

## **KIMBALL TOWNSHIP ZONING ORDINANCE**

### **20.000 TITLE**

The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006), as amended. (Amended Ordinance #142-45, July 21, 2009)

**20.001 PREAMBLE**

In accordance with the authority and intent of Public Act 110 of the Public Acts of 2006, as amended, and any other statutory authority granted to it, the Township desires to provide for its orderly development which is essential to the well-being of the community and which will place no undue burden upon developers, industry, commerce, residents, food producers, the natural resources, or energy conservation. The Township further desires to assure adequate sites for industry, commerce, food production, recreation, and residence; to provide for the free movement of vehicles upon the streets and highways of the Township; to protect industry, commerce, food producers, natural resources, energy consumption and residence against incongruous and incompatible uses of land; to promote the proper use of land and natural resources for the economic well-being of the Township as a whole; to assure adequate space for the parking of vehicles of customers and employees using commercial, retail and industrial areas; to assure that all uses of land and buildings within the Township are so related as to provide for the economy in government and mutual support; and to promote and protect the public health, safety, comfort, convenience and general welfare of all persons and property owners within the Township. (Amended Ordinance #142-45, July 21, 2009)

**20.002 ENACTING CLAUSE**

The Township of Kimball, County of St. Clair, State of Michigan, ordains:

# ARTICLE I



## **ARTICLE I**

### **20.100      SHORT TITLE**

#### **20.101**

This ordinance shall be known as the Kimball Township Zoning Ordinance.

KIMBALL TOWNSHIP ZONING ORDINANCE # 142

# **ARTICLE II**





## **ARTICLE II**

### **20.200        DEFINITIONS**

#### **20.201        GENERAL**

When not inconsistent with the context, words used in the present tense include the future tense, words used in the singular number include the plural number, and words used in the plural number include the singular. The word “shall” is always mandatory and not merely directory. The word “building” includes the word “structure” and vice versa. Terms not herein defined shall have the meanings customarily assigned to them.

#### **20.202        SPECIFIC TERMS**

The following terms shall have the following meanings when used within an ordinance.

- 20.203**      **ACCESSORY BUILDING.** Shall mean a building or a portion of a building subordinate to and on the same lot as a main building and occupied by or devoted exclusively to an accessory use, including, but not limited to, a private garage.
- 20.204**      **ACCESSORY USE.** A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.
- 20.205**      **ALLEY.** Any dedicated public way affording a secondary means of access to the abutting property, and not intended for general traffic circulation.
- 20.206**      **APARTMENT HOUSE.** A building used and/or occupied for rental occupancy, or cooperatively owned by its occupants, having three (3) or more family units, and with a yard, compound, service or utilities in common.

- 20.207 BASEMENT.** The portion of a building below the first floor joists, at least half of whose clear ceiling height is above the level of the average elevation of the adjacent ground.
- 20.208 BOARDING HOUSE.** A dwelling in which lodging or meals, or both are furnished to three (3) or more guests for compensation.
- 20.209 BUILDING.** A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.
- 20.209A BUILDING HEIGHT.** The vertical distance measured from the grade to the mid-point of the roof surface for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hop and gambrel roofs, or to a mid-point equivalent, to the foregoing on any other roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. (See sketch on page 12 for example). (Amended Ordinance #142-28, December 4, 2001)

ARTICLE II

FOR FUTURE USE



- 20.210**      **CAMPGROUND.** A lot or parcel where sites are offered for the use of the public or members of an organization for the establishment of temporary living quarters for five (5) or more tents, recreational vehicles, or similar uses.
- 20.211**      **CHILD CARE CENTER OR NURSERY SCHOOL.** A facility receiving one (1) or more children for care for periods of less than 24 hours a day.
- 20.211A**     **CONDOMINIUM ACT.** See Public Act 59 of 1978, as amended. (Amended Ordinance 142-U, October 1992)
- 20.211B**     **CONDOMINIUM SUBDIVISION.** For the purpose of this ordinance, a condominium subdivision shall be equivalent to the term “subdivision” as used in this Zoning Ordinance and the Township Subdivision Control Ordinance. If no Township Subdivision Control Ordinance is in effect, the term shall be equivalent to the term “subdivision” as used in the Subdivision Control Act (Public Act 288 of 1967, as amended). (Amended Ordinance 142-U, October 1992).

- 20.211C CONDOMINIUM SUBDIVISION PLAN.** Means the site, survey, and utility plans; floor plans and sections, as appropriate (if buildings are proposed), showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area and vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements. (Amended Ordinance 142-U, October 1992).
- 20.211D CONDOMINIUM UNIT.** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed. (Amended Ordinance 142-U, October 1992).
- 20.211E CONTRACTIBLE CONDOMINIUM.** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this ordinance and the Condominium Act. (Amended Ordinance 142-U, October 1992).
- 20.211F CONVERTIBLE AREA.** Means a unit or portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provisions in the condominium documents and in accordance with this ordinance and the Condominium Act. (Amended Ordinance 142-U, October 1992).
- 20.211G CONTAMINANTS.** Material received along with the yard wastes which cannot be composted and, therefore, shall be removed from the yard wastes in preparation for composting. Contaminants include, but are not limited to: plastic bags, string or wire used to bundle brush, cardboard boxes, burlap wrappings, etc. (Amended Ordinance 142-5, December 1994).

**20.211H COMPOST.** A complex, highly stable material formed as a result of the breakdown or decomposition of compostable materials, the end product of the composting process; also known as humus. (Amended Ordinance 142-5, December 1994).

**20.211I COMPOSTING.** A yard waste management alternative to burning and/or landfilling in which compostable yard waste is collected, processed, and recovered as a resource rather than disposed of, and also the direct land application of compostable material generated off-site. Involves the biological decomposition of organic matter under controlled conditions characterized by piles that generate heat under aerobic conditions, and also the direct land application of compostable material generated off-site. (Amended Ordinance 142-13, March 1996).

**20.211J COMPOSTABLE MATERIAL.** Compostable or organic matter and material shall include typical yard wastes and clippings such as and limited to leaves, grass clippings, vegetable or other garden debris, shrubbery or brush, tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, agricultural wastes, animal waste, sewage sludge, or garbage. (Amended Ordinance 142-5, December 1994).

**20.211K COMPOSTING SITE.** The land, including composting operations, that a person engaged in composting will use or have available, including any acreage presently intended for future expansion/use. The terms composting site, composting operation and composting facility are used herein interchangeably. The following are excluded from this definition:

1. The composting of minimal amount of yard waste generated on-site is exempt, provided the composting does not constitute a public nuisance or health hazard and complies with all other applicable national, state, county and local regulations and law.
2. The composting of less than 10 cubic yards of yard waste per year, whether generated on-site or off-site, is exempt from obtaining a composting permit, provided the composting does not constitute a public nuisance or health hazard and complies with all other applicable national, state, county and local regulations and law.



3. A farm or farm operation, subject to compliance with other applicable provisions of Ordinance 142 and any other applicable law, as defined by and conducted in accordance with the Right to Farm Act (Public Act 240 of 1987, as amended), is exempt from the provisions of this ordinance regarding composting facilities, to the extent required by the Right to Farm Act. (Amended Ordinance 142-4, December 1994).

**20.212**

**DWELLING, SINGLE-FAMILY.** A building containing not more than one dwelling unit designed for residential use including single family homes, modulars, and manufactured/mobile homes which comply with the following standards:

- A. Complies with the minimum square footage requirements of this ordinance for the zoning district in which it is located.
- B. To ensure compatibility in appearance, all single-family housing in a neighborhood shall meet the following design requirements:
  - 1. **ROOF** - All residential dwelling units hereafter constructed within the Township shall have a minimum roof pitch of 4/12, with said roof being supported by its original walls and not needing additional support from outside walls.
  - 2. **EXTERIOR WALLS** - Must have finished exterior wall facing, including additions and accessory buildings (including sheds).
  - 3. It is firmly attached to a permanent foundation in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable Building Code for single-family dwellings.

- C. In the event that such dwelling is a mobile home/manufactured home to be located outside of a manufactured/mobile home park, then the following standards shall apply.
  - 1. All manufactured/mobile homes must meet or exceed current HUD standards, and where such standards or regulations for construction are different than those imposed by the Township Building Codes, then and in that event such federal or state standard or regulation shall apply.
  - 2. Such dwelling shall, in addition thereto, 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 Manufactured Home Commission.
  - 3. Each manufactured/mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- D. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the St. Clair County Health Department.

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he dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closed 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 (10%) of the square footage of the dwelling or 100 square feet, whichever shall be less.

- F. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with a roof overhang of not less than six (6) inches on the drainage side of the roof. The dwelling must have not less than two (2) exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Building Inspector upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Building Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling," as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwelling to the extent of not less than 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. The dwelling contains no additions or rooms or other areas which are not constructed with equal or greater standards of workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- H. The dwelling complies with all pertinent building and fire codes.
- I. The foregoing standards shall not apply to a manufactured/mobile home located in a licensed manufactured/mobile home park, except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks.

(Amended Ordinance 142-26, January 2001)

**20.213 DWELLING, TWO-FAMILY.** A building containing not more than two (2) separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 20.212. (Amended Ordinance 142-E, September 1989).

**20.214 DWELLING, MULTIPLE-FAMILY.** A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 20.212. (Amended Ordinance 142-E, September 1989).

- 20.215 ESSENTIAL SERVICES.** The term essential services means the erection, construction, alteration, or maintenance by public utilities or Township departments, or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collections, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange and/or repeater buildings, electrical substations and substation buildings, gas regulator stations and regulator buildings and other similar equipment and accessories in connection therewith (but not including any buildings EXCEPT THOSE EXPRESSLY REFERRED TO HEREIN) reasonably necessary for the furnishing of adequate service by such public utilities or Township departments or commission or for the public health or safety or general welfare.
- 20.216 EXCAVATION.** The removal of sand, stone, gravel or dirt below the average grade of the grade of the surrounding land or road grade, whichever shall be the highest.
- 20.216A EXPANDABLE CONDOMINIUM.** A condominium project to which additional land may be added pursuant to express provisions in the condominium documents and in accordance with this ordinance and the Condominium Act. (Amended Ordinance 142-U, October 1992).

**20.217 FAMILY.**

1. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional related person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or;
2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students, or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms of other similar determinable period.

**20.218 FAMILY DAY CARE HOME.** A private dwelling in which up to six (6) minor children are received for care and supervision for periods of less than 24 hours a day.

**20.219 FAMILY GROUP HOME.** A private dwelling in which up to twelve (12) minor children are received for care and supervision for periods of less than 24 hours a day.

**20.220 FEEDLOT OR INTENSIVE LIVESTOCK OPERATION.** Any farm or farm operation engaged in raising, breeding, or feeding beef or dairy cattle, horses, swine, sheep, goats, poultry/fowl, turkeys, ducks, or other livestock in a relatively confined area on which a concentration of said livestock is raised including any buildings, structures, excavations, or enclosed areas directly involved therein, including land used for pasture or feedlot purposes, and any animal storage structures, excavations, or areas directly connected to or associated with such operations. Intensive livestock operations are so defined as to be in operation for a total of forty-five (45) days or more in any twelve (12) month period, where manure may accumulate, and where the concentration is such that vegetative cover or post-harvest residues cannot be maintained within the enclosure during the normal growing season. (Amended Ordinance #142-45, July 21, 2009)

**20.221 FOSTER CARE HOME.** A facility for seven (7) or more adults or children which receive care and supervision for periods of more than one day.

**20.222**

**HOME OCCUPATIONS.** Occupations that have been customarily and traditionally engaged in within a dwelling by the resident or residents of the same as a home occupation, complying with the following conditions and limitations. (Amended Ordinance 166, September 1999).

1. Are operated in their entirety within the dwelling area located upon the premises.
2. Are only conducted by the person or persons occupying the premises as their principal residence a major portion of each month.
3. The dwelling has no exterior evidence, other than a permitted sign, to indicate that the same is being utilized for any purpose other than that of a dwelling. No outdoor display or storage of equipment or materials used in the home occupation shall be permitted.
4. The occupation conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes and does not use more than 25 percent of the gross floor area of the dwelling for the home occupation (excluding basements).
5. No goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.
6. No occupation shall be conducted upon or from the premises which would constitute a nuisance or unreasonable annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbances, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.
7. The Zoning Board of Appeals shall have authority to determine whether or not a proposed use complies with the Zoning Ordinance and is within the spirit of the same to ensure the compatibility of any use with the character of the zoning classification in which the same is located and that the health, safety, and general welfare of the neighborhood will not thereby be impaired.



8. The Planning Commission may approve as home occupations as a Special Exception Use pursuant to Article IV, occupations to be engaged in within a dwelling or garage or other buildings, and non-traditional and non-customary occupations, subject to paragraph 2 and 6 above in addition to any other requirements.

- 20.223 MOBILE HOME.** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems in the structure. (See P.A. 96 or 1987 - MCL 125.2302 (g) ).
- 20.223A HOUSE TRAILER.** See Recreational Unit, Section 20.240 and Mobile Home, Section 20.223 (Amended Ordinance 142-N, March 1991).
- 20.224 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 incidental to the occupancy of a mobile home and which is not intended for use as a temporary trailer park. (See P.A. 96 of 1987 - MCL 125,2302 (i) ). (Amended Ordinance 142-N, March 1991).
- 20.225 HOUSE TRAILER OR MOBILE HOME SITE OR SPACE.** A portion of the mobile home park set aside and clearly marked and designated for occupancy and accommodation of an individual mobile home or trailer coach.

**20.226**

**JUNKYARD.** The premises upon which a person or other legal entity conducts or engages in the business of buying, exchanging, accumulating, receiving, storing, recycling or selling or distributing any junk which shall be defined as follows:

1. Are or may be salvaged for reuse, resale, reduction, recycling, or similar disposition, and;
2. Are possessed, transported, owned, accumulated, dismantled or sorted for any of the aforesaid reasons, and;
3. Are substantially damaged or deteriorated or have parts missing or are in a condition such that the article or articles cannot be used for the original purpose intended or for which it was manufactured, such as salvaged ropes, bags, paper, rags, glass, rubber, tires or any parts of the aforesaid items or any similar articles or articles and including used motor vehicles, equipment, machinery or appliances, or any similar article or parts thereof, except that this definition shall not apply to retail merchants who repossess their own merchandise sold on a title-retaining contract or chattel mortgage basis, or retail businesses which accept articles only in trade on new merchandise, and excludes any landfill and any other such business to the extent preempted by Federal or State law, but only as to those provisions preempted, and excluding businesses with said articles entirely within a building. (Amended Ordinance 142-H, September 1990).

**20.227**        **KENNEL.** Any lot or premise on which five (5) or more dogs, cats or other household pets six (6) months or more old are either permanently or temporarily kept, or bred for commercial purposes.

**20.228**        **LANDFILL, SANITARY.** A tract of land developed, designed and operated for the disposal of solid waste in a manner consistent with the standards established by Act 641 of the Michigan Public Acts of 1978, as amended, and any applicable Township ordinances.

- 20.229**      **LOT.** Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are not required under the provisions of this ordinance for a lot in the district in which such lot is situated and having the required frontage on a street. (Amended Ordinance 142-32, June 15, 2004)
- 20.230**      **LOT AREA.** The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot areas shall not include that part of the lot in use or to be used as the street.
- 20.231**      **LOT, CORNER.** A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two cords of which form an angle of 135 degrees or less as measured on the lot side. The point of intersection of the street lot lines is the “corner.” In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.
- 20.232**      **LOT DEPTH.** The mean horizontal distance from the front street line to the rear lot line.
- 20.233**      **LOT, INTERIOR.** A lot other than a corner lot.
- 20.234**      **LOT, FRONT LINE.** That side of the lot abutting upon a public street right-of-way or abutting upon a lake; in the case of a corner lot either street right-of-way line may be considered the front line of the lot if it contains the minimum required frontage.
- 20.235**      **LOT, REAR LINE.** Ordinarily that lot line which is opposite and more distant from the front lot line as herein before defined. In the case of an irregular shaped lot, a line 10 feet in length entirely within the lot and parallel to and at the maximum distance from the front lot line shall be considered the rear lot line for the purpose of determining required rear yard spacing.

- 20.236 LOT, SIDE LINE.** Any lot line not qualifying as a front or rear lot line. A side lot line separating a lot from a street right-of-way shall be known as a side street lot line. A side lot line separating a lot from another lot or lots shall be known as an interior side lot line.
- 20.237 LOT WIDTH.** The mean horizontal distance between the side lines as measured at the right angles to such side lot lines. Where side lot lines are not parallel, the lot width shall be the average horizontal distance between such side lot lines.
- 20.237A MASTER DEED.** The condominium document recording the condominium project as approved by the Township, to which is attached as exhibits and incorporated by reference the approved by-laws for the project and the approved condominium subdivision plan. (Amended Ordinance 142-U, October 1992).
- 20237B MEDICAL MARIHUANA COMPASSION CENTERS** means any retail store, store front, office building or other structure or any type of mobile unit or entity that dispenses, facilitates, sells, or provides, in any manner, marihuana or cannabis or any other product containing marihuana or cannabis, as regulated by Section 20.409.
- 20.238 NON-CONFORMING USES OR STRUCTURES.** A building or structure or the use of a building, structure or land lawfully existing at the time this ordinance became effective, but which does not conform with the present use regulations of the district in which it is located.
- 20.239 OFFICE.** A room, suite of rooms or building in which are located desks, chairs, tables, couches, bookcases (accounting, filing, recording, communication and/or stenographic) equipment for current use in the office business, and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties; and other similar related or incidental furniture, equipment or personnel connected or concerned with the performance of a personal service which causes or creates no external disturbance, nuisance or annoyance, beyond the confines of said rooms or building.

- 20.239B PRIVATE DRIVEWAY.** A privately owned and maintained access from a public or private road, which is used for vehicular ingress and egress serving only one parcel or one use which is located upon the same parcel as the access. (Amended Ordinance 166, September 1999).
- 20.239C PRIVATE ROAD PROPRIETORS.** Those constructing or desiring to construct a private road and all those property owners whose property is being, or is intended to be served, by a private road. (Amended Ordinance 166, September 1999).
- 20.239D PUBLIC STREET.** A street dedicated to the public, and accepted by and/or maintained by a public agency or public entity for public use. (Amended Ordinance 166, September 1999, **Renumbered from 20.244 to 20.239D, September 1999**, Amended Ordinance 142-32, June 15, 2004).
- 20.239E PRIVATE STREET.** A private street created and constructed after the effective date or approval pursuant to the Kimball Township Private Road Ordinance 164, as amended. Private streets or easements for ingress and egress created prior to and not approved under Ordinance 164, as amended, are nonconforming uses/lots for purposes of this Zoning Ordinance. (Amended Ordinance 142-32, June 15, 2004)

**20.240**

**RECREATIONAL UNIT.** A tent or vehicular-type structure, primarily designed as temporary living quarters for recreation, camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas for camping outdoors. Recreational unit includes the following:

- A. A travel trailer, which is a vehicular-portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.
- B. A camping trailer, which is a vehicular-portable structure mounted on wheels and constructed with collapsible partial sidewalls of fabric, plastic or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
- C. A motor home, which is a vehicular structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.
- D. A truck camper, which is a portable structure designed to be loaded onto, or affixed to, the bed or chassis of a truck constructed to provide temporary living quarters for recreational, camping, or travel use.
  - 1. A slide-on camper, which is a portable structure designed to be loaded onto and unloaded from the bed of a pickup truck, constructed to provide temporary living quarters for recreational, camping, or travel use.
  - 2. A chassis-mount camper, which is a portable structure designed to be affixed to a truck chassis and constructed to provide temporary living quarters for recreational, camping, or travel use.



E. Outside of mobile home parks, a single sectional mobile home used only to provide temporary living quarters for recreational, camping, or travel use. Recreational unit does not include a mobile home used as a permanent dwelling, residence, or living quarters. This subparagraph does not apply to mobile homes situated in seasonal mobile home parks.

(See Section 20.1201 and Act 368 of 1978 Re: Licensing Campgrounds and MCL 125.2302 (a) and (i). (Amended Ordinance 142-N, March 1991)

**20.240A RECYCLING OPERATIONS.** See definition of JUNKYARD. (Amended Ordinance 142-H, September 1990).

**20.240B SALVAGE YARDS.** See definition of JUNKYARD. (Amended Ordinance 142-H, September 1990).

**20.240C SCRAP YARDS.** See definition of JUNKYARD. (Amended Ordinance 142-H, September 1990).

**20.240D SEASONAL 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 or temporary basis but occupied on a temporary basis only, and which is offered to the public for the purpose regardless of whether a charge is made thereof, together with any building, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home. Seasonal mobile home park does not include a campground licensed pursuant to Sections 12501-12516 of the Public Health Code, Act 368 of the Public Acts of 1978, being Section 333.12501 - 333.12516 of the Michigan Compiled Laws. (See P.A. 96 of 1987 and MCL 125.2302(m). (Amended Ordinance 142-N, March 1991).

**20.240E SHEET COMPOSTING.** The composting of material that is spread in a thin layer over a large surface area on the ground in a sheet-like manner. (Amended Ordinance 142-5, December 1994).

**20.241**        **SETBACK.** The minimum horizontal distance a building or structure, or any portion thereof, is required to be located from the planned right-of-way of the County Thoroughfare Plan or amendments thereto and the other boundaries of the lot or parcel of land upon which the same is situated.

**20.241A**      **SITE CONDOMINIUM.** For the purpose of this ordinance, a site condominium is a subdivision of land created and recorded pursuant to the Condominium Act (P.A. 59 of 1978, as amended), and the provision of this ordinance, containing two or more units of land designed and intended for separate ownership and use, and which may or may not contain general and limited common elements. (Amended Ordinance 142-U, October 1992).

**20.241B**

**SIGN.** A sign is any announcement, declaration, display, billboard, illustration, and insignia when designed and placed so as to attract general public attention and shall include the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known and visible to the general public such as are used to show an individual firm, profession, business, or business location, and also any banner, bulbs, or other lighting devices, streamer, pennant, balloon, propeller, flag, and any other similar device of any type or kind whether bearing lettering or not. A sign shall include the following types:

1. **ACCESSORY SIGN.** A sign which directs attention to a person, product, business, or profession conducted upon the same premises.
2. **AWNING.** A retractable or fixed shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.
3. **AWNING SIGN.** A sign painted on, printed on, or attached flat against the surface of an awning.
4. **BILLBOARD.** Same as a “Non-Accessory Sign.” See definition below.
5. **CANOPY.** A permanent roof-like structure that extends from part or all of a building face and is constructed of non-rigid material, except for supporting framework.
6. **CANOPY SIGN.** A sign displayed and affixed flat on the surface of a canopy and does not extend vertically or horizontally beyond the limits of the canopy.
7. **CHANGEABLE COPY SIGN, MANUAL.** A sign on which a copy is changed manually in the fields; such as reader boards with changeable letters or pictorials.

8. **FREESTANDING SIGN.** Any non-movable sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. For the purposes of this ordinance, a portion of a freestanding sign may be utilized as a manual changeable copy sign provided that said portion is an integral part of the sign. Freestanding signs include the following subclasses:
  - a. **GROUND SIGN.** Any non-movable sign supported by structures or supports that are placed upon, or supported by the ground independent of any other structure. (Amended Ordinance 142-48, Effective June 9, 2010)
  - b. **POLE SIGN.** Any non-movable sign not affixed to a building, other than a ground sign, that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is eight (8) feet or more above grade.
9. **MARQUEE.** A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.
10. **MARQUEE SIGN.** Any sign attached to or supported by a marquee structure and does not extend horizontally or vertically beyond the limits of the marquee.
11. **NAMEPLATE.** A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants and which is mounted flush against the wall of the principal building.

12. **NON-ACCESSORY SIGN.** A sign which directs attention to a business, commodity, activity, service, or entertainment conducted, sold, placed, or otherwise offered elsewhere than on the premises on which the sign is located.
  - a. **DIRECTIONAL SIGN.** A non-accessory sign which provides direction to the traveling public in terms of the distance to, or turning movements required, to reach a lawfully established premise.
13. **PORTABLE SIGN.** Any sign that is designed to be transported, including but not limited to:
  - a. with wheels removed;
  - b. with chassis or support constructed without wheels;
  - c. designed to be transported by trailer or wheels;
  - d. converted to “A” or “T” frame signs;
  - e. attached temporarily or permanently to the ground, a structure, or other signs;
  - f. mounted on a vehicle for advertising purposes, parked, and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that building;
  - g. menu and sandwich boards;
  - h. searchlight stands, and;
  - i. hot-air or gas-filled balloons or umbrellas used for advertising.
14. **PREMISES.** For the purpose of sign regulations, the term “premises” shall have the same meaning as “lot” as defined in Section 20.229 of the Zoning Ordinance.

15. **PROJECTING SIGN.** Any sign, other than a wall or marquee sign, suspended from or supported by a building or wall and which projects more than fifteen (15) inches therefrom including awning and canopy signs.
33126904. **ROOF SIGN.** A sign which is erected, constructed and maintained above the roof of a building.
33126905. **TEMPORARY SIGN.** A sign or advertising display with or without letters or numerals constructed of cardboard, cloth, canvas, fabric, paper or plastic materials, plywood, or other light material and designed or intended to be displayed for special events, sales, and notices. Temporary signs shall not be permanently fastened to any structure including posts with permanent footings and shall not be intended to have a useful life of more than sixty (60) days.
33126906. **WALL SIGN.** A sign which is attached directly to the exterior wall of a building and which extends not more than fifteen (15) inches from the wall, with the face of the sign running on a parallel plane to the plane of the building wall. The term “wall sign” shall also include signs painted onto the facade of a building. Such painted wall signs shall be permitted providing they comply with the size, placement and locational requirements for wall signs. A sign which is located on the interior of a building and attached to the interior face of a window or visible through a window shall not be considered a “wall sign.” (Amended Ordinance 142-X, May 1993).
19. **FOOT CANDLES (F.C.):** A foot-candle is a non-SI unit of luminance or light intensity widely used in photography, film, television, and the lighting industry. The unit is defined as the amount of illumination the inside surface of an imaginary 1-foot radius sphere would be receiving if there were a uniform point source of one candela in the exact center of the sphere. Alternately, it can be defined as the luminance on a 1-square foot surface of which there is a uniformly distributed flux of one lumen. This can be thought of as the amount of light that actually falls on a given surface. The foot-candle is equal to one lumen per square foot. (Amended Ordinance 142-48, Effective June 9, 2010)

- 20.242 SPECIAL EXCEPTION 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.
- 20.242A STAGING AREA.** An area designated for the storage of compost material in various stages of treatment. (Amended Ordinance 142-5, December 1994).
- 20.243 STORY.** That part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story shall not be counted when more than 50 percent of its height is below the average elevation of the ground adjacent to the building.

- 20.244 PUBLIC STREET.** (SEE 20.239D, Amended Ordinance 166, September 1999) A public or private street as defined herein, except that any private road shall only refer to a private road created and constructed after the effective date and in conformity with Kimball Township Private Road Ordinance 164, as amended. The words street and road have the same meaning for purposes of this ordinance. (Amended Ordinance 142-32, June 15, 2004)
- 20.245 SWIMMING POOL.** The term “swimming pool” shall mean any permanent, non-portable structure or container intended for swimming or bathing, located either above or below grade designed to hold water to a depth greater than 24 inches.
- 20.246 STRUCTURE.** A structure is anything constructed or erected which requires permanent location on the ground or attachment to something having such locations.
- 20.246A TIPPING.** The dumping or depositing of compostable material within a compost yard. (Amended Ordinance 142-5, December 1994).



- 20.246B TOWERS AND WIRELESS COMMUNICATION FACILITIES (WCF).** Wireless Communication Facilities (WCF) shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, and private and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave receiving facilities, radio and television broadcast reception facilities, federally licensed amateur (ham) radio facilities, satellite dishes and governmental facilities that are subject to state or federal law or regulations which pre-empt municipal regulatory authority. (Amended Ordinance 142-24, September 2000)
- 20.247 VARIANCE.** A modification of the internal 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 if granted.
- 20.247A WINDROWS.** A long row of compost material left to dry natural in the wind. (Amended Ordinance 142-5, December 1994).
- 20.247B WRECKING YARDS.** SEE definition of JUNKYARD. (Amended Ordinance 142-5, December 1994).
- 20.247C YARD WASTE.** Yard wastes shall be limited to leaves, grass clippings, vegetable or other garden debris, shrubbery or brush, tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, agricultural wastes, animal waste, sewage sludge, or garbage. (Amended Ordinance 142-5, December 1994).

**20.248**

**ZONING DISTRICTS.** Where uncertainty exists as to the boundaries of any of the districts or zones on the zoning map, the following rules shall apply:

1. Zone boundary lines are intended to be parallel or perpendicular to street, alley, or lot lines, unless such zone boundary lines are fixed by dimensions, as shown on said zoning map.
2. Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundaries.
3. Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 25 feet distant therefrom, such lot lines shall be such boundaries.
4. If unsubdivided property or where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps, or described in the text of the ordinance, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.
5. If all or any portion of any public street, alley, right-of-way, easement or land which is not included in any zone shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of these regulations which apply within the zone immediately adjacent thereto, or within the most restricted of the immediately adjacent zones, if there are more than one.

# **ARTICLE III**

**ARTICLE III**

**20.300 ZONING DISTRICTS**

**20.301 DIVISION OF TOWNSHIP**

The Township of Kimball shall be divided into zoning districts, as hereinafter described, within which districts no buildings or premises, or part thereof, shall be used and no building shall hereafter be erected, altered or located except for the uses and purposes hereinafter set forth in this ordinance.

- A. Except as hereinafter provided, no building or structure, or part thereof, existing or to be located in the unincorporated portions of the Township shall be used or occupied, maintained, altered, constructed, reconstructed, located, or expanded except in conformity or compliance with the provisions and spirit and intent of this ordinance.
- B. Similarly, and except as hereinafter provided, no new land use of land, change in use of land, or an increase in the intensity of use of land, shall occur or be established except in conformity or compliance with the provisions and spirit of this ordinance.

**20.302      “AG” AGRICULTURAL DISTRICT**

**20.303A STATEMENT OF PURPOSE**

The "AG", Agricultural District, is established to preserve prime agricultural lands as identified in the Township's Master Plan. It is intended to protect areas which have soils well suited to agricultural activities. The district is designed to preserve these areas of the Township where farming, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. Large vacant areas, fallow land, and wooded areas may also be included.

The district is intended to maintain and preserve large contiguous blocks of agricultural land, both by original designation and by future consolidation of smaller holdings into existing areas. Residential subdivisions are considered to be incompatible with the intent of this district.

Zoning changes should be made cautiously with the realization that adequate food supply is essential to the health and welfare of the township, county, state, and nation.

(Amended Ordinance #142-45, July 21, 2009)

ARTICLE III	20.304B
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**20.304B PERMITTED USES IN "AG" DISTRICT**

1. Single-family dwellings, stables, silos, and accessory buildings, structures and uses customarily incidental to any of the foregoing permitted uses.
2. Agricultural, horticultural, vitacultural, dairy farming, cattle raising, poultry raising, livestock raising, keeping of horses for farming or riding purposes, farm forestry and other similar bona fide farming or agricultural enterprises excluding however, rendering plants, feedlots, commercial fertilizer production or garbage feeding or disposal activities. Disposal activities shall include composting operations including direct land application of compostable material generated off-site.
3. Greenhouses or nurseries.
4. Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which are an unsubstantial part of said business including an advertising sign not more than eight (8) square feet in area advertising such products.
5. Home occupations as defined in this ordinance.
6. Family day care homes.
7. Public schools and educational institutions and other municipal buildings, structures, or uses.
8. Publicly owned buildings, parks, airports, public recreational areas, or golf courses.
9. Essential services.
10. Cemeteries.
11. Uses substantially similar to the above permitted uses. (Amended Ordinance #142-28, December 4, 2001)

ARTICLE III	20.305C (1-12)
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**20.305C**      **SPECIAL EXCEPTION USES IN “AG” DISTRICT**, in accordance with provisions of Article IV.



1. Kennel and offices of a veterinarian.
2. Public utility and service buildings.
3. Nursing or convalescent homes, hospitals, treatment centers, child care centers, nursery schools, foster care homes, family group homes for more than six (6) persons, and private schools.
4. Private golf courses.
5. Private airfields, airstrips, airports, runways, and accessory uses and facilities associated with aircraft operations.
6. Seasonal housing camps and migratory labor camps.
7. Churches and parish houses.
8. Livestock auction.
9. Wildlife reserves or hunting preserves.
10. Recreation facilities, campgrounds, private clubs, gun clubs, and shooting and archery ranges.
11. Feedlots or intensive livestock operations, subject to complying with the requirements of Article IV, and specifically Section 20.407H.
12. A complex or development of a multiple number of “permitted” or designated “special exception” uses which do not comply with all conditions and limitations pertinent thereto, but which still comply with the spirit of this ordinance with the approval of the Planning Commission under the procedure and standards specified in the ordinance for special exception uses.

13.
  - A. Excavation, earth removal, quarrying, gravel procession, mining and related mineral extraction businesses, including the hauling of such products, and limited indoor and outdoor storage of the products, related mineral extraction businesses, including the hauling of such products, and limited indoor and outdoor storage of related equipment and vehicles, subject to state, county and township regulations.
  - B. Commodity hauling of material, related equipment and vehicles, subject to state, county, and township regulations with limited indoor and outdoor storage. (#13 - Amended Ordinance 142-47, Effective June 9, 2010)
14. Sanitary landfill if licensed by the State.
15. Limited indoor storage of commercial and/or construction supplies, goods, or equipment. The purpose and intent of this subsection is to provide a flexible, but limited, means of allowing the limited commercial activity of storage with minimal traffic flow in and out and with no other business activities on-site pursuant to this subsection, other than a very minimal activity such as receiving mail or using a telephone, with the size and nature of such operations being limited and with no expansion being anticipated absent a change in the Zoning Ordinance to permit the same. The following conditions and restrictions shall be complied with in addition to any other conditions under Article IV:
  - a. All storage shall be contained completely within an enclosed building. No outside storage of any kind shall be permitted.
  - b. No storage shall be approved on parcels of land which are located within a developed residential subdivision or an area that is predominately residential in nature.
  - c. The scope, nature, size, scale, and character of the storage use and storage building shall be compatible with existing and planned uses in the surrounding area.
  - d. The storage building shall have direct access to a public road or street. Access from local residential streets or through neighborhoods, areas, or districts which are primarily residential in character is prohibited.
  - e. Storage operations shall not create noise or traffic impact of a nature that would be incompatible with the surrounding area.
  - f. No retail or wholesale showroom for the display of goods shall be maintained on the premises.

- g. As a condition of special land use approval, the Planning Commission shall establish the maximum gross floor area (in square feet) of the indoor storage facility to be permitted. The maximum area so established shall be compatible with existing and planned uses on the subject parcel, adjacent parcels, and the surrounding vicinity. (Amended Ordinance 142-T (14-a-g), October 1992)
16. Yard Waste Composting Facilities. SEE Definition Section 20.211K. (Amended Ordinance 142-T (14a-g), October 1992)
17. Private Roads Serving Residential Development. (SEE also Section 20.405F) (Amended Ordinance 166, September 1999)
18. Home Occupation as defined herein pursuant to Section 20.222 (8). (Amended Ordinance 166, September 1999)
19. Towers and Wireless Communication Facilities (WCF), subject to complying with the requirements of Article IV, and specifically Section 20.406G. (Amended Ordinance 142-24, September 2000)
20. Pet cemeteries.
21. Golf courses areas.
22. Campground areas.
23. Uses substantially similar to the above special exception uses. (Amended Ordinance 142-28, December 4, 2001)



**20.RE100 "RE" RURAL ESTATES RESIDENCE DISTRICT**

Kimball Township Zoning Ordinance 142-45 is amended to add Section 20.RE100. "RE" rural estate residential district definition, 20.RE101A, Statement of Purpose; 20.RE102B, Permitted Uses; and 20.RE103C, Special Exception Uses.

**20.RE101A STATEMENT OF PURPOSE**

The "RE" Rural Estates Residence District is intended to provide for the development of rural residences on land that was previously used for agricultural purposes. This district can accommodate both the protection of existing agricultural lands and the development of new residential areas on large estate-size lots, as well as provide open space areas that will offer a suitable transition between the "AG" District and higher density uses.

(Amended Ordinance 142-45, July 21, 2009))

**20.RE102B PERMITTED USES IN THE "RE" RURAL ESTATES RESIDENCE DISTRICT**

1. Single-family dwellings.
2. Farm buildings and greenhouses.
3. General farming and similar bona fide agricultural enterprises or use of land and structures.
4. Family day care homes and adult foster care family homes for six (6) or less persons.
5. Home occupations as defined in this Ordinance.
6. Public or private schools.
7. Public municipal buildings, parks.
8. Public and private indoor recreation facilities.
9. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land.
10. Public schools, libraries, and other municipal structures and uses.
11. Uses substantially similar to the above permitted uses.

(Amended Ordinance 142-45, July 21, 2009)

**20.RE103C SPECIAL EXCEPTION USES IN THE "RE" RURAL ESTATES RESIDENCE DISTRICT**, in accordance with provisions of Article IV.

1. Two family dwellings.
2. Nursing or convalescent homes, childcare centers, day care homes/adult foster care homes for more than six (6) persons.
3. Public and private outdoor recreation facilities.
4. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land.
5. Veterinarian offices and kennels.
6. Privately owned cemeteries provided they are located on a parcel of land ten (10) acres or more in size.
7. Churches and places of worship and other facilities normally incidental thereto.
8. Public riding stables.
9. Private airfields, airstrips, airports, runways, and accessory uses and facilities associated with aircraft operations.
10. Pet cemeteries.
11. Golf course areas.
12. Campground areas.
13. Uses substantially similar to the above permitted uses.

(Amended Ordinance 142-45, July 21, 2009)





**20.R100 "R-1" SINGLE-FAMILY LOW-DENSITY RESIDENCE DISTRICT****20.R101A STATEMENT OF PURPOSE**

The R-1 Single-Family Low-Density Residence District has been established to provide an area for single-family, non-farm residential development within a rural environment on lot of sufficient size to permit the use of septic tanks and drainfields and the use of on-site wells of safe water quality. This district is designed to be the most restrictive of the residential districts to encourage an environment of predominately low-density single-family dwellings in those parts of the Township where soils are suitable and where public sanitary sewer and water facilities are not generally planned to be extended. By providing this residential district, pressure for development of single-family residences in prime agricultural areas is reduced.

(Amended Ordinance 142-45, July 21, 2009)

**20.R102B PERMITTED USES IN "R-1" SINGLE-FAMILY LOW-DENSITY RESIDENCE DISTRICT**

“Permitted Uses” in Section 20.R102B is amended by deleting #6 and renumbering to read as follows: (Amended Ordinance 142-25, July 21, 2009)

1. Single-family dwellings.
2. Home occupations, family day care homes, and family group homes for six (6) or less people.
3. Public schools, libraries, and other municipal structures and uses.
4. Essential public utility services, excluding buildings and regulator stations.
5. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduction of business.
6. Uses substantially similar to the above permitted uses. (Amended Ordinance 142-28, December 4, 2001)

**20.R103C SPECIAL EXCEPTION USES IN "R-1" SINGLE-FAMILY LOW-DENSITY RESIDENCE DISTRICT**, in accordance with provisions of Article IV.

Section 20.R103C is amended by deleting #5; adding #9 Group Day Care Home, #10 Group Foster Day Care Home, and #11 Accessory buildings and uses; changing \$10 to #12; Renumbered and amended to read as follows: (Amended Ordinance 142-45, July 21, 2009)

1. Two family dwellings.
2. Nursing or convalescent homes, hospitals, treatment centers, foster care homes, child care centers, nursery schools, family group homes for more than six (6) persons, and private schools.
3. Golf courses, parks and other municipally-owned or operated public recreational facilities.
4. Churches and places of worship and other facilities normally incidental thereto.
5. Essential public service utility buildings, or gas or electric regulator stations or buildings.
6. A complex or development of a multiple number of "permitted" or designated "special exception" uses which do not comply with all conditions and limitations pertinent thereto, but which still comply with the spirit of this ordinance with the approval of the Planning Commission under the procedure and standards specified in the ordinance for special exception uses.
7. Private Roads Serving Residential Development (SEE also Section 20.405F). (Amended Ordinance 166, September 1999)
8. Home occupations as defined herein pursuant to Section 20.222 (8). (Amended Ordinance 166, September 1999)
9. Group day care homes.
10. Adult foster care large group homes.
11. Accessory building and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduction of a business.
12. Uses substantially similar to the above permitted uses.

(Amended Ordinance 142-28, December 4, 2001)

**20.R200 "R-2" SINGLE-FAMILY MEDIUM-DENSITY RESIDENCE DISTRICT****20.R201A STATEMENT OF PURPOSE**

Statement 20.R201A "Statement of Purpose" is amended to read as follows: (Amended Ordinance 142-45, July 21, 2009)

The "R-2" Single-Family Medium-Density Residence District is designed to permit a greater density of residential development than that provided in the "R-1" Residence District classification, together with other residentially related facilities which would serve the inhabitants of the area. Public water, sanitary and storm drainage services should be provided to those areas that are developed for residential subdivisions and higher intensity development but may not be available in all areas of this District.

**20.R202B PERMITTED USES IN "R-2" SINGLE-FAMILY MEDIUM-DENSITY RESIDENCE**

Section 20.R202B is renumbered and amended to read as follows: (Amended Ordinance 142-45, July 21, 2009)

1. Any use permitted in the "R-1" Single-Family Low-Density Residence District.
2. Private two-family dwellings.
3. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduction of a business.
4. Uses substantially similar to the above permitted uses.  
(Amended Ordinance 142-28, December 4, 2001)

**20.R203C SPECIAL EXCEPTION USES IN “R-2” DISTRICT**, in accordance with provisions of Article IV.

Section R20.R203C is renumbered and amended to read as follows: (Amended Ordinance 142-45, July 21, 2009)

1. Any special exception use permitted in the “R-1” single-Family Low-Density Residence District. (Note: This includes Private Roads Serving Residential Development and Home Occupations as defined herein).
2. Private three or four-family dwellings.
3. Boarding and lodging houses containing not more than six (6) separate dwelling units for rent to the general public.
4. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduction of a business.
5. Uses substantially similar to the above special exception uses.  
(Amended Ordinance 142-28, December 4, 2001)





**20.R300 "R-3" MULTI-FAMILY RESIDENCE DISTRICT****20.R301A STATEMENT OF PURPOSE**

Section 20.R301A "Statement of Purpose" is amended to read as follows: (Amended Ordinance 142-45, July 21, 2009)

The "R-3" Multi-Family Residence District is established to provide for more intensive residential use of land. A variety of dwelling types are accommodated including: townhouses, duplexes, row houses, terrace and garden apartments, and condominiums. This district is to be used only in those areas of the Township which are served by public water and sanitary sewer facilities. By providing for higher intensity development through a multiple-family residential district, open space and natural features can be preserved for visual relief and enhancement.

**20.R302B PERMITTED USES IN “R-3” DISTRICT**

Section 20.R302B is renumbered and amended to read as follows: (Amended Ordinance 142-45, July 21, 2009)

1. Any use permitted in the “R-2” Single-Family Medium-Density Residence District.
2. Multiple-family dwellings, excluding hotels, motels and similar transient residence buildings.
3. Churches and places of worship and other facilities normally incidental thereto.
4. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same parcel of land and not involving the conduction of a business.
5. Uses substantially similar to the above permitted uses.  
(Amended Ordinance 142-28, December 4, 2001)

**20.R303C SPECIAL EXCEPTION USES IN “R-3” DISTRICT**, in accordance with provisions in Article IV.

Section 20.R303C is renumbered and amended to read as follows: (Amended Ordinance 142-45, July 21, 2009)

1. Any special exception use permitted in the “R-2” Single-Family Medium-Density Residence District. (Note: This includes Private Roads Serving Residential Development and Home Occupations as defined herein).
2. The following uses when located on a major thoroughfare planned to have a 150 foot or 120 foot right-of-way as listed in Section 20.606.
  - a. Hotels, motels and other transient-type residential building.
  - b. Private clubs, fraternities and lodges, excepting those of which the chief activity is a service customarily carried on as a business.
  - c. Medical clinics and doctors’ offices for the treatment of human beings provided that they are constructed in appearance as a residence.
3. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduction of a business.
4. Uses substantially similar to the above special exception uses.  
(Amended Ordinance 142-28, December 4, 2001)



**20.R400 "R-4" MANUFACTURED HOME RESIDENCE DISTRICT****20.R401A STATEMENT OF PURPOSE**

Section 20.R401A is amended to read as follows: (Amended Ordinance 142-45, July 21, 2009)

The "R-4" Manufactured Home Residence District is in recognition of the growing trend toward manufactured/modular/mobile homes and manufactured/modular/mobile home parks and the need for well-located and properly developed areas to accommodate them. This district is designed to provide for such use under appropriate construction and development standards to promote the health, safety, and general welfare of the residents of such areas as well as the residents of adjoining premises. The area zoned for such purposes should be able to accommodate the increased traffic generated from such developments as well as the sanitary requirement of the same. Such area should also be suitable for residential use and should be located as not to impede other more conventional residential developments in the vicinity.

**20.R402B PERMITTED USES IN “R-4” MANUFACTURED HOME DISTRICT**

Section 20.R402B is amended to read as follows: (Amended Ordinance 142-45, July 21, 2009)

1. Manufactured/Modular/Mobile home parks, together with accessory buildings and uses customarily incidental thereto, including a residence for the park owner or operator and his family, but excluding any retail sales of homes unless the same are located upon a developed home site; subject, however, to the following conditions and limitations:

All manufactured/modular/mobile home parks shall comply with the requirements imposed by Michigan Public Act 96 of 1987 (Amended Ordinance 142-N, March 1991) and any and all amendments thereto and with any and all regulations promulgated thereunder by the Michigan Manufacturing Housing Commission and the Michigan Department of Public Health.

2. Manufactured/Modular/Mobile home developments such as plats and condominium projects. (Amended Ordinance 142-N, March 1991)

33127008. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduction of a business.

4. Uses substantially similar to the above permitted uses.  
(Amended Ordinance 142-28, December 4, 2001)

**20.R403C SPECIAL EXCEPTION USE IN “R-4” DISTRICT**

Section 20.R403C is renumbered and amended to read as follows: (Amended Ordinance 142-45, July 21, 2009)

1. Any special exception uses permitted in the “R-2” Single-Family Medium-Density Residence District.
2. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduction of a business.
3. Uses substantially similar to the above special exception uses.  
(Amended Ordinance 142-28, December 4, 2001)





**20.C100 "C-1" LOCAL COMMERCIAL DISTRICT****20.C101A STATEMENT OF PURPOSE**

Section 20.C101A "Statement of Purpose" is amended to read as follows: (Amended Ordinance 142-45, July 21, 2009)

The "C-1" Local Commercial District is established to provide suitable locations for retail, service, and professional office enterprises which serve a localized market area. Goods and services to be provided by establishments in this district are classified as "convenience," as distinguished from "comparison" goods and services, because they serve the day-to-day needs of a neighborhood or group of neighborhoods. Establishments in this district will generally be small in floor and site area, typically no larger than 50,000 square feet and three to ten acres. This district is intended to encourage consolidation of business establishments, particularly as neighborhood shopping centers. Consolidations other than shopping centers are also encouraged with the intent of avoiding strip commercial development, lessening traffic congestion by reducing the number of commercial driveways opening onto major streets, and improving the safety and convenience of consumers. It is the intent of this section that more than one commercial use or building may exist on a single parcel, and that said parcel shall meet the necessary parking requirements for all uses present. A parcel with more than one use or building shall be treated as a single parcel for the purposes of road frontage.

**20.C102B PERMITTED USES IN “C-1” DISTRICT**

Section 20.C102B “Permitted Uses” in ‘C-1’ District is amended to read as follows:  
(Amended Ordinance 142-45, July 21, 2009)

1. Personal service establishments performing services on the premises, such as barber and beauty shops; watch, radio, television, clothing, and shoe repair; tailor shops; locksmith; and similar establishments.
2. Retail establishments for the sale of baked goods, bicycles, books, confection, drugs, flowers, groceries, hardware, alcoholic beverages, hobby equipment, jewelry, music, notions, paints, periodicals, sundry small household articles, tobacco, and similar establishments.
3. Laundry or dry cleaning customer outlets, coin-operated Laundromats, self service dry cleaning centers and the like. Dry cleaning or laundry plants serving more than one customer service outlet are prohibited. Banks, building and loan associations, and other lending institutions.
4. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Carry out restaurants where food is not consumed on the premises.
5. Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, and similar or allied professions. To include medical or dental clinics, but not including veterinarian hospitals or any type of medical facility permitting overnight patients.
6. Clubs and fraternal organizations.
7. Veterinarian offices and animal clinics.
8. Publicly owned and operated libraries, parks, recreational facilities, cemeteries, and municipal buildings.
9. Banks, insurance, real estate offices.
10. Architect, engineer, surveyor offices.
11. Funeral parlors.
12. Churches and places of worship and other facilities normally incidental thereto.

13. Accessory buildings and uses customarily incidental to the above permitted uses.
14. Uses substantially similar to the above permitted uses.  
(Amended Ordinance 142-28, December 4, 2001)



**20.C103C SPECIAL EXCEPTION USES IN “C-1” DISTRICT**, in accordance with provisions of Article IV.

Section 20.C103C “Special Exception Uses in ‘C-1’ District, in accordance with provisions of Article IV is amended to read as follows: (Amended Ordinance 142-45, July 21, 2009)

1. Gas stations.
2. Indoor commercial recreation facilities.
3. A complex or development of a multiple number of "permitted" or designated "special exception" uses which do not comply with all conditions and limitations pertinent thereto, but which still comply with the spirit of this ordinance with the approval of the Planning Commission under the procedure and standards specified in this ordinance for special exception uses.
4. Towers and Wireless Communication Facilities (WCF), subject to complying with the requirements of Article IV, and specifically Section 20.406G. (Amended Ordinance 142-24, September 2000)
5. Convalescent and nursing homes, assisted living, and elderly care centers, provided the site is of at least five (5) acres and located on a county primary road.
6. Commercial day care centers.
7. Business schools and colleges or private schools operated for profit.
8. Eating and drinking establishments when food or beverage is consumed within an enclosed building or on a designated outdoor eating area.
9. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land.
10. Uses substantially similar to the above special exception uses. (Amended Ordinance 142-28, December 4, 2001)
11. Operation of a Medical Marihuana Compassion Center by Registered Qualifying Primary Caregivers in accordance with the requirements of Section 20.409.



**20.C200 "C-2" GENERAL COMMERCIAL DISTRICT****20.C201A STATEMENT OF PURPOSE**

Section 20.C201A "Statement of Purpose" is amended to read as follows: (Amended Ordinance 142-45, July 21, 2009)

The "C-2" General Commercial District is established to provide suitable locations within the Township for more intense, shopping centered oriented business types which would often be incompatible with the more restricted retail commercial uses located within the Local Commercial District as well as residential uses. Goods and services to be established within this district would be classified as more comparison shopping "convenience" shopping and are often found within a planned shopping center. Representative size of a use in this District would be no larger than 150,000 square feet and 10 to 30 acres. In addition, the typical uses within this district are generally characterized by generating larger volumes of vehicular traffic.

**20.C202B PERMITTED USES IN “C-2” GENERAL COMMERCIAL DISTRICT**

Section 20.C202B “Permitted Uses is ‘C-2’ General Commercial District is amended to read as follows: (Amended Ordinance 142-45, July 21, 2009)

1. Any use permitted in the “C-1” Local Commercial District.
2. Grocery stores and larger retail stores.
3. Veterinary hospitals.
4. Kennels and pet shops. Outdoor theaters.
5. Bus terminals.
6. Drive-in eating Drive-thru eating, or fast food establishments.
7. Cider mills.
8. Cemeteries.
9. Nursery and greenhouses.
10. Indoor movie theaters.
11. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
12. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land.
13. Uses substantially similar to the above permitted uses.  
(Amended Ordinance 142-28, December 4, 2001)



**20.C203C SPECIAL EXCEPTION USES IN “C-2” GENERAL COMMERCIAL DISTRICT**, in accordance with provisions of Article IV.

1. A complex or development of a multiple number of “permitted” or designated “special exception uses” which do not comply with all conditions and limitations pertinent thereto, but which still comply with the spirit of this ordinance with the approval of the Planning Commission under the procedure and standards specified in this ordinance for special exception uses.
2. Any special exception uses set forth in the "C-1" Commercial District.
3. Towers and Wireless Communication Facilities (WCF), subject to complying with the requirements of Article IV, and specifically Section 20.406G. (Amended Ordinance 142-24, September 2000)
4. Dwellings for security or caretaker persons.
5. Enclosed mini-storage buildings.
6. Billiard hall, billiard room, pool hall or pool room, or other similar indoor recreation uses.
7. Dance hall or catering hall when conducted within completely enclosed buildings.
8. Automobile repair garages.
9. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land.
10. Landscaping and/or building supply centers. (Amended Ordinance 142-52, March 19, 2013)
11. Uses substantially similar to the above special exception uses. (Amended Ordinance 142-28, December 4, 2001)



**20.C300 "C-3" REGIONAL COMMERCIAL DISTRICT**

Kimball Township Zoning Ordinance No. 142-45 is amended by adding Section 20.C300, "C-3" Regional Commercial District Definition; Section 20.301A, Statement of Purpose; Section 20.C302B, Permitted Uses; and Section 20.C303C, Special Exception Uses as follows:

**20.C301A STATEMENT OF PURPOSE**

The 'C-3' Regional Commercial District is designed to permit large-scale commercial uses that do not necessarily require location in a shopping center, but generally require large parcels of land. These uses would be larger than what is permitted in the C-2 District (150,000 square feet) and generally require 10 to 60 acres of land. In addition, these uses typically benefit from a location on a major thoroughfare that permits ready access.

**20.C302B PERMITTED USES IN THE "C-3" REGIONAL COMMERCIAL DISTRICT**

1. Uses permitted within the "C-2" General Commercial District.
2. Large retail developments containing two or more commercial anchor stores.
3. Wholesale supermarkets.
4. Commercial lodging, hotels, motels.
5. Supercenter retail stores.
6. Eating and drinking establishments, both sit-down, drive-in and drive-thru.
7. Landscaping and/or building supply centers (enclosed).
8. Indoor commercial recreation facilities.
9. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land.
10. Uses substantially similar to the above permitted uses.

**20.C303C SPECIAL EXCEPTION USES IN THE "C-3" REGIONAL COMMERCIAL DISTRICT**, in accordance with the provisions of Article IV.

1. Any special exception uses set forth in the 'C-2' General Commercial District.
2. Automotive sales/service centers.
3. Outdoor commercial recreation facilities.
4. Outdoor theaters.
5. Lumber/landscaping wholesale yards.
6. Enclosed warehouses.
7. Private outdoor recreational uses, to include miniature golf courses; private parks; rifle, gun, and archery ranges; go-cart tracks; batting practice facilities; driving ranges; and any other recreational facility operated for profit.
8. Auto engine, body repair, painting and undercoating shops.
9. Establishments whose principal use is the selling of liquor, beer, or wine.
10. Tractor sales and repair.
11. Towers and Wireless Communication Facilities (WCF), subject to complying with the requirements of Article IV, and specifically Section 20.406G. (Amended Ordinance 142-24, September 2000)
12. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land.
13. Uses substantially similar to the above special exception uses.



**20.IND100 “IND-1” INDUSTRIAL DISTRICT****20.IND101A STATEMENT OF PURPOSE**

This district is designed for manufacturing, assembling and fabricating businesses and commercial and office activities which cause a minimum of adverse effect beyond the boundaries of the site upon which they are located.

**20.IND102B PERMITTED USES IN “IND-1” DISTRICT**

1. (Amended Ordinance 142-E, September 1989, renumber).
1. Dwellings for security or caretaker persons.
2. Industrial manufacturing operations and the operations for the servicing, compounding, assembling or treatment of articles or merchandise which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration or psychological ill effects which would be a nuisance or annoyance to owners or occupants of surrounding premises and which are wholly contained within fully enclosed buildings except for the following permissible outdoor activities:
  - a. Outdoor storage in the rear yard area which must not exceed 20 percent of the square foot area of the principal building upon the premises and which must be screened from adjoining premises of a higher use district classification and from public streets by a solid fence, wall or natural screening adequate for the purpose;
  - b. Delivery operations to and from said businesses;
  - c. Such other outdoor storage or activities as may be allowed under a variance permit by the Zoning Board of Appeals which may be granted by said board where, in its discretion, the same would not be a nuisance or annoyance to adjoining property owners and would be in accordance with the purpose of this zoning classification to create an industrial zone for activities which produce a minimum of adverse effect on adjoining premises and are compatible with one another and do not require large land areas for isolation or protection of adjoining premises or activities.
3. Farming and agricultural operations, together with a reasonable number of accessory buildings, and the right to sell products, poultry or animals produced, raised, or grown upon the premises.
4. Uses substantially similar to the above permitted uses.



**20.IND103C SPECIAL EXCEPTION USES IN “IND-1” DISTRICT**, in accordance with provisions of Article IV.

Section 20.IND103C “Special Exception Uses in ‘IND’1’ District, in accordance with provisions of Article IV is renumbered by adding subparagraph 12 and changing subparagraph 12 to number 13, and amended to read as follows: (Amended Ordinance 142-45, July 21, 2009)

1. Motor freight warehousing business.
2. Gasoline and petroleum storage.
3. Ready-mix concrete and asphalt plants.
4. Lumber yards.
5. Excavation or mining operations.
6. Auto body and auto paint shops.
7. A complex or development of a multiple number of “permitted” or designated “special exception uses” which do not comply with all conditions and limitations pertinent thereto, but which still comply with the spirit of this ordinance with the approval of the Planning Commission under the procedure and standards specified in this ordinance for special exception uses.
8. Any permitted or special exception use allowed in the C-2 Commercial District. (Amended Ordinance 142-E, September 1989).
9. Junkyard, auto-salvage, wrecking yards and scrap yards and similar recycling operations. (Amended Ordinance 142-H, September 1990).
10. Yard Waste Composting Facilities. SEE definition Section 20.211K. (Amended Ordinance 142-5, December 1994).
11. Towers and Wireless Communication Facilities (WCF), subject to complying with the requirements of Article IV, and specifically Section 20.406G. (Amended Ordinance 142-24, September 2000)
12. Adult entertainment business according to standards contained in Section 20.404 of Article IV.
13. Uses substantially similar to the above special exception uses.

(Amended Ordinance 142-28, December 4, 2001)

FOR FUTURE USE

**20.IND200 “IND-2” INDUSTRIAL DISTRICT****20.IND201A STATEMENT OF PURPOSE**

This district is designed for manufacturing, servicing, compounding, assembling and commercial business which require greater outdoor storage or activities and which, accordingly, require larger sites and may have a greater adverse effect on adjacent properties and the uses permitted in “IND-1” Industrial District.

**20.IND202B PERMITTED USES IN “IND-2” DISTRICT**

1. Any use permitted in the “IND-1” Industrial District.
2. Motor freight warehousing businesses.
3. Gasoline and petroleum storage.
4. Ready-mix concrete and asphalt plants.
5. Lumber yards.
6. Airports.
7. Auto body and auto paint shops.
8. Industrial manufacturing operations and operations for the servicing, compounding, assembling or treatment of articles or merchandise which do not emanate noise, smoke, odor, dust, dirt, noxious gases, glare, heat, vibration or psychological ill effects to such an extent as will be a nuisance or annoyance to owners or occupants of surrounding premises and which do not involve outdoor storage or activities occupying more than 50 percent of the square foot area of the principal building located upon the premises.
9. Uses substantially similar to the above permitted uses.

**20.IND203C SPECIAL EXCEPTION USES IN “IND-2” DISTRICT**, in accordance with provisions of Article IV.

1. Any special exception use permitted in “IND-1” Industrial District.
2. Building material storage yards for new material.
3. Storage yards for machinery, trucks, or equipment in operating condition, provided adequate screening is installed and maintained, screening the same from adjoining premises and public highways.
4. Junkyard, auto-salvage, wrecking yards and scrap yards and similar recycling operations. (Amended Ordinance 142-H, September 1990).
5. Sanitary landfill.
6. Slaughterhouse.
7. Towers and Wireless Communication Facilities (WCF), subject to complying with the requirements of Article IV, and specifically Section 20.406 (G).
8. Uses substantially similar to the above special exception uses.

FOR FUTURE USE

**20.IND300 “IND-3” AIR INDUSTRIAL DISTRICT****20.IND301A STATEMENT OF PURPOSE**

This district is designated for manufacturing, assembling and fabricating business and commercial and office activities which are best suited for an airport facility and which cause a minimum of adverse effect beyond the boundaries of the site upon which they are located.

**20.IND302B PERMITTED USES IN “IND-3” DISTRICT**

1. Any use permitted in the “IND-1” Industrial District.
2. Airports.

**20.IND303C SPECIAL EXCEPTION USES IN “IND-3” DISTRICT**, in accordance with provisions of Article IV.

FOR FUTURE USE



# ARTICLE IV



## ARTICLE IV

### 20.400 SPECIAL EXCEPTIONS

### 20.401 SPECIAL EXCEPTION STANDARDS.

Section 20.401 “Special Exception Standards: is amended by the addition of subparagraph 5 and 6 to read as follows: (Ordinance 142-45, July 21, 2009)

In order to make this ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property with the Township, the Planning Commission, in addition to its other functions, is authorized to approve the establishment of certain uses designated as special exception uses with the various zoning classifications set forth in this ordinance.

Such special exception uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and, accordingly, detrimental thereto.

With this in mind, such special exception uses are not permitted to be engaged in with the particular zone in which they are listed unless and until the Planning Commission, in its absolute discretion, is satisfied that the following standards are met:

1. The proposed use under the conditions, controls, limitations, circumstances, and safeguards proposed by the Commission will be compatible with the other uses expressly permitted within said district.
2. The proposed land use will not, in any manner, be detrimental or injurious to the natural environment or public services and facilities or the use or development of adjacent properties or the occupants thereof or to the general neighborhood.
3. The use will promote the public health, safety, morals, and general welfare of the community and will encourage the use of lands in accordance with their character and adaptability.
4. The standards and conditions required by the Commission for the allowance of such special exception uses can and will, in its judgment, be met at all times by the applicant.

5. The proposed use will not impact or place a stain on existing public services and will not be detrimental to the economic welfare of the Township. (Amended Ordinance 142-45, July 21, 2009)
6. The use will be consistent with the intent, purpose, goals, objects, and future use recommendations of the Kimball Township Master Plan. (Amended Ordinance 142-45, July 21, 2009)

## **20.402 SPECIAL EXCEPTION PROCEDURE**

Section 20.402 “Special Exception Procedure” is renumbered and amended to read as follows: (Amended Ordinance 142-45, July 21, 2009)

1. All applications for special exception use permits shall be filed with the Township Clerk and shall include a General Plan, if a site plan is not required, which conveys the following:
  - a. All general plans shall be prepared and submitted on sheets of a size that is easily readable, but no less than 11 inches by 17 inches.
  - b. Accurately scaled to convey proper distances.
  - c. Name, address and phone number of the applicant and contact person.
  - d. Name of plan preparer including address and phone number.
  - e. Date of application, plans, and drawings.
  - f. Written project description.
  - g. Written proof satisfactory to the Township of property ownership, options, liens, submitted with site plan.
  - h. North arrow.
  - i. General location map.
  - j. Property address and parcel number.
  - k. Legal description, property lines and dimensions.
  - l. Size of parcel and the total project area showing the portion of the site to be improved or altered.
  - m. Existing structures and those within 300 feet of the property line of the site.
  - n. General location and type of natural features.
  - o. Existing abutting roads, right-of-ways, and easements.
  - p. Locations, use, and number of structures to be built, building height, square footage, and the like.
  - q. Zoning requirements and standards:
    - i. Existing zoning for the site and contiguous parcels.
    - ii. Frontage requirements.
    - iii. Setback requirements.
    - iv. Lot coverage requirements.
  - r. Location of existing and proposed electric, natural gas, telephone, railroad, steam, television, and other utility cables crossing the site, if present, and any easements existing or proposed for said utilities.
  - s. Location of existing and proposed water wells or lines and sanitary sewer services.
  - t. Show location of existing and proposed storm sewer, if available.
  - u. Location and number of parking spaces, handicap spaces, and loading/unloading zones.
  - v. Proposed location, size, type and number of signs.
  - w. Proposed location, type, direction, and shielding of lighting facilities.

2. Any other pertinent plans, specifications, and other data upon which the applicant intends to rely for a special exception use permit.
3. Nine (9) copies of the application for special exception use permit and accompanying general plan meeting the requirements above shall be submitted along with the payment of the fee established by the Township Board.
4. The Planning Commission shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by notification to the applicant, the owner of the property proposed for consideration, and the owners and occupants of all property within at least 300 feet of the boundary of the property proposed for consideration as shown by the latest assessment roll. If the name of an occupant is not known, the term "occupant" may be used in the notice. **The notice shall be mailed or personally delivered and published in a local newspaper not less than 15 days prior to the meeting.** Notification need not be given to more than one occupant of a structure, except if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial area owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

All notices shall describe the nature of the special land use request, indicate the property which is the subject of the special land use request, state when and where the special land use request will be considered, and indicate when and where written comments will be received concerning the request.

5. Following such hearing, the Commission shall either grant or deny a permit for special exception use and shall state its reasons for its decision in the matter. **All conditions, limitations, and requirements upon which any such permit is granted shall be specified in detail by said Commission in its decision and shall be filed with the Zoning Enforcement Officer and the Township Clerk.** Any conditions, limitations, or requirements upon which approval is based shall be reasonable, and designed to protect natural resources, the health, safety, welfare, and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto, and of the community as a whole; constitute a valid exercise of the police power and be related to the purposes which are effected by the proposed use or activity; be consistent with the intent and purpose of the Zoning Ordinance designed to insure compatibility with the adjacent uses of land and the natural environment; and designed to insure 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.
6. The Planning Commission shall have the right to limit the duration of a special exception use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may be terminated by action of said Commission after holding a hearing upon application of the aggrieved party.
7. The plot plan and specifications and all conditions, limitations, and requirements imposed by the Commission shall be recorded with the Zoning Enforcement Officer and the Township Clerk and shall be incorporated as a part of the special exception use permit. Violations of any of these at any time shall cause revocation of said permit and said special exception use shall cease to be lawful use.

8. Any property which is the subject of a special exception use permit which has not been used for a period of six months (without just cause being shown which is beyond the control of the owner and which is acceptable to the Planning Commission) for the purposes for which such special exception was granted shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special exception uses shall thereupon terminate.
9. To insure compliance with the Zoning Ordinance and any conditions, limitations, or requirements imposed by the Planning Commission as necessary to protect natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the Planning Commission may require a cash deposit, certified check or irrevocable bank letter of credit or surety bond covering the estimated cost of furnishing such conditions, limitations, or requirements conditioned upon the faithful completion of the required improvement. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such construction or activity. Where the improvement required will take more than six months to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of work completed as the work progresses.
10. Approval of an application for a Special Exception shall be void unless a building permit, if applicable, has been obtained, or on-site development has commenced, within one year period of the approval - unless this time period is extended for cause by the Planning Commission upon written application being filed with the Township, by the owner, for an extension prior to the expiration of the one year. If the approval becomes void, an application must be re-filed and processed in the same manner as the original application. **The date of approval shall be the date of the meeting at which the minutes are approved for the meeting where the application was verbally approved.**



## 20.403 ADULT ENTERTAINMENT BUSINESSES

The Planning Commission shall be satisfied the following regulations concerning adult entertainment businesses have been or will be met prior to granting a special exception use.

### 1. DEFINITIONS

The following words and phrases shall have the following definitions when used in this section.

- a. **ADULT ENTERTAINMENT BUSINESS.** One or a combination of more than one of the following types of businesses; adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult personal service business, adult novelty business.
- b. **ADULT BOOKSTORE.** An establishment having as a principal activity the sale of books, magazines, newspapers, video tapes, video discs and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse, or sodomy.
- c. **ADULT MOTION PICTURE THEATER.** An enclosed building with a capacity of 50 or more persons having as a principal activity displaying motion pictures, characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse, or sodomy for observation by patrons therein in individual viewing booths.
- d. **ADULT MINI-MOTION PICTURE THEATER.** An enclosed building having as a principal activity the presentation of material characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse, or sodomy for observation by patrons therein in individual viewing booths.

- e. **ADULT NOVELTY BUSINESS.** A business which has as a principal activity the sale of devices of simulated human genitals or devices designed for sexual stimulation.
- f. **ADULT PERSONAL SERVICE BUSINESS.** A business having as a principal activity a person of one sex, which nude or partially nude, providing personal services for a person of the other sex on an individual basis in a closed room. It includes, but is not limited to, the following activities and services; massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.
- g. **PARTIALLY NUDE.** Having any or all of the following bodily parts exposed; buttocks, genitals, pubic area, or female breasts.
- h. **PRINCIPAL ACTIVITY.** A use accounting for more than 20 percent of a business stock in trade, display space, floor space, or movie display time per month.

## 2. LOCATIONS OF ADULT ENTERTAINMENT BUSINESSES

An adult entertainment business may be located in the Township only in accordance with the following restrictions:

- a. No such business shall be located within 500 feet of a district which has been classified AG, RE, R-1, R-2, R-3, or R-4. (Amended Ordinance 142-45, July 21, 2009)
- b. No such business shall be established within 500 feet of another adult entertainment business.
- c. No such business shall be established on a parcel that is within five hundred (500) feet of any residence, park, school, childcare facility, or place of worship in any zoning district. The distance shall be measured in a straight line from the nearest property line upon which the proposed adult entertainment business is to be located to the nearest property line of the residence, park, school, childcare facility, or place of worship. (Amended Ordinance #142-45, July 21, 2009)

### 3. **USE REGULATIONS**

- a. No person shall reside in or permit any persons to reside in the premises of an adult entertainment business.
- b. No person shall operate an adult personal service business unless there is conspicuously posted in each room where such business is carried on a notice indicating the prices for all services performed by said business. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.
- c. No person operating an adult entertainment business shall permit it to be used for acts of prostitution or to be frequented by known prostitutes who have been convicted of the act of prostitution with the last 24 months and any customers convicted of being customers of prostitutes with the last 24 months.
- d. No person shall operate an adult personal service business without obtaining a special exception use approval from the Township.
- e. No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of said business either as an employee or customer.

- f. No person shall become the lessee or sub-lessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use.
- g. No lessee or sub-lessee of any property shall convert that property from any other use to an adult entertainment business without the express written permission of the owner of the property for such use.

**20.404 GUN CLUBS, SHOOTING AND ARCHERY RANGES**

Gun clubs, shooting and archery ranges are allowed in the Agricultural (AG) District subject to the following extra standards:

1. It must be located on a parcel of five (5) acres or more in area.
2. Any area used for shooting activities must be located at least 250 feet from a lot line of any adjacent residential district.
3. All ingress and egress from said parcel must be directly from a public road.
4. Off-road parking must be provided.
5. No on-road parking shall be permitted.
6. All new gun clubs, shooting and archery ranges and any additions to such uses shall be designed by an engineer or architect licensed by the State of Michigan.

## **20.404 YARD WASTE COMPOSTING FACILITIES**

Except as excluded in Section 20.211K and prohibited in (1) hereof, the composting of yard waste may be permitted in AG and IND-1 Districts only, subject to approval as a special exception use, which shall include compliance with the following conditions and standards to any others:

1. **SHEET COMPOSTING.** Sheet composting shall not be considered a permitted use and is not allowed under Section 20.404K as a special exception.
  
2. **SITE LOCATION AND DESIGN**
  - a. Because of the level of truck traffic associated with this use, direct access is required to be a paved public roadway, designated as a secondary or major thoroughfare in the Kimball Township Master Plan and capable of carrying a Class A loading on a year-round basis, as well as an all-season route that avoids residentially developed areas. As an alternative, a site may be permitted on a paved public roadway that has seasonal weight restrictions only if a plan for reduced loading is agreed to by the St. Clair County Road Commission after consideration of the general standards for variances.
  
  - b. The minimum site size for a compost operation shall be fifty (50) acres. Adequate space must be provided for required setbacks, buffers, berms, and drainage systems along with room for staging areas, initial processing, windrows, screening areas, curing areas, storage of finished products, management office, general storage, internal roads, and storm water retention basins. The parcel shall have a reasonable width of frontage on a public street; applications will be accepted and reviewed for sites with less than the full width frontage.

Determination of acceptance shall be based upon the characteristics and merits of the particular site and the ability of the site to comply with the overall intent of this ordinance as well as protecting the general health, safety, and welfare of the neighboring properties, and the community as a whole. The volume of yard wastes handled by the facility shall not exceed 6,000 cubic yards of incoming yard wastes per acre of active composting area on-site, exclusive of access roads, service areas, parking areas, required buffer zones, and similar areas. In no instance shall the volume of yard wastes accepted by any facility exceed 3,000 cubic yards per acre based on the total site area.

- c. In order to avoid an undue concentration of yard waste facilities in any one neighborhood or area, a minimum spacing of 2,000 feet shall be required between individual composting sites. The proposed facility and operation shall be consistent with solid waste planning efforts of the State of Michigan and the County of St. Clair. This consistency shall be evidenced by a letter of consistency issued to the applicant by the MDNR Waste Management Division and from the St. Clair County 641 Solid Waste Committee. Yard waste composting facilities regulated by this ordinance shall not accept, for composting, yard waste that is not generated within St. Clair County unless the yard waste that is not generated in St. Clair County is authorized and in accordance with the approved county solid waste management plan.

ites proposed to be located on lands which have been previously issued a development rights agreement, under the Farmland and Open Space Preservation Act P.A. 116 of 1974, are prohibited from use as compost sites for the duration of the Agreement.

omposting operations shall not be permitted within a 100-year flood plain or within 50 feet of a regulated wetland. The application and site plan shall include a statement and boundaries of the 100-year flood plain and regulated wetlands.

er FAA Order 5200-5A, composting operations are prohibited within 5,000 feet of any runway used by piston powered craft, and within 10,000 feet of any runway used by turbine powered craft unless FAA approval is obtained.

f the site abuts an existing residential site or property shown as residential on the Kimball Township Zoning Map or Master Plan, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place equal to 1,000 feet from existing residences and 100 feet from all adjoining property lines and road right-of-ways. All buffer zones shall include a five (5) foot high berm that is finish graded, planted with grass and supplemented with four (4) foot high evergreen trees spaced a maximum of 15 feet apart. Slopes shall not exceed 30 percent.

- h. The portion of the compost site visible from a public street shall be screened from public view by a berm meeting the standards in (g) above or other similar method acceptable to the Planning Commission that will reasonably accomplish the same purpose.

site plan as required by this ordinance shall be submitted by the applicant, prepared by a civil engineer licensed in the State of Michigan, with provisions for adequate parking. An “as-built” site plan certified by a licensed civil engineer shall be submitted for approval to the Township Clerk, upon completion of all improvements, clearly illustrating compliance with all requirements and conditions of this ordinance and the approved site plan and any other applicable law, prior to operations beginning on-site. The applicant shall also submit a site management plan and operate the site in a responsible manner that minimizes the potential for adverse impacts on neighboring properties. This shall include a plan for the disposition of the final end product to a verifiable market and a plan for emergencies including natural disasters. A closure plan shall also be submitted which shall detail the final end use of the property should use of the facility be discontinued for more that six (6) months. The plan shall address: (1) how the existing site will be cleaned up; (2) how and where the existing surface debris will be disposed; and (3) what the final disposition or intended or alternative use of the land will be.

ll outside storage of equipment and vehicles shall be screened from view from public streets and adjacent residential property by a building, decorative screen wall, or landscaped buffer.

ompliance with Kimball Township Composting Ordinance, being Ordinance 159, to the extent of any duplicating or overlapping between the Zoning Ordinance requirements and Ordinance 159, the more restrictive regulation or higher standard shall be required, unless specifically waived by the Township Board in accordance with Ordinance 159. (Section 20.404E, Amended Ordinance 142-5, December 1994).



**20.405 PRIVATE ROADS**

The creation, construction, extension and/or alteration of private roads, serving residential development in areas zoned in the AG, R-1, R-2, R-3, and R-4 Districts only, must comply with Ordinance No. 164. Additionally, if water and/or sewer is available along or at any parcel served by a private road or along or at the public road intersecting the private road, the private road proprietors shall be required to provide adequate utility easements satisfactory to the Township Board within the private road easements, subject to review and approval of the Township Attorney and Township Engineer. (Amended Ordinance 166, September 1999)

**20.406. TOWERS**

Towers approved as a special exception use shall comply with the following minimum requirements in addition to any others imposed:

1. The setback from property line shall be a distance equal to one-half (1/2) the height of the tower from the pre-existing grade.
2. All towers shall be equipped with an anti-climbing device or shall be enclosed in fencing of a height no less than six (6) feet; there shall also be additional reasonably sized barbed wire type top sufficient to reasonably prevent access.
3. All towers shall meet standards of the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA), and shall comply with any restrictions set forth by the St. Clair County Airport.
4. Minimum distance between tower locations shall be no less than three (3) miles in order to prevent a concentration of towers in one area.
5. Height shall not exceed 300 feet above grade.
6. Where the property adjoins any residentially zoned property, or the base is visible from a public site, street or way, the WCF shall have a landscaped buffer so that the base of the WCF and accessory equipment, structure or storage area shall be screened from any right-of-way, residential use, or residential zoning district. Such landscaped buffer may be placed on the site in a manner which will maximize the aesthetic and environmental benefits while at the same time providing a visual buffer required hereby. Such landscaped buffer shall consist of two alternating rows of evergreen trees with a minimum height of five (5) feet on fifteen (15) foot centers along the entire perimeter of the tower and related structures sufficient to be a reasonable green belt visual barrier and buffer or such other green belt and barrier as the Planning Commission may approve.
7. Equipment Facilities and Accessory Uses. These facilities may not include offices, long term vehicle storage, other outdoor storage, or broadcast studios except for emergency purposes.
8. No employee shall be located on a permanent basis.

9. All new and/or modified towers shall be designed to accommodate collocation of a minimum of six (6) carriers and may be configured to allow additional carriers.

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10. Approval of a new tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.

33127320. Applicant shall deposit with the Township an amount established by the Township Engineer as security for the removal of the facility if abandoned or discontinued for use for six (6) months or more.

33127321. The applicant shall be required to notify the Township of the name and address of all users.

33127322. The Township Engineer or Building Inspector or his designee may require periodic inspections of towers to ensure structural integrity. Such inspection may be required as follows:

- a. Monopole towers at least once every ten (10) years.
- b. Self-support towers at least once every five (5) years.
- c. Guyed towers at least once every three (3) years.

Inspections shall be conducted by a certified testing agency or by an engineer or architect licensed by the State of Michigan. The results of such inspections shall be provided to the Township and based upon the results of such inspection; the Township may require repair or removal of the tower. The owner shall pay all costs of inspection and testing.

14. The application shall contain information showing the geographic search area within which the proposed WCF must be located and shall also provide locations of all structures of similar height within and adjacent to the search area.

33127424. If collocation on another tower is not part of the application, then the applicant must demonstrate in the application why collocation is not possible.

33127425. The applicant shall promptly disclose whose wires will be connecting to proposed towers so that the Township can assess any separate franchise fees.

33127426. The applicant must demonstrate that there is a need for a new WCF.

18. The applicant must include a statement in the application of its good faith intent to allow collocation of other entities, provided that the cost of modifying the WCF to accommodate the collocation of another entity is born by the collocating entity.
19. The applicant shall send a written notice to all potential users of the new WCF offering an opportunity for collocation. A list of potential users may be provided by the Township based upon those entities who have requested approval of WCF in the past, current FCC license holders and any other entities requesting to be included on the list. Copies of the notice letter shall be provided to the Township at the time the application is filed. (Amended Ordinance 142-24, September 2000)

#### **20.407. FEEDLOTS AND INTENSIVE LIVESTOCK OPERATIONS**

1. All structures and confined lots designed to house or contain livestock or animal waste shall be set back at least two hundred fifty (250) feet from the property line that abuts any road and five hundred (500) feet from other abutting property lines.
2. All structures and confined lots designed to house or contain livestock or animal waste shall be set back seven hundred fifty (750) feet from any existing family residence, except that of the intensive animal feeding operator; fifteen hundred (1,500) feet from any existing church, business, school, recreation area (public or commercial), or any public building; and two thousand (2,000) feet from any recorded residential plot.
3. Operations shall be managed in compliance with the Michigan Agricultural Commission's "Generally Accepted Agricultural and Management Practices for Manure Management and Utilization" and with Public Act 261 of 1999.

(Amended Ordinance #142-45, July 21, 2009)

#### **20.408.**

**20.409. MEDICAL MARIHUANA COMPASSION CENTERS**

(Ordinance 142-51, December 7, 2010)

1. Definitions

- a. “Debilitating medical condition” means one or more of the following:
1. Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn’s disease, agitation of Alzheimer’s disease, nail-patella syndrome (NPS), or the treatment of these conditions.
  2. A chronic or debilitating disease or medical condition, its treatment that produces one or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures; including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasm, including but not limited to those characteristic of multiple sclerosis.
  3. Any other medical condition or its treatment approved by the department, as provided for in MCL 333.26425.
- b. “Department” means the State Department of Community Health.
- c. “Drug paraphernalia” as defined by Public Health Code, Act 368 of 1978.
- d. “Enclosed, locked facility” means a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient.
- e. “Marihuana” means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.
- f. “Medical Marihuana Compassion Center” means any retail store, store front, office building, or other structure or any type of mobile unit or entity that dispenses, facilitates, sells, or produces, in any manner, marihuana or cannabis or any product containing marihuana or cannabis as regulated by Section 20.409.

- g. “Medical use” means the acquisition, possession, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered

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qualifying patient’s debilitating medical condition or symptoms associated with the debilitating medical condition.

- h. “Physician” means an individual licensed as a physician under Part 170 of the Public Health Code, 1978 PA 368, MCL 333.17001 to 333.17084, or an osteopathic under Part 175 of the Public Health Code, 1978 PA 368, MCL 333.17501 to 333.17556.
- i. “Primary caregiver” means a person who is at least 21 years old and who has agreed to assist with a patient’s medical use of marihuana and who has never been convicted of a felony involving illegal drugs.
- j. “Qualifying patient” means a person who has been diagnosed by a physician as having a debilitating medical condition.
- k. “Registry identification card” means a document issued by the department that identifies a person as a registered qualifying patient or registered primary caregiver.
- l. “Usable marihuana” means the dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.
- m. “Visiting qualifying patient” means a patient who is not a resident of this state or who has been a resident of this state for less than 30 days.
- n. “Written certification” means a document signed by a physician, stating the patient’s debilitating medical condition and stating that, in the physician’s professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient’s debilitating medical condition.

2. Conditions and Standards

- a. No use, which purports to have distributed marihuana prior to the enactment of this Section, shall be deemed to have been a legally established use under the provisions of the of the Zoning Ordinance and such use shall not be entitled to claim legal nonconforming status.
- b. Medical Marihuana Compassion Centers shall not be allowed as home occupations.
- c. A Medical Marihuana Compassion Center shall not be permitted within 1,000 feet of any of the following uses:
  - (i) Any other Medical Marihuana Compassion Center;
  - (ii) Any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
  - (iii) Any church, house of worship of other religious facility or institution;
  - (iv) Any public or municipal park;
  - (v) OR 500 feet of a residential district or use.
- d. All activity related to a Medical Marihuana Compassion Center shall be done indoors.
- e. The site shall abut a major thoroughfare right-of-way and all ingress and egress to and from the site shall be via the major thoroughfare right-of-way.
- f. Medical Marihuana Compassion Centers shall be operated in compliance with the provisions of the Department of Community Health.
- g. Smoking or consumption of medical marihuana shall not be allowed on the site of the Compassion Center.

- h. No patients under the age of 18 (eighteen) shall be permitted in the Compassion Center at any time except in the presence of a qualifying patient or their primary caregiver.
- i. No retail sales of drug paraphernalia as defined in this ordinance are permitted at the Compassion Center, except to patients or their designees.

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- j. Each Compassion Center shall display in a manner legible and visible to its clientele:
  - 1. Notice that Patients under the age of 18 (eighteen) are not allowed in the Compassion Center except in the presence of his/her parent or guardian.
  - 2. No consumption of medical marihuana shall occur within the vicinity of the Compassion Center.
- k. Only operators and their employees, patients, parents or guardians of patients under 18 (eighteen) years of age, and their primary caregiver may be permitted to enter a Medical Marihuana Compassion Center for the purpose of obtaining medical marihuana or other goods or products associated with its use.



KIMBALL TOWNSHIP ZONING ORDINANCE # 142

# ARTICLE V



## ARTICLE V

### 20.500 NON CONFORMING LOTS AND USES

**20.501** Non conforming Lots, Nonconforming Uses of Land, Non conforming Buildings, Structures or Both, Non conforming Uses of Buildings, Structures and Premises.

#### A. APPLICABILITY

To avoid undue hardship and infringement upon private property rights, nothing in the ordinance shall be deemed to require a change in the approved plans, construction or designated use of any building or structure or land on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and that there is likelihood that said lawful construction will be completely and entirely prosecuted within 18 months after the effective date of this ordinance or amendment; except that for reasonable cause, the Building Official may grant one extension of time for an additional period not exceeding 90 days.

Actual construction is hereby defined to include any lawful and approved physical operation on the premises which is preparatory to intended development or to the establishment of a use such as excavation, grading, fill, drainage and the like, or the placing of construction materials in permanent position and fastened in a permanent manner; except that where lawful and approved demolition or removal has begun preparatory to rebuilding, such lawful and approved demolition or removal shall be deemed to be actual construction, provided that said lawful and approved demolition and subsequent reconstruction of the building or structure involved is completely and entirely prosecuted within 18 months after the effective date of the ordinance or amendment; except that for reasonable cause, the Building Official may grant one extension of time for an additional period not exceeding 90 days.

The adoption or amendment of this ordinance shall not be deemed to affect, alter or change any conditional use, special exception, interpretation or variance heretofore decided or granted by the appropriate administrative or legislative body of the Township or by a court of competent jurisdiction upon review of the action of such administrative or legislative body.

**B. LAWFULLY EXISTING NONCONFORMING LOTS**

1. The intent of this section is to protect the health, safety and general welfare of the public by preventing the overcrowding of the land with buildings, structures or both, avoiding undue concentration of population; maintaining the established character of existing development inclusive of protection of peace and quiet, and of privacy; protecting against a large amount of vehicular traffic on local streets; preserving open space for private outdoor recreation and other outdoor activities; preservation of light, air, general service access and visual aesthetics; preservation of the natural capacity of the soil to absorb rainfall, by limiting the area to be built upon, and so providing protection against flooding after heavy rains; minimize the impact on public facilities and consequences for municipal finances in terms of the demand for services; and allowing reasonable development of lawfully existing non conforming lots.
2. Notwithstanding limitations imposed by other provisions of this ordinance, in any district in which single-family dwellings are permitted by right, a single-family dwelling and customary accessory buildings or structures may be erected on any single, isolated, lawful, nonconforming lot of record existing at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirement for area or width, or both, that are generally applicable in a particular district.

Exclusive of those requirements involving area or width, or both, the erection or construction of a single-family dwelling and customary accessory buildings or structures on a single, isolated, lawful, non conforming lot of record shall conform to the front, side, and rear yard dimensions and other requirements applicable to the district in which the lot is located, except that the required total side yards for a principal residential building may be reduced six (6) inches for each one foot of lot width less that the minimum required regardless of the district classification in which the lot is located, except further that under no circumstances shall total side yards be less then fifteen (15) feet and in the case of a principal residential building where a private garage is not attached or part of the dwelling, then at least ten (10) feet shall be provided for driveway purposes, leading to the rear yard. Minimum side yard in all cases shall not be less than five (5) feet.

A single, isolated, lawful, non conforming lot of record refers to possession, or ownership, of a parcel of property, as documented and established by the most current tax assessment record, at the time of and subsequent to adoption or amendment of this ordinance, that is either situated between two (2) interior lots which are developed or a corner lot contiguous to a developed interior lot or there is no likelihood to (1) obtain additional land area to satisfy minimum required lot area of lot width, or both, (2) no arrangement is available for public purchase of such lot, or (3) no likelihood exists to sell the parcel to one, or preferably to both, of the contiguous property owners.

3. If in common ownership, contiguous vacant nonconforming lots of record having contiguous frontage on a private or public street or officially approved thoroughfare shall be combined to form lots meeting minimum lot width and lot area requirements for the district in which the lot is located.

If, however, 51 percent or more of the parcels on both sides of the street, between the nearest cross streets on each side of the subject parcel, are developed and do not meet the minimum lot width and lot area requirements, said non conforming plots may be divided, provided the lot width and lot area are equal to or greater than the mean lot width and lot area of the developed parcels on both sides of the street between the nearest cross streets on each side of the parcel.

These lots, even though inadequate to protect the character of the surrounding area and at some future date may become a burden to the municipality, because of the unnecessary hardship upon the property owner, may be allowed to develop after review by the Zoning Board of Appeals and it has been determined that there is no likelihood to (1) obtain additional land area to satisfy the minimum required lot area or lot width, or both, (2) no arrangement is available for public purchase of such lot, or (3) no likelihood exists to sell the parcel to one, or preferably to both, of the contiguous property owners.

**C. NONCONFORMING USES, BUILDINGS OR STRUCTURES**

1. It is the intent of this section to permit legal nonconforming buildings, structures or uses to continue until they are removed or voluntarily discontinued, but not to encourage their survival except as provided hereinafter.

It is recognized that there exists within the districts established by this ordinance and subsequent amendments building, structures and uses of buildings or structures which were lawful before this ordinance was adopted or amended which would be prohibited, regulated or otherwise restricted under the terms of this ordinance or future amendments.

Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of the ordinance that such non conforming uses shall not be enlarged upon, expanded or extended, except as provided hereinafter, not be used as grounds for adding other buildings or structures, or uses prohibited elsewhere in the same district. These uses are to be CLASS B NONCONFORMING USES. A nonconforming use of a building or structure, a non conforming use of land, or a non conforming use of a building or structure and land, shall not be extended or enlarged, except as provided hereinafter, after adoption or amendment of this ordinance by attachment on a building, structure or premises of additional signs to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

It is necessary and desirable in pursuit of the public interest to distinguish between the normal kinds of nonconforming uses, buildings or structures which should be eliminated as rapidly as possible, and those certain nonconforming situations which ought to be given preferred treatment, simply because, although they cannot be fitted into a neat zoning pattern, they are desirable and useful, these uses are declared to be CLASS A NONCONFORMING USES.

## 2. **DEFINITIONS AND CLASSIFICATIONS OF NONCONFORMING USES, BUILDINGS OR STRUCTURES**

Nonconforming uses, buildings or 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, buildings or structures, are those which have been so designated by the Zoning Board of Appeals, after application by any interested person or the Zoning Administrator, upon findings that (1) continuance thereof would not be contrary to the public health, safety, or welfare or the spirit and intent of this ordinance, (2) that the use, building or structure, does not and is not likely to significantly depress the value of nearby properties, (3) that the use, building or structure, was lawful at the time of its inception, (4) that the surrounding use, building or structure, is of benefit to the surrounding neighborhood or to the municipality, (5) that the use is in conformity with the intent of the Comprehensive Plan; and if not in conformity with the plan, has established a need because of employment, economy, or just in necessity, or a trend, in the development in the area, and (6) that no useful purpose would be served by strict application of the provisions or requirements of this ordinance with which the use, building or structure does not conform.

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

3. **PROCEDURE FOR OBTAINING CLASS A DESIGNATIONS,  
CONDITIONS**

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

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.

No vested interest shall arise out of a CLASS A DESIGNATION.

4. **REVOCATION OF CLASS A DESIGNATION**

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



5. **REGULATIONS PERTAINING TO CLASS A NONCONFORMING USES, BUILDINGS, OR STRUCTURES**

- a. A CLASS A nonconforming use or structure may be used, altered, or enlarged provided that it does not violate any conditions imposed by the Zoning Board of Appeals at the time of its designation or the dimensional requirements of the district it is located in.
- b. No CLASS A nonconforming use of land, building, or structure shall be resumed if it has been, for any reason, discontinued for a continuous period of at least 18 months or if it has been changed to a conforming use for any period.

If a CLASS A nonconforming use of land, building, or structure ceases to exist or is discontinued for any reason for a continuous period of at least 18 month, any subsequent use of land, building or structure shall conform to the use regulations specified by this ordinance for the district in which such land, building, or structure is located.

- c. Nothing in this ordinance shall prevent the restoration of a CLASS A nonconforming building or structure destroyed by fire, explosion, act of God, or act of the public enemy, subsequent to the effective date of its CLASS A DESIGNATION, or shall prevent the continuance of the use of such building or structure or part thereof as such use existed at the time of such impairment of such building or structure or part thereof provided that said restoration is entirely and completely executed within 18 month from the time of destruction and that the same use is made of the premises; except that for reasonable cause, the Building Official may grant one extension of time for an additional period not exceeding 90 days.
- d. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any CLASS A nonconforming building or structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Nothing in this ordinance shall be deemed to prevent routine repairs and maintenance to a CLASS A nonconforming building or structure so long as such repairs and maintenance do not add to its non-conformity.

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

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

- f. Any CLASS A nonconforming use of a building or structure or land may be changed to another nonconforming use upon written findings of the Zoning Board of Appeals that the proposed use is (1) similar in operational characteristics as the former nonconforming use, (2) there is no increase in the intensity of use of the land, building or structure involved, (3) such change in use will have a less detrimental effect or negative impact on neighboring property than the existing nonconforming use it is replacing, and (4) the proposed use, although inappropriate to a neat zoning pattern, is desirable and useful in pursuit of public interest or is more appropriate to the district than the existing nonconforming use.

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

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

6. **REGULATIONS PERTAINING TO CLASS B NONCONFORMING USES, BUILDINGS, OR STRUCTURES**

- a. It is the purpose of this ordinance to eliminate CLASS B nonconforming uses, building or structures as rapidly as is permitted by law without payment of compensation.
- b. No CLASS B nonconforming use shall be resumed if it has been discontinued for any reason for a continuous period of at least 18 months or if it has been changed to a conforming use for any period or if the building or structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such building or structure.
- c. No CLASS B nonconforming building or structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such building or structure.
- d. No CLASS B nonconforming use shall be superseded or changed to another CLASS B nonconforming use, nor enlarged so as to make use of more land area or floor area of building or structure than was used or maintained at the time of becoming nonconforming.

In the case of mineral removal operation, 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.

- e. No CLASS B nonconforming use, building or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.
- f. Nothing in this ordinance shall be deemed to prevent routine repairs and maintenance of a CLASS B nonconforming building or structure so long as such repairs and maintenance do not add to its nonconformity.

- g. Except as provided hereinafter, there may be a change of tenancy, ownership, or management of any CLASS B nonconforming use of land, building or structure provided there is no change in the nature or character of such nonconforming uses.

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ould a CLASS B nonconforming building or structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

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

KIMBALL TOWNSHIP ZONING ORDINANCE # 142

**ARTICLE VI**



## ARTICLE VI

### 20.600 AREA, YARD, AND HEIGHT REQUIREMENTS

#### EXHIBIT A (As referred to in Section 20.601 of Article IV being Section 20.600)

<b>1. Minimum Lot Area (Acres or Square Feet)</b>	<b>(1) AG</b>	<b>(2) RE</b>	<b>(3) R-1</b>	<b>(4) R-2</b>	<b>(5) R-3</b>	<b>(6) R-4<sup>B</sup></b>	<b>(7) C-1 or C-2 or C-3</b>	<b>(8) I-1 or I-2</b>	<b>(9) I-3</b>
With Public Water and Sewer	10 Acres	2.5 Acres	1	20,000	20,000	20 Acres	20,000	1 Acre	1 Acre
All others	10 Acres	2.5 Acres	1.5	1.5 <sup>A</sup>	2.5	20 Acres	1.5 Acres	1.5 Acres	1.5 Acres
<b>2. Minimum Lot Width (Feet)</b>									
With Public Water AND Sewer	330	165	100	80	165	660	165	165	120
All others	330	165	130	130	165	660	100	165	120
<b>3. Minimum Lot Area per Dwelling Unit (Acres or Square Feet)</b>	10 Acres	2.5 Acres	20,000	9,200	4,350	<del>3,630</del>	4,350	4,350	4,350
<b>4. Minimum Yard Setbacks (SEE Note #2)</b>									
Front	50	35	35	25	35	50	50	50	25
Side	25	10	10	10	10	25	10	20	10
Rear	50	35	35	25	35	50	35	50	50
<b>5. Maximum Height</b>									

Stories	2.5	2.5	2.5	2.5	3	3	3	2	2
Feet	35	35	35	35	35	35	45	45	45

- A. Must follow R-1 lot area and yard setback if no public water and sewer are present.
- B. Area, yard, and height requirements for the R-4 District refer to a manufactured/modular/mobile home park as a whole. (Amended Ordinance #142-45, November 18, 2008)

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**20.601 SCHEDULE OF REGULATIONS - EXHIBIT A (SEE Page 133)**  
 (Amended Ordinance 142-N, March 1991, Amended Ordinance 142-43, March 20, 2007, Amended Ordinance 142-45, November 18, 2008)

**NOTE # 1(a):** Utility lines and structures (not including buildings) of public utility companies shall be exempt from the area, yard, and height regulations of this section. Also see ARTICLE V for more stringent requirements for nonconforming uses. Mobile Home Parks are exempted from 20.602 (Exhibit A, R-1 inclusive, to the extent the same is preempted by State Law). (Amended Ordinance 142-N, March 1991, Amended Ordinance #142-28, December 4, 2001)

**NOTE # 1(b):** Detached Accessory Buildings and Structures: See Section 20.607 for additional regulations as to detached accessory buildings and structures in R-1, R-2, and R-3 Districts. (Amended Ordinance #142-28, December 4, 2001)

**NOTE # 2:** Setbacks are to be based on the planned street rights-of-way contained in Section 20.606. Front yard setbacks in the Airport Industrial District are measured from the taxiways. (Amended Ordinance 142-N, March 1991, Amended Ordinance 142-19, April 1998).

**NOTE # 3:** Open Space Preservation: In order to comply with Section 506 of Public Act 110 of the Public Acts of 2006, notwithstanding the generally applicable minimum lot frontage/lot width, as added to the Township Zoning Act by Public Act 177 of 2001, notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this Ordinance, land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than 50% of the land, if all of the following apply:

1. The land is zoned at a density equivalent to two or fewer dwelling units per acre; or, if the land is served by a public sewer system, three or fewer dwelling units per acre.
2. Not less than 50% of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.



3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension.

(Amended Ordinance 142-29, December 3, 2002)

ARTICLE VI
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4. The development option provided pursuant to this section has not previously been exercised with respect to the subject property.
5. 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 all other applicable portions of ordinances and law, specifically including yard and setback requirements, and applicable on-site sewage disposal and well requirements (including isolation distances and sufficient land area for replacement septic fields).
6. Definitions, as used in this section:
  - (a) "Undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
  - (b) "Conservation easement" means that term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.2140.
  - (c) "Greenway" means a contiguous or linear open space, including habitats, wildlife, corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.
  - (d) "Agricultural use" means the use of land so as to make it "agricultural land" which means substantially undeveloped land devoted to the production of plants and animals useful to humans, including forage and sod crops; grains, feed crops, and field crops; dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.

**20.602**

In order to comply with Section 506 of Public Act 110 of the Public Acts of 2006, notwithstanding the generally applicable minimum lot frontage/lot width....

In AG Agricultural Districts, RE Rural Estates Residence District, R-1 Single-Family Low-Density Residence Districts, R-2 Single-Family Medium-Density Residence Districts, R-3 Multi-Family Residence Districts, and R-4 Manufactured Home Residence Districts there shall be the required setback from all public street right-of-way lines for all buildings, provided that when 25 percent or more of all the frontage on one side of a street between two intersecting streets has, at the time of the passage of this ordinance, been built up with permanent residences, the average setback of such residences, but not more than 35 feet, shall be the minimum setback line for that side of such street between such intersecting streets; no building in such districts shall be erected closer than 10 feet to the interior side or 35 feet to the rear line of the lot or parcel of property upon which the building is located; provided, however, that private garages, erected not less than 60 feet from the front street line may be erected not less than 5 feet from the interior side line or 10 feet to the rear line. These provisions do not apply to Mobile Home Parks to the extent preempted by State Law. (Amended Ordinance 142-N, March 1991, Amended Ordinance 142-25, July 21, 2009)

**20.603**

Section 20.603 is amended to read as follows:

In Class C-1 Local Commercial Districts, C-2 General Commercial Districts, C-3 Regional Commercial Districts, IND-1 Industrial Districts, and IND-2 Industrial Districts, the minimum setback line for commercial and industrial buildings shall be 50 feet from all street right-of-way lines abutting the property and there shall be a minimum setback line for the parking or storage of automobiles and vehicles outside buildings or structures of not less than 25 feet, provided, however, that in any such districts here there are commercial and/or industrial buildings (other than private residences or buildings originally constructed as private residences) already existing on the effective date of this amending ordinance, on the side of the street between two intersecting streets, the minimum setback for buildings on such side of the street between such intersecting streets shall be to the depth as established by such existing commercial or industrial building which is closest to the street line. In no event, however, shall vehicle parking be

allowed on private premises closer than 25 feet to the street right-of-way line abutting such premises except where such parking is presently being conducted on the effective date of this ordinance, and no other parking area on the premises is available which would permit parking beyond the 25 foot setback requirement. (Amended Ordinance #142-45, July 21, 2009)

ARTICLE VI
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SECTION 20.604 - 20.606
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**20.604**

Section 20.604 is amended to read as follows:

It is further provided that notwithstanding anything herein contained to the contrary, the minimum front setback line shall be 15 feet for gasoline pumps, display racks, air pumps and other equipment; 50 feet for cars, stored or placed upon property used for storage of, or occupancy by, junk cars or used cars for the purpose of sale of parts or junk therefrom; and 25 feet for cars and other vehicles on property used for the sale of used cars. The minimum setback from all property line for poultry or animal shelters, coops, barns, or sheds shall be 75 feet. (Amended Ordinance 142-45, July 21, 2009)

**20.605**

No temporary outside toilets shall be erected closer than 25 feet to the side line of the premises upon which such structure is to be placed; provided, however, that such structure shall not be erected closer than 50 feet to any building being used as a permanent habitation upon adjoining premises.

**20.606**

In determining the required front setback for all buildings and land uses from streets in any zoning district, the planned street rights-of-way shall be used, based upon the County Thoroughfare Plan adopted by the Township on September 10, 1974, as the same may be amended from time to time.

SEE NOTE # 2 of EXHIBIT A, being the Schedule of Regulations, Section 20.601. (Amended Ordinance 142-N, March 1991, Amended Ordinance 142-19, April 1998)

The following is Amended Ordinance 142-F, January 1990:

1. For the following roads in the respective zoning districts, the front setback is as follows:

**DISTRICTS**

**AG** 110 feet from the center of the road (which is 35 feet from the Planned Thoroughfare right-of way)

**R-1, R-2, R-3, R-4** 110 feet from the center of the road (which is 35 feet from the Planned Thoroughfare right-of way)

**C-1, C-2** 125 feet from the center of the road (which is 50 feet from the Planned Thoroughfare right-of way)

**IND-1, IND-2** 125 feet from the center of the road (which is 50 feet from the Planned Thoroughfare right-of way)

**ROADS**

Lapeer Road

Wadhams Road

Griswold Road east of Wadhams Road

Range Road south of Lapeer Road

2. For the following roads in the respective zoning districts, the front setback is as follows:

**DISTRICTS**

**AG** 95 feet from the center of the road (which is 35 feet from the Planned Thoroughfare right-of way)

**R-1, R-2, R-3, R-4** 95 feet from the center of the road (which is 35 feet from the Planned Thoroughfare right-of way)

**C-1, C-2** 110 feet from the center of the road (which is 50 feet from the Planned Thoroughfare right-of way)

ARTICLE VI	20.606 Districts - Roads
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**IND-1, IND-2** 110 feet from the center of the road (which is 50 feet from the Planned Thoroughfare right-of way)

**ROADS**

- Flinchbaugh Road
- Griswold Road west of Wadhams Road
- Dove Road
- Ravenswood Road
- Smiths Creek Road
- Yager Road from Mayer to Burns
- Mayer Road south of Sparling Road
- Sunnyside Road
- English Road
- Richman Road
- Sturdevant Road
- Pine River Road
- Allen Road
- Burns Road west of Smiths Creek Road

3. For the following roads in the respective zoning districts, the front setback is as follows:

**DISTRICTS**

**AG** 78 feet from the center of the road (which is 35 feet from the Planned Thoroughfare right-of way)

**R-1, R-2, R-3, R-4** 78 feet from the center of the road (which is 35 feet from the Planned Thoroughfare right-of way)

**C-1, C-2** 93 feet from the center of the road (which is 50 feet from the Planned Thoroughfare right-of way)

**IND-1, IND-2** 93 feet from the center of the road (which is 50 feet from the Planned Thoroughfare right-of way)

**ROADS**

All roads in Kimball Township, except those listed above in subparagraph (1) and (2).

ARTICLE VI

20.606 Districts - Roads

All of the above setbacks are based upon a reasonable setback, set forth above in parenthesis, from the planned street right-of-way contained in Section 20.606. Those roads set forth in subparagraph (1) above are planned, as major thoroughfares with a 150 foot planned right-of-way, with 75 feet on each side of the centerline of the existing right-of-way. Subparagraph (2) are similarly planned major thoroughfares with a total planned right-of-way of 120 feet on all roads. Subparagraph (3) are similarly planned streets with a total planned right-of-way of 86 feet. All setbacks are measured from the planned right-of-way, but are also set forth above in footage from the centerline for the convenience of using one footage amount for any particular road within any particular zoning district. (Amended Ordinance 142-F, January 1990).

**20.607**

Detached Accessory Buildings and Detached Accessory Structures. (Amended Ordinance #142-28, December 4, 2001, Amended Ordinance #142-45, May 19, 2009)

A. In RE, R-1, R-2, and R-3:

1. To be located in rear yard (LOT). Detached accessory buildings shall not be erected in any front yard (lot).
2. Height. No detached accessory building shall exceed one story or 16 feet in building height, or the height restrictions of (B), whichever is less.
3. Maximum Lot Coverage. Detached accessory buildings and structures or both may not occupy more than 25 percent of the minimum area required for a rear yard (lot).
4. Total Floor Area. The total floor area or surface area of all detached accessory buildings, structures or both shall not exceed the ground floor area of the main building/dwelling.
5. Setbacks. No detached accessory building or structure shall be located closer than ten feet to any principle building nor shall it be located closer than ten feet to any side or rear lot line.
6. Corner Lot. Where a detached accessory building or structure is located on a corner lot, the building or structure shall not project beyond the required setback lines applicable to corner lots.
7. Construction of Accessory Building. No detached accessory building shall be constructed or erected prior to the main building or dwelling, except that if building permits are issued for both, the accessory building may be completed and temporarily used for up to one year prior to the completion of the main building or dwelling.

B. LOTS HAVING LAKE OR RIVER FRONTAGE. Those residential lots and/or parcels having lake or river frontage and abutting a public thoroughfare shall maintain the yard on the lake or river side as an open, unobscured yard, excepting that a covered and/or uncovered boat well shall be permitted after review and approval of plans by the Zoning Board of Appeals. Accessory structures shall be permitted in the setback between the abutting road right-of-way and the main

building providing the front yard setback required in Section 20.601 of this Ordinance is met.

**20.608**

Depth to Width Ratio: The ratio of lot width to lot depth of any parcel may not exceed a 1 to 4 ratio exclusive of access roads or easements. This ratio does not apply to resulting parcels larger than ten acres, and does not apply to the remainder of the parent parcel or parent tract (as defined by State law) retained by the owner of the parent parcel or parent tract. (Amended Ordinance 142-29, December 3, 2002; Amended Ordinance 142-32, June 15, 2004)

**(Re-numbered. Prior number was 20.1507G)**

**20.609 (1)** Minimum Frontage of Lot on Street RE: Dwellings. No dwelling unit shall be built on a lot unless the lot abuts upon a public street, or private street as defined herein, for the minimum required width of the lot. (Amended Ordinance 142-32, June 15, 2004)

**20.609 (2)** Private Road Lot Requirements. All conditions and requirements concerning lots (and structures thereon) on public roads shall be deemed the same for lots (and structures thereon) on private roads, i.e., location and minimum frontage on a public road, setbacks (front yard measured from the right-of-way easement line), etc. (Amended Ordinance 142-32, June 15, 2004)



# ARTICLE VII



## ARTICLE VII

### **20.700 DWELLING AREA REQUIREMENTS**

#### **20.701**

All private dwelling units hereafter constructed shall contain not less than 960 square feet of habitable living space. All private dwelling units hereafter constructed containing more than two bedrooms shall contain an additional 200 square feet of habitable living space for each bedroom in excess of two within said dwelling unit. All measurements and area requirements herein set forth shall be computed without regard to porches, garages, breezeways, and carports. (Amended Ordinance 142-6, June 1995). (Amended Ordinance 142-26, January 2001).

#### **20.702**

No dwelling shall be less than 24 feet in width for two-thirds of its length as measured along the exterior front elevations of the dwelling. All measurements and area requirements herein set forth shall be computed without regard to porches, garages, breezeways, and carports. (Amended Ordinance 142-26, January 2001).

#### **20.703**

In the event of any controversy concerning what constitutes habitable living space, the Zoning Board of Appeals is hereby given the authority to determine the same upon application thereto by either the Building Inspector of the Township or by the applicant for a building permit. (Amended Ordinance 142-26, January 2001).



# ARTICLE VIII



## ARTICLE VIII

### 20.800 OFF-STREET PARKING OF MOTOR VEHICLES

#### 20.801

- A. Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto in each district for all occupants, employees, and patrons of said property.

#### 20.802

- B. A plan showing the required parking and loading spaces including the means of access and interior circulation, except for one-family and two-family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.

#### 20.803

- C. Parking spaces shall be provided in the manner and location herein specified:
1. No parking area, parking space, or loading space which exists at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this ordinance within 300 feet of the proposed or existing uses for which such parking will be available.

**20.804 REQUIREMENTS FOR ALL PARKING SPACES AND PARKING LOTS**

1. Each automobile parking space shall not be less than 200 square feet nor less than 9 feet wide exclusive of driveway and aisle space.
2. All off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets and shall be constructed of materials which will have a dust-free surface resistant to erosion. Concrete or asphalt pavement, built to Township standards, is required for all parking lots for more than five (5) vehicles.
3. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lots.
4. No parking space shall be closer than five (5) feet from the side or rear property line unless adjoining another parking lot on the neighboring lot.
5. Off-street parking facilities in non-residential zones shall be effectively screened on any side which adjoins or faces property in any residential zone by a landscaped berm, wall, fence, or compact planting not less than three (3) feet or more than eight (8) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.
6. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two-family dwellings.



7. Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.

33127632. Requirements for the provision of parking facilities with respect to two or more buildings or property uses of the same or different types may be satisfied by the permanent allocation of the requisite number of spaces for each use in common parking facility, cooperatively established and operated, provided that the number of parking spaces designated is not less than the sum of individual requirements for the two or more buildings or property uses and provided further that the specifications in regard to location, plan, etc., are complied with, these specifications include but are not limited to:

- a. If a parking lot is shared by two or more buildings, the lot must be adjacent to all buildings it is to serve and cannot be separated by a street.
- b. The collective off street parking shall not be located farther than 300 feet from the two or more buildings or land uses being served.
- c. An easement or other formal written agreement assuring the continuing joint usage of said common parking for the combination of two or more uses or buildings must be properly drawn and executed by the parties concerned and submitted to the Township Clerk for approval. Subsequent to planning commission approval, evidence that the easement has been recorded, which includes a description of the lands that will be affected, with the county Register of Deeds, shall be submitted to the building official prior to issuance of a certificate of occupancy.

(Amended Ordinance 142-52, March 19, 2013)

33127633. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various individual uses, computed in accordance with this section; parking facilities for one use shall not be considered as providing the required parking facilities for any other use.

**20.805 MINIMUM REQUIRED PARKING SPACES**

1. **APARTMENT HOUSES** - Two (2) parking spaces per dwelling unit.
2. **GENERAL OFFICE BUILDINGS** - One (1) parking space for each 300 square feet of gross floor area.
3. **RETAIL STORES, SUPERMARKETS, DEPARTMENT STORES, PERSONAL SERVICE SHOPS, and SHOPPING CENTERS** - One (1) parking space for each 200 square feet of gross floor area.
4. **MANUFACTURING BUILDINGS** - One (1) parking space for each three (3) employees on the maximum shift.
5. **MEDICAL or DENTAL OFFICE BUILDINGS** - One (1) parking space for each 200 feet of gross floor area.
6. **LIBRARIES, MUSEUMS, and POST OFFICES** - One (1) parking space for each 100 feet of gross floor area.
7. **BOWLING ALLEYS** - Three (3) parking spaces for each alley.
8. **MOTELS and TOURIST HOMES** - One (1) parking space for each separate unit.
9. **THEATERS, AUDITORIUMS, STADIUMS, and CHURCHES** - One (1) parking space for each four (4) seats.
10. **DANCE HALLS, ASSEMBLY HALLS, and CONVENTION HALLS without fixed seats** - One (1) parking space for each 100 square feet of floor area if to be used for dancing or assembly.
11. **RESTAURANT and NIGHT CLUBS** - One (1) parking space for each 100 square feet of gross floor area.
12. **ROADSIDE STAND** - Two (2) parking spaces.

13. **SCHOOLS, PRIVATE or PUBLIC ELEMENTARY and JUNIOR HIGH SCHOOLS** - One (1) parking space for each employee normally engaged in or about the building or grounds.

**SENIOR HIGH SCHOOLS and INSTITUTIONS of HIGHER LEARNING** - One (1) parking space for each employee normally engaged in or about the building or grounds, and one (1) additional space for each five (5) students enrolled in the institution.

14. **OTHER USES NOT SPECIFICALLY MENTIONED** - In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply and shall be established by the Building Inspector.

15. **MIXED USES in the SAME BUILDING** - In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one (1) use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein.

16. The construction of up to 20 percent of the required parking spaces may be deferred by the owner if said spaces are shown on the parking plan drawing submitted with the application for a building permit. The Building Inspector may order the deferred parking spaces be constructed if it is determined by the Building Inspector that the spaces are needed.

## **20.806**

- F. The Zoning Board of Appeals shall have authority to grant variances from the foregoing where it is satisfied under the circumstances prevailing that the requirements for off-street parking are unnecessarily too large for the particular development.

FOR FUTURE USE

# ARTICLE IX



## ARTICLE IX

### 20.900 USE DISTRICT BOUNDARIES

#### 20.901

- A. The location and boundaries of the zones established in the Township shall be shown on a map entitled Zoning Map of Kimball Township and said map, section, or portion thereof, together with all notations, dimensions, and other data shown thereof, are hereby made a part of this ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein.

#### 20.902

- B. The official copy of the Zoning Map, properly attested, shall be in the custody of the Township Clerk.

#### 20.903

- C. Such Zoning Map may be amended from time to time to reflect changes in zones and the rezoning of property shown therein in the same manner as amendments may be made to the text of this Zoning Ordinance. Such changes shall be recorded to scale on duplicate copies of the original official Zoning Map and shall be accomplished by written legal description in appropriate amending ordinances.





# ARTICLE X



## ARTICLE X

### 20.1000 RESIDENTIAL BUFFER AREAS

#### 20.1001

- A. As a result of the lack of zoning prior to the development of some lots, many residential dwellings have been constructed and located within areas that are now predominately commercial or industrial areas. In order to protect such existing dwellings from new commercial or industrial activities or structures, it is herein provided that no new commercial or industrial activities or structures shall hereafter be located closer than 100 feet to any such existing dwelling which is occupied for dwelling purposes and further such new commercial or industrial structure or activity shall be screened from such adjoining dwelling in accordance with the provisions of Article XI of this ordinance.

#### 20.1002

- B. The foregoing provision shall not, however, operate to reduce the usable area of the adjoining commercial or industrial property under bona fide separate ownership on the effective date of this ordinance below 50 percent. If the same would cause such a result, this buffer area shall be accordingly reduced to permit such 50 percent use.

FOR FUTURE USE

# ARTICLE XI



## ARTICLE XI

### 20.1100 GENERAL LIGHTING AND SCREENING REQUIREMENTS

#### 20.1101

- A. **ALL LIGHTING.** All lighting upon premises, regardless of zone, shall be so arranged that such lighting does not produce any glare which is a breach of the Ordinance or annoyance to residents or occupants of adjoining premises or to the traveling public on public highways.
- B. **OUTDOOR LIGHTING.** Outdoor lighting shall be in accordance with the following:
1. Parking areas and other common or public areas are facilities that are lighted to ensure the safety of persons and the security of property shall have outdoor lighting levels as follows (values are provided in minimum average horizontal foot-candles maintained at grade).
    - a. Parking Areas: 1.0 (F.C. – foot candles)
    - b. Buildings:
      - i. Entrance and Exit areas: 5.0 (F.C. – foot candles)
      - ii. General grounds: 0.5 (F.C. – foot candles)
  2. Lighting shall be designed and located such that the maximum illumination at the property line shall not exceed a maximum average horizontal foot candle of 0.3 for non-cutoff lights and 1.5 for cutoff lights.
  3. Lighting sources shall be shielded or arranged as to not to produce glare within any public right-of-way or constitute a level above the requirements of this Ordinance to the occupants of adjacent properties. This can be done through the use of directional lighting, special fixtures, timing devices, appropriate light intensities, luminaries and mounting at appropriate heights.
  4. With the exception of lighting along public right-of-way, lighting is to be designed, located and mounted at heights no greater than:
    - a. Ten (10) feet above grade for non-cutoff lights.
    - b. Twenty (20) feet above grade for cutoff lights unless a higher height is approved by the Planning Commission as a special exception use, upon application, and based upon the same standards and procedures set forth in Ordinance for a special exception use for safety in Section 401A and section 402B of Article IV.

**20.1102**

- B. Except as otherwise provided in this Zoning Ordinance, all premises used for business, commercial or industrial purposes and located within a commercial or industrial district shall be screened from adjoining premises located in any R-1, R-2, R-3, or R-4 Residence District by any of the following:
1. A natural compact planting area of evergreens or shrubbery which maintain their density and screening effect throughout the calendar year, not less than four (4) feet in height at the time of planting, and maintained in a neat and attractive manner commensurate with the adjoining residential district.
  2. An artificial wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants of adjoining premises, not less than five (5) feet in height and maintained in a neat and attractive manner, commensurate with the adjoining residential district.
  3. No such planting area, wall or fence shall be closer than ten (10) feet from any adjoining street right-of-way.

**20.1103**

- C. In the event of any controversy as to the adequacy of any proposed or existing screening or the creation of any nuisance or annoyance by artificial lighting, the Zoning Board of Appeals shall have the right and is hereby given the authority to determine whether the same is in violation of these screening and lighting provisions and the purpose herein sought to be accomplished of the screening of abutting business and residential properties and the prevention of nuisance from artificial lighting.



# ARTICLE XII



## ARTICLE XII

### 20.1200 TENTS, RECREATIONAL VEHICLES AND MOBILE HOMES

#### 20.1201

- A. Recreational units (tents, etc. - SEE Section 20.240) shall not be used for dwelling purposes within the Township limits, provided however, that except for tents, recreational units may be used for temporary dwellings for a total period of not more than fourteen (14) days in any one year when located upon premises having running water and sewage facilities, and provided further that any recreational units may be occupied for dwelling purposes within duly-licensed camps or parks (other than mobile home parks) and subject to the requirements thereupon imposed. (Amended Ordinance 142-H, September 1990).

#### 20.1202

- B. Mobile homes which do not conform to the standards of Section 20.212 of this ordinance shall not be used for dwelling purposes within the Township unless located within a mobile home park or a mobile home plat zoned for such uses, or unless used for temporary residence purposes as hereinafter provided. A variance permit may be secured from the Zoning Board of Appeals to use a mobile home as a temporary residence for a period not to exceed one (1) year provided that the ability and intent to erect a house on the premises is shown by obtaining a building permit and construction of a foundation; provided that the mobile home is located upon premises having running water and sewage facilities, and provided further that upon expiration of the one (1) year period, the Zoning Board of Appeals may renew the permit for an additional period of one (1) year upon sufficient showing that the house construction could not be completed within said year but has substantially progressed during said period. Said Board may require a performance bond conditioned upon the removal of the mobile home from the premises within the time limit in an amount satisfactory to said Board.

FOR FUTURE USE

# ARTICLE XIII



## ARTICLE XIII

### **20.1300 SITE PLAN REVIEW**

#### **20.1301A PURPOSE**

The intent of this section is to provide for consultation and cooperation between the land developer and the Township Planning Commission in order that the developer may accomplish his objectives in the utilization of his land within the regulations of this zoning ordinance and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.

**20.1302B SITE PLAN REVIEW**

It is recognized by this ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses, including utilities and drainage; further that there are benefits to the public in conserving natural resources. Toward this end, this ordinance requires site plan review by the Planning Commission for certain buildings, structures, and changes or expansion of use that can be expected to have a significant impact in natural resources, traffic patterns, and on adjacent land use. (Amended Ordinance 142-25, November 2000)

**1. BUILDINGS, STRUCTURES AND USES REQUIRING SITE PLAN**

- (a) A multiple-family building containing three or more dwelling units.
- (b) More than one multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one ownership.
- (c) A manufactured/mobile home park or condominium project.
- (d) All industrial, commercial, office or institutional buildings. (Amended Ordinance 142-29, December 3, 2002)
- (e) Any building or use requiring special exception approval, except that site plan review under this Article may be combined with the review for Special Exception Approval.
- (f) A development pursuant to Section 506 of Act 110 of Public Acts of 2006 and the regulations herein pursuant to that Act. (Amended Ordinance 142-29, December 3, 2002, Amended Ordinance 142-45, July 21, 2009)
- (g) An expansion of any of the above uses or a change from an existing use to a dissimilar use or one which has different zoning requirements. (Amended Ordinance 142-29, December 3, 2002)
- (h) The Township Engineer and Township Building Inspector shall have the joint authority to waive full Planning Commission review and approve a site plan if they determine remodeling or enlargement of existing buildings, and the effects, are minor and do not warrant full Planning Commission review. The Township Engineer and Township Building Inspector shall take into account the current use, the proposed use, the proposed expansion or other change, and factors such as traffic, lighting, parking, access from public roads, etc. and compliance with applicable zoning requirements. (Amended Ordinance 142-29, December 3, 2002)



**20.1303 OPTIONAL SKETCH PLAN REVIEW**

Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to final approval. The purpose of such procedure is to allow discussion between a developer and the Planning Commission to better inform the developer of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include as a minimum the following:

1. The name, address and telephone number of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership. Name and address of the property owner and person or firm requesting approval.
2. A legal description of the property.
3. Sketch plans showing tentative site and development plans.

The Planning Commission shall not be bound by any tentative approval given at this time.

**20.1304 APPLICATION PROCEDURE**

Requests for final site plan review shall be made by filing with the Township Clerk the following:

1. A review fee as determined by resolution of the Township Board based upon the cost of processing the review and as shall be on file with the Township Clerk for public information.
2. Ten (10) copies of the completed application form for site plan review which shall contain as a minimum the following:
  - a. The name, address and telephone number of the applicant, owner and developer.
  - b. The legal description of the subject parcel of land.
  - c. The area of the subject parcel of land stated in the acres, or if less than an acre, in square feet.
  - d. The present zoning classification of the subject parcel.
  - e. A general description of the proposed development.

3. Ten (10) copies of the proposed site plan which shall include as a minimum the following:
  - a. A scale drawing of the site and proposed development thereon, including the date, name, address and telephone number of the preparer.
  - b. The topography of the site and its relationship to adjoining land.
  - c. Existing man-made features.
  - d. Dimensions of setbacks, locations, heights and size of structures and other important features.
  - e. Percentage of land covered by buildings and that reserved for open space.
  - f. Dwelling unit density where pertinent.
  - g. Location of public and private right-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated, or abandoned, including grades and types of construction of those upon the site.
  - h. Curb cuts, driving lanes, parking and loading areas.
  - i. Location and type of drainage, sanitary sewers, storm sewers and other facilities.
  - j. Fences.
  - k. Landscaping.
  - l. Screening.
  - m. Proposed earth changes.
  - n. Impact of the project of existing natural features on the site.
  - o. Signs and on-site illumination.
  - p. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be demanded by the Township Building and Zoning Official or the Planning Commission.

20.1305      **ACTION ON APPLICATION AND PLANS**

1. Upon receipt of the application and plans, the Township Clerk shall record the date of receipt thereof and transmit copies to the appropriate township officials. (Amended Ordinance 142-E, September 1989).
2. A hearing shall be scheduled by the Planning Commission for a review of the application and plans. (Amended Ordinance 142-E, September 1989).

Members of the Planning Commission shall be delivered copies of the same prior to the hearing for their preliminary information and study unless a different specific time to act is required by any other law as to a specific matter, the hearing shall be scheduled no later than the second regularly scheduled meeting of the Planning Commission following the date of the receipt of the complete application and plans by the Township Clerk. (Amended Ordinance No. 142-29, December 3, 2002)

3. The applicant shall be notified of the date, time and place of the hearing on the application not less than three (3) days prior to such date.
4. Following the hearing, the Planning Commission shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the Township zoning ordinance and criteria therein contained. Any required modification or alteration shall be stated in writing, together with the reasons therefore, and delivered to the applicant. The Planning Commission may either approve the plans contingent upon the required alterations or modifications, if any, or may require a further review after the same have been included in the proposed plans for the applicant unless a different specific time to act is required by any other law as to a specific matter, the decision of the Planning Commission shall be made no later than the fourth regularly scheduled meeting of the Planning Commission following the date of the receipt of the complete application and plans by the Township Clerk. (Amended Ordinance 142-29, December 3, 2002)
5. Two (2) copies of the approved final site plan with any required modifications thereon shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Chairman of the Planning Commission for identification of the final approved plans. If any variances from the zoning ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variance, duly signed, shall also be attached to the site plan and filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.

**20.1306 CRITERIA FOR REVIEW**

In reviewing the application and site plan, and approving, disapproving or modifying the same, the Planning Commission shall be governed by the following standards:

1. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.
2. That the buildings, structures and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects therefrom upon owners and occupants of adjacent properties and the neighborhood.
3. That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
4. That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.
5. That all provisions of the Township zoning ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
6. That all buildings and structures are accessible to emergency vehicles.
7. That the plan, as approved, is consistent with the intent and purpose of zoning to promote public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to conserve property values and natural resources; and to give reasonable consideration to the character of a particular area; its peculiar suitability for particular uses and the general and appropriate trend and character of land, building and population development.

**20.1307 CONFORMITY TO APPROVED SITE PLAN**

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Planning Commission. If construction and development does not conform with such approved plan, the approval thereof shall be forthwith revoked by the Building Inspector of the Township by written notice of such revocation posted upon the premises involved and mailed to the developer at the last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation. However, the Planning Commission may, upon proposed application of the developer and after a hearing, approve modification in the site plan to coincide with the developer's construction provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of the Township zoning ordinance.

Site Plan Application: Site plans shall be valid for three hundred sixty-five (365) days commencing on the day of the final approval from the Kimball Township Planning Commission. Upon the expiration of the 365 days, the site plan shall become null and void unless within such time the building official has issued a building permit for any proposed work authorized under this site plan of site development, and/or construction for sewer/water main or on-site development is proceeding in a satisfactory manner. (Amended Ordinance 142-52, March 19, 2013)

Approval Extensions: Upon written request of the applicant, prior to the expiration of the previously granted approval, the Planning Commission may review the circumstances surrounding a failure to meet the original required deadlines. The Planning Commission may approve, at a regularly scheduled Planning Commission meeting, one (1) extension, not to exceed three hundred sixty-five (365) days from the expiration of the original approved site plan, provided the approved site plan continues to adequately represent current conditions on the surrounding site that the site plan conforms to the standards of Kimball Township regulations in effect at the time of the applicants original request for an extension. All approved extensions must comply with the original site plan approval. If the original site plan approval and/or the extension approval have both been exhausted, the site plan shall become null and void and the site plan approval process must be restarted and shall comply with any new zoning ordinances in effect. (Amended Ordinance 142-52, March 19, 2013)

## **20.1308 AMENDMENT/CHANGES TO SITE PLAN**

A proposed amendment, modification or alteration to a previously-approved site plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed except that minor modifications may be made to an approved site plan with the review and approval of the Building Inspector the Township Engineer and the Chairperson of the Planning Commission. (Amended Ordinance 142-32, June 15, 2004)

**KIMBALL TOWNSHIP ZONING ORDINANCE # 142**

# **ARTICLE XIV**

**ARTICLE XIV**



## **20.1400      ADVERTISING SIGNS & BILLBOARDS**

**SIGNS. Statement of Purpose and Intent.** It is hereby determined that regulation of the locations, size, placement, and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards to life and property and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this ordinance are consistent with customary usage, and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof and are an unwarranted invasion of the rights of legitimate business interests and of the public.

### **20.1401      GENERAL PROVISIONS**

All signs are prohibited in Kimball Township except as permitted in this Zoning Ordinance. The Township Board shall, from time to time by resolution, adopt a schedule of fees for sign permits.

### **20.1402      GENERAL CONDITIONS**

## **A. PERMIT REQUIRED**

Prior to the placement, erection, or structural alteration of a sign, a sign permit shall be secured from the Building Inspector. Application for a sign permit shall be made upon a form provided for such purpose by the Township. The application shall include a scale drawing of the outside dimension of the sign or the total area encompassed by a line around all lettering or symbols and an informal site plan showing the proposed location of the sign. Evidence shall also be presented to the effect that the sign will be securely attached to the building or supporting structure and will not present a hazard. For freestanding signs, a site development plan of the intended location of the sign, and a scale drawing of the total sign structure shall also be presented to the Building Inspector.

## **B. MEASUREMENT OF SIGN AREA**

Except as provided in industrially zoned districts, the area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing copy or display material shall not be included in computation of sign area. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back, parallel to one another, and less than twenty-four (24) inches apart, the area of the sign shall be the area of the one (1) face.

## **C. FLASHING LIGHTS PROHIBITED**

Signs which incorporate, in any manner or are illuminated by, any flashing or moving lights other than for the conveyance of non commercial information which requires periodic change, such as temperature or stock averages are prohibited. The use of lights, except to illuminate the face of a sign are prohibited, except as authorized by the Planning Commission based upon the following standards:

1. To the extent which any nuisance or nuisance factors are created;
2. Compatibility with the area;
3. Whether or not any traffic hazard is created.

#### **D. BANNERS, PENNANTS, SPINNERS, STREAMERS PROHIBITED**

Exterior banners, pennants, spinners and streamers, other than a temporary sign as permitted by Section 20.1403C are prohibited.

#### **E. STRING LIGHTS PROHIBITED**

Exterior string lights used in the connection with a commercial premise, other than holiday decorations displayed between November 15 and January 15 are prohibited.

#### **F. UNSAFE SIGNS PROHIBITED**

Any sign which is structurally or electrically unsafe, including but not limited to the bracing, anchorage and foundation is prohibited.

#### **G. OBSOLETE SIGNS PROHIBITED**

Any business sign or sign structure now or hereafter existing which no longer advertises a bona fide business conducted or a product sold is prohibited.

#### **H. VEHICLES USED AS SIGNS PROHIBITED**

Any sign on a motor vehicle or trailer which is parked in front of or at a business, or in such a manner that it is visible from a public street, primarily for the purpose of advertising a business, or product, or service is prohibited.

ARTICLE XIV	20.1402 (I-K)
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#### **I. ABANDONED SIGNS PROHIBITED**

Any abandoned sign structure or frame no longer containing a sign is prohibited. A sign structure or frame shall be considered abandoned if it remains blank for a continuous

period of 180 days or more. Said abandoned signs shall be altered to comply with this Ordinance or shall be removed by the sign owner or the owner of the property where the sign is located within 30 days after such abandonment.

**J. HAZARDOUS, POORLY MAINTAINED, AND SIGNS THAT BREACH THIS ORDINANCE ARE PROHIBITED.**

Any sign which constitutes a traffic hazard, or which is not maintained in a neat and attractive manner, or which creates a lighting or electrical disturbance, or which is a breach of this Ordinance for any other reason is prohibited.

**K. NON-ACCESSORY SIGNS (BILLBOARDS) PROHIBITED**

Non-accessory signs (billboards) are prohibited except in the C-2 Districts, and in IND-1 and IND-2 Districts. Non-accessory directional signs are prohibited except as permitted in Section 20.1405D.

**L. SIGN ILLUMINATION**

1. Electrical requirements pertaining to signs shall be in accordance with all applicable Township Codes.

2. If illuminated, signs shall be limited only by one of the following means:
  - a. By a steady, stationary light not to exceed the intensity of 1.5 F.C., shielded and directed solely at the sign.
  - b. By white interior light.
3. Light sources to illuminate signs shall be shielded from all adjacent residential districts, buildings and streets, and shall not be of such brightness as to cause glare that is hazardous to pedestrians, automobile drivers, or so as to create a breach of this Ordinance to adjacent residential districts or existing residential uses.

#### **M. SETBACKS FOR SIGNS**

No signs nor any part of its structure shall be located nearer to the front lot line than one-half (1/2) of the required front yard setback for buildings and shall comply with all side yard and rear yard setbacks for buildings of the district in which it is located, except as specifically allowed otherwise herein.

#### **N. INTRUSION ON PUBLIC RIGHT-OF-WAY PROHIBITED**

No sign, except those maintained by the Township, County, State or Federal Governments, shall be located in, project into, or overhang a public right-of-way or

dedicated public easement, however, projecting canopy and awning signs may be permitted subject to the following requirements:

1. Such approval shall only be granted by the Planning Commission.
2. No such structure shall extend closer than twenty-four (24) inches to any vehicular parking space or moving vehicle lane.
3. No such structure shall conflict with necessary sight distances for proper vehicular and pedestrian movements.
4. No such structure shall conflict with any existing or proposed landscape feature, traffic control device, adjacent properties and signs and pedestrian movement.
5. The height, locations, materials, construction, and signage involved in any such structure shall specifically be subject to review and approval by the Planning Commission.
6. The structure shall be maintained in such a manner as to continue in its original appearance and provide proper safety to the persons and property it may affect.

**O. PROPER CONSTRUCTION REQUIRED**

All signs shall be constructed and erected in a safe, sturdy, durable manner with proper bracing, anchorage, foundation, etc., and shall comply with all applicable Township Building Codes.

**P. PERMANENT USE OF TEMPORARY SIGN PROHIBITED**

A temporary or portable sign shall not be used in such manner so as to be substantially the equivalent of a permanent sign by repeatedly advertising event after event.

**Q. INSTALLATION OF NEW SIGN ON PREMISES WITH EXISTING NON CONFORMING OR UNLAWFUL SIGN PROHIBITED**

No permits for the installation, erection or placement of any new signs shall be issued while a non conforming sign or an unlawful sign remains in use upon the same premises.

**R. CORNER CLEARANCE**

In order to prevent obstructions to vision at intersections, signs shall be placed so as to allow a clear view between a height of three (3) feet and ten (10) feet above the established street grade within the triangular area formed at the intersection of any street planned right-of-way lines by a straight line drawn between said planned right-of-way lines at a distance along each line of thirty (30) feet from their point of intersection, or the triangular area formed by the intersection of any planned street right-of-way line and any public or private driveway at a distance along each line of fifteen (15) feet from their point of intersection.

ARTICLE XIV	20.1403 (A-E)
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**20.1403 EXEMPTIONS FROM PERMIT REQUIREMENTS**

The following types of signs shall be permitted without a building permit or site plan review so long as they comply with all other regulations not inconsistent with the following:

- A. Signs that are sixteen (16) square feet or less.
- B. Public road signs and all directional signs required for the purpose of orientation when established by the Township, County, State or Federal Government.
- C. Temporary signs, including a portable sign, indicating special exception or specific events organized and sponsored by a unit of government, public or private non-profit school, tax exempt non-profit corporation, or bona fide charitable organization, are permitted in any district provided:
  - 1. They are placed outside the highway and road right-of-way;
  - 2. Permission has been obtained from the property owner;
  - 3. That such signs are erected no earlier than 50 days prior to the event and are taken down within 10 days after the event, and;
  - 4. The sign is thirty-two (32) square feet or less in area per face.
- D. Historic signs designating sites recognized by the State Historical Commission such as Centennial Farms or Historical Landmarks.

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essential service signs denoting utility lines, railroad line, hazards and precautions.



F. Construction signs showing names of building contractors, professional firms, and lending institutions on sites under construction not to exceed eighteen (18) square feet in area. Construction signs identifying a project owned or financed by the Township, School District, Public Authority, County, State or Federal Government shall not exceed sixty-four (64) square feet in area. The sign shall be confined to the site of the construction, construction shed, or trailer and shall be removed within fourteen (14) days of the beginning of the intended use of the project.

indow signs which are attached to the interior surface of the window of a building or otherwise located within the interior of a building and visible through a window.

signs advocating or opposing a candidate for public office or a position on an issue to be determined at the election when located at least the minimum required distance from a polling place and when posted not more than sixty (60) days before the election and removed within seven (7) days following the election. When located within the AG, R-1, R-2, R-3, or R-4 Districts, said signs shall not exceed thirty-two (32) square feet in area. The maximum size of said signs when located in non-residential districts shall be as follows: Industrial Districts - 300 square feet. C-2 Districts - 200 square feet. C-1 Districts - 100 square feet.

20.1404      **PERMITTED SIGNS IN THE R-1 and R-2 DISTRICTS**

- A. One (1) sign advertising the sale or lease of the lot or building not exceeding six (6) square feet in area on any one lot. Such sign shall not exceed five (5) feet in height, shall not be placed in the public right-of-way, and shall be removed within thirty (30) days of closing.
- B. One (1) sign advertising a new recorded subdivision or development not to exceed twenty (20) square feet in area, not to exceed six (6) feet in height, and placed not closer to the edge of the planned right-of way than one-third (1/3) of the required front yard setback for buildings. Such sign shall be removed within ninety (90) days after the final stage.
- C. One (1) permanent sign, not located within the existing or planned right-of-way, not to exceed twenty (20) square feet in area and not to exceed five (5) feet in height; indicating the name of a subdivision or development, located at each entrance to the same, only when part of an entranceway structure shown on a plan for the subdivision or development which has been approved by the Planning Commission.
- D. Two (2) signs identifying a park, school, church, public building. Each sign shall not exceed twenty (20) square feet each in area, not to exceed five (5) feet in height, and shall be placed no closer to the edge of the planned right-of -way than one-third (1/3) of the required front yard setback for buildings.

E. One (1) church or institutional bulletin board without interior illumination having an area not to exceed thirty-two (32) square feet, not to exceed five (5) feet in height, and placed no closer to the front lot line than one-third (1/3) of the required front yard setback for buildings.

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maximum of one (1) temporary agricultural produce sign, which advertise only the agricultural produce grown on the farm or premises, shall be permitted when located on the premises. Each sign shall have a maximum of sixteen (16) square feet in sign area, shall not exceed six (6) feet in height, and shall be located outside the existing right-of-way.

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signs having an area of not more than two (2) square feet, if mounted flat against the wall of the principal building, the message of which is limited to conveying; street numbers; the name of the premises; the name of the owner or the occupant of the premises. There shall be a limit of one (1) such sign per premises. For those home occupations which are lawfully established, and are located with the AG, R-1, R-2, R-3, or R-4 Districts, the sign may also include the occupation of the owner or occupants of the premises.

20.1405      **PERMITTED SIGNS IN THE R-3, R-4, and AGRICULTURAL DISTRICT**

- A. Those signs permitted and as regulated in the R-1 and R-2 Districts.
- B. One (1) accessory sign identifying the type of permitted services rendered or offered upon or from the premises where the sign is situated (**excluding home occupations**). Each sign shall not exceed eighteen (18) square feet in area, shall not exceed six (6) feet in height, and shall be located off the public right-of-way. No sign nor any part of its structure shall be located nearer to the edge of the planned right-of-way than one-half (1/2) of the required front yard setback for buildings of the district in which it is located, except as specifically allowed otherwise herein, and shall be compatible with the residential or agricultural character of the neighborhood; any sign projecting from a building or located over a sidewalk or passway is subject to the conditions of 20.1406 (D2).
- C. One (1) agricultural produce sign, which advertise only the agricultural produce grown on the farm or premises, when located on the premises. The sign shall have a maximum of sixteen (16) square feet in sign area, shall not exceed six (6) feet in height, and shall be located outside of the existing road right-of-way.
- D. One (1) directional sign as defined in Section 20.241B (12a) and as regulated in Section 20.1406E per lot may be permitted as a special exception use in the AG (Agricultural District) upon review and approval of the Planning Commission, provided all applicable standards and procedures contained in Article IV, Section 20.400 through 20.402 are met.
- E. Signs having an area of not more than two (2) square feet, if mounted flat against the wall of the principal building, the message of which is limited to conveying; street numbers; the name of the premises; the name of the owner or the occupant of the premises. There shall be a limit of one (1) such sign per premises for those home occupations which are lawfully established, and are located within the AG, R-1, R-2, R-3, or R-4 Districts, the sign may also include the occupation of the owner or occupant of the premises.

**20.1406 PERMITTED SIGNS IN COMMERCIAL DISTRICTS**

- A. Those signs permitted and as regulated within the R-3, R-4 and AG Districts.
- B. **Commercial Uses, Single Occupants.** For each lot occupied by one (1) occupant, one (1) accessory freestanding sign shall be permitted, except as provided herein. On lots having more than one (1) frontage on a major or secondary thoroughfare, one (1) accessory freestanding sign shall be permitted to be located on each frontage, provided the distance between any two (2) signs is not less than five hundred (500) feet of linear street frontage. In addition, one (1) accessory wall/marquee sign or one (1) accessory projecting sign shall be permitted. For lots having more than one (1) street frontage, one (1) accessory wall/marquee sign or accessory projecting sign may be placed on each front of the building which faces a public street.
- C. **Commercial Uses, Multiple Occupants.** For each lot having more than one (1) occupant, one (1) accessory sign shall be permitted, for the entire premises, except as provided herein. The allowable sign area or the freestanding sign may be divided into smaller areas for each occupant providing the sign remains as a single ground sign structure. For developments having more than one (1) frontage on a major or secondary thoroughfare one (1) accessory ground sign shall be permitted to be located on each frontage, provided the distance between any two (2) such signs is not less than five hundred (500) feet of linear street frontage. One (1) wall sign per occupant shall be permitted. Where an occupant has frontage on more than one side of the building, one (1) accessory wall sign or one (1) projecting sign for each front shall be permitted. A wall sign or projecting sign shall be erected on the wall of the space to which the sign pertains.

D. **Area, Height and Placement of Commercial Signs.** Accessory signs may be installed or constructed within a commercial district provided they are located no less than 10 feet from the side lot line of the property nor less than five (5) feet from the edge of the planned right-of-way, and subject also to the following conditions:

1. **Wall or Marquee Signs.** Wall signs may not project above the roof or parapet line, and may not project more than fifteen (15) inches beyond the face of the wall of the building. Marquee signs shall not project beyond the edges of the marquee, and may not project more than fifteen (15) inches beyond the face of the marquee. Wall or marquee signs shall be attached to, and be parallel to, the wall or marquee of the building. The area of a wall or marquee sign shall not exceed ten (10%) percent of the total area of the front facade including the area of all windows. In no instance shall the wall or marquee sign exceed one hundred and thirty-two (132) square feet. Within this total allowable area, an allowance of up to thirty-two (32) square feet may be used for wall or marquee signs at a side or rear entrance, unless approval is granted by the Planning Commission.
2. **Projecting Signs (Including Awning and Canopy Signs).** Projecting signs may not project above the roof or parapet line and may not project more than three (3) feet from the building front. All projecting signs must be perpendicular to the building face and must be double sided with the maximum sign area for projecting signs not affixed to an awning or canopy shall not exceed twelve (12) square feet. The maximum sign area for awning or canopy signs shall not exceed one hundred thirty-two (132) square feet. Within this total allowable area, an allowance of up to thirty-two (32) square feet may be used for awning or canopy signs at a side or rear entrance. Minimum clearance above walkways shall be eleven (11) feet and eighteen (18) feet above driveways.

3. **Freestanding Signs, General.** Where a building does not cover the full area or the property, freestanding signs are permitted. The nearest point of any part of the sign to any side lot line of the premises must not be less than ten (10) feet and not less than five (5) feet to the edge of the planning right-of-way. The maximum area of the sign face shall be fifty (50) square feet plus two (2) square feet per one (1) foot of setback beyond the minimum required provided that in no case shall the area of the sign face exceed one hundred (100) square feet. The allowable height for such signs shall be five (5) feet plus one (1) foot for each additional two (2) feet of setback beyond the minimum, provided however that in no instance shall the maximum height of the sign exceed eighteen (18) feet above the crown of the adjacent road. Said sign shall not be located closer to adjacent properties than a distance equal to its height. Signs over six (6) feet in height shall be two-sided, those six (6) feet or less may have up to four (4) sides. All freestanding signs shall be of the "ground sign" or "pole sign" type. In the case of pole signs, a clearance shall be maintained between the ground and the lowest part of the sign face above or not less than eight (8) feet. Freestanding signs shall not be located closer than one hundred (100) feet to any adjacent AG, R-1, or R-2 zoning district. Freestanding signs shall not display moving or animated parts or images.

4. **Freestanding Signs in C-2 Districts on Lots Having More Than Two Hundred (200) Foot Frontage on Major Thoroughfares.** Notwithstanding the provisions of Section 20.1406 (D3) above, the area and height of freestanding signs located upon lots in the C-2 District having frontage in excess of two hundred (200) feet on a major thoroughfare may be increased as follows:
- a. The area of the sign may be increased by one-half (1/2) square foot for each additional one (1) foot of frontage beyond the initial two hundred (200) feet provided that in no instance may a single side of such sign exceed two hundred (200) square feet in surface area.
  - b. The sign shall be set back no less than one-half (1/2) of the required setback for buildings in the district.
  - c. The height of the sign shall not exceed twenty-five (25) feet above the crown of the adjacent road.
  - d. The provisions of this section shall apply only to lots located within the C-2 District and with more than two hundred (200) feet of frontage upon one of the following major thoroughfares:
    - \* LAPEER ROAD
    - \* WADHAMS ROAD
    - \* GRISWOLD ROAD east of WADHAMS ROAD
    - \* RANGE ROAD south of LAPEER ROAD
    - \* GRATIOT ROAD
- E. **One Directional Non-Accessory Sign** per lot provided it complies with all provisions contained in Section 20.1407B (1-11) below, except that said sign shall not exceed sixteen (16) square feet in area per premises and fifteen (15) feet in height. The sign may be partitioned into segments providing direction to various establishments provided the total combined area of the sign does not exceed the maximum area permitted herein.
- F. **Non-Accessory Signs (Billboards)** shall be permitted within the C-2 Commercial District provided they comply with all provisions contained in Section 20.1407B (1-11).



G. **Temporary or Portable Signs** shall be permitted for special events, special sales, grand openings, etc. A permit may be obtained from the Township Clerk. The length of any single permit period shall not exceed sixty (60) days. Multiple permits may be issued during the year provided that the total length of time that a temporary or portable sign may be used per premises shall not exceed sixty (60) days per calendar year. In addition, the following conditions shall be met:

1. The sign shall not exceed fifty (50) square feet in area on any side, nor shall exceed eight (8) feet in height.
2. The sign shall not be located closer than ten (10) feet to a street right-of-way. The sign shall not interfere with vehicular or pedestrian traffic flow or visibility.
3. The sign shall not have any flashing lights or moving parts, not be placed or designed such that it can be confused with, or appear similar to a highway sign or traffic safety device. Any electrical connections shall conform to the Township Electrical Code.
4. Prior to the issuance of a permit, a cash deposit, in any amount as may be set from time to time by resolution of the Township Board, shall be made to guarantee removal of the sign at the end of the permit period.

20.1407      **PERMITTED SIGNS IN INDUSTRIAL DISTRICTS**

A. All signs allowed in Commercial Districts except those permitted in Section 20.1406 (D4).

B. **NON-ACCESSORY SIGNS (Billboards)** subject to the following conditions:

1. No billboard shall be located within 1,500 feet of another billboard as measured in all directions; except that in the case of a divided, interstate, controlled-access highway, only those billboards located on the same side of the centerline of said highway as the proposed location shall be taken into account in performing the spacing calculation. No billboard shall be located on the same premises with another freestanding sign unless said premises directly abuts a controlled-access, interstate highway. Double-faced billboard structures (i.e. structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face, including billboard structures with tandem (side-by-side) or stacked (one above the other) billboard faces, shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement as set forth above.
2. No billboard shall be located within 200 feet of a residential zone, existing residence, church, or school. If the billboard is illuminated, this required distance shall be 300 feet.

3. Except as provided herein, no billboard shall be located within 75 feet of a property line adjoining a public right-of-way nor within 10 feet of any interior boundary lines of the premises on which the billboard is located; however if the required front yard and/or side yard setback applicable to any principal structures for the premises in a particular road is greater, the greater setback shall apply. Billboards located adjacent to interstate highways may be constructed with a setback of one (1) foot from the edge of the right-of-way.

33128048. The surface display of any side of a billboard may not exceed three hundred (300) square feet. For back to back sign structures, the sign area for one (1) sign face shall be used in computing the total sign area. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of any side of a billboard may be increased by two and one-half (2 ½) square feet for each one (1) foot of additional setback from the edge of the right-of-way.

33128049. The height of a billboard shall not exceed forty-five (45) feet above the natural grade of the ground on which the billboard sits or the grade of the abutting roadway, whichever is higher.

33128050. All billboards shall be freestanding ground signs. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.

33128051. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or onto any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

8. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, structural soundness and continued readability of the message.

33128152. A billboard established within a business, commercial or industrial area as defined in the Highway Advertising Act of 1972 (P.A. 106 of 1972 as amended) ordering interstate highways, freeways or primary highways as defined in said act shall, in addition to complying with the above conditions, also shall comply with all applicable provisions of said act and the regulations promulgated thereunder, as such may from time to time be amended. Any other Federal or State law shall be complied with, if applicable.

33128153. Billboards shall be prohibited along any portion of a highway in which the Michigan Department of Transportation has established a "Logo Signage Program" or a Tourist Oriented Directional System (TODS) Program.

33128154. These provisions shall apply to all streets and expressways, except to the extent mandatory preemption requires otherwise pursuant to the applicable State or Federal law.

20.1408      **H      DELETED - ORDINANCE 142-K, JANUARY 1991**

**20.1409 NON CONFORMING SIGNS**

- A. Non conforming signs shall not be reestablished after the activity, business, or usage of the premises has been discontinued for ninety (90) days or longer, shall not be altered so as to change the shape, size, type or design of the sign, and except as specifically provided otherwise in this section, shall be subject to the provisions of Article V.

**20.1410 REMOVAL OF ILLEGAL SIGNS**

- A. If any sign is erected or maintained in violation of the provisions of this Ordinance, notice shall be given by the Township to the person owning or having the beneficial use of the sign and the property where the sign is located to correct or remove the same. In the event such person fails to abate such nuisance in accordance with the notice, the Township may enter the property to remove the same and this enforcement and removal cost shall be charged against the owner of the premises and payment thereof shall be enforced as a single lot assessment against the premises.

(Sections 20.1400 to 20.1407 and Sections 20.1409 to 20.1410,  
Amended Ordinance 142-X, May 1993)

FOR FUTURE USE



# ARTICLE XV





## ARTICLE XV

### 20.1500 MISCELLANEOUS PROTECTION REQUIREMENTS

#### 20.1501

- A. Every structure used or erected for dwelling purposes shall be provided with running water, adequate inside water closet accommodations and sewage facilities.  
(Amended Ordinance 166, September 1999)

#### 20.1502

- B. No outside toilets shall hereafter be used or erected except such as may temporarily be needed during construction on the premises, and except porta-johns.

#### 20.1503

- C. No structure, the major portion of which consists of a basement shall be occupied for living and/or sleeping purposes by human beings except under a variance permit from the Zoning Board of Appeals, provided said board is satisfied of the applicant's ability and intent to complete such construction within a stated period of time or the below-grade structure is a permanent structure.

#### 20.1504

- D. Any building erected as a garage or in which the main portion is a garage shall in no case be occupied for dwelling purposes unless it is auxiliary to a residence already being occupied upon the premises and unless it complies with all the provisions of this ordinance relating to buildings for residential purposes.

**20.1505**

- E (1) Not more than one single-family or two-family dwelling shall be constructed on a lot. In the case of a “site condominium” where no “subdivision” or land under Public Act 288 of 1967 (the Subdivision Control Act) has taken place and where the land therefore remains as one “lot or parcel” this restriction shall not apply; however, in this instance, not more than one single-family or two-family dwelling shall be constructed upon an individual “Unit of Ownership” within a site condominium development. (Amended Ordinance 142-U, October 1992).
- E (2) **FINISHED EXTERIORS** - All buildings must have finished exterior wall facing, including additions and accessory buildings (including sheds). (Amended Ordinance 142-26, January 2001).

## 20.1506

- F. The keeping of more than three (3) dogs and/or cats, the keeping of pigeons having free access outside their cages, or the keeping of poultry, pigs, hogs, horses or livestock is prohibited within or upon all residential zoned areas used primarily for residential purposes or within or upon any area located within 132 feet of such aforesaid platted properties unless such latter area is located in a commercial or industrial district; provided, however, that any litter of dogs or cats which causes the aforesaid limit of three (3) to be exceeded shall not constitute a violation of this provision for a period of four (4) months after birth; and provided further, however, that no more than two such litters shall be allowed to so remain on the afore-described premises within any consecutive 12-month period. All such poultry, pigs, hogs, horses, livestock or more than three (3) dogs and/or cats shall also be prohibited in any area of the Township if the same become obnoxious by reason of odor or noise other than when protected by the Right To Farm Act. The determination of the Zoning Board of Appeals established under the statute and this ordinance shall, in the absence of fraud, be conclusive on the question of whether such are so obnoxious.  
(Amended Ordinance 142-47, Effective June 9, 2010)

**20.1507**

G. RESERVED FOR FUTURE USE. (Re-numbered by Ordinance 142-29, December 3, 2002)

**20.1508 H SWIMMING POOLS**

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

**1. 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 the construction and safety features deemed necessary by the Building Inspector, and with electrical and plumbing specifications consistent with current codes. (Amended Ordinance 142-18, November 1997).

**2. POOL LOCATION**

Minimum front and side yard setbacks shall be complied with. Rear yard setback shall not be less than fifteen (15) feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line, or less than fifteen (15) feet between pool wall and any building on the lot. (Amended Ordinance 142-18, November 1997).

### 3. FENCE

For the protection of the general public, all swimming pools shall be completely enclosed by a chain link or privacy fence not less than four (4) feet and not more than fifteen (15) feet from the outside perimeter of the pool wall, provided that if:

- (1) a building not having any means of access thereto is located on the lot not more than fifteen (15) feet from any side of the pool, a fence shall not be required on any such side, or
- (2) a fence is not required for an above-ground pool if the sides of the pool rise at least four (4) feet above ground level and provided any movable pool ladder is raised above the pool, or
- (3) a fence is not required as to that portion of a pool surrounded by a deck of not less than four (4) feet in height if the only access to the deck is by a gate and provided that the gate has a latch or lock. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked with a tamper-proof lock when the pool is not in use.

Any electrical connection/line shall be at least 10 feet away from any water area of the pool. (Amended Ordinance 142-18, November 1997).

## **20.1509G FENCES, WALLS, and other PROTECTIVE BARRIERS**

All fences of any nature, type or description located in the Township shall conform to the following requirements:

1. No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees are permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points 30 feet from the intersection of the street property lines or in the case of a rounded property corner from the intersection of the street property lines extended.
2. Fences in R-1, R-2, and R-3 residential districts shall be subject to the following requirements:
  - a. It shall not exceed six (6) feet in height, measured from the surface of the ground.
  - b. It shall not exceed 36 inches in height to the extent that it extends in front of the dwelling or main building, or extends into the required minimum front yard.
  - c. For corner lots, any fence on any side of a lot fronting a street shall be restricted to 36 inches in height to the extent that it is in the required building set-back area for a corner lot, and in any event shall not be constructed so as to obstruct vision relative to anyone's use of the street.
  - d. It shall not contain barbed wire, electric current or charge of electricity.
  - e. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than 25 percent of their total area.

(Amended Ordinance 142-28, December 4, 2001)

20.1510      **REGULATIONS OF CONDOMINIUM DEVELOPMENTS**

The following regulations shall apply to all condominium developments with Kimball Township.

**1. INITIAL INFORMATION**

Concurrently with notice required to be given Kimball Township pursuant to Section 71 of Public Act 59 of 1978, as amended (the Condominium Act), a person, firm or corporation intending to develop a condominium project shall provide the following information:

- a. The name, address and telephone number of:
  - (i) All persons, firms or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example: fee owner, optionee or land contract vendee).
  - (ii) All engineers, attorneys, architects, planners or registered land surveyors associated with the project.
  - (iii) The developer or proprietor of the condominium development.
- b. The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.

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he acreage content of the land on which the condominium development will be developed.

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he purpose of the development (for example: residential. commercial, industrial, etc.).

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pproximate number of condominium units to be developed on the subject parcel.

////////////////////////////////////  
hether or not a community water system is contemplated.

////////////////////////////////////  
hether or not a community septic system is contemplated.



## **2. INFORMATION TO BE KEPT CURRENT**

The information shall be furnished to the Township Building Official and shall be kept updated until such time as a Certificate of Occupancy has been issued pursuant to Section 20.1702B of this ordinance.

## **3. SITE PLANS FOR NEW PROJECTS**

Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, the amended, the condominium development shall undergo site plan review and approval pursuant to Article XIII of this ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of and Certificates of Occupancy.

## **4. SITE PLANS FOR EXPANDABLE OR CONVERTIBLE PROJECTS**

Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Article XIII of this ordinance.

## **5. MASTER DEED, RESTRICTIVE COVENANTS & “AS-BUILT” SURVEY TO BE FURNISHED**

The condominium development developer or proprietor shall furnish the Building Official with the following:

- a. One (1) copy of the recorded Master Deed;
- b. One (1) copy of all restrictive covenants; and
- c. Two (2) copies of an “as-built” survey.

The “as-built” survey shall be reviewed by the Township Engineer for compliance with Township Ordinances. Fees for this review shall be established by resolution by the Township Board.

## 6. MONUMENTS REQUIRED

### SITE CONDOMINIUM PROJECTS

All condominium developments which consist in whole or in part of condominium units which are residential, commercial, or industrial building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.

- a. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inches in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in depth.
- b. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvatures, points of reverse curvature and angle points in the side lines of street and alleys and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily established by reference to monuments along the sidelines of the streets.
- c. If the required location of a monument is in an inaccessible place or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- d. If a point requiring a monument is on a bedrock outcropping, a steel rod, at least one-half (1/2) inches in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.

e. All required monuments shall be placed flush with the ground where practicable.

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All unit corners and the intersection of all limited common elements and all common elements shall be marked by monuments in the field by iron or steel bars or iron pipe at least eighteen (18) inches long and one-half (1/2) inches in diameter, or other approved markers.

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The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit to the Township of Kimball, whichever the proprietor selects in an amount to be established by the Township Board, by resolution. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

**ALL CONDOMINIUM PROJECTS**

All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section 6 (a) above.

**7. COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS**

All condominium developments shall comply with federal and state statutes and local ordinances.

**8. OCCUPANCY**

The Building Official may allow occupancy of the condominium development before all improvements required by this ordinance are installed provided that cash, a certified check or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

## 9. SITE CONDOMINIUMS

- a. **REVIEW PROCEDURES** - Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, before condominium units may be sold or site improvements initiated, all condominium subdivision plans must be approved by the Township Board following review and recommendation for approval by the Planning Commission. In determining whether to recommend a for approval to the Township Board, the Planning Commission shall consult with the Zoning Board of Appeals Administrator, Township Attorney, Township Engineer and Township Planner regarding the adequacy of the Master Deed, deed restrictions, utility systems and streets, development layout, and design and compliance with all requirements of the Condominium Act and Township Zoning Ordinance. The review process shall consist of two (2) steps:
  1. **PRELIMINARY PLAN REVIEW** - In the preliminary plan 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 Kimball Township Zoning Ordinance and Master Plan. Plans submitted for preliminary review shall include information specified in items 1-4 of the Submission Requirements as set forth below. After review and recommendation by the Planning Commission, the Planning Commission shall refer the application to the Township Board for review and preliminary plan approval.
  2. **FINAL SITE PLAN REVIEW** - Upon receipt of Preliminary Plan Approval, the applicant should prepare the appropriate engineering plans and apply for Final Review by the Planning Commission. Final plans shall included information as required by items 1-8 of the Submission Requirements as set forth below. Such plans shall be reviewed by the Township Planner, Township Attorney, and Township Engineer. Further, such plans shall be submitted for review and comment to all applicable local, county and state agencies as may be appropriate, and as determined by the Planning Commission. The Township Board may grant approval of the final plans after receiving the recommendation of the Planning Commission, and following expiration of the time allotted to other parties to review and comment of said plans.

- b. **EXHIBITS REQUIRED** - In addition to the requirements of Section 66 of the Condominium Act and the requirements for site plans contained in Article XIII of the Zoning Ordinance, all plans for site condominium projects presented for approval shall contain the following information.
1. Survey of the condominium subdivision site.
  2. A survey or drawing delineating all natural features on the site, including, but not limited to; ponds, streams, lakes, drains, flood plains, wetlands, and woodland areas.
  3. The location, size, shape, area and width of all common elements, and the location of all proposed streets.
  4. A generalized plan for the provision of utilities, drainage systems, street lighting, sidewalks, and all information required for a site plan, except in a more generalized form, that is submitted under Article XIII of the ordinance, and the proposed Master Deed, or a statement of the pertinent provisions thereof as it relates to matters involved in preliminary review, specifically including utilities and storm drainage. (Amended Ordinance 142-32, June 15, 2004)
  5. A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project.
  6. A utility plan showing all sanitary sewer, water, and storm drainage improvements, including all easements to be granted to the Township for repair and maintenance of all utilities, with detailed street lighting plans.
  7. A street construction, paving, and maintenance plan for all streets within the proposed condominium subdivision, with detailed sidewalk plans.
  8. A storm drainage and storm water management plan, including all lines, swales, drains, basins and other facilities.
- c. A site condominium development, whether intended for residential, commercial, or industrial use shall be subject to all of the requirements and standards of the applicable Zoning District in which the development is located.



he design of a site condominium project shall be subject to the design layout and engineering standards, as provided by this Ordinance. All newly created street, regardless of whether they are to be in public or private ownership, shall conform to at least all minimum requirements of the general specifications and typical cross sections, including bituminous and concrete paving standards, as set forth in the Plat Development and Street Construction Manual, as amended, issued by the St. Clair County Road Comm.

(i) **LOCATION ARRANGEMENT and DESIGN OF STREETS**

- a. The street layout shall provide for continuations of collector streets in the adjoining subdivisions or of the proper projection of streets when adjoining property that is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Planning Commission.
- b. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
- c. Should a proposed condominium development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
- d. Should a proposed condominium development border on or contain a railroad, expressway or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. Such distances shall be determined with due consideration to the minimum distance required for approach grades to future grade separation.
- e. Half streets shall be prohibited, except where absolutely essential to the reasonable development of the condominium subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is developed. Wherever there exists adjacent to the tract to be developed, a dedicated or platted and recorded half street, the other half shall be platted or otherwise included in the condominium subdivision.
- f. Should a proposed condominium development border upon or contain an existing or proposed canal, channel or drainage-way, the Planning Commission may require the location of a bridge facility suitable to permit the unimpeded flow of water and the passage of water-borne vehicles.

(ii) **RIGHT-OF-WAY and PAVEMENT WIDTHS** - Street right-of-way and pavement widths shall conform to at least the following minimum requirements.

<u>a. STREET TYPES</u>	<u>RIGHT-OF-WAY WIDTHS</u>	<u>PAVEMENT WIDTHS</u>
All types of streets	66 feet	24 feet
Cul-de-sacs	75 foot radius	45 foot radius

b. No on-street parking shall be allowed unless the street has been designed to accommodate parking in a manner approved by the Planning Commission.

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 inimum length for cul-de-sac streets shall be 140 feet. Maximum length for cul-de-sac streets shall be 1,000 feet.

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 ccess to streets across all ditches shall be provided by the proprietor with the St. Clair County Road Commission’s specifications and procedures for driveway installations.

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 he Township may require that all or a portion of the streets be dedicated as public streets. All streets which are not dedicated to the public shall be properly maintained. The road surface shall be kept in good repair. Accumulations of snow and ice shall be promptly removed. The Master Deed shall contain adequate mechanisms to insure the streets will be properly maintained. Such provisions shall be reviewed and approved by the Township Engineer and the Township Attorney.



**(iii) EASEMENTS**

- a. Location of utility easements shall be provided as necessary for utilities. Such easements shall be a total of not less than twelve (12) feet wide and six (6) feet from each proposed condominium unit site.
- b. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the proposed condominium development plan to all appropriate public utility agencies.
- c. Easements six (6) feet in width, three (3) feet from condominium unit site of which shall be provided where needed along side condominium unit boundary lines so as to provide for street light dropouts. Prior to the approval of the condominium subdivision plan, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific condominium unit boundaries. A notation shall be made on the condominium subdivision plan indicating: "The side boundary lines between condominium units (indicating building envelope numbers) are subject to street light dropout rights granted to the (name of the utility company)."

- e. **CONDOMINIUM UNITS** - Condominium units within site condominium developments shall conform to the following standards:
- (i) The lot size, width, depth and shape in any site condominium shall be appropriate for the location and type of development contemplated.
  - (ii) Condominium unit areas and widths and building setback lines shall conform to at least the minimum requirements of the Zoning Ordinance for the District in which the site condominium is proposed.
  - (iii) Condominium units situated on corners in residential condominium subdivisions shall be at least ten (10) feet wider than the minimum width permitted by the zoning ordinance. In instances where the minimum required lot width is greater than 100 feet, this requirement shall not apply.
  - (iv) Excessive condominium unit depth in relation to width shall be avoided. A width to depth ratio of 1 to 4 shall be considered a maximum. (Amended Ordinance 142-29, December 3, 2002)
  - (v) Condominium units intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setbacks, and other requirements with the Zoning Ordinance.
  - (vi) Every condominium unit shall front or abut on a street for the full width of the unit. The measurement of unit width shall be determined in the same manner as prescribed in the Zoning Ordinance for "lots."
  - (vii) Side condominium unit lines shall be at right angles or radial to the street lines.
  - (viii) Residential condominium units abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage condominium units or with side condominium unit lines parallel to the major traffic streets.

- (ix) Condominium units shall have a front-to-front relationship across all streets where possible.

ARTICLE XV

20.1510 (9e) (x)

- (x) Where condominium units border upon bodies of water, the front yard may be designated as the waterfront side of such condominium unit provided the building envelope has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side.

**f. BLOCKS**

- (i) Maximum length for blocks shall not exceed one thousand three hundred (1,300) feet in length, except where, in the opinion of the Planning Commission, conditions may justify a greater distance.
- (ii) Width of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

**g. NATURAL RESOURCES**

The natural features and character of lands must be preserved whenever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses and similar community assets, that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the provision of adequate barriers, where appropriate, shall be required.

**h. SIDEWALKS**

Sidewalks shall be installed in all single-family detached site condominium developments. Sidewalks shall be a minimum of five (5) feet in width along both sides of collector and minor streets and six (6) feet in width along all major thoroughfares. Access to general common areas shall be provided. Upon review of the site plan, the Planning Commission may approve alternate locations for sidewalks if it would better provide for circulation of pedestrian traffic. (Amended Ordinance 142-32, June 15, 2004)

**i. (RESERVED FOR FUTURE USE)**

j. **UTILITIES**

- (i) **STORM DRAINAGE** - An adequate storm drainage system, including necessary storm sewers, catch basins, manholes, culverts, bridges and other appurtenances, as approved by the Township Engineer, shall be required in all developments. Adequate provision shall be made for proper drainage of storm water from the rear yards of condominium units. Drainage of each yard shall be self-contained and shall be drained from rear to front except where topography or other natural features require otherwise. The Township Board may require that all storm sewers be installed within the public right-of-way or within the general common elements and dedicated to the Township when, in the opinion of the Township Board, dedication of the same would be in the best interest of the Township.
- (ii) **SEWAGE DISPOSAL** - When a proposed site condominium is located within, adjacent to or reasonably near the service area of an available public sanitary sewer system, sanitary sewers and other appurtenances thereto, as approved by the Township Engineer, shall be installed in such a manner as to serve all condominium units. Where a public sewer system is not available, on-site sewage disposal systems may be employed providing they are approved by the St. Clair County Health Department. The Township Board may require that all sanitary sewers be installed within the public right-of-way or within the general common elements and dedicated to the Township when, in the opinion of the Township Board, dedication of the same would be in the best interest of the Township.
- (iii) **WATER SUPPLY** - When a proposed site condominium is located within, adjacent to, or reasonably near the service area of a public water supply system, water mains, fire hydrants and required water system appurtenances thereto, as approved by the Township Engineer, shall be constructed in such manner as to adequately serve all condominium units shown on the condominium subdivision plan, both for domestic use or business use and fire protection. In the event of the non-availability of a public water supply system, a private water supply system shall be provided by the developer as regulated by the St. Clair County Health Department. The Township Board may require that all water lines and appurtenances connecting to the public water supply system be installed within the public rights-of-way or within the

general common elements and dedicated to the Township when, in the opinion of the Township Board, dedication of the same would be in the best interest of the Township.

(iv) **REQUIREMENTS FOR UNDERGROUND WIRING** - The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed 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 Engineer 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.

k. **STREET NAMES AND SIGNS** - For the purpose of insuring proper response by emergency vehicles, road name signs and traffic control signs shall be installed within the condominium development in accordance with the standards of the St. Clair County Road Commission. Street names shall be designated in a manner so as not to duplicate or be confused with pre-existing streets within the Township or postal zone. For private streets, in addition to the above requirements, a sign meeting County Road Commission standards with the words "Not a Public Street" shall be installed and maintained at all points where private streets meet public streets.

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**TREET LIGHTING** - For the purpose of protecting public safety, street lights meeting the standards of the St. Clair County Road Commission and the public utility company providing such lighting shall be installed and maintained within the condominium subdivision at all street intersections. The condominium association shall be responsible for the full cost of operation of the street lights.

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**INAL DOCUMENT TO BE PROVIDED** - After submittal of the condominium plan and bylaws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a mylar sheet of at least thirteen by sixteen

(13 x 16) inches with an image not to exceed ten and one-half by fourteen (10 ½ x 14) inches.

(All of Section 20.1510 - Amended Ordinance 142-U, October 1992)

**KIMBALL TOWNSHIP ZONING ORDINANCE # 142**

**ARTICLE XVI**





## ARTICLE XVI

### 20.1600 BOARD OF APPEALS

#### 20.1601A

Township Zoning Board of Appeals (ZBA) shall be appointed by the Township Board as prescribed by statute with all the powers and authority prescribed by the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended, or delegated to it under specific provisions of the ordinance, specifically including but not limited to: (Amended Ordinance 142-45, May 19, 2009)

1. Hearing any appeals from any determination made by the Building Inspector in the enforcement of this ordinance.
2. a. Interpretation of this Ordinance.  
(Amended Ordinance #142-28, December 4, 2001)
- b. Where uses similar to the listed permitted uses and/or the listed special exception uses are authorized in any zoning district, the Zoning Board of Appeals shall have the authority, upon application, to determine whether or not a proposed use is similar or not to those uses that are listed as a permitted use or as a special exception use respectively, in any respective zoning district. To the extent that a proposed use might be similar to a permitted use or a special exception use in more than one district, by reason of a provision that allows similar uses and/or special exceptions, the Zoning Board of Appeals shall determine the one district that is applicable and shall consider, among other things, the statement of purpose of a district in determining the most appropriate zoning district for the similarity of any particular use, the General Plan for physical development of the Township as embodied in this ordinance and in any Master Plan or portion thereof adopted by Kimball Township, and the effect on the health and safety of residents or people in the area and the effect on the use or development of adjacent properties or the general neighborhood. (Amended Ordinance #142-28, December 4, 2001)

3. Granting variances where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance so that the spirit of this ordinance shall be observed, public health and safety secured, and substantial justice done after consideration of the standards set forth in Section 20.1609 hereof.

The Zoning Board of Appeals shall consist of five (5) members and two (2) alternates; one member shall be a member of the Township Planning Commission. An elected officer of the Township shall not serve as chairman of said board and an employee or contractor of the Township Board may not serve as a member or an employee of said Board of Appeals. One member may be a member of the Township Board. Any alternate shall serve in place of any regular Board of Appeals member who is disqualified for reasons of conflict of interest or in the absence of a member if the member is absent from or unable to attend two (2) or more consecutive meetings of the Board of Appeals for a period of more than thirty (30) consecutive days. In the event of such conflict of interest or absence, the chairman of the ZBA shall designate one or more of the alternates to sit in place of one or more regular members. Once an alternate is appointed, he shall serve in the case until a final decision has been made.

**20.1602**

- B. The term of each member shall be three (3) years and until a successor has been appointed and qualified, each successor must be appointed not more than one month after the expiration of the preceding term. Staggered terms shall be effected by one or more of the first appointed members serving for less than three (3) years. Members from the Township Board and from the Planning Commission shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the Township Board. The term of any alternate shall be the same as for regular members of the ZBA.

**20.1603**

- C. A member shall disqualify himself from a vote in which he has a conflict of interest.

**20.1604**

- D. All meetings of the Zoning Board of Appeals shall be held at the call of the chairman, and at such times as the ZBA may determine. All meetings of the ZBA shall be open as may be legally required. The ZBA shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record.

The Zoning Board of Appeals shall have the power to 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.

FOR FUTURE USE

**20.1605**

E. 1. 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 aggrieved by a decision of the Building Inspector relative to this ordinance. Such appeals shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the Building Inspector and with the Zoning Board of Appeals, a Notice of Appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Zoning Board of Appeals after the Notice of Appeal shall have 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 proceeding shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by Circuit Court, on application, on notice to the Building Inspector and on due cause shown. (Amended Ordinance #142-45, May 19, 2009)

2. The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay.

33128776. In exercising its 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 be made. (Amended Ordinance 142-H, September 1990).

33128777. In granting any variance provided for by any provisions of this ordinance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this ordinance. In granting any variance, the Board shall state the grounds upon which it justifies the granting of a variance. (Amended Ordinance 142-H, September 1990).

**20.1606**

F. Notice of any meetings, hearings or appeals conducted by the Zoning Board of Appeals shall be given as required by Act 110 of the Public Acts of 2006, as amended.

**20.1607**

G. **APPLICATION AND FEES** - A written application, in such form as the ZBA shall direct from time to time, shall be completed on any matter before the ZBA and filed with the Township Clerk together with any fee and any other information deemed to be necessary by the ZBA.

**20.1608**

H. **RULES OF PROCEDURE** - The Board shall follow any rules of procedure required by Act 110 of Michigan Public Acts of 2006, as amended, and may make additional rules or procedure, consistent with state law which may be necessary or reasonable for carrying out its function. (Amended Ordinance #142-45, July 21, 2009)

**20.1609**

- I. **STANDARDS** - In consideration of all applications for variances, the Board of Appeals shall review each case individually as to its nature and the applicability of the variances and whether it:
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 and to applicable regulations of the zoning district in which it is located.
  2. Will be of a nature that it will not make vehicular and pedestrian traffic 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.
  3. Will be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which would unreasonably interfere with any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
  4. Will be such that the proposed location and height of buildings or structures and location, nature and heights of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of nearby land and buildings or unreasonably affect their value.
  5. Will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
  6. Is necessary for the public convenience at that location.
  7. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

8. Will be served adequately by essential facilities and services such as roads, police and fire protection, drainage facilities, refuse disposal, sewage disposal and water supply.
33128880. Will not deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance if the ordinance is strictly and literally interpreted.
33128881. Is necessary because special conditions and circumstances exist peculiar to the land, structure or building involved which are not applicable to other land, structures or buildings in the same district.
33128882. Is necessary because of special conditions and circumstances and a determination whether the same is the result of negligence or intentional actions by the applicant or his predecessors.



KIMBALL TOWNSHIP ZONING ORDINANCE # 142

# **ARTICLE XVII**



## ARTICLE XVII

### 20.1700 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

#### 20.1701

- A. No structure shall be erected, altered, moved upon premises in the Township, or excavation started until a building permit and/or occupancy permit for such erection, alteration or moving of a structure shall have been issued.

#### 20.1702

- B. It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, located, erected, changed, converted or enlarged wholly or partly until a certificate of occupancy has been issued for that premises certifying that the structure or use complies with the provisions of this ordinance. Such occupancy permits shall be granted or denied within 30 days from the date a written application is filed with the Building Inspector.

#### 20.1703

- C. Prior to the issuance of such certificate of occupancy, the Building Inspector shall be satisfied that the building to be erected, moved upon any premises in the Township, or with alterations to be done, shall comply in all respects with the building and health laws and ordinances and the provisions of these regulations. It shall be the duty of the applicant for such certificate of occupancy or permit to furnish to the Building Inspector such plans or other information as the Building Inspector may require in order to be reasonably satisfied that the building to be erected, moved or altered will so comply. Fees shall be charged and paid to the Treasurer of the Township upon the issuance by the Building Inspector of certificates of occupancy or building permits as shall be determined by resolution of the Township Board.

FOR FUTURE USE

KIMBALL TOWNSHIP ZONING ORDINANCE # 142

# **ARTICLE XVIII**



## **ARTICLE XVIII**

### **20.1800 ENFORCEMENT**

#### **20.1801**

The provisions of this ordinance shall be enforced by such Township official as may from time to time be designated by resolution of the Township Board.

FOR FUTURE USE



KIMBALL TOWNSHIP ZONING ORDINANCE # 142

# **ARTICLE XIX**



## **ARTICLE XIX**

### **20.1900 REZONING AND APPEAL FEES**

#### **20.1901**

The Township Board is hereby authorized to establish by resolution fees for application for amendments to the Zoning Ordinance and for appeals or applications to the Zoning Board of Appeals or Planning Commission to be paid to the Township Clerk with such application or appeals to help defray the cost to the Township of such proceedings. Such fees may be altered by subsequent resolution of the Township Board in the discretion of said board.

FOR FUTURE USE

# ARTICLE XX



## ARTICLE XX

### 20.2000 PENALTY

#### 20.2001

Any person, firm or corporation who violates any provision of this Ordinance of any Amendment, including the owner, possessor or occupier of any premises within the Township who allows or suffers such violation upon said premises, is “**responsible**” for having committed a grade on municipal civil infraction, as provided for in Kimball Township Ordinance 141-C and Public Act 12 and Act 14 of 1994 and Public Act 246 or 1945. Such violation is punishable by a civil infraction schedule currently set by Kimball Township Ordinance 141-c and incorporated herein as follows:

\$25.00 for a first offense; \$50.00 for second offense; \$100.00 for third offense; and \$250.00 for a fourth or more offense. The determination of first, second, third and fourth offense shall be based upon the three (3) year period immediately preceding the dates of the violation, as alleged or as determined, as the case may be pursuant to Ordinance 141-C. The Township Board may hereafter modify, change, increase or decrease the civil fines set forth above, by the adoption of a Resolution to that effect pursuant to Ordinance 141-C, as provided by law. In addition, costs of the action may be taxed and imposed against the defendant. Costs are not limited to costs taxable in ordinary civil actions and may include all expenses, direct or indirect, to which the Plaintiff (the Township or other enforcing municipality, agency or other entity) has been put in connection with the municipal civil infraction, up to entry of Judgment. Costs shall be \$9.00 or more up to \$500.00. In addition, any sanctions, Writ, or other court order, or other post judgment remedy, as provided by law, necessary to enforce the Ordinance and correct or abate a violation, or necessary to enforce any Orders and determinations of the Court, judge or district court magistrate, and including civil contempt proceedings, may be issued as appropriate and as provided for by law, including but not limited to the imposition of liens against real estate interests, seizure of property, attachment and garnishment and including post judgment enforcement costs and expenses as provided for by law, including any other enforcement authority set forth in any Ordinance. This Ordinance is enforceable by the judge or magistrate, and by the Township or other enforcing agency or entity to the fullest extent as provided by law relative to violations of municipal civil infractions; the enumeration of certain powers and remedies within this paragraph is not intended to restrict any enforcement authority or remedy of sanction provided for by law, specifically including Public Act 12 and Act 14 of 1994. Provided further however, a violation of this Ordinance is not a misdemeanor and shall not be considered a lesser included offense or any criminal offense. Each day that a violation continues constitutes

a separate and independent violation and is subject to the penalties provided for herein for each such violation. A violation of this Ordinance is hereby declared to be a public nuisance per se. The municipal civil infraction notice or citation may be served personally or as otherwise provided by law and if the violation involves the use, condition or occupancy of land or of a structure, the notice or citation may be posted upon the premises or attached to the structure at issue, with a copy sent by first class mail to the owner at his last known address, and/or the owner and address as disclosed by the Township tax rolls. Failure to appear or respond to any notice and/or citations relative to a municipal civil infraction shall be subject to such penalty as is otherwise provided by law. (Amended Ordinance, 142-22, April 1999)

### **20.2002**

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.

### **20.2003**

**FINES** - 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 responsible of a separate offense and, upon being found responsible thereof, shall be liable to the fines and enforcement provisions set forth herein for municipal civil infractions. (Amended Ordinance 142-22, April 1999)



# ARTICLE XXI



## ARTICLE XXI

### 20.2100      **VALIDITY**

#### **20.33128984**

Should any section, subsection, clause or provision of this ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the ordinance in its entirety or of any part thereof, other than the portion so declared to be invalid.

FOR FUTURE USE

# **ARTICLE XXII**



## ARTICLE XII

### 20.2200 AMENDMENTS AND SUPPLEMENTS

#### 20.2201

Amendments and supplements to this ordinance may be adopted as provided by Act 110 of the Public Acts of 2006, as amended. (Amended Ordinance 142-45, July 21, 2009)

FOR FUTURE USE



# **ARTICLE XXIII**

## ARTICLE XXIII

### 20.2300 **EFFECTIVE DATE**

**20.2301** **Effective Date.** This Ordinance and any amendments thereto shall take effect upon the expiration of seven (7) days after publication or at such later date after publication as may be specified by the Township Board. Notice of adoption shall be published in a newspaper of general circulation in the Township. (Amended Ordinance #142-45, July 21, 2009)

**20.2302** **Severability.** The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remained of the Ordinance shall not be affected thereby.

**20.2303** **Savings Clause.** The repeal provided for herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending litigation or prosecution or any right established or occurring prior to the effective date of this Ordinance.

**20.2304** **Repeal.** All other ordinances inconsistent with the provisions of this Ordinance are to the extent of such inconsistencies, hereby repealed.

**20.2305** **Publication.** The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall become effective upon publication as provided by law. (Effective July 31, 2009)