apply to all uses for which site plan review is required under this Article. No site plan or special land use shall be approved unless said site plan provides landscaping consistent with the provisions of this Article. Nonconforming landscaping shall come into full compliance when a site plan or special land use is required. [L-2] [G-1]

Section 10.3 Buffer Zone

- A. For those use districts and uses listed hereinafter, there shall be provided and maintained, on those sides abutting or adjacent to a Avoca Residential, Residential, or Open Space Overlay District, the below buffering is required. The applicant may select one of the three buffering methods: [L-3]

Table 10-1: Buffer Requirements

Subject Parcel Zoning District	Adjacent to AR, R, or OS District
RM District	6 Foot wall or solid fence, berm, or greenbelt
MH District	None
NB District	6 Foot wall or solid fence, berm, or greenbelt
B District	6 Foot wall or solid fence, berm, or greenbelt
I District	6 Foot wall or solid fence, berm, or greenbelt

Section 10.4 Required Berm [G-1]

- A. Continuous earth berms shall be provided with undulating horizontal and vertical tops and sides, the height of which shall be no less than required for a wall in the district. Earth berms may consist of opaque screen plantings within the horizontal berm depressions or masonry walls or a combination of both as long as the minimum required height of the earth berm, plantings, wall, or combinations thereof are provided. [G-1]
- B. [G-1] Berms shall be landscaped earth mounds possessing a maximum slope ratio of 3:1 (three feet of horizontal plane for each one foot of vertical height). Side slopes

shall be designed and planted to prevent erosion. The berms shall have a nearly flat horizontal area at their crests of at least two (2) feet in width. [G-1]

- C. Berm or earth mounds shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected with a straw mulch held in place by jute netting until the seed germinates and a permanent lawn is established. The straw mulch is not required if the seeded slope is protected by a net which is specifically designed to control erosion.
- D. The berm area shall be kept perpetually free of weeds, refuse, debris, and general clutter and shall be planted with shrubs, trees, or lawn and shall be continuously maintained in a healthy growing condition. Failure to maintain the earth berm in accordance with these requirements shall constitute a violation of this Ordinance. [G-1]

Section 10.5 Required Greenbelt

- A. Shall consist of fifteen (15) feet in width along the adjacent property line. [G-1]
- B. Shall be located as near as possible to the lot lines, except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts.
- C. Shall have one (1) canopy tree, two (2) evergreen trees, and four (4) shrubs per thirty (30) linear feet. [G-1] [G-5]
- D. Require evergreen trees in the greenbelt shall maintain full coverage from the top to bottom of the tree.
- E. Shall have no openings except for vehicular traffic. [L-4]

Section 10.6 Required Wall or Fence

- A. Required walls or fence shall be located as near as possible to the lot lines, except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts.
- B. When vehicles or open air display generally exceed a five (5) foot height, said wall shall be increased to a height not exceeding eight (8) feet, as determined by the Planning Commission.
 - 1. Such walls or fences shall have no openings except for vehicular traffic. [G-1]
 - 2. All walls herein required shall be constructed of face brick or other approved materials. All fences shall be constructed of wood or wood products. All materials shall be approved by the Planning Commission to be durable, weather resistant, rustproof, and easily maintained. [G-1]
 - 3. Masonry walls or fences may be constructed with openings which do not, in any square Section (height and width) exceed twenty (20) percent of the surface. Where walls or fences are so pierced, the openings shall be spaced so as to maintain the obscuring characteristic required and shall not reduce the minimum height requirement. The arrangement of openings shall be reviewed and approved by the Planning Commission.

C. Residential Property Across Alley [G-1]

1. Any General Commercial or General Industrial District on which a drive in business, open air display, parking lot, or other open use is conducted shall be separated along its entire length from any adjacent residentially zoned district, located across a public alley of not less than twenty (20) feet wide, by either a building housing a permitted use or by a solid decorative masonry wall five (5) feet in height above grade located, preferably on the residential side of said public alley as provided in paragraph 2 below. Greater wall height may be required as determined by the Planning Commission.
2. Required fences and walls may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone upon agreement with affected property owners. Such agreements shall be indicated on the site plan and recorded as a covenant upon the land. The continuity of the required wall on a given block will be a major consideration of the Planning Commission in reviewing such requests. [G-1]

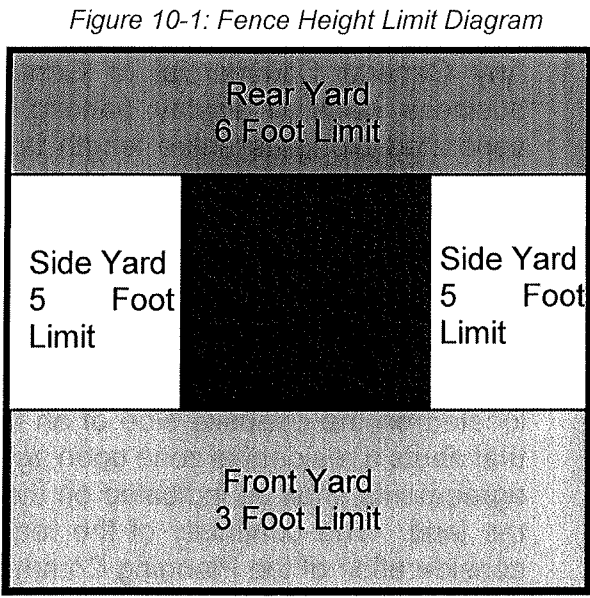
D. Openings in Walls. Where required walls or fences, are provided on the business side of public alleys, requirements may be waived to provide necessary entrance to or exit from required off street parking and loading areas, provided approval is secured from the Planning Commission as to suitability of width and location of such openings.

Section 10.7 Fences, Walls, and Other Protective Barriers – Not Required

All fences of any nature, type of description including hedges (but not including planted greenbelts approved by the Planning Commission) located in the Township shall conform to the following regulations:

- A. The erection, construction, or alteration of any fence, wall, or other type of protective barrier shall conform to the requirements of the zoning district wherein they are required because of land use development and to the requirements of this Section. [G-1]
- B. Fences in the Agricultural District and fences for agricultural uses in other districts may be located on all property or road right-of-way lines of a parcel of land providing such fences are maintained in a good condition and do not result in an unreasonable hazard to persons who might come near them. [G-1]
- C. Fences in the Avoca Residential District may be located along the property line with the decorative side facing out. [L-5]

D. Fences in other than Agricultural Districts and Avoca Residential, which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:



1. No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any required rear yard in excess of six (6) feet, or less than three (3) feet in height above the grade of the surrounding land and no fence shall hereafter be erected, along the line dividing lots of parcels or land or located within any required side yard in excess of five (5) feet, or less than three (3) feet in height above the grade of the surrounding land. [L-5] [G-1]
2. No fence shall hereafter be located in the required front yard or yard adjacent to the street of the lots or parcels in question more than forty two (42) inches in height.
3. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of the fence, or electric current or charge in said fences is prohibited, except for permitted agricultural uses. Barbed wire cradles may be placed on top of fences enclosing public buildings or wherever deemed necessary in the interests of public safety. [G-1]

Section 10.8 Plant Materials

- A. Whenever in this Ordinance a landscaped greenbelt or earth berm is required, it shall be planted prior to the issuance of a Certificate of Occupancy. If the development is not completed within a growing season, a temporary Certificate of Occupancy shall be issued for a one (1) year period and a bond posted of sufficient amount to ensure that the earth berm or greenbelt will be completed in accordance with Ordinance provisions.
- B. Suitable plant materials as listed below, or equal in characteristics to these materials, with the spacing as required shall be provided.
 1. Plant Material Spacing
 - a. Plant materials or tree centers shall not be placed closer than four (4) feet from the fence line or property line.
 - b. Where plant materials are planted in two (2) or more rows, planting shall be staggered in rows.
 - c. Evergreen trees shall be planted not more than thirty (30) feet on centers.
 - d. Narrow evergreens shall be planted not more than three (3) feet on centers.

- e. Deciduous trees shall be planted not more than thirty (30) feet on centers.
- f. Large deciduous shrubs shall be planted not more than four (4) feet on centers.
[L-5]

C. Recommended Plant Materials	Minimum Planting Size [G-1]
<hr/>	
1. Evergreen Trees	Five (5) feet in height
<hr/>	
a. Hemlock	d. Spruce
b. Fir	e. Douglas
c. Pine	
f. Fir	
2. Narrow Evergreens	Five (5) feet in height
<hr/>	
a. Juniper	e. Pyramidal Red Cedar
b. Column Honoki Cypress	f. Swiss Stone Pine
c. Blue Columnar Chinese Juniper	g. Douglas Arbor Vitae
d. Irish Yew	h. Columular Giant Arbor Vitae
	i. Pyramidal White Pine
3. Ornamental Trees	1 ½ inch caliper
<hr/>	
a. Flowering Crabapple	f. Hornbeam
b. Mountain Ash	g. Hawthorn
c. Dogwood	h. Magnolia
d. Redbud	i. Russian Olive
e. Rose of Sharon	
4. Large Deciduous Shrubs	Thirty (30) inches in height
<hr/>	
a. Honey Suckle	g. Cotoneaster
b. Viburnum	h. Hazelnuts
c. Mock Orange	i. Evonymus
d. Forsythia	j. Privet
e. Lilacs	k. Buckthorn
f. Ninebark	l. Sumac
5. Large Deciduous Trees	2 inch caliper
<hr/>	
a. Oaks	d. Sycamore
b. Hard Maples	e. Birch
c. Hackberry	f. Beech

g. Ginkgo

i. Sweet Gum

h. Honey locust

j. Hop Hornbeam

D. Trees not permitted

1. Ash

6. Ailanthus (Tree of Heaven)

2. Box Elder

7. Catalpa

3. Soft Maples (Red & Silver)

8. Horse Chestnut (nut bearing)

4. Elms (American)

9. Willows

5. Poplars [L-6]

E. Additional Regulations

1. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn or other materials acceptable to the Planning Commission. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance. [G-1]

Section 10.9 Modification or Waiver

- A. The Planning Commission may modify or waive any landscaping requirement in this Article.
- B. Existing vegetation of the same type (evergreen, deciduous, or shrub) may count towards the required number if located in the required area, is not listed as a prohibited tree, and is not diseased. [L-7]

Article 11 Sign Regulations

Section 11.1 Purpose

Signs include all those devices which convey an identification or message to persons on the same or neighboring properties or roadways. Properly developed signs guide users to a destination or convey a message without creating unnecessary confusion, congestion, distractions, or other hazards. In this manner, the basic purpose of this Section shall be: [G-1]

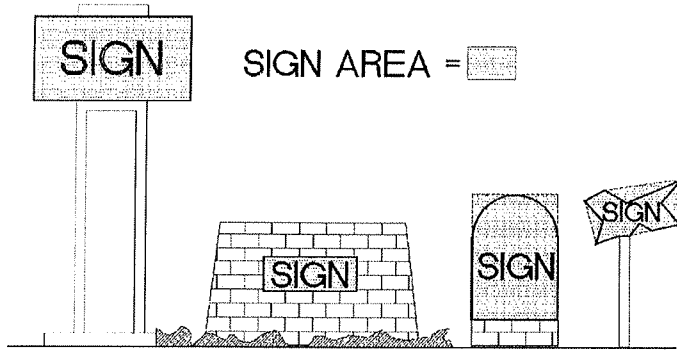
- A. To set forth conditions and requirements for all signs regardless of district boundaries.
- B. To set forth requirements for signs to protect the quality character of the Township by regulating the types of signs located in the various use districts, reasonable scale with respect to the building and design.
- C. To establish review, approval, and permit procedures for all signs. [G-1]
- D. To establish requirements regarding the construction and maintenance of signs and also the removal of any unauthorized signs placed within road right-of-way.
- E. To prevent the placement of signs in a manner that will conceal or obscure signs of adjacent businesses which would reduce visual distraction and obstructions to motorists traveling along, entering, or leaving streets.
- F. To keep the number of sign messages at the level reasonably necessary to identify a business and its products.
- G. To prevent the proliferation of temporary signs which create visual blight, negatively impact aesthetics and traffic safety, and result in an increase in the amount of signage otherwise allowed. [G-1]

Section 11.2 General Requirements That Apply To All Signs

- A. A sign permit shall be required for the erection, construction, or alteration of any sign, including electrical permits for all illuminated signs and all such signs shall require site plan approval by the Planning Commission. [G-1]
- B. There shall be no flashing, oscillating, or intermittent type of illuminated sign or display; nor shall there be any streamers, windblown devices, spinners, , pennants, or flags other than those permitted by the Planning Commission. [G-1]
- C. No sign, except those established and maintained by the Township, county, state, or federal government, shall be located in, project into, or overhang a public right-of-way or dedicated public easement. [G-1]

D. [S-5] All calculation of total sign area shall be measured on one side of the face of the sign. The area of a sign that is irregular in shape shall be calculated by multiplying its tallest dimension times its longest dimension. [G-1]

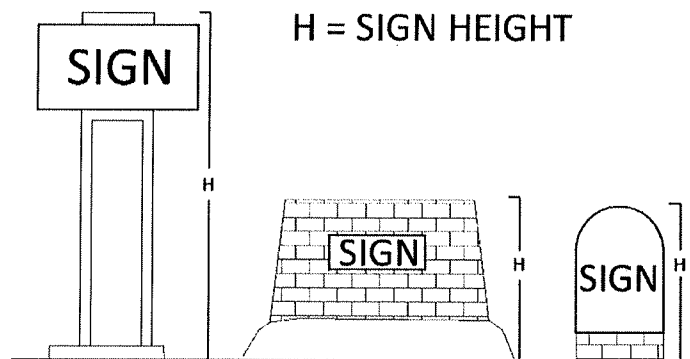
Figure 11-1: Sign Area Diagram



E. The sign height shall be determined based on the tallest point of the structure.

F. No sign above a height of three (3) feet shall be located within, project into, or overhang the triangular area formed at the intersection of street right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

Figure 11-2: Sign Height Diagram



G. No sign above a height of three (3) feet shall be located within, project into, or overhang the triangular area formed at the intersection of street right-of-way and driveway at a distance along each line of twenty-five (25) feet from their point of intersection. [G-5]

H. All signs shall be lighted by internal illumination only unless the lighting equipment is designed as an integral part of the display. This means that the lights themselves are not visible and will in no way interfere with driver visibility or project onto adjoining property.

1. [S-5] [S-5] All signs shall be maintained in a condition similar to that which existed at the time of their erection. At the least, all signs and all awnings with sign components shall be kept clean, free of missing or loose parts, free of blistering or peeling paint, and without missing or obsolete sign panels.

Section 11.3 Signs Permitted in Agricultural Districts [G-1]

A. **Freestanding Sign.** Shall meet the below requirements when located in these zoning districts:

1. The freestanding sign not to exceed thirty-two (32) square feet or six (6) feet in height above the ground.
2. No sign shall be located closer than twenty (20) feet to the right-of-way line and shall not exceed twelve (12) feet in height above the ground.
3. Shall be non-illuminated unless specifically approved by the Planning Commission upon a finding that: the illumination will not adversely impact any nearby residential property or use; and the lighting equipment is properly concealed so that it does

not produce glare; and the lighting equipment will be turned off between the hours of 10:00 p.m. and 7:00 a.m.

4. Meet the requirements in Section 11.9B.

B. **Wall Sign.** Shall meet the below requirement when located in this zoning district:

1. Each separate tenant may have one (1) wall sign not to exceed twenty percent (20%) of its wall area facing the access street or drive, up to a maximum of thirty-two (32) square feet whichever is less.

C. **Temporary Sign.** Shall meet the below requirement when located in this zoning district:

1. Shall not exceed sixteen (16) square feet.

2. Shall meet all the requirements in Section 11.10G.

Section 11.4 Signs Permitted in Residential Districts

A. **Freestanding Sign.** Shall meet the below requirements when located in these zoning districts:

1. The freestanding sign not to exceed sixteen (16) square feet nor exceed five (5) feet in height above the ground.

2. No sign shall be located closer than twenty (20) feet to the right-of-way line.

3. Shall be a non-illuminated sign.

4. Meet the requirements in Section 11.9B.

B. **Temporary Sign.** Shall meet the below requirements when located in these zoning districts:

1. Shall not exceed sixteen (16) square feet in area.

2. Shall meet all the requirements in Section 11.10G.

Section 11.5 Signs Permitted in Avoca Residential[G-1]

A. **Freestanding Sign.** Shall meet the below requirements when located in these zoning districts:

1. The freestanding sign not to exceed sixteen (16) square feet nor exceed five (5) feet in height above the ground.

2. No sign shall be located closer than five (5) feet to the right-of-way line.

3. Shall be a non-illuminated sign.

4. Meet the requirements in Section 11.9B.

B. **Temporary Sign.** Shall meet the below requirements when located in these zoning districts:

1. Shall not exceed sixteen (16) square feet in area.

2. Shall meet all the requirements in Section 11.10G. [S-5] [S-5] [G-1]

Section 11.6 Signs Permitted in Multiple Family Residential and Manufactured Housing Districts [G-1]

- A. **Freestanding Sign.** Shall meet the below requirements when located in these zoning districts:
1. The freestanding sign not to exceed thirty-two (32) square feet or six (6) feet in height above the ground
 2. No sign shall be located closer than twenty (20) feet to the right-of-way line.
 - 3.
 4. Meet the requirements in Section 11.9B.
- B. **Temporary Sign.** Shall meet the below requirements when located in these zoning districts:
1. Shall not exceed sixteen (16) square feet.
 2. Shall meet all the requirements in Section 11.10G.
- C. **Wall Sign.** Shall meet the below requirement when located in these zoning districts: [G-1]
1. Each separate tenant may have one wall sign not to exceed twenty percent (20%) of its wall area facing the access street or drive, up to a maximum of two hundred (200) square feet.
- D. **Window Sign.** Shall meet the below requirements when located in these zoning districts:
1. The window sign(s) shall not occupy more than thirty percent (30%) of the total window area.
 2. Shall meet all the requirements in Section 11.10I.

Section 11.7 Signs in Avoca Business District [G-1]

- A. **Awning/Canopy Sign.** See requirements in Section 11.9A **Digital/Message Board Sign.** Shall meet the below requirements when located in these zoning districts:
1. One (1) permanent message board sign may be approved for each individual, freestanding business building on its own lot, and one (1) permanent message board sign may be approved for each complex of two or more individual offices, stores, or businesses. All message board signs shall comply with the following:
 - a. No message board sign shall obtain its electrical service from an extension cord or similar means. [G-1]
 - b. There shall be no flashing lights, arrows, or similar devices designed to attract attention as a part of any message board sign. This provision shall not prohibit electronic, sequential message signs provided the message does not change more frequently than once each thirty (30) seconds.
 - c. Message board signs for individual businesses shall not exceed twenty (20) square feet as measured on one side of a two-sided sign. [G-1]

- d. Message board signs for a complex of individual offices, stores, or businesses shall be incorporated as part of the complex's permanent, freestanding sign and shall not exceed fifty (50) square feet, as measured on one side of a two-sided sign. [G-1]
- B. **Freestanding Sign.** Shall meet the below requirements when located in this zoning district:
1. The total sign area of the freestanding sign plus the wall sign(s) shall not exceed twenty percent (20%) of the wall area facing the front lot line up to a maximum of thirty-two (32) square feet and a maximum height of six (6) feet.
 2. Meet the requirements in Section 11.9B.
- C. **Multipled Tenant Sign.** Shall meet the below requirements when located in these zoning district:
1. When a site contains two (2) or more office, business, or industrial tenants on the site may have a single freestanding sign not to exceed sixty-four (64) square feet.
 2. The design of the sign shall be compatible with the design and color of the building and structure.
- D. **Projection Sign.** Shall meet the below requirements when located in this zoning district:
1. Shall not exceed eight (8) square feet per side or total of sixteen (16) square feet.
 2. The bottom on the canopy must be at least seven (7) feet above the ground level or sidewalk.
- E. **Roof Sign.** Shall meet the below requirements when located in this zoning district:
1. Shall not exceed twenty (20) percent of the roof or two hundred (200) square feet which ever is less.
 2. Shall meet all the requirements in Section 11.10.
- F. **Temporary Sign.** Shall meet the below requirements when located in this zoning district:
1. Shall not exceed sixteen (16) square feet.
 2. Shall meet all the requirements in Section 11.10G.
- G. **Wall Sign.** Shall meet the below requirement when located in these zoning district:
1. Each separate tenant may have one wall sign not to exceed twenty percent (20%) of its wall area facing the access street or drive, up to a maximum of one hundred (100) square feet per establishment for tenants with less than 10,000 square feet of floor area and two hundred (200) square feet for tenants with 10,000 or more square feet of floor area.
- H. **Window Sign.** Shall meet the below requirements when located in these zoning district:

1. The window sign(s) shall not occupy more than thirty percent (30%) of the total window area.
2. Shall meet all the requirements in Section 11.10I. [G-1]

Section 11.8 Signs in General Business and General Industrial Districts [G-1]

- A. **Awning/Canopy Sign.** See requirements in Section 11.9A:
- B. **Digital/Message Board Sign.** Shall meet the below requirements when located in these zoning districts:
1. One (1) permanent message board sign may be approved for each individual, freestanding business building on its own lot, and one (1) permanent message board sign may be approved for each complex of two or more individual offices, stores, or businesses. All message board signs shall comply with the following:
 - a. All electrical service to message board signs shall be permanently installed, and inspected and approved by the Township. No message board sign shall obtain its electrical service from an extension cord or similar means. [G-1]
 - b. There shall be no flashing lights, arrows, or similar devices designed to attract attention as a part of any message board sign. This provision shall not prohibit electronic, sequential message signs provided the message does not change more frequently than once each thirty (30) seconds.
 - c. Message board signs for individual businesses shall not exceed fifty (50) square feet as measured on one side of a two-sided sign. [G-1]
- C. **Freestanding Sign.** Shall meet the below requirements when located in these zoning districts:
1. One (1) freestanding sign shall per permitted per parcel.
 2. The total sign area of the freestanding sign plus the wall sign(s) shall not exceed twenty percent (20%) of the wall area facing the front lot line up to a maximum of two hundred (200) square feet.
 3. Meet the requirements in Section 11.9B.
- D. **Multiple Tenant Sign.** Shall meet the below requirements when located in these zoning districts:
1. When more than two office, business, or industrial tenants may have a single freestanding sign not to exceed sixty-four (64) square feet that is uniform in design and colors which may display only the name of the complex and the name of each tenant.
- E. **Wall Sign.** Shall meet the below requirement when located in these zoning districts:
1. Each separate tenant may have one wall sign not to exceed twenty percent (20%) of its wall area facing the access street or drive
- F. **Billboard Sign.** Shall meet the below requirements when located in these zoning districts:
1. This is only permitted when there is a primary building on the property.

2. Non-accessory signs shall not exceed four hundred (400) square feet, shall not exceed fifty (50) feet in height and shall be spaced no closer than fifty(50) feet from the property line.
 3. The total sign area for the billboard sign plus the on-premise business sign(s) shall not exceed the total allowable sign area.
 4. Meet the requirements in Section 11.10H.
- G. **Window Sign.** Shall meet the below requirements when located in these zoning districts:
1. The window sign(s) shall not occupy more than thirty percent (30%) of the total window area. [G-1]
 2. Shall meet all the requirements in Section 11.10I.
- H. **Roof Sign.** Shall meet all the requirements in Section 11.10.
- I. **Temporary Sign.** Shall meet the below requirement when located in these zoning districts:
1. Shall not exceed thirty-two (32) square feet in size.
 2. Shall meet all the requirements in Section 11.10G.

Section 11.9 Specific Requirements for Different Type of Signs

- A. **Awning/Canopy Sign**
1. One (1) awning/canopy sign is allowed per tenant space.
 2. Lettering may cover a maximum of 1/3 of the awning or canopy.
 3. Lettering shall not project above, below, or beyond the physical dimensions of the awning or canopy.
 4. The bottom on the canopy must be at least seven (7) feet above the ground level or sidewalk.
 5. Building mounted lighting may indirectly illuminate the area above or below the canopy.
- B. **Freestanding Sign**
1. One (1) freestanding sign shall per permitted per parcel.
 2. In addition, no freestanding sign shall be constructed in a manner as to impair the vision of pedestrians and vehicles.

Section 11.10 Multiple Signs for Individual Businesses [G-1]

The following shall apply to the total of all signs for an individual business in Avoca Business, General Business, and General Industrial districts: [G-1]

- A. An individual business may have a free-standing sign only if the business occupies the entire building on the site otherwise, it is considered a multiple tenant sign; [G-1]

- B. An individual business may have a single, primary sign which may be a free-standing sign or a wall-mounted sign; [G-1]
- C. For wall and monument signs an individual business may also have a single, secondary sign only if it has a separate side or rear customer entrance; and
- D. An individual business may have a single sign, mounted directly on each customer entrance door, of not more than six (6) square feet. As an alternative, an individual business may have a single, pedestrian-scale icon sign mounted at each customer entrance door and perpendicular to the wall of the building. [G-1]
- E. Roof Sign [G-1]
1. Roof signs shall not project beyond or overhang the wall, or any project above or beyond the highest point of the roof.
 2. Shall be sufficient attached to the roof that is able to hold the additional load.
- F. Portable and Vehicle Advertising Sign
1. Portable and vehicle advertising signs are hereby prohibited regardless of form, size, character, or placement.
 2. A portable sign is a freestanding sign not permanently anchored or secured to either a building or the ground.
 3. A vehicle sign is a vehicle advertising sign when the vehicle upon which the sign is painted or attached is parked or placed upon the owner's premises primarily for advertising purposes.
- G. Temporary Sign
- One (1) temporary sign may be permitted, subject to the following:
1. The total display period shall not exceed thirty (30) days.
 2. Temporary message board signs shall not be illuminated unless there is a self-supporting on the sign such as a batteries, solar array.
 3. No business shall display the same temporary sign message more than twice (2) per year.
 4. The applicant shall file a complete application form, and provide all information required by Section 11.15 The Township Board may enact a Temporary Sign Permit Fee to defray administrative expenses.
 5. No business shall display the same temporary sign message more than twice (2) per year.
 6. Temporary signs shall be set back one (1) times the height of the sign from all property boundary lines and street right-of-way lines.
 7. Temporary signs may be permitted by the Zoning Administrator, subject to the following: [G-1]

H. Wall Sign

1. Wall signs shall be displayed flat against the wall of the building or parallel to the wall of the building and shall not project from or be perpendicular to said wall.
2. Wall signs shall not project beyond or overhang the wall, or any project above or beyond the highest point of the parapet.

I. Window Sign [G-1]

Section 11.11 The sign shall not be dilapidated or in disrepair to the point it is an unsafe sign.] Obsolete Sign [G-1]

- A. All signs that are obsolete, due to discontinuance of the business or activity advertised thereon, shall be removed within thirty (30) days of the close of said business or activity.

Section 11.12 Certain Signs Exempt from Permit Requirement [G-1]

The following signs shall be exempt from the permit requirements of this Section and shall conform to the following regulations:

- A. Temporary window signs in office, business and industrial districts which are displayed no longer than fourteen (14) days and do not occupy more than thirty percent (30%) of the total window area.
- B. One nameplate located on a dwelling shall not exceed four (4) square feet.
- C. Permanent bulletin boards not over sixteen (16) square feet in area when the bulletin board is located on the premises of the institution at least twenty (20) feet from all property lines and is not illuminated.
- D. A sign during construction a temporary sign denoting the name of the building, the architect, engineer, contractor, and anticipated completion, alteration, or removal date, not to exceed sixteen (16) square feet in residential districts and forty-eight (48) square feet in all other districts. All such signs shall be set back at least twenty (20) feet from all property lines and removed within seven (7) days after issuance of an occupancy permit.

Section 11.13 Sign Area Bonus for Landscaping

- A. The Planning Commission may grant a bonus in sign area for landscaping around a proposed free-standing sign according to the schedule below. In order to qualify for the bonus, the applicant shall submit a landscape plan prepared by a registered Landscape Architect or other competent professional. The Planning Commission shall make a finding that the plan provides additional landscaping not otherwise required by this Ordinance before granting the bonus. [G-1]
- B. The landscaping bonus shall be four (4) feet by four (4) feet or total of sixteen (16) square feet of landscaped area will result in a ten percent (10%) larger sign than what would otherwise be allowed. [S-9] [G-1]
- C. All original landscape plants shall be guaranteed for one (1) full year and the plantings shown on the landscape plan shall be permanently maintained by the sign owner and the sign advertiser in a healthy, growing condition for the life of the sign. [G-1]

D. Maintenance of Property and Responsible Parties Identified: [G-1]

1. Property surrounding any sign shall be kept clean, sanitary, and free from obnoxious and offensive substances, weeds, rubbish, and flammable materials. [G-1]
2. The owner of any property on which any sign is placed, and the person maintaining said sign are declared to be equally responsible for the condition of the sign and the area in the vicinity thereof. Both parties shall be clearly identified on the sign by name, address, and telephone number.

Section 11.14 Corner Buildings and Multiple Street Frontage

- A. Shall be allowed to have one (1) sign per street.

Section 11.15 Sign Permit Procedure [S-11]

- A. All applications for sign permits shall be made on forms provided by the Zoning Administrator and shall contain the following minimum information:
1. A sketch indicating the location of the subject property and current zoning classification of the subject property where the sign will be located to verify compliance with all setback requirements.
 2. A scale drawing of each sign, in the colors of the finished sign, indicating the size, shape, message, lettering style, and materials of the finished sign. (All required copies must also be in color.) [G-1]
 3. Building elevation sketches showing the position and size of each sign on the building and the location and size of any existing sign(s) on the same structure.
 4. Showing the sign height from ground,
 5. Surface of the sign (materials and dimensions),
 6. Area of sign surface,
 7. Lettering of sign, drawn as it will appear on the erected sign, 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.
 8. If the sign will be illuminated, plans shall include all details regarding the location, type of fixture, color of the illumination, and method of shielding the lighting equipment to prevent glare.
- B. All sign owners shall complete a form, provided by the Township, indicating the name, address, and phone number of the person responsible for maintenance of the sign. At the request of the Township, any sign owner shall update the information provided on this form from time to time. [G-1]

Section 11.16 Standards to Approve Sign Permits

- A. The Planning Commission shall use the below standards to approve sign permits.
1. The proposed sign(s) meet the requirements outlined in this Ordinance.
 2. The proposed sign(s) is constant with the surrounding character and would not cause harm to the surrounding properties.

Article 12 Nonconformity

Section 12.1 Intent [G-1]

- A. **Applicability.** To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the approved plans, construction, or designated use of any structure of land on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance and that there is likelihood that said lawful construction will be completed twelve (12) months after the effective date of this Ordinance. These include structures that were granted variances under the provisions of a previous Ordinance. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district. [N-2 & N-3] [G-1]

Section 12.2 Legality of Non-conformity

Non-conformity will be classified as "legal" or "illegal" based on the following guidelines. Regulation of non-conformity will vary based on their legality.

- A. Illegal non-conformity is those that have been developed in conflict with zoning regulations in force when the nonconformity was established.
- B. Legal non-conformity is those that existed legally before the effective date of this Ordinance, or before some amendment to this Ordinance which resulted in the non-conformity. [N-4]

Section 12.3 Nonconforming Lots [G-1]

- A. The intent of this Section is to allow reasonable development of lawfully existing nonconforming lots. [N-3]
- B. 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 for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirements variances may be obtained through approval of the Zoning Board of Appeals. [TA 2-7]
- C. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which

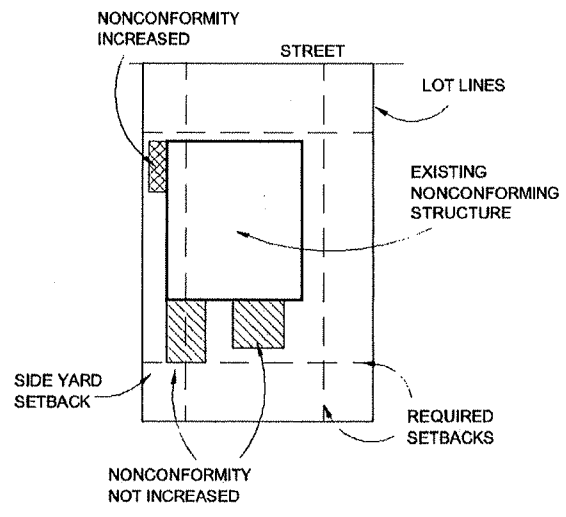
leaves remaining any lot with width or area below the requirements stated in this Ordinance.

Section 12.4 Nonconforming Building and Structure [N-6]

- A. Intent. It is the purpose of this Ordinance to eliminate nonconforming structures as rapidly as is permitted by law without payment or compensation, except as otherwise provided herein.
- B. Where a lawful structure exists at the effective date of adoption of this Ordinance or some future amendment to this Ordinance, that could not be built under the terms of this Ordinance or some future amendment to this Ordinance, by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provision:

1. For a structure other than a single family dwelling, the proposed change(s) is of the same degree of nonconformity or (preferably) is made less nonconforming. [G-1]
2. A variance is granted by the Zoning Board of Appeals.
3. A nonconforming building or structure that does not comply with the regulations, it may be structurally enlarged or altered without regard to values or cost thereof, provided it is otherwise a permitted use and provided the structural enlargement or alteration does not cause an increase in nonconformity, or preferably will make it less nonconforming. See Figure 12-1. [N-8]

Figure 12-1: Nonconforming Structure Diagram
ADDITIONS TO A NONCONFORMING STRUCTURE



4. No nonconforming building or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.
5. No nonconforming building or structure 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, unless it thereafter conforms to all requirements of this Ordinance.

- C. If a nonconforming single family home is destroyed to any extent it may be rebuilt provided it is rebuilt in the same footprint as the original residence.
- D. If a building or structure is destroyed by an act of god, accident etc. nonconforming building or structure including repair and replacement of non bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the state equalized value of the structure provided that the cubic content of the building as it existed at the

time of adoption of this Ordinance shall not be increased. If the amount is fifty (50) percent or more the nonconforming building or structure must come into full compliance, excluding single family homes as noted in subsection C above. Nonconforming Uses [N-6]

- E. Intent. It is the purpose of this Ordinance to eliminate nonconforming uses as rapidly as is permitted by law without payment of compensation.
- F. Where a lawful use, which would not be permitted by the regulations imposed by this Ordinance, or a future amendment to this Ordinance, the use may be continued so long as it remains otherwise lawful provided:
 - 1. No nonconforming use is determined to be abandoned per Section 12.6. [G-1]
 - 2. If it has been changed to a conforming use for any period. [G-1]
 - 3. No nonconforming use shall be changed to a substantially different nonconforming use. Any determination as to what constitutes a substantial difference shall be made by the Zoning Board of Appeals.
 - a. A nonconforming condition of use may, upon application to, and approval by the Zoning Board of Appeals, be changed provided the proposed change(s) is of the same degree of nonconformity or is made less nonconforming.
 - 4. In the case of the mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established.
 - 5. No nonconforming use shall be permitted to continue in existence if it was unlawful at the time of its inception. [G-1]
 - 6. No 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. [G-1]
 - 7. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance. [G-1] If a building or structure that houses the nonconforming use is destroyed by an act of god, accident etc. including repair and replacement of non bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the state equalized value of the structure provided that the cubic content of the building as it existed at the time of adoption of this Ordinance shall not be increased. If the amount is fifty (50) percent or more the nonconforming building or structure must come into full compliance

Section 12.5 Abandonment of Nonconforming Use

- A. If it has been identified to or by the Township that a legal nonconforming use appears to have been abandoned, they shall submit the property to the Planning Commission for a determination of abandonment.
- B. The Planning Commission shall hold a public hearing in compliance with Section 16.8

- C. The Planning Commission shall determine whether or not intent to abandon the nonconforming use was demonstrated based on a preponderance of the following factors:
1. Reports such as from the building inspection or health department indicating the property is or has not been suitable for occupation.
 2. Disconnection of utilities.
 3. Evidence that the use was relocated to a new site.
 4. Evidence of a "going out of business" sale.
 5. Signs advertising the business has been removed.
 6. The use has been discontinued for one (1) year, except where government action such as road construction has prevented access to the premises, or where a clear intent to discontinue has not been demonstrated.
 7. Removal of the equipment or fixtures necessary for the operation of the nonconforming use.
 8. Request by the property owner for changes in their property tax designation inconsistent with the nonconforming use.
 9. Other actions by the property owner or lessee that demonstrates an intent to abandon the nonconforming use. [N-7]

Section 12.6 Class A Nonconformities [N-5]

- A. Nonconforming uses, buildings, and structures are those which do not conform to certain provisions or requirements of this Ordinance but were lawfully established prior to the time of its applicability. Class A nonconforming uses and structures are those which have been so designated by the Zoning Board of Appeals (ZBA), after application by any interested person upon findings that: [G-1]
1. Continuance thereof would not be contrary to the public health, safety, or welfare. [G-1]
 2. That the use of structure does not and is not likely to significantly depress the value of nearby properties.
 3. That the use of structure was lawful at the time of its inception.
 4. That no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.
 5. That there are no nuisance factors or the same do not cause any substantial effect on the surrounding area, including aesthetics.
- B. All nonconforming uses, buildings, or structures not designated as Class A are Class B nonconforming uses, buildings or structures, provided however, a Class B nonconforming use which would otherwise be terminated because of fire or other casualty may apply for a Class A designation within 60 days of such casualty occurring. [G-1]

C. Procedure for Obtaining Class A Designation, Conditions

1. A written application shall be filed with the Zoning Administrator setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains and including such other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the Zoning Board of Appeals shall be the same as in the case of an application for a variance and require a public hearing. The decision shall be in writing and shall set forth the findings and reasons on which it is based.
2. Conditions may be attached, including any time limit, where necessary, to assure that the use, building, or structure does not become contrary to the public health, safety, or welfare or the spirit and purpose of this Ordinance. [G-1]
3. No vested interest shall arise out of a Class A designation.

D. Revocation of Class A Designation. Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change or conditions or circumstances the use or structure no longer qualifies for Class A designation.

E. Regulations Pertaining to Class A Nonconforming Uses and Structures [G-1]

1. No Class A nonconforming use of a land, building, or structure shall be resumed if it has been, for any reason, discontinued for a continuous period of at least twelve (12) months or if it has been changed to a conforming use for any period. [G-1]
2. A Class A nonconforming use building, or structure may upon application to, and approval by the Planning Commission, be altered or enlarged provided that it does not violate any condition imposed by the Planning Commission at the time of its designation, and provided it does not create any new nonconforming condition and it does not increase the degree of any existing nonconforming condition. [TA 2-7]

A Class A nonconforming use may upon application to, and approval by the ZBA, be changed to a different nonconforming use provided the proposed nonconforming conditions are the same or are made less nonconforming. [G-1]

Section 12.7 Repairs and Maintenance [G-1]

- A. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to safe condition of any nonconforming structure or part thereof which is used for a nonconforming use declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- B. Ordinary repair and maintenance work may be done on any nonconforming building or structure which is used for a nonconforming use, including repair and replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty percent (50%) of the state equalized value of the building or structure provided that the cubic content of the building as it existed at the time of adoption of this Ordinance shall not be increased. [G-1]

Section 12.8 Change of Tenancy or Ownership [G-1]

- A. There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures, and premises provided there is no change in the nature or character of such nonconforming uses. [G-1]

Article 13 RESERVED FOR FUTURE USE

Article 14 Site Plan Review [P-1]

Section 14.1 Intent

Site plan review is required to provide Kenockee Township the opportunity to review the proposed use of a site and site upgrades/changes to existing sites in relationship to surrounding uses, accessibility, pedestrian and vehicular circulation, street traffic, off-street parking, general drainage, environment characteristics, and other elements which may affect the public health safety, general welfare, and harmony with the Zoning Ordinance and plans. [P-2] [G-1]

Section 14.2 Uses Requiring Review

- A. A site plan shall be submitted for all new construction, structural alteration, or substantial change in use, as determined by the Planning Commission, for all principal permitted uses, excluding single family homes , for all Special Land Uses in every district, and for any other use which requires an off-street parking lot. [P-4 & P-3]

Table 14-1: Site Plan Review Requirements

	New Construction	Expansion/ Change	Change in Use
Single family dwelling on an existing lot	Building Permit	Building Permit	Building Permit
All other permitted uses	Site Plan Review with PC	Site Plan Review Minor(if it does not exceed 500 sqft or 10% of the existing building size whichever is less– Admin Review Major – PC Review	Zoning Permit
Special land use	Site Plan Review with PC	Site Plan Review with PC	Site Plan Review with PC
Subdivision	See subdivision control ordinance.		
Condominium	Site Plan Review with PC.		
Parking lot	Site Plan Review with PC	Admin Review existing expands less than 25%	N/A
Residential accessory building	Zoning Permit	Zoning Permit	Zoning Permit
All other uses accessory building	Site Plan Review Minor – Admin Review Major – PC Review	Zoning Permit Minor – Admin Review Major – PC Review	Zoning Permit
Signs	PC Review	PC Review	N/A

Section 14.3 Required Site Plan Review Information**A. Application Form Contents**

1. Applicant's name and address.
2. Name, address, municipality, and phone number of: [G-1]
 - a. Firm or individual who prepared site plan.
 - b. Legal owner of property.
 - c. Applicant (including basis of representation).
3. Name of the proposed development.
4. Property address or parcel number and complete legal description. [G-1]
5. Dimensions of land, width, length, acreage, and frontage. [G-1]
6. Existing land use and zoning of adjacent properties. [P-5]
7. Proposed use of land.

B. Site Plan Drawings - Required Contents

1. Location map showing site in relation to nearest major intersection.
2. A scale of not less than one inch equals twenty feet (1" = 20') if the developed portion of the subject property is five (5) acres or less, and one inch equals one hundred feet (1" = 100') if over five (5) acres. [G-1]
3. Date and north point.
4. All aisles, drives, and parking areas (include the number of spaces in each). [G-1]
5. Screening and/or protective walls.
6. Location of existing and proposed rights-of-way, widths of all abutting streets, alleys, and easements. [G-1]
7. Types of facing materials to be used on structures.
8. Elevations (front, sides, and rear views) of all sides of the building(s). [G-1]
9. A floor plan drawing showing the specific use areas of all existing and proposed buildings on-site.
10. Seal of registered Architect, Landscape Architect, Land Surveyor, or Civil Engineer who prepared the plan. In cases of minor structural alterations where professional services are not required, additions of three hundred (300) square feet or less, or for changes in the use of existing buildings, the Planning Commission may waive this requirement.
11. Density calculations (for multiple family projects).
12. Existing buildings or improvements on the site and on all property adjacent to the site that are within one hundred (100) feet. [G-1] [P-6]
13. Designation of units by type of buildings.

14. Interior sidewalks and sidewalks within right-of-way.
15. Exterior lighting locations, methods of shielding them from projecting onto adjoining property, and photometric plan.
16. Trash receptacle location and method of screening.
17. Landscape plan. Including the proposed planting size, species, and location. [P-6]
18. Drive or street approaches including acceleration, deceleration, and passing lanes, if appropriate. [G-1]
19. All utilities located on or serving the site.
20. Loading and unloading area.
21. Total floor area.
22. Designation of fire lanes.
23. 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.
24. Location and extent of development of recreation areas, where necessary.
25. 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. All uses shall detain storm water so that the run-off from the property occurs at not more than an agricultural run-off rate.
26. Address location on building (minimum 6-inch numbers). [G-1]
27. List of all required permits from federal, state, and local level that apply to the project.
28. Other information determined necessary by the Planning Commission to determine compliance with the Zoning Ordinance.
29. The Planning Commission may waive any information requirements if determined it is not necessary to verify compliance with the Zoning Ordinance.

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, if the applicant chooses. The applicant must provide the required information located in Section 11.15

Section 14.4 Procedures

- A. Site plan submittals with the required number of copies are required to be submitted to Kenockee Township at least thirty (30) days prior to the regular Planning Commission meeting. Required information with the submittal includes:

1. A complete application form, with original signatures including legal owner of the property.
 2. Proof of ownership.
 3. The required fee, as established by the Township Board
 4. One digital copy, nine (9) 11" by 17" size sheets and two (2) 36" by 24" size sheets of the completed site plan. P-11] [G-1]
- B. The site plan may be forwarded to the Township Planner, Township Engineer, and Township Attorney. [P-3] [G-1]
- C. **Administrative Review.** The process for administrative review of a site plan shall involve submittal of the site plan and required application form and fee to the Zoning Administrator. The Zoning Administrator shall review the site plan in accordance with the same standards used by the Planning Commission for a full site plan. Information requirements may be waived by the Zoning Administrator if he or she determines they are not necessary to verify compliance with this Ordinance's requirements. [G-1]
- D. **Planning Commission Review.** The Planning Commission shall make a determination based on the requirements and standards of this Ordinance and review letter from those who were submitted site plans such as the Zoning Administrator, Community Planner, Township Engineer, and/or Township Attorney to approve, approve with conditions, postpone a decision, or deny approval of the plan. If approved, any conditions shall be made part of the motion to approve and documented in the Planning Commission's minutes, a copy of which shall be provided to the applicant. [P-9] [G-1]
- E. **Final submittal.** Once the site plan has been approved through the administrative site plan review process or Planning Commission, the final number of copies to be submitted include two (2) 36" by 24" sized sheet, one (1) 11" by 17", and digital copy of the submitted material. [P-11] [G-1]

Section 14.5 Criteria For Site Plan Approval

The Planning Commission shall use the following criteria in evaluating a site plan submittal: [G-1]

- A. Has the required information been furnished in sufficiently complete and understandable form to verify compliance with the Kenockee Township Zoning Ordinance and other applicable codes or Ordinances? [G-1]
- B. Are there ways in which the configuration of uses and structures can be changed which would improve the impact of the development on the surrounding character of the area, and on the community, while allowing reasonable use of the property within the scope of district regulations and other regulations of this Ordinance that are applicable to the property and proposed use and structures?
- C. The extent to which natural features and characteristics of the land will be preserved; the regard given to existing large trees, natural groves, water courses, and similar natural features that would add attractiveness to the property and environs if they were

preserved; the preservation of the natural drainage system, natural buffering, and other techniques for preservation and enhancement of the physical environment.

- D. Whether traffic access to the site is such that vehicular congestion or other impairment of traffic may result from access to and from the site. When evaluating traffic impact, the Planning Commission will examine such factors as driveway/street location(s), driveway spacing, internal circulation, parking layout, and pedestrian safety. The Planning Commission shall have a goal of limiting the number of driveways and curb cuts on a public street to the minimum number for safe and efficient ingress and egress.
- E. Whether the development of the site is such that it does not serve as a physical barrier or detriment to the development of adjacent land.
- F. Whether the location of activities on the site, including the arrangement of buildings and parking areas is such that activities may create noise, odor, excess light, or other nuisances that would be a detriment to existing or future uses of abutting lands. [P-8] [G-1]

Section 14.6 Conditions of Site Plan Approval

- A. As part of an approval of any site plan, the Planning Commission may impose any additional conditions or limitations as may be 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.
- B. Conditions may also be imposed 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. Such conditions shall be considered necessary by the Planning Commission to ensure compliance with the review standards, and necessary to meet the intent and purpose of this Article.
- C. The conditions imposed on approval of a site plan run with the property and not with the owner of such property.
- D. A record of conditions imposed shall be recorded in the minutes attached to the approved site plan and maintained by the Township. The conditions shall remain unchanged unless an amendment to the site plan is approved by the Planning Commission.
- E. There is a rough proportionality between the scope of the proposed condition in relationship to the impact to be mitigated.
- F. There is a reasonable connection between the condition imposed and the impact it is mitigating. P-12]

Section 14.7 Approval Valid For One (1) Year

- A. Upon approval of a site plan by the Planning Commission, a building permit shall be requested by the petitioner 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. [16-21] [G-1]

- B. Upon written application prior to expiration, the Planning Commission may authorize an extension of the time limit of the site plan approval for up to an additional one (1) year. The extension shall be based on evidence that the development has a likelihood of commencing construction within the extension period or changes to the surrounding area. The Planning Commission may require compliance with any amendment to the Zoning Ordinance since the site plan was originally approved. [P-10] [P-3] [G-1]

Section 14.8 Amendment to Approval Plans [P13]

Amendments to the approved site plan may occur only under the following circumstances:

- A. **Minor Changes.** Prior to making any change to an approved site plan/administrative site plan the applicant or property owner shall notify the Zoning Administrator of any desired change. The Zoning Administrator shall review the request and determine whether the requested change is minor or major. The following shall be considered minor changes: [G-1]
1. Movement of a building or buildings by no more than five (5) feet, provided all setback, parking, landscaping, and other site requirements are still met. [G-1]
 2. Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on an equal or greater basis.
 3. Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/ bicycle paths, but not the addition of new driveways.
 4. Changes required or requested by the Township, county, state, or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan. [G-1]
 5. Situations the Zoning Administrator deems similar to the above that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
 6. A building addition that is five hundred (500) square feet or an increase of ten 10 percent or greater than the original building.
 7. Changes that increase the building's usable floor area, occupancy load, or capacity by more than 25 percent.
- B. Parking lots are expanded by more than 25 percent. **Major Changes.** All other changes not considered minor shall be considered a major change requiring a new application for site plan review.

Section 14.9 Condominiums**A. Intent**

The intent of these requirements is to ensure that all single family detached condominiums are developed in compliance with accepted planning and engineering standards applicable to similar forms of development as reflected in the Ordinances and requirements of Kenockee Township and state or county laws and regulations. Single family attached condominiums may be allowed as a permitted use in the R Residential, Agricultural, and Open Space zoning districts.

B. Submission Requirements.

All single family detached condominium plans shall be submitted for review as required by Section 16.9 of this Ordinance and Section 66 of the Condominium Act, and the plans shall include the following additional information: [P-14]

1. 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). [G-1]
2. A survey of the condominium subdivision site.
3. 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. [G-1]
4. The location size, shape, area, and width of all condominium units and common elements, together with a maintenance plan, if applicable, and the location of all proposed streets. [G-1]
5. A generalized plan for the provision of utilities and drainage systems.
6. A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project, including the Bylaws of the homeowners' association. [G-1]
7. A utility plan showing all sanitary sewer, water, and storm drainage improvements, showing all public or private easements for the installation, repair, and maintenance of all utilities. [G-1]
8. A street construction and paving plan for all streets within the proposed condominium plan and maintenance plan for parking areas and driveways.
9. A storm drainage and storm water management plan, including all line, swales, drains, basins, and other facilities.

C. Review

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, the plans for all single family detached condominiums 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:

1. 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

Kenockee Township Zoning Ordinance and Master Plan. Plans submitted for preliminary review shall include information specified in Items 1 through 5 of the Submission Requirements. [G-1]

2. Final Plan Review. Upon receipt of the Preliminary Plan Approval, the applicant should prepare the appropriate engineering plans, Master Deed, and Bylaws and apply for Final Review by the Planning Commission. Final plans shall include information as required by Items 1 through 9 of the Submission Requirements. Engineering plans shall be reviewed by the Township Engineer and the Master Deed and Bylaws shall be reviewed by the Township Attorney. 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. [G-1]

D. District Requirements [G-1]

The development of all single family detached condominiums shall observe the applicable height, bulk, density, and area requirements of Article 4###, including but not limited to setbacks, minimum public road frontage 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 Land Division Act, P.A. 591 of 1996, as amended. For purposes of this Section, each single family detached condominium unit shall be deemed a separate "lot". [G-1]

E. Design Standards

All design standards shall comply with applicable state, county, and Township requirements, except that:

1. All proposed streets shall be designed and paved with asphalt or concrete or other similar material, if any, in accordance with public road requirements of the St. Clair County Road Commission; it shall also be dedicated to the public. Street connections shall be required, where necessary, to provide continuity to the public road system.
2. The condominium plan shall include that all standard and reasonable public utility easements be dedicated to Kenockee Township, or to such other governmental entity as the Township may direct, to enable the installation, repair, and maintenance of all necessary or standard public utilities. Appropriate construction of sanitary waste disposal and water systems of facilities and easements therefor shall be provided for, in accordance with applicable state, county, and Township standards. All reasonably necessary storm drainage and management systems shall be constructed and provided for, including but not limited to dedications of public and private easements as may be reasonably necessary, culverts, ditching, and other appurtenances as may be reasonably necessary. If a private utility system is established, a co-signer who is responsible is required. [P-16] [G-1]
3. The developer shall make arrangements for all lines for telephone, electric, television, and other similar services distributed by wire or cable to be places

underground entirely throughout the development area and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the Township Engineers or other designated person and the approval of the Planning Commission at the time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design, and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the proprietor. [G-1]

F. Final Acceptance [G-1]

The Township shall also require all the appropriate inspections. After construction of the condominium project, an as-built 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 has been reviewed and accepted by the Township. [G-1]

Section 14.10 Open Space Preservation Development (Residential Clustering Option) [16-30]

A. Statement of Purpose

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

1. That the preservation of wetlands, woodlands, open space, and agricultural land in the Township is necessary to the conservation of local, state, and national economic resources and is necessary, not only to the maintenance of the economy of the state, but also for the assurance of desirable living conditions for present and future residents of the Township. [G-1]
2. That the discouragement of unnecessary conversion of open space and agricultural land to urban uses is a matter of public interest and will be of benefit to the Township residents overall in that it will discourage noncontiguous urban development patterns, which unnecessarily increase the costs of services to community residents.
3. That development under the open space preservation development option provisions of this Section is a primary goal of the Township. Development under the provisions of this option is intended to provide the preferred alternative to lot splitting or conventional subdivision or site condominium development in many areas of the Township.

4. That single-family residential developments approved through this development method shall: [G-1]
 - a. Maintain the Township's open space and rural or semi-rural settings;
 - b. Allow greater flexibility and encourage a more creative approach to residential development;
 - c. Preserve the Township's natural resources, including woodlands, wetlands, floodplains, prime agricultural land, and similar natural assets;
 - d. Create a more desirable living environment through the preservation and conservation of the natural character of open fields, stands of trees, wetlands, brooks and streams, farmland, and other similar assets; [G-1]
 - e. Provide open space that directly benefits the residents of the development and the Township; and
 - f. Protect the rural character of the district, retain rural vistas by requiring optimum setbacks of residential development from rural highways and improve traffic safety by prohibiting direct access from individual home sites to such highways. [G-1]

B. Eligibility under the Michigan Zoning Enabling Act (PA 33 of 2008 as amended) [G-1]

To utilize this development option, a site without public sewer service shall be located within a zoning district that has a one half (1/2) acre [21,280 sq. ft.] or larger minimum lot size or a site with public sewer service shall be located within a zoning district that has a one third (1/3) acre [14,520 sq. ft.] or larger minimum lot size. In Kenosha Township, the Open Space Preservation Development (Residential Clustering) Option shall be a principal permitted use in the AG, OS, R, and RM Districts. [G-1]

C. Method of Land Division [G-1]

Home sites may be developed under this option as a subdivision, conventional condominium, a site condominium, or land division.

D. Open Space Retained [G-1]

To the greatest extent possible, all the natural features of the property such as large trees, natural groves, wetlands, floodplains, watercourses, natural drains, stream channels, and similar assets that will add attractiveness and value to the property and will promote the health and welfare of the community shall be preserved. Retained open space and other protected resource areas shall be reasonably contiguous (not fragmented). [G-1]

1. Primary Conservation Areas. This category consists of:

- a. Wetlands, lands that are generally inundated (under ponds, lakes, creeks, etc.), land within the 100-year floodplain, slopes exceeding twenty-five (25%), and soils subject to slumping. These sensitive lands are deducted from the total parcel acreage to produce the "Adjusted Tract Acreage," on which density shall be based (for both conventional and conservation subdivisions). (These areas

are deducted because as a rule they would not be buildable lands under traditional development.) [G-1]

- b. Land that would be required for street rights-of-way (a minimum 10% of the net tract area) and land under permanent easement prohibiting future development (Co. Drain easements, existing and planned public road ROW's, utility easements, etc.) shall also be deducted.

2. Secondary Conservation Areas [G-1]

In addition to the Primary Conservation Areas, at least fifty (50%) percent of the remaining land shall be designated and permanently protected. Full density credit shall be allowed for land in this category that would otherwise be buildable under local, state, and federal regulations, so that their development potential is not reduced by this designation. Such density credit may be applied to other unconstrained parts of the site.

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

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

E. Method of Preservation [G-1]

The areas in open space, recreation, agriculture, or commons shall be perpetually protected from development. The open space shall be preserved using one or a combination of the following methods, subject to the review and approval of the Township Attorney and the Township Planning Commission:

1. Homeowners' Association (HOA). Title to the open space lands and other protected resource areas may be held by a homeowners' association with a required participation of all residents within the development. If an HOA is to hold title, a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected. [G-1]
2. Protective Covenants. The covenants of the subdivision may include the preservation of lands within them. The exact locations of the open space and other protected resource areas shall be defined within this document. These covenants shall also state the types of uses that would be allowed in such open spaces and other protected areas. Covenants may be used with a homeowners' association but a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected. [G-1]
3. Condominium Association. All elements that are reserved for open space and other protected resource areas shall be preserved as common elements as shown on the site plan, except those areas that may be dedicated to a unit of government. Any alteration to the open space and other protected areas under common element status shall require the submittal of a new site plan and approval by the appropriate bodies. If a condominium association is to hold title to any open space and/or other protected areas, a recognized independent conservation organization

shall be granted a conservation easement(s) covering all land areas to be protected.

4. Fee Simple Dedication to a Unit of Government. The open space lands are dedicated to a unit of government (Township, village, city, school district, county, state, or federal, etc.). This dedication may have provisions within it that state that in no way shall the unit of government be obligated to any cost due to the acquisition, and that the municipality has ample access to all areas of the open space for adequate maintenance purposes should they ever be needed. There shall also be deed restrictions preventing the unit of government from selling the property or using it for development purposes. If dedication to the Township or another governmental body is to be used, a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected.
 5. Conservation Easements. The easement over the open space lands and other protected resource areas shall be held by a legal owner/holder, such as a conservation agency, and that owner shall have the right to enforce any aspect of the easement. The easement shall state the uses that are allowed within the open space areas and other protected resource areas and which uses are disallowed. The agreement shall be as specific as possible as to what is allowed and where it is allowed to take place. If the easement is granted to any party other than a recognized independent conservation organization, the easement shall be co-signed by a recognized independent conservation organization to ensure a checks and balance system. Whichever organization holds the legal rights to the easement, they shall visit the site a minimum of once per year to inspect and record any violations that may be occurring within the open space areas and other protected resource areas and create and file a report of what is observed.
 6. Public Trust. The open space lands and other protected resource areas may be dedicated to a public trust. This shall include the accompaniment of money with it to provide funds for the trust to conduct annual surveys on the land to turn into state agencies which may require these reports. The two entities shall enter into an agreement which states that the trust, whose only purpose is to protect open lands and other protected resource areas, shall protect these spaces within the development.
 7. Conveyance of Any Un-used Development Rights. Any unused development rights of the subject property may be conveyed to a unit of government or a conservation agency while allowing present and future owners of the open space lands to continue to maintain farming activities or open lands for their own use but permanently giving up the right to ever develop it.
- F. Density Limit (Yield Plan) [G-1]

The number of dwellings permitted to be constructed shall not exceed the number that would be permitted under conventional zoning regulations as determined by gross parcel area less primary conservation areas as defined in the paragraphs under D.1. above, divided by the minimum lot area set forth in the schedule of regulations for the

district involved. The permitted density may be modified if a density bonus(es) is approved by the Planning Commission. [G-1]

G. Density Bonus [G-1]

1. General. To encourage developers to utilize this development option where a large amount of open space is permanently preserved instead of conventional forms of land division where little or no usable open space remains, the Planning Commission may permit the number of dwelling units to be increased by up to thirty percent (30%) depending upon the physical characteristics of the site and upon a determination by the Commission that the plan is well designed and that proposed development complies in all respects with the intent and purpose of this Section, provided all other requirements of this Section are met. [G-1]

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

2. Public Access. To encourage appropriate and desirable lands to be set aside for public access to a portion of the site, a bonus of one (1) additional potential lot may be granted to the developer in exchange for a written and recorded easement to a unit of government for each five (5) acres of public access land provided.

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

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

H. Minimum Lot Size [G-1]

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

I. Frontage on Internal Road [G-1]

All lots shall front only upon a road which is internal to the development. No lots may be created which front upon existing public roads.

J. Road Standards [G-1]

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

K. Clustered Home Sites [G-1]

1. General Evaluation Criteria [G-1]

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

- n. Provides open space that is reasonably contiguous. (Design and Management Handbook for Preservation Areas, by the Natural Land Trust is a good reference resource.)

2. Specific Criteria [G-1]

- a. Location of House Sites. House sites should generally be located not closer than one hundred (100) feet from Primary Conservation Areas (identified in D.1.a. above), but may be situated within 50 feet of Secondary Conservation Areas to provide buffering distances and afford enjoyable views. The building "footprint" of proposed residences may be changed in any direction by less than 50 feet without approval. Changes involving 50 feet or more may be changed with approval from the Planning Commission. [G-1]
- b. Street and Lot Layout. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over fifteen percent (15%) shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the county and to facilitate easy access throughout the development. Single-loaded residential access streets may maximize the number of homes with enjoyment of open space views, but may require more land to be disturbed. [G-1]
- c. Lot Lines. These are generally drawn midway between adjacent house locations. Lots may be irregularly shaped, including L-shaped "flag-lots".

L. Setbacks [G-1]

Dwellings shall be located in compliance with all yard and setback requirements of the district in which they are located. Dwelling units and structures shall be set back a minimum of fifty (50') feet from any perimeter lot line of the parent parcel, except that they shall be set back at least two hundred fifty (250') feet from any existing public road right-of-way which borders the perimeter of the project site. Dwelling unit clusters shall be spaced an appropriate distance apart from another cluster, as determined by the Planning Commission, compatible with the surrounding community character and to discourage a suburban subdivision appearance. [G-1]

M. Landscaping [G-1]

To maintain the rural or very low density suburban character of the district, the frontage along the perimeter public road(s) shall be heavily landscaped to screen clustered home sites from view of the public to the greatest extent feasible. Scenic vistas from the perimeter public road(s) shall be maintained (and perhaps enhanced) to the greatest extent feasible. A landscape plan for such areas shall be reviewed and approved by the Planning Commission. Existing natural screens or new screens may be used. The Planning Commission may require the installation of a landscaped berm where necessary to meet the intent of this Section.

N. Sewage Disposal and Water Supply [G-1]

Use of on-site wells and septic systems are anticipated in Kenockee Township. However, community septic systems or package treatment plants and community wells in lieu of individual wells and septic fields may be permitted if approved by the County and/or State Health Department. Public water and sewage disposal systems shall not be extended to serve projects developed under this Section if the site lies beyond an urban services area boundary, as may be set forth within the Master Plan, except in such instances where such utilities already are located at the perimeter of the site.

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

O. Pedestrian Linkages to Open Space [G-1]

To the greatest extent feasible, the open spaces should be located and interwoven with the dwelling unit clusters so as to be easily accessible to residents of the development, except in cases where the open space to be preserved is not intended for the use of the residents (as in the case of active farming or protection of endangered species). Linking pedestrian trails shall be provided within the open space(s).

P. Site Plan [G-1]

Approval under this Section requires that a site plan meeting the requirements of Section 16.33 be reviewed and approved by the Planning Commission. In addition to a site plan, the Planning Commission may require the submittal of additional documents as specified or called for herein.

Q. Site Condominium, Subdivision Approval, or Land Division [G-1]

A project approved under this Section shall also comply with all requirements of the Township, county, and state for a site condominium, subdivision, or land division as may be applicable, and shall follow all such steps and procedures for approval required therein. [Under the land division act, the number of permitted new divisions may be less than (thus limiting) what might otherwise be desired and permitted under this Section for optional Open Space Preservation Development.]

If clustering under land division is intended, documentation of the potential number of new parcels out of the parent parcel must be submitted.

R. Application and Approval Process [G-1]

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

- a. Applicant prepares and presents a "yield plan" for review and approval of the Planning Commission. The "yield plan" shall identify all primary conservation areas as defined in the paragraphs under D.1. above, and shall accurately demonstrate the maximum number of lots or parcels which could be created if the property was developed conventionally. [G-1]
 - b. Applicant submits conceptual preliminary plan with all basic existing and proposed land features and structures shown separately. Aerial photos and simple transparencies may be used. [G-1]
 - c. Applicant submits conceptual landscape plan with all basic existing and proposed topography and vegetation features shown separately. Photos and simple transparencies may be used. [G-1]
 - d. A site walkabout may be scheduled for the applicant, Planning Commissioner(s), and the local government's staff and/or consultants. [G-1]
2. Planning Commission site plan review procedures (see Section 14.4 are required in all eligible districts (AG, OS, R, and RM) for this principal permitted use. All required steps shall be scheduled with a determination of approval, approval with conditions, or disapproval to follow accordingly.
 3. Any legal instruments (easements, covenants, etc.) pertinent to the effectuating of the proposed open space preservation development must be reviewed and approved by the Township Attorney. Any approved easements, covenants, or other legal instruments which run with the land are to be recorded with the county Register of Deeds. No zoning compliance permit or building permit shall be issued until this has been accomplished.

Example:

Parcel Size: 80 acres (Not an ideal buildable parcel, but made more buildable)

Normal Zoning – Open Space Overlay District: 5.0 acre minimum lot size

Calculation of allowable number of lots:

80 acres = gross area

less 15% for internal roadways (12.0 acres)

less 2 acres for planned County Road ROW (parcel legal description running to the center of the road).

less 3.5 acres for a County Drain easement.

less 12.5 acres of regulated wetland, also 100 year floodplain, adjacent to county drain (a Primary Conservation Area)

80 – 12.0 acres – 2.0 acres – 3.5 acres – 12.5 acres = 50 acres [Adjusted Tract Acreage]

50 net acres/ 5.0 acre minimum lot size = 10.0

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

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

50 acres - 25 acres = 25 net acres [25 acres of Secondary Conservation areas to be permanently conserved:

15 acres on north side of parcel to be retained by original farm owner for farming together with adjacent 160-acre cropland. [G-1]

5 acres of upland woods and trout stream to be held in common by resident owners.

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

25 acres = net developable area

less 10% for roadway (reduced need)

25 x 0.90 = 22.5 net acres

Area per buildable home site:

22.5 net acres/ 10 allowable units

Typical home site = 2.25 acre*

Potential Bonus Lots

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

10 X 0.30 = + 3.0 (fractions 1.5 & over rounded up)

Potential Total: 10 + 3 = 13 Lots*

Potential Bonus Lots

3 acres for 50 ft. buffer area surrounding portions of wetlands

+ 1.5 acres for county trailway

+ 0.5 acre for wetland observation site and interpretative displays

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

5 Acres Public Access = 1 Additional Bonus Lots

Potential Total 10 + 3 + 1 = 14 Lots*

22.5 net acres/ 14 allowable units

Typical home site = 1.6 acre*

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

Article 15 Special Land Use

Section 15.1 Intent

The formulation and enactment of this Ordinance is based upon the division of the Township into districts in which there are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts but, because of their actual or potential impacts on neighboring uses or public facilities, there is a need to carefully regulate them with respect to their location for the protection of the community. These uses, due to their peculiar locational, need, or the nature of the service offered, may have to be established in a district where they cannot be reasonably allowed as a permitted use. [G-1]

Section 15.2 Authority to Grant Permits

The Planning Commission, as hereinafter provided, shall have the authority to grant Special Land Use Permits, subject to such conditions of design, operation, and safeguards as may be determined for all Special Land Uses specified in the various provisions of this Ordinance. [G-2]

Section 15.3 Application and Fee

Application for any Special Land Use Permit permissible under the provision of this Ordinance shall be made to the Planning Commission through the Township Clerk by filing an official Special Approval Use Permit application form, exhibits, and information, and depositing the required fee as established by resolution of the Township Board. [G-2]

Section 15.4 Data, Exhibits, and Information Required in Application

An application for a Special Land Use Permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; a site plan in accordance with Section 14.3, and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance. [G-2] [G-1]

Section 15.5 Public Hearings and Notices

Upon receipt of an application for a special land use, the Township shall schedule a public hearing before the Planning Commission and shall publish notice of the request in a newspaper of general circulation in the Township. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. The public notice shall conform to the procedure listed in Section 16.8. [14-1] [G-1]

Section 15.6 Required Standards and Findings for Making Determinations

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets the following requirements:

- A. Will be in accordance with the general objectives, intent, and purposes of this Ordinance.
 - 1. Will be consistent with maintenance of the public health, safety, and welfare. [14-2] [G-1]
- B. Will be served adequately by essential public facilities and services such as highways, streets, schools, police and fire protection, drainage structures, refuse disposal, or those persons or agencies responsible for establishment of the proposed use shall be able to adequately provide any such service.
- C. Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off street parking, and provisions for pedestrian traffic, with particular attention to minimizing child vehicle contacts in residential districts. [G-1]
- D. Will be compatible with adjacent uses of land and the natural environment.
 - 1. Will be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood. [G-1]
 - 2. Will be designed such that the location, size, intensity, site layout, and periods of operation of any such proposed use shall eliminate any possible nuisance emanating 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. [G-1]
 - 3. Will be designed such that the proposed location and height of buildings or structures and location, nature, and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings. [G-1]
 - 4. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. [14-3] [G-1]
- E. Will relate harmoniously with the physical aspects of adjacent land uses regarding 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. [14-3]
- F. Will be in conformance with all local, state, and federal requirements. [G-1]

Section 15.7 Determination and Imposition of Conditions

If the facts in the case establish that the findings and standards set forth in this Ordinance apply to the proposed use, and have been met, the Planning Commission shall grant special land use. In granting a Special Land Use Permit, the Planning Commission may impose such reasonable conditions of use as is determined necessary to protect the best interest of the Township and the surrounding property, and to achieve the objectives of this Ordinance. Conditions imposed shall meet all of the following requirements: [G-2]

Special Land Use ***Error! Reference source not found.***

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration; residents and landowners immediately adjacent to the proposed land use or activity; and the community as a whole. [G-1]
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity. [G-1]
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- D. There is a rough proportionality between the scope of the proposed condition in relationship to the impact to be mitigated.
- E. There is a reasonable connection between the condition imposed and the impact it is mitigating.

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 Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are changed.

Section 15.8 Approval and Appeal Procedures

- A. **Approval, grant of permit.** The Planning Commission's decision on a Special Land Use shall be incorporated in a statement containing the conclusions relative to the special land use approval under consideration which specifies the basis for the decision and any conditions imposed. Upon approval, a Special Land Use Permit shall be issued to the applicant. The Planning Commission shall forward a copy of the permit to the Applicant, Clerk, and Zoning Administrator. This record shall be on file in the Clerk's office as well as being made a part of the site plan or building records for that parcel. [G-2 and 14-4] [G-1]
- B. **Appeal to Township Zoning Board of Appeals.** A person having an interest affected by a Special Land Use decision of the Township Planning Commission may appeal to the Township Zoning Board of Appeals. (See Section 17.4. [G-1])

Section 15.9 Amendments to Special Land Use Permit

- A. **Major Changes.** Any person or agency who has been granted a Special Land Use Permit shall notify the Zoning Administrator of any proposed amendment to the approved Site Plan of the Special Land Use Permit. A major amendment to a Special Land Use Permit shall require submittal of a new application for Special Land Use and follow the review procedures contained in this Ordinance. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on the following standards. [G-1]
 - 1. Changes that increase the building's usable floor area, occupancy load, or capacity by more than 25 percent.
 - 2. Parking lots are expanded by more than 25 percent.
 - 3. The use is expanded to occupy an additional 25 percent or more land area.

Special Land Use ***Error! Reference source not found.***

- B. **Minor Changes.** Minor changes to the approved site plan shall meet requirements in Section 14.8
- C. **Change in Use.** Change to another Special Land Use shall require submittal of a new application for a Special Land Use and shall follow the procedure in this Article.
- D. **Separate Approval.** A separate Special Land Use Permit shall be required for each use which requires Special Land Use review on a lot.

[14-7]

Section 15.10 Voiding of Special Land Use Permit, and Transfer and Continuance of Special Land Use Permit

- A. Any approval given by the Planning Commission under which premises are not been implemented or work is not started within one (1) year shall lapse and be considered expired. The Planning Commission may grant the applicant one (1), one (1) extension of time if good cause is shown. [G-2, 14-5, & 14-7]
- B. A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Zoning Administrator to suspend such Special Land Use Permit until review by the Planning Commission. The procedure shall be as follows:
 - 1. The Zoning Administrator shall notify the property owner/responsible party for the Special Land Use of the violation as indicated in Section 16.11
 - 2. Upon issues with compliance, the Planning Commission shall hold a public hearing to determine if the holder of the Special Land Use failed to comply with requires in this Ordinance or as part of granting the Special Land Use approval. [G-2 and 14-5] [G-1]
- C. Special Land Use approval runs with the land, not the owner, and any transfer of property shall allow the continuance of any Special Land Use to operate within the conditions, restrictions, and limitations as specified in the permit and as registered with the County Register of Deeds and the Township Clerk. [G-1]
- D. As a condition of all Special Land Use Permits, all real property and personal property taxes and all business license fees shall be paid current with the date of application and shall remain paid current during the entire period within which the Special Land Use continues in operation. [G-1]

Section 15.11 Reapplication

- A. No application for a Special Land Use which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions. A reapplication shall require a new fee and the process will follow all provisions of Article 15 [14-7] [G-1]

[14-6]

Special Land Use **Error! Reference source not found.**

Article 16 Administration and Enforcement

Section 16.1 Purpose Statement

It is the intent of this Article to establish the roles and responsibilities of those involved in administration of this Zoning Ordinance, to provide for issuance of zoning permits, to establish rules for enforcement of this Ordinance, and to establish penalties for its violation. [18-9] [G-1]

Section 16.2 Zoning Administrator

The Office of the Zoning Administrator is hereby established. The Zoning Administrator shall be appointed by the Township Board and shall serve at its pleasure. The Zoning Administrator shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer (not elected official) of the Township of Kenockee.

- A. The Zoning Administrator shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body.
- B. Make determinations on the Ordinance as needed to enforce the Zoning Ordinance. [G-1]
- C. Review and approve zoning permits, change of use or for any improvements other than for single family dwellings and accessory structures on existing lots.
- D. Conduct inspections for zoning compliance.
- E. Review site plans for compliance, determine type of review required, and forward to necessary parties and Planning Commission as needed.
- F. Maintain copies of approved site plans, special land uses, variances, appeals, interpretations, rezoning, and text amendments.
- G. Maintain an updated zoning map.
- H. The Zoning Administrator shall have no power to vary or waive Ordinance requirements, unless otherwise stated. [18-1]

Section 16.3 Zoning Compliance Permits

- A. A zoning compliance permit must be obtained from the Zoning Administrator as applicable before:
 - 1. Any construction is undertaken;
 - 2. Any structure is moved;
 - 3. A structure is moved on to any parcel; and
 - 4. A zoning permit must be obtained from the Planning Department before any change in the use of any land or structure or change in occupancy is undertaken. [G-1]

- B. A zoning compliance permit shall be applied for in writing on an application form provided by the Township. The application will include a plot plan of the subject parcel adequate to determine compliance with this Ordinance. Information to be provided includes: [G-1]
1. Description of the proposed use;
 2. Property lines;
 3. Existing or proposed buildings or structures, parking spaces, driveways, etc. with dimensions; and
 4. Gross floor area of building and tenant space. [G-1]
- C. The following are the standards for approving a zoning compliance permit:
1. Complies with provisions of this Ordinance, such as uses allowed in the district, number of parking spaces, and loading spaces.
 2. Any necessary Planning Commission, Zoning Board of Appeals, Township Board, or other local, county, state, or federal approvals have been obtained.
 3. When a structure shall be moved, the site from which the structure has been moved shall be graded level and all debris shall be cleared away. [18-2]
- D. No Zoning Permit shall be issued where it appears that any land area required to conform to any provision of this Ordinance is also required as a part of any adjoining property to keep the development of use thereof in conformity with this Ordinance, or to keep it from becoming more nonconforming, if such land area was, at any time subsequent to the start of development or use of such adjoining property, in common ownership with such adjoining property.
- E. Revocation of any Zoning Permit based on any material false statement in the application or supporting documents is absolutely void ab initio and shall be revoked.
- F. No zoning permit shall remain valid if the use of structure it authorized becomes nonconforming. [G-1]
- G. A zoning permit shall expire one (1) year after the date of issuance unless the applicant has been issued a building permit. For zoning permits that do not involve construction such as a permit approving the change in the use of a building, the permit shall expire one (1) year after the date of issuance, unless the proposed use has been commenced within that period. [18-2] [G-1]

Section 16.4 Establishing Grades

In establishing the grade on a lot or parcel for the purpose of any construction thereon, the following conditions shall control:

- A. Where there is existing development in the area or where the adjacent lands are subdivided, the grades about the new development or construction shall be set to conform to the grades of existing development or subdivision.
- B. All new development shall be accomplished so as to contain all runoff on the site or direct runoff to storm facilities without crossing abutting land. [16-3]

Administration and Enforcement **Error! Reference source not found.**

- C. For types of construction other than single family dwellings and farm buildings, where the grade on a site is in any way to be increased above existing grade, the owner of the property shall, upon application for a building permit, submit a certification signed and sealed by a Registered Land Surveyor or a Civil Engineer licensed to practice in the State of Michigan stating the existing and proposed grades and that conditions set forth in items A and B are met. This certification shall be accompanied by a drawing which contains at least the following information:
1. A property line survey showing lot shape and dimension, drawn to a scale of at least 1 inch = 30 feet. [G-1]
 2. A topographic map shall be drawn (may be superimposed on item a. above) at a contour interval of not greater than one (1) foot. Elevations of abutting properties and the crown of abutting road pavement shall be shown.
 3. Proposed changes in grade shall be shown through the use of proposed contour lines.
 4. The first floor elevation of the proposed construction shall be shown.
 5. Fees for inspection of the new grade shall be paid at the time of application for a permit and the amount of such fees shall be established by a resolution of the Township Board and shall cover the cost of the inspection plus administrative expenses.[16-3]

Section 16.5 Certificate of Occupancy

- A. No permanent Certificate of Occupancy shall be issued under the building code of the Township of Kenockee until all requirements of this Ordinance have been met. A temporary certificate may be issued under circumstances where expressly permitted by this Ordinance. [18-3]
- B. In cases where Certificate of Occupancy are not required under the Building Code, such as in the case of farm buildings, the Building Inspector and Zoning Administrator shall nevertheless issue a Certificate of Occupancy for zoning purposes certifying that the structure or use has been established or erected in compliance with the terms of the Building Permit and/or approved site plan. [18-4] [G-1]

Section 16.6 Permit Fees

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance including for site plan review, special land use, variances, rezoning, etc. shall be collected by the appropriate 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.

Section 16.7 Performance Guarantees

- A. To ensure compliance with a Zoning Ordinance and any conditions imposed thereunder, the Township Board after recommendation from the Township Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of

improvements associated with a project for which site plan approval is sought be deposited with the Clerk of the Township to insure faithful completion of the improvements. The Building Inspector shall estimate the cost of the improvements. [G-1]

The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee prior to the time when the Township is prepared to issue the permit. The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses.

- B. This Section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act No. 288 of the Public Acts of 1967, as amended.
- C. As used in this Section, "improvements" means those features and actions associated with a project which are considered necessary by the body or official granting zoning approval in order to protect natural resources, the health, safety, and welfare of the residents of the Township, and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage. "Improvements" does not include the entire project which is the subject of zoning approval.

If any portion of the required improvements is not completed or does not meet construction standards within the allocated time period, the Planning Commission shall declare whatever security has been pledged as forfeit. Where the Planning Commission is not already in possession of said guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the Planning Commission shall use them, or receipts from their sale if that be necessary, to finance the completion of contracted improvements or the rebuilding of such improvements to the proper specifications. Unused portions of these securities shall be returned to the subdivider, bonding company, or crediting institution, as is appropriate.

- D. Upon acceptance of the final portion of improvement, the Township shall authorize the release of the remaining portion of the performance guarantee. The Certificate of Occupancy may be withheld until all aspects of the approval have been implemented. [18.07] [G-1]
- E. No action or inaction by Kenockee Township in respect to any required improvement shall serve to extend the time of validity of any Temporary Certificate of Occupancy or excuse any violation of this Ordinance. A Temporary Certificate of Occupancy may, however, be extended in time, and from time to time, for good cause shown. Any such extension shall serve to extend for the same period the time for completion of the required site improvements.

Section 16.8 Public Notice Procedure

The Zoning Administrator or Township Clerk shall prepare the notice for the public hearing. Below is the process when a public hearing is required unless otherwise noted:

Administration and Enforcement **Error! Reference source not found.**

- A. Notice of the public hearing a notice in a newspaper of general circulation in the Township at least fifteen (15) days before the date of the public hearing.
- B. Notice to the residents and property owners of all parcels within 300 feet of the subject parcel regardless of whether or not the parcels are located in Kenockee Township. [G-1]
- C. Notice to the neighboring Planning Commission shall be provide by the Zoning Administrator when the subject parcel in Kenockee Township is within 300 feet of the Township's boundary. [G-1]
 - 1. The notice shall contain the following:
 - a. Describe the nature of the request.
 - b. Where the request involves a specific parcel of property, the notice will include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, the tax parcel ID of the property and description of its location shall be used. [G-1]
 - c. State when and where a copy of the request can be viewed.
 - d. State when and where the request will be considered.
 - e. Indicate when and where written comments will be received concerning the request. [18-7]

Section 16.9 Requirements for Single Family and Two Family Dwellings and Farm Buildings

Single family dwellings, two family dwellings, and farm buildings are exempt from the site plan review requirements set forth in this Ordinance. However, in order to ensure that lot and setback requirements are complied with, all applications for Building Permits and Zoning Compliance Permits shall be accompanied by a plot plan, in triplicate, drawn to scale, showing the following: [G-1]

- A. The actual shape, location, and dimensions of the lots.
- B. 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.
- C. The existing and intended use of the lot and of all such structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate.
- D. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being served.

Section 16.10 Mobile Home as Temporary Use

The Zoning Administrator shall permit the owner of any premises zoned Agricultural or Residential to move not more than one mobile home upon such premises and utilize same for residence purposes during the actual construction of a permanent dwelling thereon, but not for a period to exceed one (1) year beginning with the issuance of a permit for construction of said permanent dwelling. Application may be made for one (1) year

Administration and Enforcement **Error! Reference source not found.**

extension which shall not be unreasonably denied if construction on the permanent dwelling is progressing substantially. The Township Board shall require said owner to furnish a financial guarantee in a sum equal to the cost of removing said mobile home from the premises and demolition of any partially completed structures on the premises which are not suitable for occupancy. Such financial guarantee may be in the form of a surety bond, irrevocable bank letter of credit, or cash.

- A. All occupied mobile homes shall be connected to a suitable source of potable water and shall be connected to a sewage disposal system, both approved by the County Health Department (987 5306). Mobile homes not connected to approved water and sewer facilities shall not be occupied under any circumstances.
- B. Only mobile homes which meet the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended, and which bear the official seal verifying same shall be suitable for occupancy.
- C. Permits for the placement of a mobile home on a temporary basis must be obtained from the Kenockee Building Inspector. An applicant must be filed with the Township Clerk stating the nature of the request together with a site plan drawn to scale showing the location of all existing and proposed structures including dimensions with respect to the property lines and any rights-of-way. [G-1]
- D. If the mobile home is removed from the premises within the prescribed time, the bond shall be returned to the applicant together with interest thereon. [G-1]
- E. If the mobile home is not removed from the premises within thirty (30) days of the end of the permitted time period, the owner shall forfeit the bond and the Township shall cause the mobile home to be removed. [G-1]

A mobile home may also be used as a temporary dwelling for occupancy in the Agricultural District by an invalid relative on the same lot as an existing permanent home occupied by the family members providing the care and supervision. All provisions of letters A-E above shall apply and the Township Board shall require such owner to furnish a financial guarantee in a sum equal to the cost of removing said mobile home from the premises and demolition of any partially completed structures on the premises which are not suitable for occupancy. [G-1]

Section 16.11 Enforcement, Penalties, and Other Remedies [18-8 & 23-1] [G-1]

- A. Violations. All violations of this Ordinance shall be civil infractions, and upon conviction thereof, shall be punishable by a fine of not more than Five Hundred (\$500.00) Dollars. [G-1]
 1. No Exemption from Compliance. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance.
 2. Other Appropriate Relief. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.
 3. Each Day a Separate Offense. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues. [G-1]

Administration and Enforcement **Error! Reference source not found.**

4. Rights and Remedies are Cumulative. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- B. The Zoning Administrator/Enforcement Officer shall inspect each alleged or apparent violation. Whenever the Zoning Administrator/Enforcement Officer determines that a violation of this Ordinance exists, said Zoning Administrator/Enforcement Officer shall issue a Notice of Violation which specifies all circumstances found to be in violation. [23-3] [G-1]
- C. Such notice shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records. [23-3] [G-1]
- D. All violations shall be corrected within a period of thirty (30) days after the violation notice is issued, or in such longer period of time, not to exceed three months, as the Zoning Administrator shall determine necessary and appropriate. [23-3] [G-1]
- E. Public Nuisance Per Se
- Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se to public health, safety, and welfare, and may be abated by order of any court of competent jurisdiction.
- F. Owner's Liability
- 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 shall be liable to the fines and costs of prosecution herein provided. [G-1]
- [23-4][25-5]

Article 17 Zoning Board of Appeals

Section 17.1 Creation and Membership

There is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in Michigan Zoning Enabling Act 110 of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board shall consist of the following three (3) members and one (1) alternate member: [19-1]

- A. The first member shall be a member of the Township Planning Commission for the term of his office. [G-1]
- B. The second member may be a member of the Township Board, appointed by the Township Board for the term of his office.
- C. The remaining member or members shall be selected and appointed by the Township Board from among the electors, residing in the unincorporated area of Kenockee Township, for a period of three (3) years. Provided, that no employee or contractor of the Township may serve on the Zoning Board of Appeals or be an employee of it. An elected official of the Township may not serve as Chairperson of the Zoning Board of Appeals. [G-1]
- D. The Township Board may appoint not more than one alternate member for the same term as regular members of the ZBA. The alternate member shall be a resident in Kenockee Township called, on a rotating basis, to sit as regular member of the ZBA in the absence of a regular member if the regular member will be unable to attend one or more meetings of the ZBA. 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. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the ZBA. [19-1] [G-1]

Section 17.2 Meetings

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at other times as the Board in its rules of procedure may specify.

- A. All hearings conducted by said Board shall be open to the public. [19-2]
- B. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of an applicant regarding any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
- C. 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. [19-2]

Section 17.3 Jurisdiction [19-4]

The ZBA shall act upon questions as they arise in the administration of this Ordinance. The ZBA shall perform its duties and exercise its powers as provided in Michigan Zoning Enabling Act 110 of 2006. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for appeal of an administrative decision, interpretation or special land use permit and to authorize a variance as defined in this Section and laws of the State of Michigan and grant approval of request for temporary building and uses. [G-1 & G-2]

Section 17.4 Authorized Powers

The ZBA shall hear the following specified categories of appeals in accordance with the following standards.

- A. Appeal. An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation, or by any officer, Department, Board or Bureau affected by a decision of the Zoning Administrator or the Planning Commission including decisions regarding requires for special land use approval. An application to appeal the Zoning Administrator or Planning Commission decision shall be filed with the Zoning Administrator within thirty (30) days of the decision of the Zoning Administrator or Planning Commission. For Zoning Administrator decisions written correspondence informing the decision is required prior to the thirty day timer starting. Such appeal shall be made within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the Zoning Administrator and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof. [19-3] [G-1]
1. The Zoning Administrator or the Planning Commission shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, other than by a restraining order, which may be granted by a court of record.
 2. The Board shall select a reasonable time and place for the hearing of the appeal and give notice as specified in Section 16.8 and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney. The Zoning Board of Appeals shall reverse a decision only if it finds that the action or decision appealed meets one or more of the following conditions:
 - a. The action or decision was arbitrary or capricious;
 - b. The action or decision was based on an erroneous finding of a material fact;
 - c. The action or decision constituted an abuse of discretion; or
 - d. The action or decision was based on erroneous interpretation of this Ordinance or zoning law. [19-3]

- B. Interpretation of the Ordinance. To hear and decide in accordance with the provisions of this Ordinance; requests for interpretation of the Zoning Map or Ordinance. [G-1]
1. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of this plan, as shown upon the Zoning Map fixing the use districts, accompanying and made a part of this Ordinance.
 2. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the ZBA shall so declare the effect being that use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it. The ZBA cannot classify a use as a Special Land Use. [G-1]
 3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 3.6 by an analysis of the specific needs. If no comparable use is found, the ZBA shall so inform the petitioner and indicate that the parking space requirements will have to be established by amendment of the Ordinance. [19-6 & 19-10] [G-1]
- C. Variance. The ZBA shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, and sign requirements of this Ordinance. [G-1]
1. Required findings. The ZBA shall have the power to authorize specific variances from site development requirements if all the required findings listed below are met and the record of proceedings of the ZBA contains evidence supporting each conclusion. [G-1]
 - a. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome. These difficulties shall not be considered economic but shall be evaluated in terms of the use of a particular parcel of land. [G-1]
 - b. That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district and shall not be recurrent in nature.
 - c. That the practical difficulty or special conditions or circumstances do not result from actions of the applicant.
 - d. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.

- e. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty. [19-9]
2. Conditions. In granting any variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance.[19-11] [G-1]
3. The Zoning Board of Appeals does not have the authority to grant "use" variances, except as is specifically provided for by this Ordinance (subsection D below). [19-5]

D. Temporary Building and Uses

1. Permit temporary buildings and uses for periods not to exceed six (6) months. Extensions may be granted for construction purposes. A cash deposit, established by resolution of the Township Board, shall be held for a temporary building with refund upon removal.
2. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed six (6) months with the granting of six (6) month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature, including mobile home. A cash deposit, established by resolution of the Township Board shall be held for a temporary use placement with refund upon removal.
3. The Zoning Board of Appeals, in granting permits for the above temporary uses, shall do so under 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 a 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. [G-1]
 - c. All setbacks, land coverage, off street parking, lighting, and other requirement to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township of Kenockee shall be made at the discretion of the Zoning Board of Appeals. [G-1]
 - d. In classifying the uses as not requiring capital improvement, the Zoning Board of Appeals shall determine that they are either removable 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. [G-1]
 - 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 properties of the time and place of a public hearing to be held as further provided for in this Ordinance. Further, the Zoning Board of Appeals

shall seek the review and recommendation of the Planning Commission prior to the taking of any action.

- E. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Township Board of Trustees of the Township of Kenockee in the manner provided by law. [19-7]

Section 17.5 Fees

An appeal fee, established by resolution of the Township Board, shall be required for a any application. At the time the notice for appeal is filed, said fee shall be paid to the Township Clerk and deposited to the credit of the general revenue fund of the Township of Kenockee.

Section 17.6 Orders

In exercising the above powers, the Board 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 Zoning Administrator from whom the appeal is taken. [G-1]

Section 17.7 Notice

The public notice shall conform to the procedure listed in Section 16.8.

Section 17.8 Validity [19-8]

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

No order of the Board 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.

Section 17.9 Appeal to Circuit Court

Decisions of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the Zoning Ordinance may appeal to Circuit Court.

Article 18 Amendments

Section 18.1 Purpose

The purpose of this Article is to identify the procedures for initiation and review of text and map amendments to this Zoning Ordinance and provide standards for approval of the proposed amendments. [20-2]

Section 18.2 Initiation of Amendment

- A. Proposed amendments to the zoning map or text to the Zoning Ordinance may be initiated by:
1. The Township Board
 2. Planning Commission
 3. Zoning Board of Appeals
 4. Owner of a parcel or someone else with approval of the owner or under the terms of a purchase agreement, by application. [20-1]

Section 18.3 Application

- A. Application by a resident or property owner for an amendment shall be submitted to Zoning Administrator at least 20 days prior to the Planning Commission meeting at which the public hearing on the request will be held.
1. The application for the amendment shall include:
 - a. Name, address, and phone number of applicant
 - b. Signature of owner of the subject parcel if not the applicant, proof of their approval of the request or a copy of a purchase agreement on the property.
 - c. Street address and tax ID number. [G-1]
 - d. The fee established by the Township Board.
 - e. In the case of a map amendments request:
 - i. The current zoning of the subject parcel.
 - ii. The proposed zoning of the subject parcel.
 - iii. A copy of the deed for the subject property or it's legal description.
 - iv. A traffic impact analysis as required by Section 7.22B.6.
 - v. An Community Impact Statement as required by Section 7.22.
 - vi. A map of all adjacent zoning. [G-1]
 - f. In the case of a proposed text amendments:
 - i. A copy of the proposed language.
 - ii. A written description of how the requested amendment meets the criteria. [G-1]
 2. Requests to rezone two or more non-contiguous parcels may be considered under one application. [20-3]

Section 18.4 Procedure

- A. Amendments initiated by the Township Board, Planning Commission, or ZBA shall be submitted to Zoning Administrator at least twenty (20) days prior to the Planning Commission meeting at which the public hearing on the request will be held and shall consist of the resolution passed initiating the request and any associated information. No fee shall be required. [G-1]
- B. The Planning Commission shall hold a public hearing on any zoning amendment initiated before action on the amendment is taken by the Township Board.
- C. Notice of the public hearing shall be provided at least fifteen (15) days prior to the public hearing as follows: [20-5]
 1. For both text and map amendments and rezonings:
 - a. Notice published in the paper at least fifteen (15) days prior to the public hearing.
 - b. Any airport, local utilities, or railroads that submits a request in writing to the Township Clerk shall get a mailed notice of the proposed amendment. [G-1]
 - c. Notice to the applicant.
 2. For map amendments only:
 - a. Notice to the residents and property owners of all parcels within 300 feet of the subject parcel regardless of whether or not the parcels are located in Kenockee Township. Except where stated in the Michigan Zoning Enabling Act Sec. 202(3).. [G-1]
 - b. Notice to the neighboring Planning Commission shall be provide by the Zoning Administrator when the subject parcel in Kenockee Township is within three hundred (300) feet of the Township's boundary. [G-1]
 3. The notice shall contain the following:
 - a. A description of the proposed amendment.
 - b. In the case of a proposed map amendment, the street address of parcel that is the subject of the request in the case of a rezoning. If the property does not have a street address, the parcel's tax description will be used.
 - c. When and where the amendment public hearing will be held.
 - d. When and where written comments can be sent.
 - e. When and where a copy of the amendment can be reviewed.
- D. Planning Commission Hearing and Recommendations: After conducting the required public hearing, the Township Planning Commission shall make a recommendation to approve or deny the proposed amendment to the Ordinance. The Planning Commission shall transmit its recommendation along with a summary of comments received at the public hearing in writing to the Township Board.
- E. The Zoning Administrator shall coordinate communication between the Township Planning Commission and St. Claire County Metropolitan Planning Commission.

Following review by the Township Planning Commission, a copy of the application shall be submitted to the St. Claire County Metropolitan Planning Commission through the office of the County Planner for review and recommendation. The County Planning Commission has thirty (30) days to submit a recommendation to the Township Board on the proposed amendment based upon the petitions level of conformity with the Township Master Plan. [20-6] [G-1]

- F. Upon receipt of the recommendations of the Township Planning Commission, the Township Board shall undertake consideration of the proposed rezoning or text amendment.
1. If they prefer, the Township Board may hold a public hearing on the amendment. If they choose to hold a public hearing, the Township Board must meet the notice requirements outlined in Section 16.8 [G-1]
 2. If the Township Board proposes any changes to the amendments they may, at their option, send the changes back to the Planning Commission for their review. [G-1]
 3. If a property owner submits a request to the Township Clerk by certified mail to be heard regarding a proposed amendment, the Township Board must provide an opportunity for that person to speak on the amendment prior to making a decision and provide them with written notice of the date time and location of the hearing. [G-1]
- G. An amendment to the Zoning Ordinance requires approval by a majority of the members of the Township Board, not just a majority of the members attending the meeting.
- H. Following adoption of the zoning amendment, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days of adoption. The notice shall include:
1. A summary of the regulatory effect of the amendment or the actual text of the amendment.
 2. The effective date of the Ordinance. This date may be as few as seven (7) days after the publication of the Ordinance.
 3. The place and time where a copy of the Ordinance may be purchased or inspected.
- I. If within seven (7) days after publication of an amendment to the Ordinance, the Township Board is presented with a notice of intent to file a petition opposing the amendment from a registered elector residing in the Township, a petition may be filed with the Township Clerk within thirty (30) days following publication of the Ordinance. If a petition signed by a number of registered electors residing in the Township, equal to not less than fifteen (15) percent the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, is filed with the Township Clerk, a referendum on the Ordinance amendment shall be held. A petition and an election under this Section are subject to the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. [20-4] [G-1]

Section 18.5 Standards for Approval

In reviewing any proposed amendment, the Planning Commission and Township Board shall consider the following:

- A. In the case of a proposal to amend the Zoning Ordinance text, the Township shall find:
[G-1]
 - 1. The change is necessary to clarify a provision of the Ordinance, or
 - 2. The change is necessary to correct a mistake in the Ordinance, or
 - 3. The change is necessary to implement a goal or policy of the Township Master Plan, or
 - 4. The change is necessary to improve administration of the Ordinance or to better serve the community, or [G-1]
- B. In the case of a proposed zoning map amendment (rezoning) the Township shall find one of the following:
 - 1. The requested amendment is in compliance with the Township Master Plan or that a mistake in the plan or changes in conditions or Township policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
 - 2. The property cannot be reasonably used as it is currently zoned and the proposed request represents the most suitable alternative zoning classification based on the Master Plan. [20-7]

Section 18.6 Conditional Rezoning**A. Intent**

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (PA 100 of 2006) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. [G-1]

B. Application and Offer of Conditions

- 1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
- 2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made

without any offer of conditions, except as modified by the requirements of this Section.

3. The owner's offer of conditions may not require to authorize uses or developments not permitted in the requested new zoning district.
4. Approval of a conditional rezoning does not guarantee approval of any Conditional Use Permit which may be required as part of the conditional rezoning project, and review of the special land use permit must follow the procedures outlined in Article 15 before development can begin.
5. Approval of a conditional rezoning does not guarantee approval of any variance which may be required as part of the conditional rezoning project, and review of the variance must follow the procedures outlined in Article 17 before development can begin.
6. Approval of a conditional rezoning does not guarantee approval of any site plan which may be required as part of the conditional rezoning project, and review of the site plan must follow the procedures outlined in Article 14 before development can begin.
7. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing and a new recommendation, with notice as required by this Article.

C. Planning Commission Review

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 18.5 of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner. [G-1]

D. Township Board Review

After receiving the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in subsection E in this Section. Should the Township Board propose amendments to the proposed conditional rezoning and amendments are acceptable to and offered by the owner, then the rezoning application shall be referred to the Planning Commission for a new public hearing and a new recommendation, with notice as required by this Article. [G-1]

E. Approval

1. If the Township Board finds the owner's rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written

Statement of Conditions provided said conditions conform with this Section. The Statement of Conditions shall be incorporated into the Ordinance adopted by the Township Board. [G-1]

2. The Statement of Conditions shall:
 - a. Be prepared as a notarized Affidavit prepared and signed by the owner.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land unless otherwise specified by this Section.
 - d. Include any diagram, plans, or other documents submitted that are necessary to illustrate the implementation of the Statement of Conditions. [G-1]
 - e. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Zoning Map shall also include a listing of all lands rezoned with a Statement of Conditions.

F. Compliance with Conditions

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall be deemed a nuisance per se and shall constitute a violation of this Zoning Ordinance and be punishable accordingly.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use

Unless another time period is specified in the Ordinance rezoning the subject land, the site plan for approved development shall be submitted within two (2) years after the rezoning took effect. In cases where a site plan is not required, the approved use of land or buildings must have commenced within one (1) year unless another time period is specified in the Ordinance rezoning the subject land. These time limitations may upon written request be extended by the Township Board if: [G-1]

1. It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and [G-1]
2. The Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound

zoning policy. All applicable project completion deadlines in this Ordinance related to site plans, special use permits, and variances shall apply. [G-1]

H. Reversion of Zoning

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests. [G-1]

I. Subsequent Rezoning of Land

When land that is rezoned with a Statement of Conditions to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. If a Statement of Conditions has been recorded, upon the owner's written request, the Township Clerk shall record with the St. Clair County Register of Deeds a notice that the Statement of Conditions is no longer in effect. This provision is not intended to nullify any nonconforming rights a property may have acquired due to legal improvements made to the property while a Statement of Conditions was in effect. [G-1]

J. Amendment of Conditions

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G or during any extension granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions without the written agreement of the property owner.
2. The Statement of Conditions may be amended in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. Township Right to Rezone

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act. [G-1]

L. Failure to Offer Conditions

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance. [20-8] [G-1]

Article 19 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 building 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. [G-1]

Article 20 Vested Rights

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary for the preservation or protection of public health, safety, and welfare. [G-1]

Article 21 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 holding shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

Further, if any Court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building, or structure, such ruling shall not affect the application of the provision to any other parcel, lot use building or structure not specifically included in the ruling. [24-1]

Article 22 Repeal

All Ordinances and amendments thereto enacted and/or adopted by the Township by virtue of Michigan Zoning Enabling Act 110 of 2006, as amended or the previous Township Zoning Act, and all Ordinances and parts of Ordinances inconsistent with the provisions of this Ordinance are repealed as of the effective date of this Ordinance. The repeal of existing Ordinances or parts of Ordinances and their amendments does not affect or impair any act done, offense committed, or right accrued or acquired, or liability, penalty, forfeiture, or punishment incurred before the time it was enforced, prosecuted, or inflicted. [25-1] [G-1]

Article 23 Effective Date

Public hearing having been held thereon, the provisions of this Ordinance are hereby given effect seven (7) days following publication of a notice of adoption pursuant to the provisions of the Michigan Zoning Enabling Act 110 of 2006, as amended. [G-1]

Made and passed by the Township Board of the Township of Kenockee, St. Clair County, Michigan on this _____ May, 2020. [G-1]

- A. Date of Public Hearing: March 3, 2020
- B. Date of Adoption by Township Board:
- C. Date of Publication of Notice of Adoption:
- D. Date Ordinance Given Effect:

[26-1]

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