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ARTICLE 1

**TITLE, ENABLING AUTHORITY, PURPOSE, INTERPRETATION,
SEVERABILITY, RIGHTS AND REPEAL.**

Section 1.1. Title.

This Ordinance shall be known and cited as the **St. Clair Township Zoning Ordinance**.

Section 1.2. Enabling Authority.

This Ordinance is adopted pursuant to the authority conferred by Public Act Number 184 of the Public Acts of 1943, of the State of Michigan, as amended, governing the unincorporated portions of the Township of St. Clair, St. Clair County, Michigan.

Section 1.3. Purpose.

The zoning districts and regulations specified for each district established by this Ordinance have been constructed in accordance with a general plan for the physical development of the Township and its surrounding land area. This plan, called the St. Clair Township Community Master Plan, provides thoroughly considered objectives for the sound and orderly development of the Township.

It is the purpose of this Ordinance to regulate and restrict the use of land and structures to meet the needs of the Township's residents and other public service and facility needs and to promote public health, safety, and welfare. The Township may therefore be divided into districts of the number, shape, and area considered best suited to carry out this purpose. For each of those districts, regulations shall be imposed designating the uses for which buildings or structures shall or shall not be erected or altered, and designating the trades, industries, and other land uses or activities that shall be permitted or excluded or subjected to special regulations.

Section 1.4. Interpretation.

In interpreting and applying the provisions of this Ordinance, the requirements shall be held to be minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance, or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

Section 1.5. Validity and Severability Clause.

If any Court of competent jurisdiction shall declare any part of this Ordinance or the application of any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance or its application.

Section 1.6. Vested Right.

Nothing in this Ordinance shall be interpreted to provide vested rights of any provision of this Ordinance. All provisions are declared to be subject to subsequent amendment as may be necessary to the preservation or protection of public health, safety and welfare.

Section 1.7. Conflicting Provisions Repealed.

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

ARTICLE 2
DEFINITIONS

Section 2.1. Rules Applying to Text.

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

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense include the future. Words used in the singular number include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, etc., as well as an individual.
- F. The words "used" or "occupied" include the words "intended," "designed," or "arranged," or "designed to be used or occupied."
- G. The words "building" and "structure" are inclusive of each other, and the word "dwelling" includes the words "residence" and "domicile", the word "lot" includes the words "plot" or "parcel."
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either . . . or", the conjunction shall be interpreted as follows:
 - I. The word "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - J. The word "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - K. The words "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- L. Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.2. Meanings.

For the purpose of this ordinance, certain terms, words and phrases shall have the meaning herewith defined:

Accessory Building: A subordinate building or structure the use of which is clearly incidental to that of the principal (Main) buildings or to the use of the land

Accessory Use: For the purpose of this ordinance, an accessory use is stated in terms of general criteria. Under such criteria, accessory uses must meet the following tests:

- A. They must be related to the principal use;
- B. They must be subordinate and normally incidental to the principal use;
- C. They must be located on the same lot as the principal use and must be in the same ownership;
- D. They must not alter the character of the area or be detrimental thereto;
- E. Such use services the comfort, convenience and needs of the occupants therein.

Adult Businesses. Shall include but not be limited to the following businesses: Adult book store, adult motion picture theater, massage parlor, sauna, nude modeling studio, premises for nude entertainment or similar type of business.

Agriculture: For the purpose of this ordinance shall mean the production of plants and animals useful to humans, including forages and sod crops, grains, feed crops and field crops, dairy and dairy products, poultry and poultry products, livestock as defined in this ordinance, including breeding and grazing, bees and bee products, berries, grasses, flowers, fruits, herbs, mushrooms, nursery stock including Christmas trees, seeds, vegetables, the breeding, raising and/or harvesting of fish and other aquaculture products, and a use in a federal acreage set-aside program or a federal conservation reserve program, but shall not include the management and harvesting of woodlots, as defined in this Ordinance.

Airport, public use: Any location, either on land or water, which is used for the landing or take off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas, used or suitable for airport buildings or other airport facilities, and all appurtenant rights of way, whether heretofore or hereafter established. Airports may include commercial activities or operations such as the sale of gasoline or oil, the soliciting or engaging in charter flying or student instruction, the provision of shelter of the tie-down of an aircraft, the overhaul or repair of an aircraft or engines or otherwise offering aeronautic facilities or services to the public. A public use airport shall be distinguished from personal use landing fields.

Alley: Any dedicated public way affording a secondary mean of access to abutting property.

Alterations: Any change, addition or modification of construction or type of occupancy; any change in the structural members or parts of a building, such as columns, beams or girders; or any enlargement of a building whether by extending on a side or by increasing in height; the consummated act of which may be referred to herein as "altered" or "reconstructed".

Apartment: A room or suite of rooms, including bath and culinary accommodations, in a two-family dwelling (duplex) or multiple-family dwelling, as defined herein, intended or designed for use as a residence (domicile) by a single family.

Architectural Features: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Attic: The space between the ceiling beams of the top habitable floor and the roof.

Automobile Repair: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, and vehicle rust proofing.

Automobile Service Station: Any building or premise primarily used for the dispensing, sale, or offering for sale of any motor fuels, oils, lubricants, antifreeze, tires, batteries or similar automotive accessories which may only include facilities for the installation of oil, lubricants, anti-freeze, tires, batteries and similar automotive accessories, including the minor repair of automobiles, turning of motors and the washing of vehicles without the use of chain conveyors, blowers, steam cleaners or other mechanical devices.

Automobile Wash Establishment: A building, or portion thereof, the primary purpose of which is that of washing vehicles.

Basement: A basement shall be counted as a story if over fifty (50) percent of its height, or five feet is above the level from which the height of the building is measured, or if it is used for business purposes. A basement shall not be counted as a story nor is it intended or designed to be used or occupied as a place of primary domicile unless it conforms to building code provisions governing ingress, egress, light and ventilation. (Refer to sketch for example.)

Bed and Breakfast: A use in which transient guests are provided a sleeping room and or board in return for payment.

Bedroom: A bedroom is a dwelling room used for or intended to be used solely for sleeping purposes, by human beings.

Board of Appeals: Shall mean the Zoning Board of Appeals for St. Clair Township.

Boarding House: An establishment or building where meals lodging or both, are provided for compensation

- A. by pre-arrangement and without limitations or time periods involved;
- B. with meals, lodging or both, for compensation other than in dwelling units as defined herein; and
- C. for a total of five (5) to nineteen (19) roomers, boarders or both.

This definition shall include rooming house or tourist home.

Buffer Strip: Is a designated area setback from the property or right of way line a specific distance as required by the ordinance due to conflicting uses. The area may be landscaped or consist of a wall or screen to block the affect of the adjacent use.

Building: Any structure, either temporary or permanent, having a roof and enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, designed or intended for the shelter, support and enclosure of Persons, animals, chattels, or property of any kind. This shall include tents or vehicles situated on private property and used for purposes of a building.

Building Height: The vertical distance measured from the grade to the highest point of the roof surface for flat roofs; to the deck line or ceiling height of mansard roofs; to the average height between eaves and ridge for gable, hip and gambrel roofs, or to a 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. (Refer to sketch for example.)

Building inspector: The Building Official of the Township of St. Clair and any of his aides.

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

Cellar: See definition of "Basement."

Clinic: An institution providing diagnostic, therapeutic, or preventative out-patient treatment by a state licensed professional doctor or a group of such doctors in the same building.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like whose facilities are available only to a limited number of members and guests.

Commission: Shall mean the Planning Commission of the Township of St. Clair.

Common Elements: means the portions of the condominium other than the condominium units.

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

Compostable Material: 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.

Composting: A yard waste management alternative to burning and/or land filling in which compostable yard waste is collected, processed, and recovered as a resource rather than disposed of. Involves the biological decomposition of organic matter under controlled conditions characterized by piles that generate heat under aerobic conditions. Sheet composting shall not be considered a permitted use.

Condominium Act: means Public Act 59 of 1978, as amended.

Condominium Subdivision: for the purposes 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.)

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.

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

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.

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 wrapping, etc.

Court: An open, uncovered, unoccupied space other than a yard partially or wholly surrounded on at least two (2) sides by the walls of a building. A court having at least one (1) side thereof opening on to a street, alley, or yard or other permanent open space is an outer court. Any other court is an enclosed or an inner court.

Density: This refers to the number of families residing on, or dwelling units developed on an acre of land.

Display, Outside: The outdoor standing or placement of immediately usable goods which are available for sale, lease, or rental and which are displayed in such manner as to be readily accessible for inspection and removal by the potential customer.

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

Drive-In: Any business establishment developed, intended, designed or arranged to be used such that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, regardless of whether self-servicing is involved.

Driveway: A passage of definite width, primarily for use by motor vehicles, leading from a street or other public way to a garage or parking area. A horseshoe shape drive or a "T" shape drive located within a front yard is included within this definition.

Dwelling, Unit: A room or rooms connected together, constituting a separate, independent housekeeping establishment for one family only, for owner occupancy or for rental, lease or other occupancy or domicile on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking and sleeping facilities.

Dwelling, Multiple-Family: A building or portion thereof containing three or more dwelling units and used or designed as a primary place of domicile for three (3) or more families. The term includes co-operative apartments, condominiums, and the like. For purposes of this Ordinance, regardless of how the units are equipped, any multiple-family dwelling in which units are available for rental periods of less than one (1) week shall be considered either a hotel or motel as defined herein.

Dwelling, Two-Family (Duplex): A building designed for or occupied exclusively by not more than two families.

Dwelling, One-Family: A detached building entirely separated from other buildings or structures on adjacent lots designed for or occupied exclusively by one family. For regulatory purposes, the term is not to be construed to include mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of portable or temporary housing.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises which are required for the construction. Excavation, grading, fill, drainage and the like shall be considered a part of erection.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electricity, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police-call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, as may be reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare; but not including transmission towers, or high pressure gas lines, buildings, or structures. This phrase shall also mean the use of land, buildings and structures for municipal facilities that have been approved by the Township board after receiving a report and written recommendation from the Planning Commission.

Excavation: Any breaking of ground except common household gardening and ground care incidental to maintaining and improving landscaping.

Expandable Condominium: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit with a common kitchen and related by blood, marriage, or legal adoption, including domestic employees and temporary guest. Any group of persons not so related, but inhabiting a singles dwelling, shall for the purpose of this ordinance be considered to constitute one (1) family for each two (2) persons.

Family Day Care Home: "A private home, in compliance with all State and Federal licensing and regulation requirements, in which twelve (12) or less minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year."

Farm: For the purpose of this Ordinance shall mean a legal tract or joint tract of land on which plants, animals, buildings, structures, including ponds and the equipment customarily incidental to a farm, is used for agriculture as defined in this ordinance, as well as aquacultural activities.

Farming: For the purpose of this Ordinance shall mean the active operation and timely pursuit of agriculture as defined in this Ordinance, and aquaculture, on a farm, as defined in this Ordinance.

Feed Lot: A feed lot shall be determined to be any of the following facilities:

- A. Any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail;
- B. Any structure, pen or corral wherein relatively large numbers of cattle, horses, sheep, goats, and swine are maintained in very close quarters and where it can be reasonably presumed that the keeping of said livestock in such conditions would create conditions and characteristics which could not be contained within the limits of the property and which would constitute a nuisance to other property owners and persons within the immediate vicinity.

Fence: The term "fence" shall include a barrier constructed, planted, or otherwise erected by employing processed wood, chain link, masonry, wrought iron, or resin based materials, decorative hedge, ornamental tree row, or other similar materials or plantings, or any combination of, for purposes of enclosing property and/or specific areas within property boundaries.

Flood Plain: Is deemed to mean that area of land adjoining the Pine River, it's tributaries and other natural water courses within the township which are subject to seasonal or periodic flooding as established by the

profiles in the report of the Soil Survey of St. Clair County, Michigan as issued May 1974, or flood maps prepared in conjunction with the National Flood Insurance Program.

Floor Area, Gross (GFA): See “Gross Floor Area.”

Floor Area, Useable (UFA): See “Useable Floor Area.”

Foster or Other Care Homes: “Any installation, building or structure other than a hospital, having as it’s primary function the rendering of nursing care or supervision for extended periods of time to children, the elderly, or persons afflicted with illness, injury or infirmity inclusive of facilities for special treatment of various kinds of medical problems – mental retardation, various psychiatric problems, contagious disease, alcoholic difficulties, drug addiction, and various other diseases. Any installation, building or structure occupied or so designed with sleeping rooms where persons unrelated to a resident family by blood or legal adoption are residing or lodged for purposes of supervision, care or education.”

Frontage: That portion of any property abutting a private or public street; a corner lot and a through lot have frontage on both abutting private or public streets.

Garage, Private: A private garage is an accessory structure situated on the same lot as the principal building primarily for the storage of private passenger motor vehicles, or for the private non-commercial use solely of the owner or occupants of the principal building with no provision for repairing or servicing such vehicles for profit.

Garage, Repair: Any building or structure used for the commercial storage or care and maintenance of motor driven vehicles or where such vehicles are equipped for operation. The term includes any building or structure where along with the normal activities of an automobile service station, any and all vehicular repair activities are carried out on a commercial basis.

General Common Elements: This means the common elements other than the limited common elements listed in the Condominium ordinance.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building. Buildings located on water shall use the level set by nearest “base flood” elevation as described on the Flood Insurance Rate Map as the grade.

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

Gross Floor Area (GFA): Is the sum of the horizontal areas of each story of the dwelling unit and shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, common halls and stairways in two-family or multiple-family structures and enclosed and unenclosed porches.

Health Authority: The authority and his designated agents, being full-time administrative officers of an approved Township, county or district board or department of health, delegated this authority by the state.

Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

Hospital: An institution providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities, e.g., laboratories, out-patient department, training facilities, central services and emergency facilities, staff offices which are an integral part of the facilities and staff dormitories or other on-site staff living accommodations.

Hotel: An establishment where transient lodging is provided for compensation other than in dwelling units a defined herein. Unless otherwise specified by district regulations, hotels may serve meals to both occupants

and others. For purposes of this Ordinance, the term "hotel" shall be construed to include motel, motor court, auto court, tourist court, motor lodge, and similar facilities.

Junk Yards: A discernable open area or tract of land where waste or scrap materials are brought or sold, collected, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile salvage or wrecking yards and includes any discernable outdoor area for storage, keeping or abandonment of junk.

Kennel, Commercial: Any lot or premises on which four (4) or more dogs, cats, other fur-bearing animals which are expressly boarded or bred for remuneration or kept for purchase or sale.

Landing Field, Personal Use: Any location, either on land or water, which shall be used for the landing or take-off of aircraft with safety, solely for the personal use of the owner of the property, and which is not equipped with commercial facilities for the shelter, supply or repair of aircraft.

Landscaping: The treatment of the ground surface with live or synthetic materials such as, but not limited to, grass, ground cover, crushed stone, trees, shrubs, vines, and other growing or synthetic horticultural material. Structural features such as fountains, shadow pools, statues, garden walls, pathways, benches and the like shall also be considered elements of landscaping but such structural features alone shall not meet the spirit and intent of landscaping requirements.

License: In the context of the provisions of Michigan Public Act 419 of 1976, as amended, means a written license issued by the Mobile Home Commission, allowing a person to operate and maintain a mobile home park.

Limited Common Elements: means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners of a condominium development.

Livestock: Means those species of air breathing animals, fish and other water breathing marine animals, bred and raised for human food and fiber, or those species of animals used for service to humans. Livestock includes, but is not necessarily limited to, bovine including bison, camelids (new world), cervids (privately owned), equine, fish and related water breathing animals, goats, poultry, rabbits, ratites such as Ostriches, sheep, and swine, but not including dogs and cats.

Loading Space: A hard surfaced or chemically treated off-street space on the same lot with a building or group of buildings, for the temporary parking of commercial vehicles while loading or unloading materials or merchandise.

Lot: A portion or parcel of land considered as a unit for building (development) purposes. Any parcel or tract of land occupied, or intended to be occupied by a main building, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance. A lot shall have frontage upon a private or public street or officially approved thoroughfare, and may consist of:

- A. A single lot.
- B. A portion of a lot of record.
- C. A combination of complete lots of record or portions of lots of record.
- D. A parcel or tract of land described by metes and bounds.
- E. A lot may or may not be specifically designated as such on public record.

Lot Area: The total horizontal or surface area within the defined lot lines of a lot and, as a unit of measure, commonly expressed in square feet.

Lot, Corner: A lot with at least two (2) adjacent sides facing a private or public street or officially approved thoroughfare.

Lot Coverage: That surface area or portion of a lot occupied by buildings or structures, inclusive of accessory buildings and structures and, as a unit of measure, determined by dividing the ground floor area of all buildings and structures on a lot by the lot area.

Lot Interior: A lot other than a corner lot or through lot as defined herein. (Refer to sketch)
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Lot Lines: The lines defining the limits of a lot as defined herein:

Lot Line, Front: In the case of an interior lot, is that line separating said lot from the public right-of-way (street), private road or other officially approved thoroughfare. In the case of a corner lot, are those lines separating said lot from the public right-of-way (street), private road or other officially approved thoroughfare.

Lot Line, Rear: That farthest lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10') feet long, lying farthest from the front lot line and wholly within the lot.

Lot Line, Side: Any lot line other than the front lot line or rear lot line as defined herein. A side lot line separating a lot from another lot or lots, is an interior side lot line.

Lot of Record: A parcel of land, the dimensions of which are shown on a recorded plat (subdivision) on file with the County Register of Deeds, at the time of inception of this Ordinance, or in common use by Township or County officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

Lot, Through: Any interior lot having frontage on two (2) more or less parallel public or private streets or officially approved thoroughfares and distinguishable from a corner lot. (Refer to sketch for example.)

Lot, Waterfront: A lot which abuts, adjoins, or is contiguous to a private or public body of water or live stream.

Lot Width: Shall be the minimum required horizontal distance between the side lot lines, measured between the two points where the minimum required set back line intersects the side lot line.

Lots Having River Frontage: Those residential lots and/or parcels having river frontage and abutting a public thoroughfare shall maintain the yard on the river as an open, unobscured yard, except that a covered and/or uncovered boat well shall be permitted subject to the provisions of the ordinance regarding Waterfront Lots.

Main Use: The principal use to which the premises are devoted and the principal purpose for which the premises exist.

Major Road: Any public street intended to serve both the immediate area and region beyond with an existing or proposed right-of-way of at least sixty six (66') feet.

Major Thoroughfare: Any public street which is intended to serve as a large volume trafficway for both the immediate area and region beyond and with an existing or proposed right-of-way of one hundred and twenty (120') feet or more, equivalent term to identify those streets comprising the basic structure of the Township's Thoroughfare Plan.

Manufactured Housing: For the purpose of this Ordinance manufactured housing shall be subject to the same provisions as conventional (on-site "stick-built") housing and shall be permitted as a use wherever conventional housing is permitted so long as it conforms to the provisions of the Township Building Code. Manufactured housing shall include modular pre-fabricated units, units constructed using pre-fabricated panels, and other such factory built systems or sub-systems, except that manufactured housing shall not include housing units such as, but not limited to: mobile homes, trailer coaches, or recreational vehicles which do not conform to the Township Building Code irregardless of the fact that they may conform to other government specifications or codes. For example, mobile homes (most of which would not meet the Township Building Code even though they may meet Federal or State standards relative to mobile homes) would not be permitted in all zoning districts permitting single-family dwellings unless expressly stated as a permitted or special approval use.

Marginal Access Street: A service street or roadway parallel to a major thoroughfare or arterial street and which provides access to abutting properties and protection from through traffic.

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

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

Mezzanine: An intermediate level between the floor and ceiling of any story, and covering not more than thirty-three (33%) percent of the floor area of the room in which it is located.

Mobile Home Development: A parcel of land under single ownership which has been planned and improved for the placement of a mobile home for non-transient use, for the exclusive use of the owner, with other similar parcels of land in the adjoining properties.

Mobile Homes: Means a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. "Mobile Home" does not include a recreational vehicle.

Mobile Home Lot or Site: A parcel of land for the placement of a single mobile home and the exclusive use of its occupants within a licensed mobile home park, in a condominium or subdivision project or development.

Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Mobile Home Stand: That part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.

Motel: See definition of "Hotel."

Municipality: The Township of St. Clair.

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.

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

Nonconforming Characteristics of Use: Any ancillary characteristic of use or distinctive trait of a district such as, but not limited to, minimum off-street parking and loading requirements, access to site, minimum landscaping requirements or screening requirements, which are lawfully inadequate or totally lacking at the effective date of this Ordinance, or amendments thereto, and does not conform to the present characteristic of use prescribed by this Ordinance.

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

Nursery Schools, Day Care Centers: "A facility, other than a private residence, receiving more than twelve (12) preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardian are not immediately available to the child. The definition includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. The definition does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.”

Off Street Parking Lot: A discernable tract of land other than a street, designed and used exclusively for the limited standing or placement (parking) of three or more motor vehicles specifically in use to transport people, goods or material in the conduct of normal daily activities. An off-street parking lot provides vehicular parking spaces along with adequate drives and aisles for maneuvering, and entrances and exits giving access thereto.

Outlot: The remaining unplatted portion of a partially platted parcel of land.

Parking Space: An area of definite length and width required for parking a motor vehicle.

Ponds: Any soil excavation, digging, or grading, resulting in a substantial accumulation or ponding of surface water or pumped water.

Practical Difficulty: One of the prerequisites, which determined to exist in fact, prior to the granting of a variance from the strict letter or literal interpretation of the provisions of this Ordinance. Generally, the term implies that a specific property, building or structure cannot reasonably or, as a practical matter, be used for a permitted use without coming into conflict with certain of the restrictions of the Ordinance, such as but not limited to, set back and area restrictions or those affecting bulk or density.

Private Road: A thoroughfare other than a street as defined herein which affords a private means of access to abutting property. The term includes any such thoroughfare where maintenance and responsibility is provided by other than the public at large.

Public Utility: Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State, or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. A Public Utility shall not include cellular telephone facilities including cellular telephone transmitting towers or commercial broadcast television and radio facilities.

Screening Device: Any fences, walls, buffer strips or other barrier that divides or conceals one use from another for physical or visual purposes.

Setback: The horizontal distance required for structures to be set back from property lines to obtain the minimum front, side and rear open space requirements of this Ordinance. The term “setback” is synonymous with the term “building line”. (Refer to sketch for example.)

Sign: A name, identification, image, description, display, figures or illustration which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and materials without lettering placed behind a store window are not signs or parts of signs.

Site Condominium: For the purposes 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 provisions of this Ordinance, containing two (2) 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. Except as otherwise specifically provided, a condominium unit is not a “lot” or “parcel” as those terms are used in this Ordinance.”

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.

Special Exception: A special exception is an exclusion from a general rule which is provided for by the terms of this Ordinance. The most common special exception generally cited is the allowance for the height of a church steeple as distinguished from the general allowable height restrictions of buildings in an otherwise low-profile single-family residential zoning district.

Special Use Approval: The granting of a use not principally permitted in an area, its installation and operation being subject to extra standards and conditions to ensure compatibility with the area and adjacent uses.

Staging Area: An area designated for the storage of compost material in various stages of treatment.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is not floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50%) percent, by cubic content, is below the height level of the adjoining ground. (Refer to sketch for example.)

Story, Basement: See "Basement." (Refer to sketch for example.)

Story, Half: The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least two hundred (200) square feet with a clean height of at least seven feet six inches (7 ft 6 inches).

Street: A public thoroughfare, other than an alley, which affords the principal means of access to abutting property. Access to property by means of private drive, private roadways, or other vehicular access ways (such as private drives in multiple-family developments) and where maintenance is provided by other than the public-at-large shall not be considered as streets under this definition. (See definition of "Private Road.") Except that, in the case of a "site condominium," as defined and as regulated by this Ordinance, the principal means of access to abutting "units of ownership" shall be considered a street, provided it is constructed and maintained to meet the same standard for public streets within the Township, as established by the St. Clair County Road Commission or by the Township, whichever standard shall be higher. Said streets within a "site condominium" may be dedicated to the public or owned and maintained by the association of co-owners."

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

Temporary Buildings and Uses: The Zoning Board may permit temporary buildings and uses for period not to exceed ninety (90) days.

Tipping: The dumping or depositing of compostable material within a compost yard.

Trailer Court, Campground: Any parcel or tract of land upon which two (2) or more travel trailers, truck campers, tents or other similar portable units are placed, regardless of whether a charge is made thereof. The term also includes any building, structure, enclosure, driveway, equipment or facility used or designed and intended for use incident to temporary living purposes in connection with the recreational pursuits or mode of travel of the general public.

Usable Floor Area (UFA): For the expressed purpose of computing parking requirements, usable floor area is the gross horizontal floor areas of all the floors of a building or structure and of all accessory buildings measured from the interior face of the exterior walls and which may be made usable for human habitation but excludes the horizontal floor area of heater rooms, mechanical equipment rooms, unfinished attics, unenclosed porches, light and ventilation shafts, public corridors, public stair wells, and public toilets. (Refer to sketch for example.)

Use, Change of: A modification or deviation from the original purpose, occupancy, utilization or classification of a building, structure or parcel or tract of land. The term is inclusive of:

- A. A discernible increase in the intensity of use which by Ordinance imposes more restrictive parking requirements or other more restrictive characteristics of use or
- B. An alteration by change of use in a building heretofore existing to a new use group, as defined in the Township's Building Code, which imposes other special provisions of law governing building construction, equipment or means of egress.

Use, Increase in the Intensity of: A discernible increase in the level or volume of activity generated by a change in use or an increase in floor area or an increase in land area configurations.

Unnecessary Hardship: One of the requisites, which must be determined to exist in fact, prior to the granting of a variance from the strict letter or literal interpretation of the provisions of this Ordinance. Generally, the term refers to a change in use and implies that the land or building in question cannot yield a reasonable return if used only for a purpose allowed in that zone.

Variance: A modification or deviation from the strict letter or literal interpretation of the provisions of the zoning Ordinance. A variance can be granted only with respect to particular property as to which either practical difficulty or unnecessary hardship is found to exist.

Windrows: A long row of compost material left to dry naturally in the wind.

Woodlot: Shall mean a parcel of land or contiguous parcels of land comprising two (2) or more acres, fifty (50) percent of which is covered by tree canopy from one or more groups of trees which have a natural understory which the remainder of the parcel or parcels that is not under or within the tree canopy is covered with other natural vegetation or land area of no minimum or maximum acreage limitation, which demonstrates high environmental value due to unusual topography, diversity of habitat, unique visual beauty, rare plant species or unusually large trees.

Yard: An open, unoccupied and unobstructed space, extending from the ground (grade) upward, other than a court as defined herein, on the same lot with a building or group of buildings or structures. (Refer to sketch for example.)

Yard, Front: An open, unoccupied and unobstructed space extending the full width of a lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest exterior face of a building. (Refer to sketch for example.)

Yard, Rear: An open, unoccupied and unobstructed space extending the full width of a lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest exterior face of building. (Refer to sketch for example.)

Yard, Side: An open, unoccupied and unobstructed space extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and the nearest exterior face of a building. (Refer to sketch for example.)

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.

Zone: A section of the Township for which the regulations governing the height, area, use, structure or size of buildings are the same.

Zoning Administrator: The Zoning Administrator shall be designated by the Township Board. When used in the context of enforcement of this ordinance the term may be interpreted to include a code enforcement officer, a building official or other designated officials of the Township.

ARTICLE 3**ADMINISTRATION AND ENFORCEMENT****Section 3.1. Enforcement.**

The provisions of this Ordinance shall be administered and enforced by the zoning administrator and any of his aides or assigns responsible for enforcing the provisions of this Ordinance.

- 3.1.1. **VIOLATIONS:** All violations of this ordinance shall be civil infractions, and upon conviction thereof, shall be punishable by a fine of not less than Fifty (\$50.00) Dollars and not more than Five Hundred (\$500.00) Dollars. In addition, all violators shall be responsible for costs which may include all direct or indirect expenses to which the Township has been placed in connection with the violation. These costs shall not exceed Five Hundred (\$500.00) Dollars.
1. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance.
 2. The foregoing penalties shall not prohibit the Township from seeking other appropriate relief as may be provided by law.
 3. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
 4. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- 3.1.2. **PUBLIC NUISANCE, PER SE:** Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
- 3.1.3. **FINES, IMPRISONMENT:** The owner of any building, structure, or premises or part thereof, where any condition in violation of this Ordinance shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
- 3.1.4. **RIGHTS AND REMEDIES:** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- 3.1.5. **GENERAL RESPONSIBILITY:** The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the Ordinance and said Board is hereby empowered to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of St. Clair County, Michigan, or any other court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such non-compliance or violation. And it is further provided that any person aggrieved or adversely affected by such a non-compliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

Section 3.2. Duties of Zoning Administrator.

The zoning administrator shall have the power to grant permits for zoning or building compliance, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

- 3.2.1. **PLANS REQUIRED.** It shall be unlawful for the zoning administrator to approve any plans or issue a zoning or building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the zoning administrator shall require that every application for a zoning or building compliance permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy be accompanied by written statements and plans or plats drawn to scale, in duplicate and showing the following in sufficient detail to enable the zoning administrator to ascertain whether the proposed work or use is in conformance with this Ordinance.
- A. The actual shape, location, and dimensions of the lot.
 - B. The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any buildings or other structures already on the lot.
 - C. The existing and intended use of the lot and of all such structures upon it, including, in the residential areas, the number of dwelling units the building is intended to accommodate.
 - D. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
- 3.2.2. **REVIEW.** If the proposed excavation, construction, moving, or alteration, or use of land, as set forth in the application are in conformity with the provisions of this Ordinance, the zoning administrator shall issue a zoning or building compliance permit. If any application for such permit is not approved, the zoning administrator shall state in writing on the application, the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance. No alteration of approved plans are allowed without the written consent of the zoning administrator.
- 3.2.3. **LIMITATIONS.** The zoning administrator is under no circumstance permitted to grant exceptions to the actual meaning of any clause, order or regulation, contained in this Ordinance to any person making application to excavate, construct, move, alter, or use either buildings, structures or land within the Township. The zoning administrator is under no circumstance permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as zoning administrator.
- 3.2.4. **RECORDS.** The zoning administrator shall record all non-conforming uses existing at the effective date of this Ordinance within six (6) months after the adoption of this Ordinance for the purpose of carrying out the provisions of the Ordinance

Section 3.3. Permits.

The following shall apply in the issuance of any permit:

- 3.3.1. **PERMITS REQUIRED.** It shall be unlawful for any person to commence excavation for, or construction of any building or structure, or moving of an existing building without first obtaining a zoning and building permit from the zoning administrator. No permit shall be issued for the construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance, showing that the construction proposed is in compliance with the provisions of this Ordinance and with the building code.

No plumbing, electrical, mechanical, drainage, or other permit shall be issued until the zoning administrator has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this Ordinance.

"Alteration" or "repair" of an existing building or structure shall include any changes in structural members, stairways, basic construction, type, kind or class of occupancy, light or ventilation, means of egress and ingress or any other changes affecting or regulated by the building code or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.

- 3.3.2. PERMITS FOR NEW USE OF LAND. A zoning permit shall also be obtained for the new use of land, whether presently vacant or a change in land use is proposed.
- 3.3.3. PERMITS FOR NEW USE OF BUILDING OR STRUCTURES. A zoning permit shall also be obtained for any change in use of an existing building or structure to a different class or type.
- 3.3.4. FINAL INSPECTION. The holder of every permit shall notify the Zoning Administrator immediately upon the completion of the work authorized by such permit for a final inspection. The signature of the zoning administrator is required, as is the Building Inspector.

Section 3.4. Certificates of Occupancy.

It shall be unlawful to use or permit the use of any land, building, or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the zoning administrator shall have issued a certificate of occupancy stating that the provisions of this Ordinance have been complied with.

- 3.4.1. APPLICATION FOR CERTIFICATES. Certificates of occupancy shall be applied for in writing to the zoning administrator on forms provided by the zoning administrator, and shall be issued within ten (10) days after the receipt of such application, if it is found that the building or structure or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and the cause thereof within the aforesaid ten-day period.
- 3.4.2. CERTIFICATE FOR NEW USE. No land, building, structure, or part thereof shall be changed to, or occupied by, a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- 3.4.3. CERTIFICATE VALIDITY. No certificate of occupancy shall be issued for any building, structure or part thereof, or for the use of any land which is not in accordance with all the provisions of this Ordinance. The certificate of occupancy as required for new construction of, or renovations to existing buildings and structures, in the building code, shall also constitute certificates of occupancy as required by this Ordinance.
- 3.4.4. TEMPORARY CERTIFICATES. Temporary certificates of occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such temporary certificate of occupancy shall not remain in force more than six (6) months, nor more than five (5) days after the building or structure is fully completed and ready for occupancy and, provided further, that such portions of the building or structure are in conformity with the provisions of this Ordinance.
- 3.4.5. CERTIFICATES FOR ACCESSORY BUILDINGS TO DWELLINGS. Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but rather may be included in the certificate of occupancy for the principal dwelling, building, or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.

- 3.4.6. **CERTIFICATES FOR EXISTING BUILDING.** Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if after inspection it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
- 3.4.7. **CERTIFICATES FOR NON-CONFORMING BUILDINGS AND USES.** All certificates for such uses shall be dealt with as described in the Ordinance regarding non conforming lots, uses and structures.
- 3.4.8. **BONDS.** If for any reason a full or temporary Certificate of Occupancy is requested or required to be issued, prior to the completion of all items covered by any permit issued by the Township, a performance guarantee in the form of cash, certified check or a letter of credit, must be submitted as a bond to ensure the faithful completion of all items covered by the permit. The amount will be set by resolution of the Township Board from time to time as necessary or requested. The amount, required to be deposited, may not be less than 110% of the costs that would be needed to complete the items listed on the Certificate as the condition for issuance. These guarantees may be used as necessary and as regulated in further detail in the Zoning Ordinance under "PERFORMANCE GUARANTEES."

Section 3.5. Performance Guarantees.

A performance guarantee shall be required to be deposited with the Township at the time of the issuance of the permit authorizing a project, or subsequently as permitted by the issuance of a Temporary Certificate of Occupancy, to ensure faithful completion of the required improvements. As used in this section, "improvements" means those features and actions associated with a project which are considered necessary by the Township 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, including roadways, lighting, utilities, sidewalks, screening and drainage. "Improvements" does not include the entire project.

- 3.5.1. **SURETY.** Any required surety shall be submitted in the form of a cash deposit, certified check, irrevocable letter of credit, or surety bond as determined by resolution of the Township Board.
- 3.5.2. **AMOUNT.** To insure compliance with the St. Clair Township Zoning Ordinance and any condition imposed by it, a cash deposit, certified check, letter of credit or surety bond equal to 110 percent of the site improvement costs may be required to insure faithful completion of the improvements. The estimate of the actual costs for such improvements shall be determined by the Zoning Administrator, in consultation with nationally published cost valuation and/or the Township Engineer as necessary.
- 3.5.3. **REBATE.** The Township shall rebate to the applicant, as the work progresses, amounts of such deposit equal to the ratio of work satisfactorily completed to the entire project. Such rebates shall be based on the report and recommendation of the Zoning Administrator.
- 3.5.4. **FORFEITURE.** If any portion of the required improvements is not completed or does not meet construction standards within the allocated time period, the Township shall declare whatever security has been pledged as forfeit. Where the Township is not already in possession of said guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the Township shall use them, or receipts from their sale if that be necessary, to finance the completion of contracted improvements or the rebuilding of such improvements to the proper specifications. The Township may also use these guarantees for any and all legal fees associated in pursuing the completion of the necessary improvements in a court of law. All expenditures, will be considered non-refundable unless determined differently by a court of law. Unused portions of these securities shall be returned to the owner, developer, bonding company, or crediting institution, as is appropriate.

- 3.5.5. **EXTENSION.** Any action or inaction by St. Clair Township in respect to any required improvement shall not serve to extend the time of validity of any Temporary Certificate of Occupancy or excuse any violation of this Ordinance. A Temporary Certificate of Occupancy may, however, be extended in time, and from time to time, for good cause, upon receipt of a request, submitted in writing, prior to the expiration date of the current Temporary Certificate of Occupancy.

Section 3.6. Zoning Amendments.

The Township Board may, from time to time, amend this Ordinance by changing or supplementing, the text, the district map, the districts on said map or the boundaries of such districts, district regulations, zoning of a particular parcel, or other provisions of this Ordinance. An amendment may be initiated by the Township Boards or Commissions, by an interested party or their agent.

- 3.6.1 **APPLICATION.** Upon the receipt of a request for a zoning amendment, by an interested party or their agent, the request shall be accompanied by an application and fee in an amount established by resolution of the Township Board. Sufficient time must be allowed for proper public hearing notification and publication prior to the next regularly scheduled meeting. When a request for rezoning is received by an interested party or their agent the information required to be provided by the applicant shall include the following:

- A. Name, address and signature of the applicant and the owner of the proposed property for rezoning.
- B. All existing street addresses of the land proposed for rezoning or the parcel number or other common form of identification, where a street address is not available.
- C. Legal description of the land proposed to be rezoned.
- D. Present and requested zoning classification of land proposed to be rezoned.

- 3.6.2. **PUBLIC HEARING AND NOTICE.** Following the acceptance of an application by the Township or the initiation of changes by the Township, a Public Hearing shall be held by the Planning Commission, with public notification given as follows:

- A. **Publication.** The Township shall publish a Notice of Public Hearing in a newspaper of general circulation in the local unit of government not less than 15 days before the date of the public hearing. The Notice of Public Hearing shall include the following information:
 1. Describe the nature of the request, including the present and requested zoning classification of any land proposed for rezoning or the proposed Zoning Ordinance amendments, additions or deletions.
 2. The street address of all properties that are the subject of the request or the parcel number or other common form of identification, where a street number is not available.
Note: If 11 or more adjacent properties are proposed for rezoning, no individual addresses of properties or specific individual property identification are required to be listed in the notification.
 3. State when and where the public hearing for the rezoning request will be held.
 4. State when and where written comments will be received concerning the request.
 5. State time and places the zoning ordinance, map and the future land use plan may be examined.
- B. **Mail Notice.** For rezoning requests, the public notification shall also include Notice of Public Hearing to be sent by regular first class mail or personally delivered, not less than 15 days before the date of the public hearing, containing the information required for publication, to the following as listed:
 1. To each electric/gas/pipeline public utility company, telecommunication service provider and railroad operation within the affected zoning district and the manager of each airport within the Township, provided the designated entity has registered their name and address with the Clerk for the purpose of receiving zoning public hearing notices.
 2. To the applicant and the owner of the property requested for rezoning.

3. To all owners of property for which approval is being considered and to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property proposed for rezoning, regardless of whether the property or occupant is located in the zoning jurisdiction. If there are no street addresses other means of identification may be used.

Note: This applies to individual property and up to 10 or fewer adjacent properties that are the subject of the request. If 11 or more adjacent properties are proposed for rezoning, no individual addresses of properties or specific individual property identification is required to be listed or notified.

- C. Posted Notice. If the public hearing is not taking place on the regular meeting date, notice shall be posted at the township hall a minimum of 18 hours prior to the public hearing.
- D. File Affidavits. An affidavit of mailing shall also be maintained.

3.6.3. REFERRAL. Following the public hearing, the Planning Commission shall submit the information listed below to the respective boards as follows:

- A. All proposed property zoning changes and zoning ordinance changes, including any zoning maps shall be submitted to the County Planning Commission for review and recommendation. The review may be waived by the County or shall be assumed waived, should a recommendation not be received by the Township within 30 days after receipt of the information by the County.
- B. Following receipt of the County Planning Commission report or waiver thereof, a report shall be submitted to the Township Board including the following information:
 1. A summary of comments received at the public hearing.
 2. Copies of the proposed zoning change, plan and/or text.
 3. The recommendation of the township Planning Commission regarding the proposed zoning change, plan and/or text.

3.6.4. TOWNSHIP BOARD. After a hearing at a regular meeting or at a special meeting called for that purpose the Township Board shall proceed as follows:

- A. The Board shall consider the County and Township Planning Commission recommendations and shall:
 1. Disapprove the proposed ordinance or zoning change or;
 2. Approve the proposed ordinance or zoning change, with or without permissible changes or;
 3. Refer the proposed ordinance or zoning change back to the Planning Commission for further consideration and comment within a time stated by the Township Board.
- B. The Board may hold an additional public hearing at their own initiative, or upon the receipt of a request of a property owner, addressed to the Township Clerk by certified mail. The Board shall hold the public hearing, in compliance with the requirements listed in this ordinance for Public Hearing and Notice and proceed in compliance with the actions listed above.

3.6.5. ADOPTION. Approval of any proposed ordinance or zoning change shall take place only by majority of township board members by roll call vote. Subsequent to approval, the following actions are to take place:

- A. File the ordinance or zoning change with the Township Clerk in such a manner as to allow for a notice of ordinance adoption to be published within 15 days after adoption.
- B. The notice is to be published in a newspaper, of general circulation in the township, within 15 days after adoption and shall contain either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- C. An affidavit of publication from the newspaper shall be kept in the Township public records.

- D. A copy of the notice of adoption of the ordinance shall be mailed to each designated entity that have registered their name and address with the Clerk for the purpose of receiving zoning public hearing notices.
- E. A copy of the ordinance is to be placed on record within one week after the publication of the notice of ordinance adoption. It shall be kept on hand and available for inspection and/or purchase during regular business hours.
- F. The ordinance shall be certified by the Township clerk, recording the date of adoption of the ordinance, names of members voting thereon, how each member voted, the date of publication and name of the newspaper in which the ordinance was published, the date of filing with the County and date of mailing notice of ordinance adoption to public entities registered with the Clerk for the purpose of receiving zoning public hearing notices.
- G. Copies of all changes to the zoning map or ordinance pages are to be distributed to members of the Township Board, Planning Commission, Zoning Board of Appeals members and other appropriate Township officials.
- H. The Zoning Ordinance shall take effect upon expiration of 7 days after publication as required by this section or at such later date after publication as may be specified by the Township Board.

Exception: Within 7 days after publication of a zoning ordinance as specified above, a registered elector, residing in the Township may file with the Clerk a notice of intent to file a petition as specified in the laws of the State of Michigan regulating zoning. The elector shall then have 30 days from the date of publication to file a petition and have the clerk determine invalidity or validity of the petition. Should the petition be found to be valid, the ordinance shall be subject to the approval of the voters, as regulated further by the laws of the State of Michigan regulating elections.

Section 3.7. Fees

The Township Board shall, by resolution, determine and set the fees to be charged for all permits, certificates and copies thereof, fees for appeals to the Board of Appeals, fees for application to the Planning Commission for special approval uses or site plan review, fees for rezoning applications, and fees for all other applications and services provided for in this Ordinance.

Section 3.8. Records

A complete record and copy of each application for each certificate or permit, and each permit or certificate issued pursuant to the provisions of this Ordinance, shall be filed with the Township Clerk and be a part of the Township records.

ARTICLE 4

ZONING DISTRICT REGULATIONS

Section 4.1. Districts Established.

For the purpose of this Ordinance, St. Clair Township is hereby divided into the following districts:

RU	Rural District
RS-1	Suburban Residential District-One (low density)
RS-2	Suburban Residential District-Two (medium density)
RM	Multiple-Family Residential District
MH	Mobile Home District
PUD	Planned Unit Development
CR	Commercial Recreation District
B-1	Neighborhood Business District
B-2	General Business District
I-L	Light Industrial District
I-H	Heavy Industrial District

Section 4.2. Zoning District Map.

- 4.2.1. IDENTIFIED. The zoning districts as provided in Section 4.1 are bounded and defined as shown on the map entitled "Zoning District Map of St. Clair Township." The Zoning District Map, is to bear the signature of the Township Supervisor, along with all notations, references, and other explanatory information, and shall be made a part of this Ordinance.
- 4.2.2. AUTHORITY. A true and current copy of the Zoning District Map, shall be located in and maintained by the office of the Clerk and the Township Supervisor. These copies shall be the final authority as to the current zoning status of any land, parcel, lot, District, use, building, or structure in the Township.
- 4.2.3. DISTRICT BOUNDARY CHANGES. All changes to the Zoning District Map are to be made in accordance with the provisions of this Ordinance and after approval of the Township Board together with an entry on the official map of the date of the action and the reference number of the Board's proceedings. Whenever any street, alley, public right-of way or portion shall be vacated, it shall automatically be classified in the same zoning District as the property to which it abuts.
- 4.2.4. INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists with respect to the boundaries of any of the districts indicated on the Zoning District Map, the following rules shall apply:
 - A. The boundaries of the District are to follow lot lines, the center lines of a highway, alley, or easement, or the extension of that line.
 - B. A boundary indicated as approximately following a municipal boundary line of a city, village, or township shall be construed as following that line.
 - C. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.
 - D. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made.
 - E. The boundary indicated as following the centerline of a stream or river, canal, lake or other body of water shall be construed as following such centerline.

- F. Where there is any uncertainty, contradiction or conflict as to the location of any District, boundary lines shall be interpreted upon written application to the Zoning Board of Appeals, or by its own motion after recommendation of the Planning Commission.

Section 4.3. Application of District Regulations.

The regulations herein established within each zoning District shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structure, or uses throughout each District. The District regulations shall be applied in the following manner:

- 4.3.1. **CONFLICTING REGULATIONS.** Wherever the requirements of this Ordinance are at variance with the requirements of any other laws or ordinances, adopted rules, regulations or restrictions, the most restrictive or those imposing the higher standards shall govern.
- 4.3.2. **SCOPE.** No structure shall hereafter be erected, altered, moved, or maintained, nor shall any structure or land hereafter be used for any purpose other than is permitted in the District in which said structure or land is located, in compliance with the Schedule of District Regulations and other requirements of the ordinance, except by appeal as described by this Ordinance.
- A. **Permitted Uses.** Uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts or if determined to be similar to such listed uses by the Planning Commission. All other uses are prohibited.
- B. **Special Approval Uses.** Special approval uses are permitted as listed, or if determined to be similar to the listed special approval uses, by the Planning Commission.
- C. **Accessory Uses and Buildings.** Accessory uses are permitted only as defined and further regulated by this Ordinance.
- 4.3.3. **LIMITATIONS.** No building shall hereafter be erected or altered except by appeal as herein described by this Ordinance, to:
- A. Exceed the height limit specified for the District in which such building is located.
- B. Occupy a greater percentage of lot area than is specified for the District in which such building is located.
- C. Intrude upon the required front, rear, or side yards, as specified for the District in which such building is located.
- D. Accommodate or house a greater number of families than is specified for the District in which such building is located.
- E. Provide less living space per dwelling unit than is specified for the District in which such building is located.
- 4.3.4. **LOTS, YARDS AND OPEN SPACE.** No part of a yard or other open space required for any building by this Ordinance shall be, by change of ownership or otherwise, included as a part of a yard or other open space similarly required for another building.
- 4.3.5. **LOT LIMITATIONS.** Every building erected, altered, or moved shall be located on a lot of record as defined herein, and except in the case of approved multiple dwelling, commercial, and industrial developments, there shall be no more than (1) principal building and its permitted accessory structures located on each lot in any District.
- 4.3.6. **VACATED PROPERTY.** Whenever any street, alley or other public way shall have been vacated, by official governmental action, such property shall automatically be subjected to the same zoning regulations as the property to which it attaches.

- 4.3.7. **RIGHT OF WAYS.** All streets and railroad right-of-ways, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting it, up to the center line. Railroad right -of-ways shall be permitted in all districts, provided that related uses shall be permitted only when adjacent to non-residential districts.
- 4.3.8. **OIL AND GAS WELLS.** As provided in Act No. 184 of the Public Acts of 1943, as amended, the application of this Ordinance does not apply to the drilling, completion or operation of oil and gas wells, or other wells drilled for oil or gas exploration purposes and shall not apply to the issuance of permits for the location, drilling, completion, operation or abandonment of such wells.
- 4.3.9. **FRONTAGE.** Every dwelling or principle building shall be located on a lot which shall front upon a public or private road as defined by this Ordinance.

Section 4.4. Intent of Districts.

The intent and purpose of each District is set forth as follows:

- 4.4.1. **RU, RURAL DISTRICT**
The intent of this District is to provide and protect those areas which are best suited for agricultural and rural residential uses. Densities are to be kept low due to generally poor soil characteristics and the fact that public sewer, water and other services are not planned to be extended to these areas.
- 4.4.2. **RS-1, SUBURBAN RESIDENTIAL DISTRICT-ONE (LOW DENSITY)**
The Suburban Residential - One District (RS-1) is designed to provide residential areas principally for moderate suburban densities where necessary urban services and facilities, including central sewage and water supply systems, can be feasibly provided.
- 4.4.3. **RS-2, SUBURBAN RESIDENTIAL DISTRICT-TWO (MEDIUM DENSITY)**
The Suburban Residential - Two District (RS-2) is designed to provide residential areas principally for moderate suburban densities where necessary urban services and facilities, including central sewage and water supply systems, can be feasibly provided; and to provide appropriate locations for mobile homes on individually owned lots.
- 4.4.4. **RM, MULTIPLE-FAMILY RESIDENTIAL DISTRICT**
The Multiple - Family Residential District (RM) is designed to permit a higher density of population and a higher intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system. It is intended that this District will provide a zone of transition between more intensive uses of land such as major thoroughfares and/or business districts and the less intensive uses of land such as single-family residential.
- 4.4.5. **MH, MOBILE HOME DISTRICT**
It is the purpose of this District to provide for the development of mobile home sites, and mobile home parks, at appropriate locations in relation to the existing and potential development of their surroundings and in relation to other uses and community facilities to afford a proper setting for these uses and a proper relation to other land uses and the comprehensive development of the Township.
- 4.4.6. **PUD, PLANNED UNIT DEVELOPMENT**
The Planned Unit Development provision is intended to allow flexibility of design on relative large scale parcels which would not ordinarily be possible under conventional zoning ordinance regulations. It allows a mix of land uses based on an approved comprehensive plan on a single site, including a variety of housing types and compatible commercial facilities and both open space and indoor recreational uses. It should encourage the preservation of desirable natural features including wood lots, streams, flood plains, and major open spaces while achieving economics of design relating to vehicular and pedestrian circulation, utility extensions, dwelling unit siting, etc.

4.4.7. CR, COMMERCIAL RECREATION DISTRICT

The Commercial Recreation District is designed to encourage recreation uses of an outdoor nature that will take advantage of the land in its natural state, to encourage those large outdoor recreation uses that could not easily be provided in the already urbanized portions of the area and to enable the establishment of certain retail commercial and service uses directly connected with the recreational activities connected within the district.

4.4.8. B-1, NEIGHBORHOOD BUSINESS DISTRICT

The Neighborhood Business District (B-1) is designed to provide locations for business enterprises oriented to the day-to-day sale of convenience goods and personal service needs of persons residing in adjacent residential neighborhoods. Within this general context, the Neighborhood Business District (B-1) is designed to attract and promote the use of land for business enterprises having a relatively small service market area and located conveniently to adjacent residential neighborhoods.

The B-1 District is designed to exclude business enterprises or establishments which would tend to attract substantial vehicular traffic not originating or with no destination in the adjacent neighborhood or those establishments selling large and heavy products which involve substantial trucking, such as furniture and major electrical appliance stores. Due to the proximity to residential neighborhoods, the B-1 District is designed to exclude those business enterprises which tend to be highly nuisance generating particularly the various automotive services, together with automotive sales, building material yards, and other open storage yards.

Consistent with the goals and objectives of the Township's Comprehensive Development Plan, the B-1 District will generally be used as a transitional district between more intensive uses of land, such as major thoroughfares and other business districts, and less intensive uses of land such as office and residential. It will normally be located only on property which fronts on a major thoroughfare and collector streets.

4.4.9. B-2, GENERAL BUSINESS DISTRICT

The General Business District (B-2) is established as a district in which the principal use of land is establishments offering accommodations, supplies, or services to motorists and for diversified business types that tend to locate on or adjacent to high volume major thoroughfares for efficient operation and the need for convenient access to all parts of the community. The B-2 District will ordinarily be located along numbered state or federal highways or other designated, high volume major thoroughfares. Special development standards are incorporated in the district regulations in order to provide for orderly development and to minimize traffic hazards.

For the General Business District (B-2), in promoting the general purposes of this Ordinance, the specific intent of this section is:

1. To encourage the construction of, and the continued use of land for, commercial and service uses serving both local and long distance travelers.
2. To provide for orderly and, if possible, integrated development which concentrates such uses within the B-2 District as designated on the Zoning Map.
3. To provide appropriate space, and in particular sufficient depth from the street, to satisfy the needs of modern commercial development where access is entirely dependent on the automobile.
4. To encourage the development of the district with such use and in such manner as to minimize traffic conflicts or hazards and insure against the loss of community character by visual blight.

4.4.10. I-L, LIGHT INDUSTRIAL DISTRICT

The Light Industrial District (I-L) is designed primarily for industrial type land uses which could efficiently operate or function on small platted lots or in planned industrial parks.

It is the intent of this District to permit and encourage the use of land for a class of industrial uses that will:

1. Conserve the value of property.

2. Achieve optimum utilization of area devoted to these uses by the exclusion there from such incompatible uses as residential.
3. Provide primary employment for the labor supply that is resident in the Township and vicinity.
4. Yield a fair and reasonable share of municipal revenue, which is essential to provide adequate and efficient public facilities and services.
5. Reflect the objectives of the Comprehensive Development Plan to provide a harmonious relationship between such uses and uses in adjacent districts, especially those that are residential or commercial in character.

4.4.11. I-H, HEAVY INDUSTRIAL DISTRICT

The Heavy Industrial District (I -H) is designed primarily for manufacturing, assembling, and fabrication activities, including large scale or specialized industrial operations, that are not permitted in the Light Industrial District.

Section 4.5. Schedule of Use Regulations.

- **A.** The following principal uses are allowed in any District.
1. Accessory buildings and uses that are customarily incidental to any of the permitted principal uses when located on the same premises provided they do not exceed the restrictions listed elsewhere in the ordinance.
 2. Any use customarily incidental to the permitted principal use.
 3. The provision of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
 4. Essential services as defined in this Ordinance.
- B.** The Following Special Approval Uses are allowed in any District subject to special use approval and the standards listed for such uses.
1. Public Utility Buildings.
 2. Cemeteries.
 3. Gas or electric transmission lines

4.5.1. RU – RURAL DISTRICT

Permitted Uses

1. Single - family detached dwellings.
2. General and specialized farming and agricultural or nursery activities including the raising or growing and storage or preservation of crops, sod, livestock, poultry, rabbits, fur-bearing and other farm animals, feedlots, plants, trees, shrubs.
3. Sale of agricultural products raised or grown on the farm premises including roadside stands for such sales. This does not include the handling or sale of any other products or services such as gardening and landscaping items, seeds, fertilizer, related products or any other commodity not there grown.
4. Conservation and/or recreation areas like forest preserves, game refuges, nature reservations and similar areas of low intensity use.
5. Home occupations.
6. Public, parochial and private elementary (K-8) educational facilities
7. Open Space Preservation Option, as permitted and regulated in this Zoning Code.

Special Uses

1. All special uses permitted in the RS-1 District.
2. Nursery schools, day nurseries and child care centers (not including dormitories).
3. Public and private schools offering general or liberal curriculum rather than technical or vocational education.
4. Commercial picnic grounds, miniature golf courses, golf driving ranges, archery ranges or similar uses for physical and outdoor exercises.
5. Public, private or commercial stables containing three (3) or more horses; kennels and veterinary clinics.
6. Gun clubs, shooting and archery ranges.
7. Personal Use Aircraft Landing Fields.
8. Yard waste composting facilities.
9. Foster and other care homes for no more than 12 residents.
10. Cellular telephone and Commercial broadcast radio and television towers and equipment.
11. Quarries.
12. Condominium Subdivision.
13. Public, parochial and private educational facilities, operated for non-profit, provided that access shall be directly from a major or secondary thoroughfare.

4.5.2. RS-1 – SUBURBAN RESIDENTIAL DISTRICT – ONE (LOW DENSITY)

Permitted Uses

1. Single-family detached dwellings.
2. Agriculture on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat having an area of not less than five (5) acres. The raising of livestock shall be subject to the health and sanitary provisions of St. Clair County and the further restrictions of this ordinance under the definition of a farm.
3. Home occupations subject to the provisions listed elsewhere in the ordinance.
4. Public, parochial and private elementary (k-8) educational facilities.
5. Open Space Preservation Option in Non-Sewered districts, as permitted and regulated in this Zoning Code.

Special Uses

1. Churches and other facilities normally incidental thereto.
2. Government buildings and similar uses.
3. Golf courses.

4. Private non-commercial recreational areas; institutional, community or neighborhood recreation center; neighborhood association swimming pools.
5. Bed and breakfast accommodations.
6. Chickens, rabbits, small animals and other fowl as an accessory use.
7. Condominium Subdivision.
8. Public, parochial and private educational facilities, operated for non-profit, provided that access shall be directly from a major or secondary thoroughfare.
9. Government owned or operated buildings or uses.

4.5.3. RS-2 – SUBURBAN RESIDENTIAL DISTRICT-TWO (MEDIUM DENSITY)

Permitted Uses

1. All permitted uses in the RS-1 District.
2. Mobile homes on individually owned parcels of land when placed on permanent perimeter wall foundations extending below frost line, but not including mobile home parks.

Special Uses

1. All Special uses permitted in the RS-1 District.

4.5.4. RM – MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Permitted Uses

1. All permitted uses in the Suburban Residential-One District (RS-1).
2. Multiple and two-family dwellings.

Special Uses

1. An orphanage, foster home, or home for the aged, indigent or physically handicapped, a rest or convalescent home, for up to 30 residents.
2. Boarding and lodging houses.
3. Hospitals.
4. Condominium Subdivision.
5. Public, parochial and private educational facilities , operated for non-profit, provided that access shall be directly from a major or secondary thoroughfare.
6. Government owned or operated buildings or uses.

4.5.5. MH – MOBILE HOME DISTRICT

Permitted Uses

1. All uses permitted and as regulated in the RS-1 and RS-2 residential Districts.
2. Mobile Home Development.
3. Mobile Home Parks or Condominium Projects. All mobile home parks or condominium projects shall comply with the requirements of Act 419 of Michigan Public Acts of 1976, as amended and subject to the following regulations:
 - A. There shall be two (2) entrances or one (1) entrance and one (1) exit for motor vehicle traffic.
 - B. The park or project shall be located with direct access to a major thoroughfare.
 - C. All mobile homes located in a park or condominium project shall be skirted and shall have wheels removed within ninety (90) days after placement on a mobile home stand. The mobile home stand in order to provide an adequate foundation for the mobile home shall consist of either;
 1. The concrete pad beneath each mobile home shall be a minimum of four (4") inches thick, being twelve (12') feet in width and sixty (60') feet in length and in accordance with Public Act 419 of 1976, which allows this to be varied, or
 2. If concrete pillars are used, they shall be sixteen (16") inches in diameter, forty-two (42") inches in depth, and spaced along the length of the mobile home in accordance with Public Act 419 of 1976, which allows this to be varied.
 - D. Environmental, Recreation and Open Space.
 1. General requirement - condition of soil, ground water level, drainage and topography shall not, in the opinion of the Health Authority, create hazard to the property of the health or safety of the occupants.
 2. Recreation and open space shall be provided as required in Michigan Public Act 419 of 1976, as amended.
 - E. Water supply, sewage disposal, electrical distribution, service buildings, refuse handling, insect and rodent control, fuel supply and storage, and fire protection shall be in accordance with the requirements of Michigan Public Act 419 of 1976, as amended.
 - F. There shall be an occupancy permit obtained for each mobile home located on a mobile home stand, and no mobile home shall be occupied until this permit has been issued.
 - G. The Board of Appeals is hereby authorized to waive requirements as they deem necessary and advisable in particular cases, but this does not include Michigan Public Act 419 of 1976, as amended, or subsequent amendments, and Michigan Public Act 59 of 1978, as amended.
 - H. Mobile home parks, or individual lots, in existence prior to the effective date of this Ordinance shall be required to conform to all provisions of this Ordinance, for remodeled sites of improvements to individual lots.

Required Conditions

1. All mobile homes shall front on public or private access streets. Private access streets located outside of mobile home parks and condominium projects shall conform to the standards set forth in this Ordinance.
2. All mobile homes shall be located on mobile home stands.

3. All mobile homes located on a subdivision site or a development site shall be installed pursuant to the manufacturer's setup instructions and shall have a wall of the same perimeter dimensions as the mobile home. The wall shall be constructed of such materials and type as required in township building code for single family dwellings. Further such mobile homes shall have wheels removed and shall be secured to the premises by an anchoring system or device.
4. Building Permit:
 - A. Mobile Home - a building permit shall be required for each mobile home that shall hereafter be located or relocated in a mobile home park, subdivision or condominium project, or on an individual lot.
 - B. Non-Mobile Home Buildings - a building permit shall be required for each building other than mobile homes which are to be constructed in a mobile home park or condominium project.
 1. A township building permit for a mobile home or a non-mobile home building within a park or condominium project shall not be issued until the following conditions have been met:
 2. A site plan review for the park or condominium project has been completed, as required in the ordinance under site plan review.
 3. Health authority has made recommendation and a permit has been issued.
 4. Mobile homes to be located on an individual mobile home stand shall either already conform to, or shall be made to conform to the Federal Mobile Home Code as outlined in the Code of Federal Regulations Title 24, Section 3280, June 15, 1976 as amended (24CFR3280).
 5. A construction permit has been granted by the State of Michigan, Department of Commerce for the mobile home park or condominium project where the proposed mobile home or non-mobile home building is to be located.
 - C. Parks and Condominium Projects - permits to construct a Mobile Home Park or Condominium Project are issued by the State of Michigan Department of Commerce and are not subject to township authority or control.

Special Uses

1. Churches and other facilities normally incidental thereto.
2. Government buildings and similar uses.
3. Golf courses.
4. Private non-commercial recreational areas; institutional, community or neighborhood recreation center; neighborhood association swimming pools.
5. Condominium Subdivision.
6. Government owned or operated buildings or uses.

4.5.6. PUD – PLANNED UNIT DEVELOPMENT DISTRICT

Permitted Uses

1. As regulated in the ordinance under this title.

4.5.7. CR – COMMERCIAL RECREATION DISTRICT

Permitted Uses

1. Archery ranges.
2. Permanent buildings for maintenance service and caretaker residence.
3. Educational facilities such as zoological or botanical gardens, bird sanctuaries, arboretums.
4. Historical monuments.
5. Reservoirs.
6. Wildlife Preserves.
7. Other outdoor recreation uses determined by the Planning Commission to be similar to the above.
8. Township government buildings and uses, not including service or outdoor storage yards.
9. Government buildings and similar uses, not including service or outdoor storage yards.

Special Uses

1. Country clubs.
2. Campgrounds.
3. Day camps.
4. Fairgrounds.
5. Golf courses, including “par three”.
6. Golf driving ranges.
7. Hunting, fishing and shooting preserves.
8. Private parks.
9. Riding academies and public stables.
10. Swimming pools.
11. Ski resorts.
12. Toboggan runs.
13. Cellular telephone and Commercial broadcast radio and television towers and equipment as regulated in the Ordinance.
14. Government buildings.
15. Chickens, rabbits, small animals and other fowl as an accessory use.

4.5.8. B-1 NEIGHBORHOOD BUSINESS DISTRICT**Permitted Uses**

1. Establishments of a generally recognized retail nature which supply commodities on the premises for persons residing in adjacent residential areas, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, beverages and refreshments.
2. Single Family Dwellings.

Required Conditions

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
2. The outdoor storage, display, or servicing of goods or materials shall be prohibited irrespective of whether or not they are for sale.
3. Warehousing or indoor storage of goods or materials in quantity greater than normally incidental to the above permitted uses or those permitted by special approval shall be prohibited.
4. To carry out the purposes of this District in terms of keeping down the level of intensive commercial activity no retail use shall contain or occupy more than fifteen hundred (1,500) square feet of gross floor area. This provision does not preclude the development of land with a single building that is subdivided interiorly provided each retail use proposed or contained therein does not exceed fifteen hundred (1,500) square feet of gross floor area.

Special Uses

1. Personal service establishments which perform services on the premises, such as but not limited to: tailor shops, beauty parlors, barber shops, photographic studios.
2. Professional services including the following: medical, dental and legal offices.
3. Churches and related facilities.
4. Condominiums.
5. Government owned or operated buildings or uses.

Standards

1. Similar in operational character to one (1) or more of the above principal permitted uses, and
2. Of the character of a retail or service establishment dealing directly with customers, and
3. Of such operational character that vehicular traffic generated by such use is similar to one (1) or more of the above permitted uses, and
4. Of such operational character that would not create a nuisance to adjacent residential areas, and
5. Of such operational character which would be consistent with the spirit and intent of the B-1 District and this Ordinance.

4.5.9. B-2 GENERAL BUSINESS DISTRICT**Permitted Uses**

1. Any use principally permitted and as regulated in the Neighborhood Business District (B-1).
2. Business and professional offices.
3. Photographic reproduction, blueprinting and print shops.
4. Data processing and computer center, including service and maintenance of electronic data processing equipment.
5. Funeral homes.
6. Veterinary clinics and veterinary hospitals provided all activities are conducted within an entirely enclosed building.
7. Building material sales or hardware stores provided any outdoor storage incidental to these uses is completely and entirely screened from view of any public street or adjacent land zoned for residential purposes.
8. Furniture showrooms or home furnishing sales such as appliances, upholstery, draperies or floor coverings.
9. Publicly owned buildings, public utility buildings, including electric transformer stations and substations and gas regulator stations excluding storage yards; water and sewage pumping stations.
10. Establishments of electricians, plumbers, heating contractors, bakers, painters or similar trades in conjunction with a retail sales operation.
11. Open-air retail sales of plant material, lawn furniture, playground equipment and garden supplies provided:
 - A. The open-air sales area is enclosed with a fence.
 - B. That such sales area is in conjunction with indoor sales of the same general type.
 - C. That the square footage of the open sales area is no greater than the indoor sales area.
12. Hotels and motels.
13. Rental establishments.
14. Business schools and colleges.

Special Uses

1. Uses similar in operational character to one (1) or more of the above principal permitted uses subject to the provisions listed in this section under "Required Conditions."
2. Automobile service stations and repair garages.
3. Recreation centers similar to bowling alleys, skating rinks, archery ranges, amusement areas, arcades and similar forms of commercial recreation or amusement.
4. Motor vehicle washing, conveyor or non-conveyor type.
5. New automobile and truck agency sales and showrooms.
6. Used automobile and truck sales.
7. Drive-in restaurant or open-air restaurant.

8. Open-air display and sale of motor homes, camping trailers, motorcycles or other motor vehicle sales areas other than trucks and automobiles, homeowners' gardening equipment ,etc.
9. Retail sales operations specializing primarily in handcrafted, used merchandise and antiques which are displayed on portable tables in undivided open areas or in booth or small-like enclosures using an arcade as a common entrance and being separated from each other by portable partitions. Said retail sales operations shall include, but shall not be limited to: so-called farmer's markets, flea markets, trading posts and the like.
10. Circuses, carnivals, amusement parks, miniature golf courses, outdoor dance pavilions, private stadiums and similar commercial entertainment offered out-of-doors, or in tents.
11. The public or private development of facilities for the berthing, storage or servicing of boats, yachts, cruise ships, inboards, outboards and sailboats including accessory buildings and uses customarily incidental to the above use.
12. Adult bookstores, adult motion picture theaters, massage parlors, and cabarets.
13. Restaurants, bars taverns, or other places serving food or beverage, including those having the character of a "drive-in" restaurant.
14. Inside warehousing if required by electricians, plumbers, heating and painting contractors of similar trades.
15. Outdoor theaters.
16. Chickens, rabbits, small animals and other fowl as an accessory use.
17. Government owned or operated buildings or uses.

Required Conditions:

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
2. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.
3. The outdoor storage of goods or materials shall be prohibited irrespective of whether or not they are for sale, except as specifically permitted by other provisions of this District.
4. All light sources shall be shielded from view from residentially zoned property. No lighting fixture shall be so located and directed as to be a hazard to traffic safety.
5. All signs shall be accessory to the principal use of the property upon which it is located.

Standards

1. The proposed use or uses must be of such size and character to be in harmony with the appropriate and orderly development of the B-2 District.
2. The location, size, intensity and periods of operation of any such proposed use must be designed to eliminate any possible nuisances likely to affect occupants of other nearby permitted uses.
3. The proposed use must be in accord with the spirit and intent of this Ordinance and with the objectives this Ordinance was designed to achieve.

4. The proposed use is of such character that the vehicular traffic generated will not have an adverse effect, or be detrimental to, the surrounding land uses or the adjacent thoroughfares.
5. The proposed use if of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor or fumes.
6. The proposed use, or change in use, will not be adverse to the promotion of the health, safety and welfare of the community.

4.5.10. I-L – LIGHT INDUSTRIAL

Permitted Uses

1. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.
2. Research and office uses related to permitted industrial operations.
3. Any of the following uses when conducted wholly within a completely enclosed building:
 - A. Warehousing and wholesale establishments, tool, die, gauge and machine shops, excluding punch presses and the like over twenty (20) tons rated capacity.
 - B. The manufacture, compounding, processing, packaging or treatment of such products as; cosmetics, pharmaceuticals, toiletries, food products, hardware and household supplies.
 - C. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal but excluding large stampings such as automobile fenders or bodies, ferrous and non-ferrous metals but excluding large castings and fabrications, shell, textiles, tobacco, wax, wire, wood, but excluding saw and planing mills, and yarn.
 - D. The manufacture of pottery and figures or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
 - E. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps or other small molded rubber products but not including pneumatic tires.
 - F. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
 - G. Laboratories: experimental, film or testing.
 - H. Any other manufacturing or industrial enterprise, operation or process, whether making, assembling, repairing, buffing, finishing, plating, polishing, tempering, packing, shipping or storage; provided that any resulting cinders, dust, flashing, fumes, gas, odor, noise, refuse matter, smoke, vapor, or vibration is no more detrimental to the neighborhood than the specified uses, that no extra fire hazard is created, and the proposed use is comparable in character to one of the specified uses in this section.
 - I. Factory outlet stores provided for the retail sales of goods that are produced on the premises.
4. Warehouse, storage and transfer uses and electric and gas service buildings, public utility buildings, telephone exchange buildings, electrical transformer stations and sub-stations and gas regular stations.
5. Storage yards for lumber, coal, brick, stone, contractors' supplies and the like with or without retail outlets.

6. Tanks for the storage above ground of flammable fluids, when in conformity with the rules and regulations of the flammable liquids regulations of the State of Michigan.
7. Motor freight depot or trucking terminal; provided:
 - A. Ingress and egress is provided to a street whose roadway is at least thirty (30') feet between curbs; and
 - B. The loading or unloading platform is at least one hundred and twenty (120') feet from the street it faces.
8. The parking or storage of operable motor vehicles.
9. Cellular telephone and Commercial broadcast radio and television towers and equipment in compliance with the requirements listed under the Ordinance.

Special uses

1. Outdoor Theaters.
2. Automobile service stations and repair garages.
3. Chickens, rabbits, small animals and other fowl as an accessory use.
4. Government owned or operated buildings or uses.

Required Conditions

1. All outdoor areas used for the storage of raw materials, fuel, machinery, vehicles, equipment or the like shall be effectively enclosed to minimize trespass and screened from view from abutting properties and public streets. Such screening shall consist of walls, fences, or planting materials, or a combination of both.
2. All manufacturing, assembling, compounding, packaging, treating, and processing operations shall be conducted entirely within enclosed structures.

Uses Prohibited

1. Any manufacturing development which creates unusual danger from fire, explosions, toxic and noxious matter, radiation and other hazards and which causes unreasonable noxious, offensive, unhealthful and harmful odors, fumes, dust, smoke, light, waste, noise or vibration is prohibited. The processing of raw material for shipment in bulk form, to be used in an industrial or commercial operation at another location, is prohibited.
2. Except as provided, any use of a generally recognized retail nature shall be prohibited.

4.5.11. I-H – HEAVY INDUSTRIAL

Permitted Uses

1. Any principal use first permitted in the I-L District.
2. Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods or products which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, glare or heat.
3. Public Use Airports and other facilities involved with aircraft operations subject to the following conditions and standards:

- A. Said airport is subject to all rules and regulations of the Federal Aviation Administration and the Michigan Aeronautic Commission which agencies shall approve the preliminary plans submitted to the Township. All airports shall obtain a certificate of approval with the Michigan Aeronautics Commission and shall be registered annually by said commission.
- B. Site, Yard and Placement Requirements:
 - i. No building or structure or part thereof shall be erected closer than sixty (60) feet from any property line.
 - ii. Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zone CR.
 - iii. Airports must be located on a contiguous parcel of land of not less than three hundred twenty (320) acres.
 - iv. No part of the site shall abut either directly or across a street from any RS-1, RM, or MH District.
 - v. All layout and design and construction of runway and other facilities shall meet or exceed the standards set by the Michigan Aeronautics Commission for Class C Airports.
- C. Performance Requirements: All lights used for landing strips and other lighting facilities shall be so arranged as not to reflect towards adjoining non-airport uses.
- D. Prohibited Uses: The open storage of junked or wrecked motor vehicles, aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than thirty (30) days from the date of the accident.
- E. Off-Street Parking Requirements: One (1) parking space shall be required for every three (3) airplanes stored on the site. All off street parking shall be paved and constructed to the standards of this Ordinance.

Special Uses

1. All special uses previously listed in the I-L - Light Industrial District.
2. Automobile or other machinery assembly plants.
3. Body assembly plants.
4. Brewing or distillation of malt beverages or liquors.
5. Canning factories.
6. Chemical plants.
7. Cement, lime, gypsum or plaster of Paris manufacturing, corrosive acid or alkali manufacture.
8. Tanneries, stock yards, slaughter houses and glue factories.
9. Tire manufacturing.
10. Petroleum or other flammable liquids production, refining or storage.
11. Smelting of any ferrous or non-ferrous metal.
12. Race tracks, auto, dog, horse, etc.

13. Yard waste composting facilities for the composting of yard waste generated within St. Clair County. The composting of material generated off-site shall be permitted within the I-H Heavy Industrial District after issuance of a Special Approval Use Permit as required by this Ordinance, subject to those requirements contained herein and other conditions as specified in this Ordinance which may be imposed by the Planning Commission charged with review and approval of this land use. Yard waste composting facilities regulated by this Ordinance shall not accept, for composting, yard waste that is not generated in St. Clair County unless the acceptance of yard waste that is not generated in St. Clair County is explicitly authorized by the St. Clair Township Board of Trustees.
14. Quarries.
15. Junk Yards.
16. Sanitary landfills.

Required Conditions

1. All outdoor areas used for the storage of raw materials, fuel, machinery, vehicles, equipment or the like shall be effectively enclosed to minimize trespass and screened from view from abutting properties and public streets. Such screening shall consist of walls, fences, or planting materials, or a combination of same.
2. All manufacturing, assembling, compounding, packaging, treating, and processing operations shall be conducted entirely within enclosed structures.

Uses Prohibited

Except for factory outlet stores providing for the retail sales of goods that are produced on the premises, any use of a generally retail nature is prohibited.

ARTICLE 5 PLANNING COMMISSION

5.1. Authority

The Township Planning Commission is hereby designated as the Commission specified in Section 301 (MCL 125.3301) of the Michigan Zoning Enabling Act, Public Act 110 of 2006 of the State of Michigan, and shall perform the duties of such Commission as provided in the statute in relationship to this Ordinance.

- 5.1.1. **PURPOSE.** It is generally recognized that zoning regulations are sufficiently complicated, and that they have enough bearing on other public and private actions, such as the provision of roads, and sanitary facilities, that it is necessary prior to the development of any substantial project for Township Officials to know precisely what the developer has in mind. The submission and approval of conditions listed in this ordinance are required for review by the Planning Commission of proposed uses to ensure that the following concerns are met:
- A. The proposed use will not be injurious to the surrounding neighborhood and will in fact promote the general health, safety, welfare and character of the Township.
 - B. There is a proper relationship between buildings, roads, thoroughfares, easements, public utilities, proposed service drives, driveways, parking areas and landscaping and that all improvements are appropriate for the lot size and configuration.
 - C. The location of buildings, outside storage receptacles, parking areas, screen walls, and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and the occupants of surrounding areas and shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
 - D. It meets township requirements and standards for grading and surface drainage and for the design and construction of storm sewers, storm water holding facilities, water mains, sanitary sewers, and driveway approaches.
 - E. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby water bodies.
 - F. Landscaping, including trees, shrubs, and other vegetative material, is provided to maintain and improve the aesthetic quality of the site and will achieve a lasting and desirable improvement to the community.
 - G. Natural resources are preserved by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, and woodlands.
 - H. The proposed use is in compliance with all Township ordinances and any other applicable laws.

Section 5.2. Site Plan Review

- 5.2.1. **PURPOSE.** The intent of this section is to provide for consultation and cooperation between the developer and the Planning Commission so that both parties might realize maximum utilization of land and minimum adverse effect upon the surrounding land uses. Through the application of the following provisions, the attainment of the Master Plan will be assured and the Township will develop in an orderly fashion.
- 5.2.2. **AUTHORITY.** The Planning Commission may require certain improvements such as, but not limited to, additional landscaping, acceleration, deceleration and passing or turning lanes or other improvements necessary to ensure compliance with the above concerns. A site plan shall be submitted to the Planning Commission for review and approval for all of the following:

- A. All uses within the following districts:
 - RM Multiple-Family Residential District
 - PUD Planned Unit Development
 - CR Commercial Recreation District
 - B-1 Neighborhood Business District
 - B-2 General Business District
 - I-L Light Industrial District
 - I-H Heavy Industrial District
 - B. All special approval uses in all districts.
 - C. All subdivision, site condominium, condominium or open space preservation projects.
 - D. Any use or development for which the submission of a site plan is required by any provisions of this Ordinance.
 - E. Any change and/or conversion of use as permitted and regulated by this Ordinance.
 - F. Any addition to an existing principal or accessory building within districts requiring site plan approval subject to the following provisions:
 - 1. Wherein the proposed addition constitutes an increase of 1000 square feet or ten (10) percent or more as compared to the existing building or use, whichever is less.
 - 2. Wherein the proposed addition or expansion would require a variance from the provisions of this Ordinance no matter what size the addition or expansion.
 - 3. Wherein the proposed addition or expansion contributes a change in parking requirements.
- 5.2.3. REQUIREMENTS. Plans submitted for site plan approval shall contain all of the following data prior to approval of such plans by the Planning Commission. Final construction plans must be submitted to the Building Department and such construction plans must be reviewed and approved prior to obtaining a Building Permit. Site plans shall consist of an overall plan for the entire development. Plans for developments of two acres or less may be submitted on at legal size sheets. For all other plans the sheet size shall be at least 24" x 36" with plan view drawn to a reasonable scale. Included on the site plan will be all dimensions and the following:
- A. General Information.
 - 1. Proprietor's name, address, and telephone number.
 - 2. Date (month, day, year), including revisions.
 - 3. Title block.
 - 4. Scale.
 - 5. North point.
 - 6. Location map drawn at a scale of 1" = 2000' with North point indicated.
 - 7. Architect, engineer, surveyor, landscape architect, or planner's seal.
 - 8. Existing and proposed lot lines, building lines, structures, parking areas, etc., on the parcel, and within one hundred (100) feet of the site.
 - 9. Centerline and existing and proposed right-of-way lines.
 - 10. Zoning classification of petitioner's parcel and all abutting parcels.
 - 11. Gross acreage figure.
 - 12. Proximity to major thoroughfare and/or section corners.
 - B. Physical Features.
 - 1. Proposed locations of access drives, street intersections, driveway locations, sidewalks, signs, curbing, and acceleration, deceleration, and passing lanes.
 - 2. Location of existing and proposed service facilities above and below ground, including:
 - a. Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels.
 - b. Water main, hydrants, pump houses, standpipes, and building services and sizes.
 - c. Sanitary sewers and pumping stations.

- d. Storm water control facilities and structures including storm sewers, swales, retention and detention basins, drainage ways, and other facilities, including calculations for sizes.
 - e. Location of all existing or proposed easements.
 - 3. All buildings with dimensional floor plans, setback and yard dimensions, and typical elevation views of proposed structures.
 - 4. Dimensional parking spaces and calculations, drives, and method of surfacing with proposed cross section.
 - 5. Exterior lighting locations and illumination patterns.
 - 6. Location and description of all existing and proposed landscaping, berms, fencing, and walls.
 - 7. Sidewalks and bike paths.
 - 8. Trash receptacle pad location and method of screening.
 - 9. Transformer pad location and method of screening.
 - 10. Dedicated road or service drive locations.
 - 11. Entrance details including sign locations and size.
 - 12. Designation of fire lanes.
 - 13. Any other pertinent physical features.
- C. Natural Features.
- 1. Existing topography with a maximum contour interval of two (2) feet indicated. Topography on the site and beyond the site for a distance of one hundred (100) feet in all directions shall be indicated.
 - 2. A grading plan showing finished contours at a maximum interval of two (2) feet, correlated with existing contours so as to clearly indicate required cutting, filling, and grading.
 - 3. Location of existing drainage courses, lakes, ponds, wetlands, rivers and streams, including their water surface elevation, flood plain elevation, and ordinary high water mark.
 - 4. Location of other existing and proposed natural resource features, including woodlands.
- D. Additional Requirements for Multiple-Family, and PUD Developments.
- 1. Density calculations by type of unit by bedroom count.
 - 2. Designation of units by type of unit in each building.
 - 3. Carport locations and details where proposed.
 - 4. Specific amount of recreation space and locations.
 - 5. Type of recreation facilities to be provided in recreation space.
 - 6. If proposed, details of community building and fencing of swimming pool.
- E. Additional Requirements for Commercial and Industrial Developments.
- 1. Loading/unloading areas.
 - 2. Gross and useable floor area.
 - 3. Number of employees in peak usage.

5.2.4. PROCEDURE. An application for Site Plan Review shall be processed in the following manner:

- A. Submittal. All site plans shall be submitted to the Township at least twenty-two (22) days prior to the next regularly scheduled meeting of the Planning Commission and must contain the following to be accepted:
 - 1. A signed and complete application including the following:
 - a. The applicant's name and address in full.
 - b. A signed statement by the owner that the applicant is the owner or acting in his behalf.
 - c. The address or property description of the property involved.
 - 2. Twelve (12) copies of the site plan.
 - 3. All items as required by this article shown on the site plan.
 - 4. Required fees.
- B. Acceptance. Upon receipt of the proposed plans, the zoning administrator shall determine if all of the required information has been submitted, per ordinance requirements, for acceptance by the Township. Upon acceptance of the site plan, by the zoning administrator, the Township shall:
 - 1. Forward a copy of the site plan and application to the Township Planner or Engineer for review.

2. Place review of the site plan on the next Planning Commission agenda.
 3. Forward a copy of the site plan and application to each Commission member.
- C. Review. Upon receipt of the site plan the Planning Commission shall review the plan at their next regular meeting and thereafter approve or deny the site plan as follows:
1. If extensive revision to the site plan is necessary to meet the Ordinance and regulation requirements, the site plan shall be denied or tabled and the applicant requested to prepare an alternate site plan.
 2. Upon determination of the Planning Commission that a site plan is in compliance except with minor revisions, the Planning Commission may grant conditional approval. All revisions must be clearly delineated on copies required to be filed with the Township.
 3. When a site plan has been reviewed by the Planning Commission and all steps completed, three (3) copies of the application and plans will be marked approved or denied for the following distribution:
 - a. One copy forwarded to the Township Clerk for permanent record.
 - b. One copy forwarded to the zoning administrator.
 - c. One copy forwarded to the applicant.
- 5.2.5. EFFECT OF APPROVAL. When an applicant receives final site approval, he must develop the site in complete conformity with the approved site plan and the following requirements:
- A. The site plan approval shall be valid for a period of one (1) year.
 - B. If the project is not under construction with a building permit at the expiration of the approval time, the site plan approval becomes null and void and the developer shall make a new application for approval.
 - C. Should a building permit be issued, site plan approval shall continue for a period of one (1) year from the date of issuance of the building permit.
 - D. Should construction not be completed within the one (1) year period, site plan approval shall become null and void and the developer shall make new application for approval, unless an extension is granted as listed herein.
 - E. Time extension to site plan approval may be granted by the Planning Commission upon the receipt of a written request, submitted prior to the expiration date.
- 5.2.6. AS-BUILT PLANS. Prior to issuance of a final certificate of occupancy, one set of as-built plans must be submitted to St. Clair Township by a registered architect or engineer, presented in a media form acceptable to the Township, containing the following:
- A. As-built storm system plans shall indicate the offset of storm sewers from the property lines and shall include, but not be limited to, length of sewer, invert elevation, rim elevation, percentage of grade, manhole location, sewer material and joints used. Locations shall be shown on the plans with an accuracy of \pm one (1) foot.
 - B. As-built sanitary sewer system plans shall indicate the offset of sanitary sewers from property lines and shall include, but not be limited to, length of sewer, invert elevation, rim elevation, percentage of grade, manhole location, sewer material and joints used. Locations shall be shown on the plans with an accuracy of \pm one (1) foot.
 - C. As-built water system plans shall indicate the offset of water mains from property lines and shall locate gate valves, hydrants and all water system appurtenances from the nearest property corner. In addition, all underground appurtenances, such as gate valve wells, meter pits, pressure reducing valve pits, etc., shall be located from the nearest hydrant that is connected to the same water main as the appurtenance. Locations shall be shown on the plans with an accuracy of \pm one (1) foot.

D. All plans shall list the type, brand name and lengths of pipe, hydrants, gate valves, etc., used.

5.2.7. **CONDITIONS AND SAFEGUARDS.** The Planning Commission or the Township Board may impose such additional conditions and safeguards deemed necessary to ensure compliance with the stated purposes of this Ordinance.

- A. In the case of subdivisions or site plans reviewed by the Planning Commission, requiring the installation of publicly owned and maintained roads and utilities, building permits shall not be issued prior to the submittal of a performance guarantee as required elsewhere in the ordinance. Permission for the issuance of building permits shall be granted by resolution of the Township Board after review and approval of the project.
- B. A full Certificate of Occupancy shall not be granted until all improvements shown on the approved site plan have been completed in accordance with the requirements imposed by the Planning Commission and the Ordinance.
- C. Upon a finding by the Zoning Administrator that certain improvements cannot be completed due to seasonal or other factors beyond the control of the developer and that a temporary occupancy will not involve a health or safety hazard, a Temporary Certificate of Occupancy may be issued, subject to the submittal of a performance guarantee as required elsewhere in the ordinance, to assure completion of all required improvements.
- D. Existing or proposed developments which have received approval from the Planning Commission, as required herein, shall not be changed unless the proposed revisions are approved as originally required by site plan review. This provision shall apply to the specific improvements depicted on the approved site plan, such as but not limited to the following:
 - 1. Principal and/or accessory buildings or structures including swimming pools.
 - 2. Parking lots and service drives.
 - 3. Rubbish pick-up areas.
 - 4. Landscaping

Section 5.3. Special Use Approval Review.

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

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and shall find and record adequate data, information and evidence showing that such use on the proposed site, lot or parcel meets the requirements given for specific uses in later sections of this article, if applicable, and the following requirements:

- A. It will be in accordance with the general objectives, intent and purposes of this Ordinance and the Master Plan.
- B. It will be designed, constructed, operated, maintained and managed so as to insure compatibility with existing or intended character of the general vicinity and to promote the use of land in a socially and economically desirable manner.
- C. It will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or that persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

- D. It will not be hazardous or disturbing to existing or future neighboring uses.
 - E. It will be in accordance with all required conditions of the District in which it will be located.
- 5.3.2. **AUTHORITY.** The Planning Commission shall have the authority to grant special use permits, subject to such conditions of design, operation and safeguards as the Township may determine, for all special approval uses specified in the various provisions of this ordinance
- 5.3.3. **REQUIREMENTS.** Requests for Special Use Approvals shall contain the following:
- A. **Application.** All applications for special use approval shall be submitted to the Township at least twenty-two (22) days prior to the next regularly scheduled meeting of the Planning Commission and must contain the following to be accepted:
 - 1. A signed and complete application including the following:
 - a. The applicant's name and address in full.
 - b. A statement that the applicant is the owner or acting in his behalf.
 - c. The address or property description of the property involved.
 - 2. Twelve (12) copies of all exhibits and information.
 - 3. Required fees.
 - B. **Site Plan.** The submittal of a site plan shall be required for Special Use Approval, in compliance with all the conditions listed in the Ordinance for site plan approval, with the following exception:
 - 1. The Planning Commission shall have the authority to grant special use approval subject to submittal and approval of a Site Plan provided sufficient information is submitted to adequately describe the nature of the special land use request.
 - C. **Acceptance.** Upon receipt of the above application, the zoning administrator shall determine if all of the necessary information has been submitted for acceptance and review by the Planning Commission. Upon acceptance of the application by the Zoning Administrator, the Township shall:
 - 1. Forward a copy of the application and the site plan if included, to the Township Planner and/or Engineer as necessary for review.
 - 2. Schedule the review of the site for the next available regularly scheduled meeting of the Planning Commission and hold a Public Hearing with notice, in compliance with the requirements set forth herein the Ordinance.
 - 3. Forward a copy of the information and application to each Commission member prior to the public hearing.
- 5.3.4. **PUBLIC HEARING & NOTICE.** Following the acceptance of an application by the Township, a Public Hearing shall be held by the Planning Commission for the Special Use Approval request, with a Notice of Public Hearing given as follows:
- A. **Publication.** The Township shall publish a Notice of Public Hearing in a newspaper of general circulation in the local unit of government not less than 15 days before the date of the public hearing. The Notice of Public Hearing shall include the following information:
 - 1. Describe the nature of the request, including the proposed use.
 - 2. The street address of all properties that are the subject of the request or the parcel number or other common form of identification, where a street address is not available.
 - 3. State when and where the public hearing for the request will be held.
 - 4. State when and where written comments will be received and information concerning the request may be viewed.
 - B. **Mail Notice.** The public notification shall also include the Notice of Public Hearing to be sent by regular first class mail or personally delivered, not less than 15 days before the date of the public hearing, containing the information required in this ordinance for publication, to the following as listed:
 - 1. To each electric/gas/pipeline public utility company, telecommunication service provider and railroad operation within the affected zoning district and the manager of each airport within the

Township, provided the designated entity has registered their name and address with the Clerk for the purpose of receiving zoning public hearing notices.

2. The applicant and the owners of all property for which approval is being considered.
 3. To all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property, for which approval is being considered, regardless of whether the property or occupant is located in the zoning jurisdiction.
- C. Posted Notice. If the public hearing is not held on the regular meeting date, notice shall be posted at the township hall a minimum of 18 hours prior to the public hearing.
- D. File Affidavits. A record is to be kept of publication, mailing and posting of the notice of public hearing in the Township records.
- E. Public Hearing. Upon acceptance of the special use approval application and fulfillment of the Public Hearing and Notice requirements, the Planning Commission shall hold a Public Hearing and shall review a request for special land use approval as follows:
1. Deny or table the request if the facts in the case do not establish beyond a reasonable doubt that the intent and standards of the Ordinance will not be met.
 2. Approve the request if the applicant has submitted a site plan for a proposed use in full compliance with the Ordinance and the stated purpose and intent of the Ordinance.
 3. Approve with additional conditions deemed necessary to ensure compliance with the stated purposes and intent of the Ordinance.
 4. Statement of Fact. A statement of facts shall be recorded containing the findings and conclusions relative to the special land use specifying the basis for the decision and any conditions imposed to ensure compliance with the stated purposes and intent of the Ordinance.

5.3.5. EFFECT OF APPROVAL. When an applicant receives special use approval, he must develop the site in complete conformity with the approved site plan within the time frame stated as follows:

- A. Voiding of Special Approval Use Permit. Any approval given by the Planning commission shall lapse and cease to be in effect as follows:
1. Special use approval granted under condition of site plan review, during which time site plan approval is not received within 6 months, or an extension is not received as set forth in the ordinance.
 2. Expiration of site plan approval as listed in the ordinance for site plan review.
- B. Extension. The Planning Commission may grant the applicant up to a six month extension of time, upon the receipt of a written request, when requested prior to the expiration date.

Section 5.4. Special Approval Uses.

The following special land uses may be permitted subject to all requirements as specifically listed in this ordinance.

5.4.1. OUTDOOR THEATERS. Outdoor theaters are allowed in the General Business (B-2), Light Industrial (I-L) and Heavy Industrial (I-H) Districts subject to the following extra standards:

- A. Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall only be permitted when the site in question is surrounded by a non-residential District.
- B. The proposed internal design shall receive approval from the Building Inspector as to adequacy of drainage, lighting, screening and other technical aspects.
- C. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares and shall not be available from any residential street.

- D. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be permitted to wait or to stand within a dedicated right-of-way.
 - E. The area will be laid out so as to prevent the movie screen from being viewed from residential area or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed so as to be confined within, and directed onto the premises of the outdoor theater site.
 - F. All sides of the development not abutting a major thoroughfare shall be screened with a fence or wall so as to obscure from view all activities within the development.
- 5.4.2. RACE TRACKS, AUTO, DOG, HORSE, ETC... Race tracks (including midget, auto, motorcycle and go-kart tracks) are allowed in the Heavy Industrial (I-H) District subject to the following extra standards:
- A. Because race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas and cause noise levels which may project beyond the property so used, they will be permitted when located adjacent to major thoroughfare and will be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question.
 - B. All parking shall be provided as off-street parking within the boundaries of the development.
 - C. All access to the parking areas will be provided from a major thoroughfare.
 - D. All sides of the development not abutting a major thoroughfare shall be screened with a fence or wall so as to obscure from view all activities within the development.
- 5.4.3. ADULT BOOKSTORE, ADULT MOTION PICTURE THEATER, MESSAGE PARLOR AND CABARET CONTROLS. The above uses where permitted are allowed in the General Business (B-2) District subject to the following extra standards:
- A. Recognizing that because of their nature, some uses have objectionable operational characteristics, especially when concentrated in small areas, and recognizing that such uses may have a harmful effect on adjacent areas, special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. For the purpose of these regulations the following terms are defined as follows:
 - 1. Adult Bookstores: An establishment wherein more than twenty (20%) percent of its stock in trade is comprised of books, magazines, or any such printed or photographic media having as dominant theme matter, depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as hereinafter defined.
 - 2. Adult Motion Picture Theater: An enclosed building used exclusively for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical areas" as hereinafter defined for observation by patrons therein.
 - 3. Cabaret: Any place wherein food and any type of alcoholic beverage is sold or given away on the premises and the operator thereof holds a yearly license to sell such beverages by the glass and which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.
 - 4. Massage Parlor: An enterprise of a non-medical nature specializing in the manipulation of body tissues (as by rubbing, stroking, kneading or tapping) with the hand or an instrument.
 - 5. Specified Anatomical Areas: Human genitals, pubic regions, buttock, and female breast less than completely and opaquely covered; human male genitals in a discernibly turgid state, even if completely and opaquely covered.

6. Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- B. It shall be unlawful to establish any adult bookstore, adult motion picture theater, massage parlor or cabaret except in the General Business (B-2) District.
- C. No such uses may be permitted in the General Business (B-2) District within one thousand (1,000') feet of any residential District measured from the lot line of the location of the proposed use.
- D. Any of the above stated uses shall not be located within a one thousand (1,000') foot radius of any other such use.
- E. The Planning Commission may waive this location provision if the following findings are made:
1. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this Ordinance will be observed.
 2. That the character of the area shall be maintained.
 3. That all applicable regulations of this Ordinance will be observed.
 4. That no adult bookstore, adult motion picture theater, massage parlor or cabaret is located within one thousand (1,000') feet of the proposed location.
- F. Anything herein to the contrary notwithstanding, the Planning Commission shall not consider the waiver of the locational requirements as herein above set forth until a petition shall have been filed with the Township Clerk and verified as to sufficiency. Such petition shall indicate approval of the proposed regulated use by fifty-one (51%) percent or more of the persons owning property within a radius of one thousand (1,000') feet of the location of the proposed use as measured from the lot line. The petitioner, or his agent, shall attempt to contact all eligible property owners within this radius and must maintain a list of all addresses at which no contact was made.
- G. The petition required above shall contain an affidavit signed by the party circulating such petition attesting to the fact that the petition was circulated by him and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon and that the circulator believes that the signers of such petition are persons owning property within one thousand (1,000') feet of the premises mentioned in said petition. Such petition shall also comply with such other rules and regulations as may be promulgated by the Planning Commission.
- 5.4.4. QUARRIES. Because the commercial removal of soil, sand, gravel, stone and other earth materials is likely to involve substantial amounts of nuisance (primarily noise and dust, with resulting air pollution) and large amounts of trucking and in some (but not necessarily all) cases the land is spoiled for any subsequent use with resulting loss of taxable revenues, such use shall be permitted only in the Heavy Industrial (I-H) or Rural (RU) Districts and shall further be subject to the following extra standards:
- A. There shall be not more than one (1) entrance way from a major thoroughfare to said lot for each five hundred (500') feet of street frontage.
 - B. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before 7:00 a.m. or after sunset.
 - C. On said lot, no digging or excavating shall take place closer than one hundred (100') feet to any lot line or public right-of-way.
 - D. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100') feet of an lot line shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.

- E. Any odors, smoke, fumes or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lots as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road and shall conform to the Township Ordinance "Performance Standards"
 - F. Such removal processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, water-course, or water body outside the lines of the lot on which such use shall be located.
 - G. Such removal processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
 - H. All fixed equipment and machinery shall be located at least one hundred (100') feet from any lot line and five hundred (500') feet from any residential zoning District, by that in the event the zoning classification of any land within five hundred (500') feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100') feet from any lot line or right-of-way.
 - I. If a commercial removal of soil, sand, gravel, stone or other earth materials by reasons of its depth or other conditions constitutes or is reasonably likely to constitute a danger to public health, safety or welfare, then a fence shall be erected around it. The fence shall be six (6') feet in height, shall be adequate to prevent trespass, and shall be placed no closer than fifty (50') feet to the edge of any slope.
 - J. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
 - K. The operator shall file with the Planning Commission and the Township Board a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5') feet, steps which shall be taken to conserve topsoil, proposed and final landscaping, and the location of future roads, drives, drainage courses and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Planning Commission or Township Board. The anticipated cost of carrying out the plans for restoration shall be included with said plans.
 - L. The operator shall file with the Township of St. Clair a performance bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall be fixed by the Township. The bond shall be released upon written certification of the Building Inspector that the restoration is complete and in compliance with the restoration plan.
- 5.4.5. JUNK YARDS, AUTOMOBILE SALVAGE OR WRECKING YARDS, WASTE OR SCRAP RECYCLING OPERATIONS AND REFUSE TRANSFER FACILITIES. These uses are permitted in the Heavy Industrial (I-H) District subject to the following extra standards:
- A. These uses may only be on land which is abutting land zoned for non-residential purposes on all sides.
 - B. All parking shall be provided as off-street parking within the boundaries of the development.

- C. Any required front yard setback shall not be used for providing off-street parking but must be landscaped.
- D. All sides of the development will be screened with an unpierced fence or wall at least eight (8') feet in height and not less than the height of the materials on the lot on which a stated use is located.
- E. The above required fence or wall shall be no closer to the lot lines than the yard requirements for buildings or structures permitted in the District.
- F. All waste or scrap materials shall be exclusively contained behind such fence or wall.
- G. All roads, driveways, parking lots, and loading and unloading areas within such use shall be paved, oiled, watered or chemically treated so as to limit the nuisance caused by wind-borne dust to adjoining property and public roads.

5.4.6. **SANITARY LANDFILLS.** Recognizing that because of their nature, such uses have objectionable characteristics, and recognizing that such use may have harmful effect on adjacent properties and the general welfare of the public, special regulation of this use is necessary to insure that the objectionable effects of land filling will not contribute to the blighting or downgrading of surrounding properties and threaten the public health, safety and general welfare. This use is permitted only in the Heavy Industrial (I-H) District subject to the following extra standards:

- A. The dumping of garbage or other putrid wastes in the Township of St. Clair shall be accomplished by the sanitary landfill method of filling land by depositing in a trench excavated for the above stated waste materials and covering same with no less than six (6") inches of dirt.
- B. The dumping of said waste materials shall be done in accordance with the licensing requirements under PA 641 of 1978, Solid Waste Disposal Act, all State regulations generally and specifically appended to the individual permit and the following conditions:
 1. The dumping of garbage or other putrid wastes in areas zoned other than Heavy Industrial (I-H) is prohibited provided that no permit to dump such waste materials shall be allowed where there are occupied permanent residences within one thousand (1,000') feet of the property line of the dumping site.
 2. The use of combustible construction refuse in filling or reclamation of land is prohibited in any area other than a sanitary landfill.
 3. All approach roads to the dumping or filling sites shall be oiled, hard topped or otherwise treated to reduce annoyance to surrounding properties by reason of dust, noise and traffic congestion.
 4. Burning or picking over of rubbish is absolutely prohibited and the operator shall be held responsible to provide adequate personal at all times it is necessary to carry out this and other provisions of this Ordinance.
 5. All trucks or other vehicles used to transport rubbish or other refuse or waste materials shall be tightly enclosed so as to prevent waste materials from dropping or blowing off transporting vehicles.
 6. Any fine ash or soot-like type of materials that tend to be blown by the wind shall be immediately covered with backfill and shall remain so covered at all times.
 7. The Township Board may, upon recommendation of the Planning Commission, require a fence at least eight (8') feet in height completely enclosing said dumping or filling operations where, in its opinion, a hazard to the public health, safety and general welfare occurs. The Township Board may, in lieu of said fence, require the operator to construct an earth embankment at least eight (8')

feet in high completely surrounding said operations for the purpose of minimizing annoyance to the surrounding residents.

8. In no event shall the operations of a sanitary landfill project above the established grade of surrounding properties.
 9. The Township Board may, upon the recommendation of the Planning Commission, require the posting of a performance bond to insure such filling operation will not pollute the waters of the Township or cause stagnant water to collect, or create a health hazard, or leave the surface of the land at the completion of such operation in an unstable condition or unfit for the growing of turf or other land uses permitted in the zone in which such filling occurs.
- 5.4.7. PUBLIC UTILITY BUILDINGS, INCLUDING TELEPHONE EXCHANGE AND STATIC TRANSFORMER STATIONS, GAS REGULATOR STATIONS, AND OTHER SIMILAR USES. These uses will be allowed in all districts subject to the following extra standards:
- A. There is no public business office nor any storage yard or storage building operated in connection therewith.
 - B. The exchanges, transformer stations or transformer mats are located not less than fifteen (15') feet from any interior side property line, twenty-five (25') feet from its front property line, and thirty (30') feet from its rear property line.
 - C. All required yards are to be landscaped and maintained.
- 5.4.8. CHICKENS, RABBITS, SMALL ANIMALS AND OTHER FOWL AS AN ACCESSORY USE. These uses are allowed in the Suburban Residential (RS), Mobile Home (MH), Commercial Recreation (CR), Neighborhood Business (B-1), General Business (B-2), Light Industrial (I-L) and Heavy Industrial (I-H) Districts subject to the following extra standards:
- A. The structure housing such a use does not contain more than one hundred and twenty (120) square feet of floor area.
 - B. The structure housing such a use is placed in the rear yard.
 - C. The structure and area housing such a use is kept in a clean, healthful, and inoffensive manner.
 - D. All such animals must be confined within a structure or fenced area at all times.
 - E. May be allowed only on parcels on land of 2.5 acres or more.
- 5.4.9. AUTOMOBILE SERVICE STATIONS AND REPAIR GARAGES. In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of automobile service stations; to regulate and control the adverse effects which these and other problems incidental to the automobile service station may exercise upon adjacent and surrounding areas; and to control the problem of abandoned stations which are a nuisance as well as a blighting influence on surrounding properties, the following additional regulations and requirements are provided herein for automobile service stations located in the Commercial Recreation (CR), Neighborhood Business (B1), Light Industrial (I-L) Heavy Industrial (I-H) Districts. All automobile service stations erected after the effective date of this Ordinance shall comply with all requirements of this Section. No automobile service stations existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this Section than existed on the effective date of this Ordinance.
- A. Site requirements.

1. An automobile service station shall be located on a lot having a frontage, along a principal street, of not less than one hundred forty (140') feet, and having a minimum area of not less than fourteen thousand (14,000) square feet.
 2. An automobile service station located on a lot having an area of fourteen thousand (14,000) square feet shall include not more than eight (8) gasoline pumps and two (2) enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two (2) gasoline pumps and/or (1) enclosed stall may be included with the provision of each additional two thousand (2,000) square feet of lot area.
 3. Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than fifteen (15') feet from all street right-of-way lines.
 4. Driveway widths entering the gasoline station shall have a minimum width of thirty-five (35') feet.
 5. Curbs, in accordance with standard Township specifications, shall be constructed on all streets adjacent to the gasoline station site.
 6. No signs, storage nor display of any kind shall be allowed within the street right-of-way.
 7. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
 8. There shall be no parking of damaged motor vehicles except on a temporary basis for seventy-two (72) hours or less. Junk parts and junk vehicles shall not be kept on the outside of the building.
 9. The parking of tow trucks shall be permitted only in areas designated on a site plan per approval of the Planning Commission.
 10. There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of a gasoline station for retail sale during the house of operation of the gasoline station
 11. All repair activities and equipment shall be enclosed entirely within a building.
 12. Where an automobile service station adjoins property located in any residential zone, a masonry wall six (6') feet in height shall be erected and maintained along the service station property line. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.
- B. Safeguard. All new automobile service stations or filling stations constructed after the effective date of this Section shall be required to post cash, a certified check or letter of credit with the Township of St. Clair in an amount equal to the estimated cost of demolition and clearance of improvements on the premises. Failure to comply with one (1) of the above mentioned three (3) alternatives shall empower the Township to utilize said monies for the demolition and clearance of the premises in question.
1. When a structure designed and used for automobile service station or filling station purposes ceases to operate on a continuing basis for a period of one hundred eighty (180) consecutive days, the owner of the premises shall be served written notice by the Zoning Administrator of the requirement within sixty (60) days of the date of said notice, to either (a) resume operation of the premises on a continuing basis as a lawful automobile service station or filling station, or (b) lawfully convert said structure to another permitted use in that District, or (c) demolish said structure and completely remove the debris from the premises.

2. Abandoned automobile service or filling stations may be converted to a Principal Permitted Use in the District in which such station is located, provided they meet all the required conditions listed in the ordinance for the use proposed.
- 5.4.10. CHURCHES. Churches and other facilities normally incidental thereto are allowed in the Suburban Residential (RS), Multiple-Family Residential (RM), Rural (RU), Mobile Home (MH) and Neighborhood Business (B-1) Districts provided:
- A. The site is so located as to have at least one (1) property line abutting a major thoroughfare of not less than one hundred and twenty (120') feet of right-of-way width, either existing or proposed, and all ingress and egress to the site shall be directly onto said major thoroughfare or a marginal access service drive thereof.
 - B. The subject property contains a minimum of one (1) acre and is located outside a half-mile radius of an existing church site. (This provision does not apply to churches in the Suburban or Multiple-Family Residential Districts.)
 - C. The depth of the front and rear yard and width of each side yard shall not be less than fifty (50') feet.
 - D. Off-street parking shall be provided in accordance with the requirements of the provisions of this ordinance as listed under the off-street parking and loading requirements.
 - E. Whenever an off-street parking area is located within fifty (50') feet of an adjoining residentially zoned property line, a continuous and obscuring screen at least four feet six inches (4'6") in height, but not more than (6') feet in height, shall be provided along the sides of the parking area adjoining such residentially zoned land.
 - F. The site shall not be used for dwelling purposes except that residential dwelling facilities may be provided for full time employees of the church and their families. For the purposes of this Ordinance such employees will be considered "full-time" if they receive at least fifty (50%) percent of their annual "earned" income from the church.
- 5.4.11. GOVERNMENT OWNED OR OPERATED BUILDINGS OR USES. Government buildings and uses are allowed as special approval uses in the Suburban Residential (RS), Rural (RU), Mobile Home (MH), and Commercial Recreation (CR) Districts provided:
- A. The depth of the front and rear yard and the width of each side yard shall not be less than fifty (50') feet.
 - B. Off-street parking shall be provided in accordance with the requirements of the provisions of this ordinance as listed under the off-street parking and loading requirements.
 - C. Whenever an off-street parking area is located within fifty (50') feet of an adjoining residentially zoned property line, a continuous and obscuring screen at least four feet (4') in height, but not more than six (6') feet in height, shall be provided along the sides of the parking area adjoining such residentially zoned land.
- 5.4.12. GOLF COURSES. Golf courses are allowed as special approval uses in the Suburban Residential (RS), Rural (RU), Mobile Home (MH) and Commercial Recreation (CR) Districts provided:
- A. The site is so located as to have at least one (1) property line abutting a major thoroughfare of not less than one hundred and twenty (120') feet of right-of-way width, either existing or proposed, and all ingress and egress to the site shall be directly onto a major thoroughfare or a marginal access drive thereof.
 - B. All development features including the principal building and any accessory buildings or structures are so located and related to minimize the possibility of any adverse effect upon adjacent property. This

shall mean a minimum distance of two hundred (200') feet to the property line of abutting residentially zoned lands and public rights-of-way provided where topographic conditions are such that the building would be screened from view, the Planning Commission may modify this requirement.

- C. Major accessory uses which are generally of a commercial nature, such as a restaurant and bar, shall be housed in a single building with a club house. Minor accessory uses which are strictly related to the operations of the golf course itself, such as maintenance garage and pro shop, may be located in separate buildings.
- D. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6') feet in height and entry shall be by means of a controlled gate or turn style.
- E. Off-street parking shall be provided in accordance with the other provisions of the Ordinance.

5.4.13. PRIVATE, NON-COMMERCIAL RECREATIONAL AREAS. Private non-commercial recreational areas; institutional community or neighborhood recreation centers; and neighborhood association swimming pools are allowed as special approval uses in the Suburban Residential (RS), Rural (RU), and Mobile Home (MH) Districts provided that:

- A. The subject property; is so located as not to hinder the natural and presumed residential development of the area.
- B. The depth of the front and rear yards and the width of each side yard shall not be less than fifty (50') feet.
- C. Off-street parking shall be determined on the basis of one (1) parking space for each five hundred (500) square feet of land area devoted to these uses. Off-street parking shall be provided in accordance with the other provisions of the Ordinance.
- D. Whenever an off-street parking area is located within fifty (50') feet of an adjoining residentially zoned property line, a continuous and obscuring screen at least four feet six inches (4'6") in height, but not more than six (6') feet in height, shall be provided along the sides of the parking area adjoining such residentially zoned land.

5.4.14. COMMERCIAL PICNIC GROUNDS, MINIATURE GOLF COURSES, GOLF DRIVING AND ARCHERY RANGES. Commercial picnic grounds, miniature golf courses, golf driving ranges, archery ranges or similar uses for physical and outdoor exercises are allowed as special approval uses in the Rural (RU) District provided such use is on open land and does not impair the residential appearance or character of such land. Special use approval and site plan approval may be granted by the Planning Commission, for a period not to exceed two (2) years, upon a finding that the use will not be injurious to the surrounding area, not contrary to the spirit and purpose of this Ordinance and that:

- A. The subject property is located on a major thoroughfare.
- B. The subject property will act as a buffer or transitional area between a residential development and a non-residential development.
- C. The subject property is so located as not to hinder the natural and presumed residential development of the area.
- D. The residential character of the area shall be maintained.
- E. Any capital improvements upon the subject property shall be of a temporary nature to preclude any unreasonable financial loss should the grant not be renewed upon expiration.

- 5.4.15. PUBLIC, PRIVATE OR COMMERCIAL STABLES, KENNELS AND VETERINARY CLINICS. Public, private or commercial stables containing three (3) or more horses; kennels and veterinary clinics are allowed as special approval uses in the Rural (RU) District provided:
- A. The subject property is so located as not to hinder the natural and presumed residential development of the area.
 - B. The subject property contains a minimum of five (5) acres.
 - C. The stable, barn or kennel is located one hundred (100') feet from any neighboring residential use.
 - D. If the use is of a commercial nature, that off-street parking shall be provided in accordance with the requirements of the provisions of this ordinance as listed under the off-street parking and loading requirements.
- 5.4.16. NURSERY SCHOOL, DAY NURSERY, AND CHILD CARE CENTERS. Nursery schools, day nurseries, and child care centers may be allowed subject to all State and Federal licensing and regulation requirements when the following conditions are met:
- A. that for each child cared for there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area.
 - B. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district.
 - C. Any such used shall not be permitted in the interior of any residential block and shall be located on a lot fronting a major thoroughfare or collector street as these terms are defined in the Township's Comprehensive Development Plan.
- 5.4.17. PUBLIC AND PRIVATE SCHOOLS. Public and private schools offering curriculum having to do with general or liberal rather than technical or vocational education are allowed as special approval uses in the Rural (RU) District provided:
- A. The subject property is so located as not to hinder the natural and presumed residential development of the area.
 - B. The subject property contains a minimum of five (5) acres.
 - C. The depth of the front and rear yard and the width of each side yard shall not be less than fifty (50') feet.
 - D. Off-street parking shall be provided in accordance with the provisions of Sections 1801, 1802 and 1803.
 - E. Whenever an off-street parking area is located within fifty (50') feet of an adjoining residentially zoned property line, a continuous and obscuring screen at least four feet six inches (4'6") in height, but not more than six (6') feet in height, shall be provided along the sides of the parking area adjoining such residentially zoned land.
- 5.4.18. BOARDING AND LODGING HOUSES. Boarding and lodging houses, as defined in this ordinance are allowed as a special approval use in the Multiple-Family Residential (RM) District provided the maximum extent of development shall not exceed twenty (20) roomers per acre of land.
- 5.4.19. HOSPITALS. Hospitals, as defined in this ordinance are allowed as special approval uses in the Multiple-Family Residential (RM) District when the following conditions are met:
- A. The site plan does show that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic

safety, and all development features including the principal building and any accessory buildings, open spaces, and service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property.

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

5.4.20. RECREATION CENTERS. Recreation centers similar to bowling alleys, skating rinks, archery ranges, amusement areas, arcades and similar forms of commercial recreation or amusement are allowed in the General Business (B-2) District provided they are conducted wholly within a completely enclosed building.

5.4.21. MOTOR VEHICLE WASHING, CONVEYOR OR NON-CONVEYOR TYPE. Motor vehicle washing, conveyor or non-conveyor type, is allowed in the General Business (B-2) District when completely enclosed in a building, excepting points of ingress and egress, and subject to the following extra standards:

- A. All cleaning operations shall be completely enclosed within a building.
- B. A hard-surfaced driveway of one (1) or more lanes shall be constructed on the parcel in such a manner as to provide for a continuous movement of cars into the washrack.
- C. The driveway so provided shall be not less than ten (10') feet wide for a single lane and not less than ten (10') additional feet in width for each additional lane.
- D. Where only a single lane is provided, it shall be used for no other purpose than to provide access to the wash-rack. All lanes provided shall be suitably protected from interference by other traffic.
- E. The total length of the required lane or lanes so provided for a conveyor type washrack shall be determined by the overall length of the building, including areas having side walls but no roof. In any building where the washing operation moves in other than a straight line, the length of the building, for the purposes of this section, shall be the distance measured along the centerline of the conveyor or wash line from the point of entry to the point of exit from the building. The overall length of the required lane or lanes, as measured along the centerline, shall be determined in accordance with the following formula:
- F. Where the building is eighty (80') feet or less in overall length, the total required lanes shall be not less than four hundred (400') feet in length. Where the building exceeds eighty (80') feet in length, the length of the required lane or lanes shall be increased fifty (50') feet for each ten (10') feet or fraction thereof by which the building exceeds eighty (80') feet in overall length.
- G. For a non-conveyor type auto wash, five (5) waiting spaces, each twenty (20') feet in length, shall be provided for each washing stall on the entrance side of the stall and two (2) spaces per stall shall be provided on the exit side for a drying area.
- H. The site shall be designed in such manner that no operations are conducted off the parcel.
- I. A building setback of at least sixty (60') feet is required to be maintained from the proposed or existing street right-of-way.
- J. Ingress and egress points shall be located at least sixty (60') feet from the intersection formed by the existing or proposed right-of-way lines, whichever is greater, and shall be directly from a major thoroughfare.
- K. The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property.

- L. Gasoline sales shall be permitted on the property provided there is compliance with the requirements of this section and the requirements listed for automobile service stations and repair garages.

5.4.22. NEW AUTOMOBILE AND TRUCK AGENCY SALES AND SHOWROOMS. New automobile and truck agency sales and showrooms are allowed in the General Business District (B-2) subject to the following extra standards:

- A. The automobile and truck sales agency must be located on a site having a frontage on a major thoroughfare of not less than one hundred (100') feet and an area of not less than ten thousand (10,000) square feet.
- B. Ingress and egress to the outdoor sales area shall be at least sixty (60') feet from an intersection formed by the existing or proposed right-of-way lines, whichever is greater.
- C. Major repair and major refinishing shops shall be permitted as accessory when conducted entirely within an enclosed building.
- D. No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.
- E. The outside display of new and used automobiles and trucks shall be permitted and such storage area shall occupy no more than thirty-five (35%) percent of a lot which is used for vehicle sales.
- F. A fifteen (15') foot landscaped setback shall be provided between any existing or proposed right-of-way line, whichever is greater, and any outdoor display of new or used automobiles.
- G. All lighting shall be shielded from adjacent residential districts and the use of open or base bulbs shall be prohibited.
- H. No outside loud speaker or outside public address system shall be used.

5.4.23 FAMILY DAY CARE HOMES. A family day care home for 12 or less minor children may be allowed subject to all State and Federal licensing and regulation requirements when the following conditions are met:

- A. There shall be provided and maintained a total minimum of not less than 1,800 square feet of outdoor play area.
- B. Such outdoor play area located at the facility providing care for more than six (6) children shall be screened from any adjoining residential lot in any district.
- C. Any such facility providing care for more than six (6) children shall:
 - 1. Not be permitted in the interior of any residential block and shall be located on a lot fronting a major thoroughfare or collector street as these terms are defined in the Township's Comprehensive Development Plan.
 - 2. Provide parking as required in the ordinance for off street parking requirements.

5.4.24. DRIVE-IN RESTAURANT OR OPEN - AIR RESTAURANT. Drive-in restaurants or open-air restaurants are allowed in the General Business (B-2) District subject to the following extra standards:

- A. A setback of at least sixty (60') feet from the right-of-way line of any existing or proposed street must be maintained.
- B. Ingress and egress points shall be located at least sixty (60') feet from the intersection of any two (2) streets and shall be directly from a major thoroughfare.

- C. There shall be provided an unpierced brick wall six (6') feet in height on all sides of the premises so used except as provided below; provided said wall or fence, if required, shall be protected by means of precast concrete wheel stops or their equivalent, not less than three (3') feet from said wall.
- D. On the side of the property adjacent to the major thoroughfare, the above described wall shall be reduced to a height of three feet six inches (3'6").
- E. A cyclone fence may be used in lieu of a brick wall on those lines not adjacent to a street or alley but contiguous to property zoned in an Industrial classification.
- F. No wall shall be required on that portion of a lot line where there is a building or structure serving the purpose of a wall. Any such building or structure located on adjacent property shall be protected from damage by means of precast concrete wheel stops as specified in item 3 above.
- G. When a building or portion of building is used for said purposes, it must be located not less than five hundred (500') feet from residentially zoned property.

5.4.25. OPEN-AIR DISPLAY AND SALE OF MOTOR HOMES, CAMPING TRAILERS, MOTORCYCLES, OR OTHER MOTOR VEHICLE SALES AREAS OTHER THAN TRUCKS, AUTOMOBILES, AND HOME OWNERS' GARDENING EQUIPMENT, ETC. Open - Air display and sale of motor homes, camping trailers, motorcycles or other motor vehicle sales areas other than trucks and automobiles, home owners' gardening equipment, etc. are allowed in the General Business (B-2) District provided the following conditions are met:

- A. There is no outside storage of materials, goods or items other than the primary vehicles listed above.
- B. There be no display in areas that are required for parking, aisle ways, loading or sidewalks.

5.4.26. AMUSEMENT PARKS, MINIATURE GOLF COURSES, OUTDOOR DANCE PAVILIONS, PRIVATE STADIUMS AND SIMILAR COMMERCIAL ENTERTAINMENT OFFERED OUT OF DOORS OR IN TENTS. Amusement parks, miniature golf courses, outdoor dance pavilions, private stadiums and similar commercial entertainment offered out-of-doors, or in tents are allowed in the general Business (B-2) District provided the following conditions are met:

- A. Sufficient on-site parking is available for events.
- B. All the conditions for off street parking requirements are met.

5.4.27. GUN CLUBS, SHOOTING AND ARCHERY RANGES. Gun clubs, shooting and archery ranges are allowed in the Rural District (RU) subject to the following extra standards:

- A. It must be located on a parcel of five (5) acres or more in area.
- B. The said parcel must be located at least two hundred and fifty (250') feet from a lot line of any adjacent residential District.
- C. All ingress and egress from said parcel must be directly from a public road.
- D. Off-road parking must be provided.
- E. No on-road parking shall be permitted.
- F. 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.
- G. All new shooting ranges shall meet the design standards of the National Rifle Association.

5.4.28. CEMETERIES. Cemeteries are allowed in any District subject to the following extra standards.

- A. The location of a cemetery shall be permitted in any quarter section of any District when the quarter section does not have more than fifty-one (51%) percent of its land area in recorded plats.
- B. All access shall be provided from major thoroughfares.
- C. All sides of the cemetery shall be screened from any residential view by providing a continuous and completely obscuring wall or fence or buffer strip planting as required further by this ordinance.
- D. Approval shall be given contingent on a satisfactory drainage plan approved by the Building Inspector.
- E. Any crypt, mausoleum, or other buildings or structures wholly or in part above the ground, other than monuments, shall together occupy not more than twenty-five (25%) percent of the total lot area.
- F. No part of any crypt, mausoleum or other building containing bodies or remains, other than a subterranean grave shall be less than one hundred (100') feet from the nearest lot line.
- G. The proposed cemetery complies with all provisions in acts relating to cemeteries enacted by the people of the State of Michigan.

5.4.29. GAS OR ELECTRICAL TRANSMISSION LINES. High pressure gas transmission lines and high voltage electric transmission tower lines shall be permitted in any District subject to the following regulations:

A. General Regulations.

- 1. All such utility lines shall follow existing utility corridors, where possible and reasonable, as determined by the Township Board after review and recommendation of the Planning Commission.
- 2. The loss of any active agricultural use on property shown as Prime or Unique Farmland on the Soil Conservation Service's Important Farmland Map of St. Clair County shall be minimized to the greatest extent feasible consistent with the public interest and common good as determined by the Township Board after review and recommendation of the Planning Commission.
- 3. Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities, and similar facilities. Existing vegetation shall be maintained, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.
- 4. Non-compliance with any part of this Ordinance, or any other Township Ordinance, shall be grounds for the Township acting to withdraw its approval or conditional approval of any use regulated hereunder and to order such use to be discontinued.
- 5. Prior to commencement of construction, any approvals granted hereunder are not transferable to others or to successors in interest, without first applying for such to the Township Board after review and recommendation of the Planning Commission.
- 6. The person or company granted privileges hereunder shall inform the Township Clerk on a continuing basis of the name, address and phone number of its employee who is responsible for receiving complaints and communications from the Township.
- 7. The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.

B. Requirements for High Voltage Electric Transmission Lines of 120kV or Greater:

1. High voltage electric transmission lines of more than 345 kV shall not be located closer than five hundred (500') feet to occupied residences. Existing 345kV lines shall not be energized at a higher voltage level when located closer than five hundred (500') feet to occupied residences.
2. Corridor width shall be a minimum of two (2) times the proposed tower height for all voltages so that accidental collapse of any tower will be confined to the utility right-of-way.
3. Where operating voltages will exceed 345kV, the Township shall evaluate an area one quarter (1/4) mile on either side of the proposed electric corridor. The existing density of occupied dwellings per square mile shall not exceed one hundred (100) in any two (2) mile segment of this area. The applicant shall provide maps showing all information necessary to determine compliance with this standard.
4. The electric field strength for all voltage levels shall not exceed 0.8 kV per meter as measured at the edge of the corridor right-of-way.
5. No such line or system shall cause radio or TV interference within residential dwellings in the Township, and if such happens it will be considered a public nuisance, subject to abatement.
6. "Danger-No Trespassing" signs shall be placed at all road crossings and the Township Board, after review and recommendation of the Planning Commission, may require fencing at those road crossings which it determines are in need of additional protective measures.
7. Any area destroyed by necessity in the construction of such approved facilities may be subject to conditions imposed by the Township Board for its immediate restoration by replanting or similar techniques.
8. Noise. The pressure level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

<u>SOUND</u> <u>LEVEL</u>	<u>ADJACENT</u> <u>USE</u>	<u>WHERE</u> <u>MEASURED</u>
65dBA	Residential/Agricultural	Property Line*
75dBA	Commercial/Office	Property Line
80dBA	Industrial/Other	Property Line

- a. *Except where normal street traffic noise levels exceed 65dBA, the use noise level may equal but not exceed the traffic noise level.
 - b. The sound levels shall be measured using a weighted decibel measurement and with a type of audio out meter approved by the National Institute of Standards and Technology.
 - c. Objectionable noise as determined by the Board of Trustees, of an intermittent nature, or high frequency sounds, even if falling below the aforementioned decibel readings, shall be muffled so as not to become a nuisance to adjacent uses.
9. During the construction or repair of any facilities approved hereunder, the following shall be required:
 - a. All internal roads shall be kept dust free by chemical treatment,
 - b. Any damage to public or private roads, fences, structures or facilities shall be required immediately.
 - c. No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete.

- d. All construction operations shall be confined to daylight hours, Monday through Saturday, unless permitted in writing by the Township Board.
 - 10. At the time a request is made for approval under this section, the person, partnership, corporation or public utility shall submit an estimated time-table for completion of the construction plans to the Township Board, and specifications of all equipment and facilities proposed for installation. The Township Board, after review and recommendation of the Planning Commission, may require a performance bond with surety or an irrevocable bank letter of credit as a guarantee of completion of all approved facilities, and an agreement to indemnify, defend and hold harmless the Township from any claims arising out of the construction or operation of a project approved herein.
 - 11. When such lines or systems interfere with a public road by crossing such or paralleling such, any person or company, upon five (5) days notice, shall be required to raise such lines for necessary passage of any barn, building, house, or other object over the public ways.
 - 12. If any Court or the Michigan Public Service Commission or other government body finds that such lines and systems are not necessary, such shall, upon exhaustion of appeals, be dismantled under regulation by the Township Board.
 - 13. The Township may make reasonable requests to require the person or company granted privileges hereunder to file written reports of the current status of research on high-voltage electricity, and such reports shall be true and complete. Any privilege granted hereunder is subject to a continuing representation by the holder of such that such lines and systems are safe and have no chance of being detrimental to the health or safety of any person or the environment.
 - 14. After the construction of the line is completed and before regular operation is begun, the operating company shall retain the services of an independent testing laboratory, which shall test said line for compliance with the standards contained herein, and submit a report of the test results to the Township.
- 5.4.30. PERSONAL USE AIRCRAFT LANDING FIELDS. Landing field for the personal use of the property owner are allowed in the RU Rural District subject to the general standards set forth under this ordinance and the following provisions:
- A. Said landing field is subject to all rules and regulations of the Federal Aviation Administration and the Michigan Aeronautics Commission which agencies shall approve the preliminary plans submitted to the Township Planning Commission.
 - B. No landing field for personal use shall be established within five (5) miles of a public use facility certified by the Michigan Aeronautics Commission without approval of said Commission. No landing field for personal use shall be established within a two (2) mile radius of another landing field.
 - C. All landing fields shall have a runway with a 1,800 foot landing length in each direction from a clear approach slope of 20:1 and a 100 foot usable width with an additional 50 foot minimum width on each side which is free of obstructions. The approach slope with a width of not less than 200 feet free of obstructions. The approach slope with a width of not less than 200 feet shall be based on a clearance of all objects within the approach area, including a roadway clearance of 15 feet or 17 feet over a interstate highway, a railway clearance of 23 feet, and a clearance at the property line of 25 feet. The landing area shall be marked in accordance with Michigan Aeronautical Commission standards.
 - D. No landing field shall be approved that would interfere with the right of nearby and adjacent owners and occupants of property to the peaceful enjoyment of their property.
 - E. Hazards to Navigation. No obstruction of whatever character, object of natural growth, or use of land, upon the premises of the landing field which prevents the safe use of such facilities for the take off or landing of aircraft shall be permitted.

F. Yard and Placement Regulations:

- 1. The site shall not abut directly or across a street any RS-1, RS-2, RM, or MH District.
- 2. Landing fields shall be located on a contiguous parcel of land not less than twenty-five (25) acres in area. The parcel shall have a width of not less than four hundred fifty (450) feet. The parcel shall have a depth of not less than 1,800 feet. It is not required that the necessary clear zones be contained within the site, however, if future development intrudes upon the required clear zones, use of the landing field shall immediately cease.

G. Performance Requirements:

- 1. All lights used for landing fields and other lighting facilities shall be arranged so as not to reflect towards adjoining non-landing field uses.
- 2. Prohibited Uses:
 - a. The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted.
 - b. Use of a personal use aircraft landing field is limited solely to the single owner. No commercial activity or operations such as the sale of gasoline or oil, the soliciting or engaging in charter flying or student instruction, the provision of shelter or the tie-down of an aircraft (except for aircraft owned by and for the personal use of the property owner), the overhaul or repair of an aircraft or of engines, or otherwise offering aeronautic facilities or services to the public shall not be permitted on the premises.
 - c. No personal use landing field can be constructed unless the property has a principal residential building.

5.4.31 YARD WASTE COMPOSTING FACILITIES. All requirements and standards set forth in this section shall be complied with prior to a special approval use permit and an annual operational permit being issued.

A. Requirements and Standards

- 1. Site Characteristics
 - a. Parcel Size: A parcel to be used for composting shall be a minimum of twenty (20) acres in size and shall not exceed forty (40) acres for a single operation. The site shall be capable of accommodating a maximum of three thousand (3,000) cubic yards of leaves or other yard wastes for every one (1) acre of land. Adequate space must be provided for required setbacks, buffers, berms, and drainage systems along with room for staging areas, initial processing, windrows, screening areas, curing areas, storage of finished products, office, storage and service buildings, internal roads and storm water retention basins.
 - b. Frontage: The parcel should have frontage for the entire width of the lot on a public road; however, applications will be accepted and reviewed for sites with less than full width frontage. Determinations of acceptance shall be based upon the characteristics and merits of the particular site and the ability of the site to protect the general health, safety, and welfare of the neighboring properties, the community as a whole, and the developer.
 - c. Spacing of Facilities: Minimum spacing of two thousand (2,000) feet shall be maintained between individual composting operations.
 - d. Access: The site must have direct access to an all-season public road and all-season route. The access route must avoid residential areas.

- e. Surrounding Land Uses: If permitted, the site plan and site management plan shall clearly denote steps to be taken to mitigate adverse impacts such as noise, dust, odor, blowing trash, etc. Those sites which abut an existing residential use shall clearly show on their site plan steps shall include: existing and augmented vegetative buffers, use of dust control materials steps which will be taken to mitigate adverse impacts such as those listed above. Mitigation on internal roads, frequent monitoring of windrows for excessive or unusual odor, turning of compost piles at times when prevailing winds limit exposure of surrounding residents to odors and equipment fumes, and rejection of material bags which may contain other types of contaminants.
- f. Platted Lands: Sites proposed to be located on lands which have been previously subdivided or platted, in accordance with Public Act 288 of 1967 of the State Acts, are prohibited.
- g. Soils: Soils considered appropriate for large scale composting operations, include those listed below which possess common characteristics of loam and loamy clay textures, slow to moderately slow permeability, high and moderate available water capacities, rapid to medium water intake rates, and those capable of facilitating surface and subsurface drainage.

APPROPRIATE SOILS FOR COMPOSTING OPERATIONS AND REQUIRED DRAINAGE

<u>SOILS SERIES</u>	<u>DRAINAGE REQUIRED</u>
Allendale Loamy Fine Sand (AeA)	Surface and subsurface
Avoca	Random surface and Subsurface, as needed
Blount	Surface needed
Conover	Surface needed
Corunna	Surface and Subsurface needed
Lenawee	Surface and subsurface needed
Londo	Surface needed in depressions
Metamora	Random surface and Subsurface needed
Miami	Not needed
Parkhill	Surface and subsurface needed
Pert	Surface generally needed
Sims	Surface and subsurface needed

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

- (1) standing water;
- (2) seasonal high water tables of less than (1) foot; and

- (3) restricting operation of equipment on the site.
 - h. Flood plains and Wetlands: Composting operations shall not be permitted within a 100-year floodplain, or within fifty (50) feet of a defined wetland. The application and site plan submitted in conjunction with a special approval request shall include a statement and the boundary of wetlands and/or the 100-year floodplain as appropriate. Final determinations on the location of wetlands shall be made by the Michigan Department of Natural Resources (MDNR).
 - i. Surface Water: Composting operations must be isolated from navigable waterways and surface waters including inland rivers, ponds, water courses, and county drains. Setbacks shall be provided as further required under the other sections of this ordinance.
 - j. Airports: The Federal Aviation Administration, (FAA), in Order 5200-5A, prohibits the establishment and operation of any waste disposal facility (including yard waste composting operations) within five thousand (5,000) feet of the end of a runway (end of pavement) used only by piston powered aircraft, and within ten thousand (10,000) feet of any runway end of a runway used by turbine powered aircraft. If the proposed facility falls within these distances, a letter of compliance from the appropriate FAA office must be filed with the Township prior to the consideration of an application for a special approval use permit.

- 2. Site Development. Site development standards are to ensure the orderly and efficient use of land for composting off-site yard wastes. Orderly and efficient use of the land encompasses the mitigation of adverse impacts on the community as a whole, surrounding land uses, the physical or natural resources common to this site as well as surrounding lands, the environment, and minimal expenditure of public dollars. These standards shall be used as a tool or guide by the Planning Commission in objectively assessing continued compliance with this ordinance.
 - a. Site Plan: A site plan must be submitted, reviewed, and approved in accordance with the Site Plan Review requirements of this Ordinance. A site management plan shall be submitted along with the site plan, following the format found in these provisions. Improvements to the site shall be contained within the site plan. The site plan must illustrate compliance with all requirements of this and other pertinent ordinances of St. Clair Township. The site plan also must illustrate the configuration of activities as well as the flow of materials (compostable material) within the site. An “as built” site plan shall be submitted by the developer to the Township Clerk upon completion of all required improvements, as required herein. The “as built” site plan shall be certified by a licensed professional engineer and clearly illustrate consistency with the approved site plan and compliance with all requirements of this and other pertinent ordinances of the Township. A determination of consistency and compliance shall be made by the Township Clerk. A determination of compliance must be made prior to the release of any portion of the performance guarantee, submitted by the developer as required by this section, and issuance of a certificate of occupancy as required by the Township Zoning Ordinance.
 - b. Setbacks:
 - 1. Structures. All structures must be illustrated on the site plan and be set back in accordance with the standards established for the Heavy Industrial (I-H) District and any additional standards contained herein.
 - 2. Operation. The operation itself shall comply with the following setback requirements:
 - i. Potable Water Supply. All operations associated with composting shall be set back a minimum of two hundred (200) feet from existing wells and/or well casings.
 - ii. Residential Structures. All operations of twenty (20) acres shall be set back a minimum of five hundred (500) feet from existing residences. Operations in excess of twenty (20) acres shall be set back at least on thousand (1,000) feet from existing residences.

- iii. Surface Water. Composting sites must be set back a minimum of one thousand (1,000) feet from a navigable waterway and a minimum of five hundred (500) feet from other surface waters. This setback shall be maintained in a natural vegetative state. (See "Site Characteristics - Surface Water" for additional clarification.)
 - iv. Wetlands. Composting operations must be set back at least fifty (50) feet from a wetland as defined by the MDNR. This setback shall be maintained in a natural vegetative state.
 - v. Public Rights-of-Way. Operations must be set back at least one hundred (100) feet from the front property line and one hundred (100) feet from any property line running parallel to an improved public right-of-way.
 - vi. Property Lines. Operations and operational activity must be set back from side and rear property lines which do not parallel an improved public right-of-way, a minimum of seventy-five (75) feet for parcels of twenty (20) acres and one hundred (100) feet for parcels greater than twenty (20) acres. (See setbacks from public rights-of-way for additional restrictions.)
- c. Drainage/Grading: The site shall be graded in such a fashion as to eliminate all ponding and have a uniform gradient of 2-3% (2.5 being optimal, 2% minimum). Artificial drainage, surface and subsurface, shall be provided in accordance with the information and requirements found in "Soils" and additional requirements which may be established by the Township Engineer or Soil Conservation Service. All surface and subsurface drainage shall be illustrated on the site plan.
1. Elevations. The site plan shall include both existing and proposed grades and elevations. These elevations shall be taken at intervals necessary to ensure proper slopes, grading, and surface drainage will be provided, but in no instance shall contour intervals exceed two (2) feet.
 2. Retention. All storm water runoff from the surface as well as that collected through subsurface drainage systems, shall be retained on site and designed to be used for watering composting windrows. Storm water shall be retained in a retention pond or basin and shall not be released into the local drainage system. This retention pond or basin shall be clearly illustrated on the site plan as an element of the storm water management system designed for the site.
 3. Maintenance. The storm water management system shall be designed to prevent runoff from entering the staging, initial processing, curing, and final product storage areas. Ponding of water in these areas, along access roads, or within that area containing active composting windrows shall be discouraged. Access to these areas by operational equipment and emergency vehicles shall be maintained at all times.
- d. Buffers: Setbacks from side and rear property lines shall be maintained as buffers from surrounding land uses. Property lines shared with existing residential land uses shall contain adequate vegetation to screen windrows, staging, and curing areas, as well as outside storage areas, from the view of residential property while vegetation is in foliage.
1. Berms. In lieu of natural vegetation or supplementing with imported vegetation, a four (4) foot berm within the setback may be substituted. The berm must be seeded with grass to eliminate erosion and planted on top with a mixture of evergreens and deciduous trees planted at minimal intervals of ten (10) feet. Selected plant materials shall be suitable for the soil types on site.

2. Identification. Front yards and setbacks shall be landscaped with grass, trees, and/or bushes and berms. Required setback landscaping shall be illustrated on the site plan, identifying the location and species being planted.
- e. Access: Site access shall be controlled by a locking gate at the entrance to the facility. Gate and accompanying fencing shall be designed as to reduce the probability of after-hours and illegal dumping on the site.
1. Public Access. Public access to the site shall be from a public street in accordance with the requirements of this ordinance.
 2. Internal roads. Internal service roads shall allow for year-round access to the rear of the property and include, as a minimum, a turn-around at the terminus of this road. Internal roads or drives open to the public shall be designed as to accommodate maximum traffic flow with minimal congestion.
 3. Grade. Internal roads open to the public, as well as service roads which provide access to the rear of the lot, shall be elevated above surrounding grade and graded in a manner which allows for adequate drainage. The road base shall be constructed of stone or gravel or other material found acceptable by the Township Engineer. Determinations of acceptability shall be based on the need to provide all-weather access of emergency vehicles and operations equipment, and drainage characteristics of the site.
- f. Protection of Soil and Groundwater: Prior to any permits being issued, soil and groundwater from the site must be sampled and analyzed by an independent laboratory with results forwarded to the St. Clair County Health Department.
1. Procedure. Samples shall be taken at several locations within the proposed site and at two levels, one shallow and the second, deeper, immediately above the first encountered aquifer. These samples shall be tested to establish a base level for chemical contaminants which may be present in the soil and groundwater. A second test shall be performed on soil taken from shallow depths in that area which is proposed to be used for compost windrows. This second test shall be used to establish a base level for biological oxygen demand (BOD). If a site is found to contain chemical contaminants at an unacceptable level, a permit will not be issued until the source of the contamination is discovered, and the MDNR has made a determination that the site can be used for the proposed composting operation.
 - a. Approval. Once in operation, composting facilities shall have their soil and groundwater tested and analyzed for chemical contaminants and BOD as stated above, by an independent laboratory, results forwarded to the St. Clair County Health Department, as follows:
 - i. prior to a change in ownership; and,
 - ii. annually, for all composting facilities operating in St. Clair Township.
 - b. Suspension. If soil or groundwater is found to have levels of chemical contaminants at a level higher than that found in the base sample, and if BOD levels tested below existing windrows are found to be elevated, the facility will be required to refuse acceptance of additional yard wastes. In placing this restriction on the facility, St. Clair Township shall also restrict the removal of finished product from the site until the finished compost is found not be contaminated above acceptable levels. Testing of the finished product shall be conducted by an independent laboratory with the analyzed results forwarded to the St. Clair County Health Department.

- c. Revocation and reissuance. Once a decision has been made that the level of chemical contaminants is higher than that found in base samples of soil, groundwater, and BOD levels, and a determination has been made by the St. Clair County Health Department and MDNR, upon review of analyzed data submitted by the independent testing laboratory, that soil or groundwater is contaminated above acceptable levels, or BOD levels are found to be at an unacceptable level, St. Clair Township shall revoke the special approval use permit. In addition, the annual operational permit, as required in paragraph B.2, shall not be renewed. The special approval use permit and annual operational permit shall be reissued once a finding has been made by the MDNR that the site can once again be actively occupied for this use.
- g. Inspection: The composting facility shall be open to inspection by the local Fire Inspector, County Health Department officials, and St. Clair Township, at all times.
 - 1. The Township may require an annual summer inspection for rodents or upon receipt of a signed complaint of the sighting of rodents, to be conducted by a licensed pest control company. Copies of the resulting report shall be transmitted directly to the Township Supervisor by the pest control company. If rodents are detected, appropriate measures shall be taken to capture or exterminate the rodents in an environmentally-safe manner.
- h. Signage: One non-illuminated ground-mounted sign containing the name and address of the facility shall be installed in the required front yard. The sign shall not exceed thirty-two (32) square feet in area and six (6) feet in height. The entrance shall be provided with a permanent sign, not-to-exceed twelve (12) square feet in area, displaying hours of operation and materials accepted. Signs prohibiting dumping, not-to-exceed one (1) square foot in area, shall also be installed at seventy-five (75) foot intervals along the front property lines and along side property lines if the facility is located on a corner.
- i. Storage Areas: Outside equipment storage areas shall be screened from view from public streets and abutting residential land uses. Storage of any equipment or vehicles not directly associated with the primary use of the land shall be prohibited.
- j. Storage of Contaminants: No more than ten (10) cubic yards of contaminants, as defined herein, which have been removed from incoming material may be stored at one time on the site. Contaminants must be stored in an enclosed container and screened from view from abutting public streets and surrounding residential land uses. The location of the enclosed container, and the location and type of screening to be used, shall be shown on the site plan.
- k. Water Source: Composting facilities must be provided with a source of water for moisture needed during the composting process. The source and location shall be illustrated on the site plan.
- l. Fencing: A minimum six (6) foot high chain link fence shall be provided along all property lines shared with a public right-of-way. Side and rear property lines perpendicular to a public right-of-way must be provided with a minimum six (6) foot high chain link fence originating at the property corner and running one hundred (100) feet along the rear or side property line.

B. Additional Requirements

- 1. Administrative Guidelines. The following data regarding operation of the compost facility shall be maintained and available at all times for review by the local Fire Inspector, County Health Department officials, or St. Clair Township.
 - a. The name and address of the company and individual making a delivery as well as the source of the material (i.e., residential, commercial, agricultural), and the city or township of origination for the waste generated.

- b. Type and quantity of compostable material received from each delivery accepted at the facility.
 - c. Quantity, type, and disposition of contaminants received each month.
 - d. Number of vehicles entering site each day.
 - e. List of end-product users.
 - f. A windrow log shall be kept recording the location of each windrow, the date or days that the windrow was established, daily temperature and moisture content readings taken at several locations in the windrow, and comments on the presence of odors.
 - g. The approximate amount of compost and the date compost is transferred from one stage of the procedure to another, i.e., windrows to screening, screening to curing piles, and final product produced and subsequently shipped.
 - h. Log of complaints received (if any) and response or action.
2. Application, Site Management Plan, Closure Plan, Review Fee, and Annual Operational Permit.
- a. Application: Applications for special approval use permits shall consist of:
 - 1. A site plan as described herein,
 - 2. A complete site management plan following the guidelines provided in the section below;
 - 3. Letters of consistency and approval from the St. Clair County 641 Solid Waste Committee, St. Clair County Health Department, and the MDNR Water Quality Division and Waste Management Division. In addition to letters of consistency, the applicant shall submit a letter of acknowledgment from the St. Clair County Road Commission which indicates that they are fully aware of the proposed project, the potential impact of the proposed project on the County road system, that an understanding has been reached between the developer and the Road Commission concerning mitigation of potential impacts, and that the County Road Commission has no objections to the project as proposed;
 - 4. The required application fee; and
 - 5. Any other material as may be required by St. Clair Township necessary for making an informed and objective determination on the ability of the proposed operation/facility to comply with the intent and standards of this Ordinance.

Approval of the special approval use permit shall not be granted without receipt of these letters of consistency and approval and compliance with this section.

- b. Site Management Plan: Applicants shall submit a site management plan as a component of their application for a special approval use permit. The site management plan shall contain, at a minimum, the following information:
 - 1. Name, address, and telephone number of the owner or owners of the land of the subject site;
 - 2. Name, address, and telephone number of the applicant making a request for the special approval use permit;
 - 3. Name, address, and telephone number of person, firm or corporation who, or which, will be managing the actual composting operation;

4. An outline of the management structure complete with names, titles, addresses, and telephone numbers;
5. Location, size, and legal description of the total land area proposed for such use;
6. The projected capacity of the facility, including shredded leaves, grass, and brush. Targeted quantities to be processed, incoming and outgoing;
7. A statement on the population intended to be serviced by the facility (where will the compostable material be received from, evidence of contracts shall be included), and how this material will be brought to the site;
8. Types of materials to be composted and what format the material will be accepted in. Procedures for monitoring incoming and outgoing material, controlling the disposal or refusal of unacceptable materials.
9. Method of composting to be used (sheet composting is prohibited);
10. Types and number of equipment used (i.e., shredders, front-end loaders, windrow turning machine, screening and shakers, etc.).
11. The location, type, size, and proposed contents of all fuel storage facilities, and detail on primary and secondary containment systems for all hazardous materials stored on site;
12. Personnel: number to be employed and duties of each;
13. An outline of the operational cycle and timetable beginning with acceptance of material on-site to the disposal of the final product. This outline shall include plans for the pre-processing or staging of material (i.e., chipping, mixing materials, windrow formation, material layering, watering), the compost activity (i.e., windrow turning, monitoring moisture content and temperature, windrow combining, curing and finishing, including screening), and the distribution of the final product;
14. Operational details shall be stated, including the hours of operation and days of the week that the facility will be open throughout the year;
15. List of the chemicals or accelerating agents to be used, including bacteria, fungi, or nitrogen. Include established guidelines for use and storage of these agents;
16. A statement on the methods to be used to monitor and ensure protection of the environment (odor, dust, noise, blowing trash, anaerobic problems, methane production). This shall include an outline of the necessary steps which will be taken to reverse a breakdown in the composting system or pollution problem;

The following performance standards shall be enacted in an effort to control noxious odors, noise, vibration, and light so that they do not cause off-site problems and nuisances:

i. Odors

- a. The emission of noxious odors, odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to four or more volumes of clean air or as to produce a public nuisance or hazard beyond lot lines, is prohibited.

- b. All water used by the composting facility shall be drawn from streams, wells, ponds, or the municipal supply, and be otherwise free from sulfur or agents which will cause odor.
- ii. Noise. The pressure level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

<u>SOUND LEVEL</u>	<u>USE</u>	<u>ADJACENT</u>	<u>WHERE MEASURED</u>
65dBA		Residential/Agricultural	Property Line*
75dBA		Commercial/Office	Property Line
80dBA		Industrial/Other	Property Line

- a. *Except where normal street traffic noise levels exceed 65dBA, the use noise level may equal but not exceed the traffic noise level.
- b. The sound levels shall be measured using a weighted decibel measurement and with a type of audio out meter approved by the National Institute of Standards and Technology.
- c. Objectionable noise as determined by the Board of Trustees, of an intermittent nature, or high frequency sounds, even if falling below the aforementioned decibel readings, shall be muffled so as not to become a nuisance to adjacent uses.
- iii. Vibration. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 0.003 inches as measured at any property line of its source.
- iv. Light. Exterior lighting shall be so installed that the surface of the source light shall not be visible from any bedroom window, and shall be so arranged as to reflect light away from any residential use. In no case shall more than 1-foot candle power of light cross a lot line five feet above ground into a residential district.

- 17. Plans for the disposition of nonmarketable compost;
- 18. A plan for the disposition of the final products. This plan shall encompass targeted users, projected quantities to be produced and distributed, and the manner of distribution and sales (i.e., retail, individual bags, truckloads, or wholesale). The applicant shall present to the Township, a copy of their registration issued by the Michigan Department of Agriculture as evidence of compliance with PA 634 of 1976, the Commercial Fertilizer Regulation Act;
- 19. Evidence on the previous use, or nonuse, of this site for waste disposal;
- 20. Statements indicating that the applicant is aware of, has read, and understands as it applies to the proposed composting operation, Public Acts of the state of Michigan, including PA245 of 1929 as amended, the Water Resources Commission Act; PA 348 of 1965 as amended, the Michigan Air Pollution Control Commission Act; PA 116 of 1974, the Michigan Farmland and Open Space Preservation Act; PA634 1976, the Commercial Fertilizer Regulation Act; and PA 198 of 1975, the Fertilizer Act. This plan shall also include a copy of the applicant’s soil erosion and sedimentation control permit, as evidence of compliance with Act 347 of 1972 of the Public Acts of the State of Michigan; and
- 21. A contingency operations plan which addresses action to be taken in the event of a natural disaster, equipment failure, extended adverse weather, sewer storms, unauthorized receipt or dumping of hazardous material, or a breakdown in the composting process resulting in odor, dust, or off-site surface of groundwater contamination. These plans shall address

reserve or alternate equipment, alternative handling methods, agencies to be contacted or alerted, and alternative operational plans.

22. An off-site road maintenance plan which addresses, at a minimum the following:
- a. Method of dislodging mud and/or composting materials from the vehicles. Trucks shall be cleaned as often as necessary to prevent nuisances caused by the tracking of materials off-site.
 - b. An on-site traffic control pattern.
 - c. Method of removing soil, dust, and debris from off-site roads within 2,500 feet of the composting area entrances and exits.
- c. Closure Plan: A closure plan shall be submitted which shall detail the final end use of the property should use of the facility be discontinued for more than six (6) months. The plan should describe:
1. How the existing site will be cleaned up.
 2. How and where the existing surface debris will be disposed.
 3. What the final disposition of the land will be.
- d. Review Fee: A fee shall be established by the Township for the review of a special approval use application. The fee may be sufficient to cover all costs incurred by the Township in completing its review of the application. The fee shall be established and periodically reviewed by the Township Board of Trustees.
- e. Annual Operational Permit: All composting facilities and operations regulated by this Ordinance shall be subject to an annual operational permit issued by the Township Board of Trustees. Any violation of this Zoning Ordinance, or any other appropriate state, county, or local regulation, or noncompliance with the conditions of the special approval use permit, shall be grounds for the denial of an operational permit or its renewal. Renewal of an annual operational permit shall not be given without receipt of a letter of compliance from the MDNR Waste Management Division, and from the County Health Department, as may be required by this section and compliance with and receipt of a performance guarantee as required in paragraph B.3., of this section.
3. Performance Guarantee, Required Improvements. St. Clair Township shall require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with the project as a guarantee for their completion. These improvements shall mean those features and actions associated with the project which are considered necessary, by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project, or project area. Improvements shall include roadways, grading on and off-site, utilities, fencing, berming, screening, drainage, and source of water. Improvements do not include the entire project which is the subject of zoning approval. This performance guarantee shall be returned to the developer upon completion of required improvements and receipt of an "as built" site plan, as required by this ordinance.
- a. St. Clair Township shall also require and establish the amount of a performance guarantee, such as an irrevocable bank letter of credit, or surety bond acceptable to the Township to assure zoning and special approval use compliance, to correct breakdowns in the composting system, and to guarantee restoration in the event of abandonment, the presence or contamination of the site by hazardous wastes, or other environmental pollution. A minimum amount of \$5,000 shall be established and held as a performance guarantee. This

performance guarantee shall be renewed each year in conjunction with the renewal of the operational permit.

- 4. Consistency with State and County. The proposed facility and operation shall be consistent with solid waste planning efforts of the State of Michigan and 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. Approval of the special approval use permit, and the initial operational permit, shall not be granted without receipt of these letters of review/approval and compliance with this section.
- 5. Availability of Facility. The proposed facility must be available for use by all residents of St. Clair County during regular operating hours. The facility shall be open to County residents each Saturday of the month for a minimum of six (6) hours from April 1st to December 1st. The operator may charge County residents a fee for tipping and purchase of finished product.

5.4.32. FOSTER AND OTHER CARE HOMES, FOR OVER 12 RESIDENTS. An orphanage, foster home, or a home for the aged, indigent or physically handicapped, a rest or convalescent home is allowed as a special approval use in the Multiple-Family Residential (RM) District when the following conditions are met:

- A. The specific foster or other care home use must be clearly identified, registered and licensed by the appropriate State or Federal agency and may only be changed or altered with Planning Commission special use approval.
- B. All access to the site shall be directly onto a major road with minimum 66 foot right of way.
- C. All such facilities shall be developed on sites consisting of at least five (5) acres or more, with a minimum of three hundred thirty (330) foot lot width.
- D. No structures shall be constructed on the site other than structures designed as residential buildings or accessory uses. The main building must not be located closer than sixty (60) feet to any property line.
- E. The maximum extent of development shall not exceed twenty (20) persons, patients or residents per acre of land.
- F. In addition to providing off-street parking, loading space and service drives as required per the site plan approval, there shall also be provided on the site, not less than fifteen hundred (1500) square feet of open space for each bed in the home. This land area shall provide for fencing, berms, landscaping and accessory uses as determined necessary by the Planning Commission upon site plan review. This area shall not include the area covered by main or accessory buildings.
- G. Facilities may not be located within a 1500 foot radius of any existing foster or other care home.

5.4.33. FOSTER AND OTHER CARE HOMES FOR UP TO 12 RESIDENTS. A foster home, nursing or convalescent home or home for the indigent or physically handicapped for 12 residents or less may be allowed in the districts listed when the following conditions are met:

- A. The specific foster or other care home use must be clearly identified, registered and licensed by the appropriate State or Federal agency and may only be changed or altered with Planning Commission special use approval.
- B. All access to the site shall be directly onto a major road with a minimum 66 foot right of way.
- C. All such facilities shall be developed on sites consisting of at least two (2) acres or more, with a minimum of one hundred sixty five (165) foot lot width.

- D. No structures shall be constructed on the site other than structures designed as residential buildings or accessory uses. The main building must not be located closer than forty (40) feet to any property line.
- E. The maximum extent of the development shall not exceed twelve (12) residents.
- F. In addition to providing off-street parking, loading space and service drives as required per the site plan approval, there shall also be provided on the site, not less than fifteen hundred (1500) square feet of open space for each bed in the home. This land area shall provide for fencing, berms, landscaping and accessory used as determined necessary by the Planning Commission upon site plan review. This area shall not include the area covered by main or accessory buildings.
- G. Facilities may not be located within a 1500 foot radius of any existing foster or other care home.

5.4.34 **BED & BREAKFAST ACCOMMODATIONS.** Bed and breakfast facilities are allowed in the Residential and Rural zoning districts. The Planning Commission shall find that at least the following conditions are met before approving the use:

- A. Not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
- B. There shall be no separate cooking facilities used for bed and breakfast stay.
- C. No sign larger than two (2) square feet identifying the bed and breakfast shall be permitted.
- D. One (1) parking space shall be provided off-street in the interior side yard or rear yard area for each occupant room.
- E. Such off-street parking shall meet the design and layout requirements of Article VIII.
- F. No transient occupant shall reside on premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one year.
- G. All such facilities shall comply with all applicable local, county, and state building, occupant living area, plumbing, electrical, mechanical, fire, and health codes.

5.4.35. **RADIO, TELEVISION AND CELLULAR TOWERS; WIND ENERGY CONVERSION SYSTEMS.** These uses where permitted, will be subject to all Federal, State and Township regulations:

- A. **Radio, Television and Cellular Telephone Towers and Equipment.**
 - 1. **Setback.** The tower will be setback from all property lines and adjacent right-of-ways not less than a distance equal to the height of the tower, with no zoning ordinance restrictions on tower height.
 - 2. **Structural Integrity and Inspection.** The building inspector must approve all plans and may require periodic inspections as follows to ensure structural integrity:
 - a. Monopole towers once every 10 years.
 - b. Self-support towers once every 5 years.
 - c. Guide towers once every 3 years.
 - d. Inspections shall be conducted by a certified testing agency, engineer or architect licensed by the State of Michigan. The reports of such inspections shall be provided to the township and based upon the results of the inspection, the township may require repair or removal of the tower.
 - 3. **Equipment facilities and Accessory Uses.** These facilities may not include offices, vehicle or other outdoor storage, or broadcast studios or other uses that are not primarily enclosure or shelters of the above essential service equipment. The architectural design must be approved by the Planning Commission as compatible with the surrounding or abutting districts.

4. Location. No Tower will be permitted to be located within a 2 and 1/2 mile radius of another existing tower, or proposed tower having received approval from the Township.
 5. All future construction of towers are to be Monopole Towers only.
 6. Fencing. A security fence at least six (6) feet in height shall be constructed and set away from the base of the tower and other on site structures, at least (10) feet in all directions, as determined necessary by the Planning Commission.
 7. Lighting and Security. When lighting is required or permitted by the Federal Aviation Administration or other Federal or State authorities, it shall be oriented so as not to project onto surrounding residential property. Prior to site plan review and approval the applicant shall provide documentation that the proposed tower has been reviewed and is not been determined to be a hazard by the FAA.
 8. Abandonment. Any such tower standing unused for twelve (12) months or more may be required to be removed at the expense of the tower owner.
- B. Wind Energy Conversion Systems.
1. Definitions:
 - a. Wind Energy Conversion Systems (hereinafter referred to as WECS): Any device which converts wind energy to mechanical or electrical energy.
 - b. Wind Rotor: The blades plus hub to which the blades are attached used to capture wind for purposes of energy conversion.
 - c. Tower Height: The height of the actual tower, plus one-half the rotor diameter on horizontal axis installations, and on vertical axis installations, the distance from the base of the tower to the top of the unit.
 - d. Survival Wind Speed: The maximum wind speed a WECS in automatic, unattended operation (not necessarily producing power) can sustain without damage to structural components or loss of the ability to function normally.
 2. Permitted Zones. In any zoning district, the Planning Commission shall have the power to grant a special permit to allow wind energy conversion systems, subject to the restrictions contained within this Ordinance. Any special permit denied by the Planning Commission may be heard by the Zoning Board of Appeals upon the request of the petitioner for the special permit.
 3. Applicability of Ordinance. The standards which follow shall apply to systems intended for the provision of the electrical or mechanical power needs of the owner/operator of the system; also, such a system shall be for one main building and its accessory buildings only. For systems intended for uses other than the above, Planning Commission approval shall be required. Said approval shall cover the location of the system (shown on a survey of the property) on the site, the noise generated by the system, assurances as to the safety features of the system, and compliance with all applicable state and federal statues and regulations. Planning Commission approval shall specifically be required for arrays of more than one wind energy conversion system and for systems wherein one wind energy conversion system is intended to provide the electric power for more than one main building.
 4. Standards for and Regulation of WECS.
 - a. Construction: Tower construction shall be in accordance with the latest edition of the Township Building Code, and any future amendments and/or revisions to same.

- b. Electric-Magnetic Interference (EMI): Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause harmful interference with radio and/or television broadcasting or reception, and shall comply with the provisions of Title 47, Chapter 1, Part 15 of the Federal Code of Regulations and subsequent revisions governing said emissions.
- c. Setbacks: The structural design shall be signed and sealed by a professional engineer, registered in the State of Michigan, certifying that the structural design complies with all of the standards set forth for safety and stability in all applicable codes then in effect in the State of Michigan and all sections referred to herein above. The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to the height of such tower, that is, the property setback shall be on a one to one ratio with tower height.
 - i. The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the WECS or its supporting structure will not cause any portion of it fall within five (5') feet of utility lines.
- d. Maximum Height: The maximum height permitted (without variance from the Zoning Board of Appeals) shall be forty (40') feet unless otherwise prohibited by any state or federal statutes or regulations.
- e. Minimum Blade Height: The minimum distance between the ground and any protruding blades utilized on a WECS shall be fifteen (15') feet, as measured at the lowest point of the arc of the blades.
- f. Labeling Requirements: A minimum of one sign shall be posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the WECS.
 - i. The maximum power output of the system and the wind speed at which it is achieved.
 - ii. Nominal voltage and maximum current.
 - iii. Manufacturer's name and address, serial number and model number.
 - iv. Maximum survival wind speed and the emergency and normal shut down procedures.
- g. Utility Company Notification: The Detroit Edison Company shall be notified in writing of any proposed interface with that company's grid prior to installing such interface and shall conform with any legislated requirements governing installations of WECS so as to comply with the Utility Tariff specifications.
- h. Safety: The WEC's manufacturers shall document that the WECS model has been tested and certified by Underwriter's Laboratory, or other such applicable independent accrediting agency, and that when installed in accordance with recommended specifications shall have a maximum survival wind speed of not less than eighty (80) miles per hour.
- i. Noise: The maximum level of noise to be generated by a WECS shall be fifty (50) decibels, as measured on the dBA scale, measured at the property line.
- j. Miscellaneous.
 - i. All electric line/utility wires shall be buried under ground.
 - ii. Any mechanical equipment associated with and necessary for operation, including a building for batteries and storage cells shall be enclosed with a six (6') foot fence. The supporting tower shall also be enclosed with a six (6') foot fence unless the base of the tower is not climbable for a distance of twelve (12') feet.
 - iii. When a building is necessary for storage of cells or related mechanical equipment the building may not exceed one hundred forty (140) square feet in area nor eight (8') feet in

height, and must be located at least the number of feet equal to the height of the tower from any property line.

- iv. The tower and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the tower and related structure shall be dismantled and removed from the property within sixty (60) days.
- v. Every WECS shall be insured with minimum liability insurance of one hundred thousand dollars (100,000) for each occurrence. Proof of insurance shall be furnished to the Township.

5.4.36. USED AUTOMOBILE AND TRUCK SALES. Used automobile and truck sales are allowed in the General Business (B-2) District subject to the following provisions:

- A. The used automobile and truck sales must be located on a major thoroughfare, on a site having frontage of not less than one hundred (100') feet and an area of not less than ten thousand (10,000) square feet.
- B. Ingress and egress to the outdoor sales area shall be at least sixty (60') feet from the intersection formed by the existing or proposed right-of-way lines, whichever is greater.
- C. No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.
- D. A fifteen (15') foot landscaped setback shall be provided between any existing or proposed right-of-way line, whichever is greater, and any outdoor display of used automobiles or trucks.
- E. All lighting shall be shielded from adjacent residential districts and the use of open or base bulbs shall be prohibited.
- F. No outside loud speaker or outside public address system shall be used.

Section 5.5. Planned Unit Development.

5.5.1. PURPOSE. The provisions of this article provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments. It is the intent of this article to authorize the use of planned unit development regulations for the purposes of:

- A. Encouraging the use of land in accordance with its character and adaptability;
- B. Conserving natural resources and energy;
- C. Encouraging innovation in land use planning; providing enhanced housing, employment, shopping,
- D. Traffic circulation and recreational opportunities for the people of the Township;
- E. Bringing about a greater compatibility of design and use.

5.5.2. REGULATIONS. The following regulations shall apply to the development of any PUD.

- A. Applicable Zoning Districts. Planned unit development treatment may be applied in any zoning district.
- B. Applicable Uses. Any land use authorized in this Ordinance may be included in a planned unit development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development for the purpose of effectively dividing varied land uses which have been joined in and/or are adjacent to the development.

- C. Conditions. The applicant for a planned unit development must demonstrate all of the following as a condition to being entitled to planned unit development treatment:
 - 1. Grant of the planned unit development will result in one of the following:
 - a. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 - b. Long-term protection and/or preservation of natural resources and natural features of a significant quantity and/or quality in need of protection or preservation on a local, state, and/or national basis; or
 - c. A non-conforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
 - 2. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, and utilities in relation to the use or uses otherwise permitted by this Ordinance, and shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment.
 - 3. The proposed development shall be consistent with the public health, safety and welfare of the Township.
 - 4. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
 - 5. The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this Ordinance.

5.5.3. PROJECT DESIGN STANDARDS.

- A. Residential Density. Residential uses shall be permitted with the following maximum density, based upon the zoning district in which the property is situated immediately prior to classification under this article.
 - 1. Eight (8) dwelling units per gross acre in R-U.
 - 2. Ten (10) dwelling units per gross acre in RS-1.
 - 3. Twelve (12) dwelling units per gross acre in RS-2.
 - 4. Fourteen (14) dwelling units per gross acre in RM.
- B. Non-residential Uses. Non-residential uses shall be permitted as part of a common development with residential units to the extent the applicant demonstrates by expert analysis, and the Planning Commission finds, in its discretion, that the non-residential uses shall principally serve the persons residing in the residential units in the project, provided, the non-residential uses, including without limitation, parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.
- C. District Applications. For non-residential uses, minimum lot area requirements of the district in which a use is a permitted principal use shall apply, subject to the provisions of the immediately following paragraph. All ambiguities shall be resolved by the Planning Commission.
- D. Zoning Regulations. All regulations applicable to lot size, lot width, setback, parking and loading, general provisions, and to other requirements and facilities, shall be met in relation to each respective land use in the development based upon regulations of the zoning district in which the property is situated immediately prior to classification under this article. For all special uses, regulations applicable

to the respective uses shall apply. The Planning Commission, in its discretion, shall resolve all ambiguities as to applicable regulations. Notwithstanding the immediately preceding provision of this paragraph, deviations with respect to such regulations may be granted as part of the overall approval of the planned unit development, provided there are features or elements deemed adequate by the Planning Commission designed into the project plan for the purpose of achieving the objectives of this article.

- E. Increased Residential Density. Additional density of up to 25 percent greater than specified in the ordinance for residential uses may be allowed in the discretion of the Planning Commission based upon a demonstration by the applicant of design excellence in the planned unit development resulting in a material benefit to all or a significant portion of ultimate residential uses of the project, including, without limitation, development of innovative design producing significant energy efficiency, pedestrian or vehicular safety, or long-term aesthetic beauty.
- F. Natural Resource Preservation. To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features. In the interpretation of this provision, natural resources and natural features may be impaired or destroyed only if it is clearly in the public interest to do so. In determining whether action is in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of the natural resources or features. To accomplish this balancing, the following criteria shall be applied: The availability of feasible and prudent alternative methods of accomplishing the development; the extent and permanence of the beneficial or detrimental effects of the proposed activity; the size, quality and rarity of the natural resources or natural features which would be impaired or destroyed.
- G. Buffer Requirements. There shall be a perimeter setback and berming, as found to be necessary by the Planning Commission, for the purpose of buffering the development in relation to surrounding properties. If the planned unit development project includes non-residential uses adjacent to a district authorizing residential uses, and/or if the project is larger than one acre in area, such perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet in the discretion of the Planning Commission, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.
- H. Standards. Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
- I. Utilities. Where feasible, there shall be underground installation of utilities, including electricity and telephone.
- J. Separate Pedestrian Provisions. In all cases where separation can be accomplished without significantly reducing the kind and density of uses, the pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares and ways.
- K. Features. Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
- L. Screening. In all cases where non-residential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The Planning Commission, in its discretion, shall review and approve the design and location of such mechanisms in regard to maximizing, to a reasonable extent, the achievement of the screening objectives.

5.5.4. PROCEDURE FOR REVIEW AND APPROVAL.

- A. Rezoning Amendment. The grant of a planned unit development application shall require a rezoning by way of an amendment of this Ordinance.
- B. Preliminary Site Plan Review. Prior to the submission of an application for planned unit development approval, the applicant may submit to the Planning Commission a preliminary site plan of the proposed planned unit development, as well as the following information:
 - 1. Total number of acres in the project;
 - 2. a statement of the number of residential units, if any;
 - 3. the number and type of non-residential units, if any;
 - 4. the number of acres to be occupied by each type of use;
 - 5. the known deviations from ordinance regulations to be sought;
 - 6. the number of acres to be preserved as open or recreational space;
 - 7. all known natural resources and natural features to be preserved.
- C. Preliminary Response. The Planning Commission shall review the preliminary site plan, and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review, the Planning Commission shall provide the applicant with written comments, which shall be part of the official minutes of the Planning Commission.
- D. Recommendation for Amendment. Within six (6) months following receipt of the Planning Commission comments on the preliminary plan, the applicant shall submit to the Code Enforcement Officer, four (4) copies of a final plan conforming with the application requirements below. This plan shall constitute an application to amend this Ordinance, and shall be noticed for public hearing before the Planning Commission, and otherwise acted upon by the Planning Commission, and the Township Board, as and to the extent provided by law. With and in addition to the regular report submitted by the Planning Commission in connection with a rezoning application, the Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the planned unit development project, including, without limitation, recommendations with respect to matters on which the Township Board must exercise discretion.

5.5.5. APPLICATIONS. Final plans shall include the following:

- A. Site Plan. All requirements for Site Plan Review as listed in this Ordinance.
- B. Use Plan. A plan showing the type, location, and density of all uses.
- C. Open Spaces. All open spaces, including preserves, recreational areas, and the like, and each purpose proposed for such areas.
- D. Variances. A separately delineated specification of all deviations from this ordinance which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development article. This specification should include ordinance provisions from which deviation are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought.
- E. Landscape Plan. A detailed landscaping plan.
- F. Schedule of Development. A specific schedule of the intended development and construction details, including phasing or timing, and the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
- G. Building Facade. A specification of the exterior building materials with respect to the structures proposed in the project.

H. Certification. Signatures of all parties having an interest in the property.

5.5.6. CONDITIONS.

A. Purpose. Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law, for the purpose of ensuring 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, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole, shall be reasonable related to the purposes affected by the planned unit development, and shall be necessary to meet the intent and purpose of this Ordinance, and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

5.5.7. PHASING AND COMMENCEMENT OF CONSTRUCTION.

A. Phasing: Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, phasing shall contemplate that at least 35 percent of all proposed residential units are completed concurrent with the first phase of any non-residential construction; completion of at least 75 percent of all proposed residential construction prior to the second phase of non-residential construction; and completion of 100 percent of all residential construction prior to the third phase of non-residential construction. For purposes of carrying out this provision, the percentages shall be approximations as determined in the discretion of the Planning Commission.

B. Commencement and Completion of Construction: Construction shall be commenced within one (1) year following final approval of a planned unit development, or within one (1) year of any other necessary governmental approval for commencement of the project, whichever is later, provided all other necessary approvals have been actively pursued. Each phase of the project shall be commenced within one (1) year of the schedule established for same in the application submitted. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the Planning

Commission upon good cause shown if such request is made to the Commission prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the Township shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

5.5.8. EFFECT OF APPROVAL. If and when approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such amendment.

Section 5.6. Condominium Development Standards.

All condominiums or site condominiums shall comply with the following regulations:

5.6.1 APPLICATION. A site plan must be submitted to the Planning Commission showing all buildings, parking areas, recreation areas, limited common elements, general common elements, and landscaping on a scale sufficient to permit study of all elements of the plan. The site plan shall be in compliance with all the requirements for Site Plan review as listed in the Ordinance and shall include:

A. The name, address and telephone number of:

- 1. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - 2. All engineers, attorneys, architects or licensed surveyors associated with the project.
 - 3. The developer or proprietor of the condominium project.
- B. The legal description of the land on which the condominium project will be developed together with tax identification numbers.
 - C. The acreage content of the land on which the condominium project will be developed (acreage to be dedicated as public right-of-way shall be noted).
 - D. The purpose of the project (for example, residential, commercial, industrial, etc.)
 - E. The number of condominium units to be developed on the subject parcel.
 - F. Preliminary plans for a community water system.
 - G. Preliminary plans for a community sewer system.
 - H. A flood plain plan, when appropriate.
 - I. A site plan showing the location, area and dimensions of all building envelopes, building sites (limited commons area, and general commons areas), roads, driveways, landscaping, and recreational facilities.
 - J. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township for installation, repair and maintenance of all utilities.
 - K. Storm water management plan, including all lines, swales, drains, basins, and other facilities including appropriate documentation as well as existing and proposed topographic features.
 - L. All natural areas including trees and wetlands to be preserved or modified shall be indicated on the submitted site plan.
- 5.6.2 STANDARDS. The following standards shall be adhered to during the review, approval and development of the proposed Condominium.
- A. Streets. All streets shall be constructed to the specifications of the St. Clair County Road Commission and the Township Engineers recommendation.
 - B. Utilities. Utilities, including sanitary sewers, storm sewers and freshwater systems shall be constructed in accordance with existing State, County, Township and City public utility requirements and to the Township Engineers recommendations. All utilities, except essential services, shall be placed underground.
 - C. Conformance with Subdivision Regulations. All condominium project plans shall conform to the design, layout and improvement standards and all other requirements as established by St. Clair Township based on the recommendations of the Township Engineer.
 - D. Setbacks and Lot Areas. All condominium or site condominium projects shall conform to the pertinent zoning district schedule of regulations except as otherwise noted. Setbacks and minimum lot areas for a single family detached site condominium shall be measured from the perimeter boundary of the building site property line. Building site property size requirements may be modified from the minimum lot size requirements upon approval of the Planning Commission provided:
 - 1. The number of dwelling units per acre do not exceed the minimum lot size requirements per acre as listed.

- 2. Designated open spaces are provided for preservation of natural assets, recreational areas and the like.
- E. Open Space or Common Element. A minimum of ten percent (10%) of the total land area, excluding the land area devoted to roadways, shall be devoted and maintained as a Common Element or utilized as a portion of the Open Space Preservation Option allowed elsewhere in the Ordinance. The area shall be designed as a nature preservation area or recreational area, acceptable to the Planning Commission, demonstrating protection and practical usage or access to the natural assets found on the site, on clearly defined plans, as required for Site Plan Review.
- E. Buffer Requirements. There shall be a perimeter setback and berming, as found to be necessary by the Planning Commission, for the purpose of buffering the development in relation to surrounding properties. If the condominium development project includes non-residential uses adjacent to a district authorizing residential uses, and/or if the project is larger than one acre in area, such perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet in the discretion of the Planning Commission, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.
- F. Compliance with other Statutes and Ordinances. All condominium projects shall comply with federal state and local laws, statutes and ordinances.
- G. Master Deed. The project developer shall furnish the Zoning Administrator with copies of the proposed consolidated Master Deed, bylaws, and proposed plans.

5.6.3 SITE PLAN REVIEW. The proprietor shall submit a site plan to the Planning Commission as required elsewhere under this Ordinance regarding Site Plan Review. An approved Site Plan will regulate development of the property unless otherwise notified by the Planning Commission upon review and approval of the following:

- A. Phased Development. Condominium projects may be constructed in phases. However, any phased plan shall show the total proposed with phases clearly identified. Building permits for a phase thereof will not be issued until all streets and utilities have been constructed for that phase.
- B. Expansion and Conversion. Prior to expansion or conversion of a condominium project to additional land, any new phase must be approved by the Planning Commission as required by this ordinance.
- C. Redevelopment of Existing Sites. This development option may be used only for the redevelopment of existing Single or Multiple Family residential sites and does not apply to other uses, or vacant or undeveloped property. In instances where physical topography and dimensional difficulty would prohibit normal re-development and where the unique character of the proposed re-development of the property, as determined by the Planning Commission, can be demonstrated, the property may be re-developed as a condominium development with the requirements and exceptions listed as follows:
 - 1. Procedure and Requirements. The procedure and requirements for the review and approval of the project shall be in compliance with all the current requirements listed in the Zoning Ordinance for Condominiums unless specifically noted herein.
 - 2. Number of Units. The total number of units allowed for construction may not exceed the number of units in existence at the time of the submittal of the proposed development, or the number of units allowed by Ordinance, whichever is less. Should a proposed site have the existing structures removed prior to review and approval by the Planning Commission, the site will be required to be developed in accordance with all the regulations as normally required for vacant property.
 - 3. Private Drives. The entire project, including all new or existing structures, utilities, buffers and other site items must comply with the regulations and standards listed in the ordinance for new condominium development, with the exception that the streets for the development may be constructed as privately owned drives provided they shall comply with the following:
 - a. Be constructed with a hard surface such as asphalt or concrete and in conformance with minimum national standards for roadway design, such as those established in the most current addition of the American Association of State Highway Transportation Officials "Policy on Geometric Design of Highways and Streets" or other national standards, as

- adopted by resolution of the Township Board.
- b. Be designed to provide the minimum frontage required by the ordinance for the district in which they are located.
- c. Be clearly marked as private drives and labeled with names that are not the same or similar to other streets within the Township.
- d. At all locations where such private drives enter upon a public street, the required Township, State or Federal standards shall be met for all entrances required for public roadways. This shall include but not be limited to, passing lanes, ingress and egress tapers, signage and other such concerns.
- e. Maintain an overhead height clearance of at least 14 feet.
- f. Provide adequate access for police, fire and other emergency service vehicles.
- g. Include maintenance provisions, written in the form of deed restrictions to accommodate safe access, ingress and egress of vehicles to the site. The maintenance provisions shall include, but not be limited to, removal of snow, as well as the repair and maintenance of the street as reasonably necessary such as, but not limited to, the sealing and filling of cracks or holes. The provisions shall also include the removal of any vegetation, which might obstruct vehicle access or constitute a safety hazard, as well as including an adequate means of ensuring that the required maintenance will occur.
- h. All projects that abut public road rights of way that require additional dedication of rights of way or easements, in order to conform with the requirements of Master Plan designations, whether required at the local, County, State or Federal government level, shall dedicate such required rights of way or easements, for such specific designation and/or use. This shall include but not be limited to roadways, storm drainage, sanitary sewers, water mains, non-motorized pathways, sidewalks or utilities.

5.6.4. CONDITIONS. Upon approval of the development the following items shall be reviewed for:

- A. A certified copy of the Final Bylaws
- B. A certified copy of the Consolidated Master Deed
- C. A certified copy of the final site plan shall be provided on a Mylar sheet of at least 24 inches by 36 inches.

5.6.5. AS-BUILT PLAN AND OCCUPANCY. Submission of an as-built plan of a condominium unit is required prior to occupancy. The zoning administrator may allow occupancy of the project before all improvements required are installed provided that a bond is submitted to the Township Clerk, 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. The amount of the bond shall be determined by the Township Engineer.

Section 5.7. Subdivision Plat Approval. No proposed plat of a new or redesigned subdivision shall hereafter be approved by either the Township Board or the Planning Commission unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Ordinance, and unless such plat fully conforms with the statues of the State of Michigan and the Subdivision Regulations of the Township as may be adopted, or referenced by resolution of the Township Board.

Section 5.8. Open Space Preservation Option.

This development option is offered as an alternative means of residential development in the Township’s RU – Rural district and RS-1 & RS-2, Residential Non-Sewered districts. The intent of this development option is to provide for the creation and preservation of open space areas within residential development. It is particularly applicable to property containing area or areas of environmental significance that ought to be preserved. The creation of open space and the preservation of areas of environmental significance may be achieved under this option by allowing for a reduction in the minimum lot area and lot width requirements by residential district. This modification shall be accomplished without any attendant increase in the number of lots that could be otherwise permitted on the property. Single Family attached housing may be permitted after review and approval of the layout, setbacks and lot sizes as determined by the Planning Commission to be in compliance with the spirit and

intent of this ordinance.

5.8.1 DISCRETIONARY USE OF THIS OPTION. Use of this development option as an alternative to conventional residential development shall be solely at the discretion of the property owner or developer. Sites developed under this option may be developed as platted subdivisions, site condominiums or under the Land Division Act. Property owners or developers of property containing assets of environmental significance, such as wetlands, woodlands, steep topography, productive agricultural land, or combinations thereof, are encouraged to use this option to preserve as much of these site amenities as possible.

5.8.2 PRE-APPLICATION MEETING. Prior to submitting an application to develop property under the guidelines of this option, the applicant may request a pre-application meeting with the Planning Commission. A request for the pre-application meeting must be submitted in writing a minimum of two (2) weeks in advance of the next regularly scheduled Planning Commission meeting. The purpose of the meeting is to acquaint the applicant with how the option works and the potential advantages that may be gained by the developer and the community by using the option.

A. Concept Plan. If the applicant is familiar with the option, and has prepared a concept plan showing use of the option on the applicant’s property, that plan may be presented at the pre-application meeting.

5.8.3 APPLICATION SUBMITTAL. Application to develop under the Open Space Preservation Option shall be made to the Township and shall include the following items:

A. Application. The application form shall be submitted a minimum of 28 days in advance of the next regularly scheduled meeting of the Planning Commission. The applicant shall pay all application fees and deposits necessary to cover review fees by all departments and/or consultants. This may include a requirement for the submittal of a computerized plan and/or additional transparencies that are compatible with the current systems in use by the Township or St Clair County. The applicant shall be required to provide any and all other information or materials necessary to ensure compliance with this ordinance despite any failure on the part of the Township to notify the applicant.

B. Existing Conditions Drawing. An existing conditions drawing must be prepared to an engineer scale of one (1) inch equals 100 ft., 200 ft., 300 ft., 400 ft. or 500 ft., by a registered land surveyor or registered civil engineer. It must show in detail all the natural features of the property, including streams, lakes, ponds, wetlands, stands of trees and topography at two (2) foot intervals, utility easements and other easements, roads, lanes, driveways, rights-of-way, buildings and structures. It must also indicate the amount of the general acres of the site that contain areas of environmental significance, such as wetlands, lakes, ponds, streams, stands of trees and steep topography and the percent each makes up of the total acreage of the property.

C. Preliminary Site Plan. The preliminary site plan shall be superimposed over the existing conditions drawing outlined in this ordinance, and shall be prepared by a registered land surveyor, registered civil engineer or a registered landscape architect.

The preliminary site plan shall show the location of all proposed roads, road rights-of-way, sidewalks, bikepaths or trails, any proposed utility easements, lots,(home sites), the peripheral dimensions of each lot, including the dimensions(s) along the lot frontage at the road right-of-way line, open space areas, including land designated for active recreation, the length of any cul-de-sac roads, the number of acres to be set aside as open space, and its percent of the total acreage of the property.

Additional information to be provided on the preliminary site plan shall include all the requirements listed in the Zoning Ordinance regulating general site plan review.

5.8.4 PRELIMINARY SITE PLAN REVIEW. Upon acceptance of an application for review, the Township shall stamp each plan with the date received and forward copies to the appropriate personnel and agencies for

review and set for preliminary review by the Planning Commission. Following its review, the Planning Commission may;

- A. Preliminary Site Plan Approval. Approval may be granted outright based on compliance with the ordinance requirements, or conditioned on resolution of any concerns expressed by the review personnel, agencies or by the Planning Commission, with the requirement to submit the changes on the Final Site Plan.
- B. Table Pending Further Changes. If any of the review personnel or agencies do not recommend preliminary site plan approval or if the Planning Commission indicates that there are necessary changes that need to be made to the preliminary site plan, the plan shall be tabled pending the required changes. Resubmission of the plan will then be required, as listed above.
- C. Preliminary Site Plan Denial. The Planning Commission shall deny the applicant Preliminary Site Plan Approval if too many critical or major concerns are unresolved, or not in compliance with the requirements of the Ordinance.

5.8.5 FINAL SITE PLAN REVIEW. Except for any changes resulting from any conditions the Planning Commission may have attached to its Preliminary Site Plan Approval, the final site plan shall adhere to the specifications approved during the preliminary site plan. Final Site Plan Review by the Planning Commission shall also be in compliance with all requirements listed in the Zoning Ordinance for general Site Plan review, including Requirements, Procedure, Effect of Approval, As-built Plans, and Conditions and Safeguards. Also applicable are all requirements for local or State laws for the applicable development such as, but not limited to, the Condominium laws and ordinances and the Subdivision and Land Division Acts.

- A. Approval. The final site plan approval may be made contingent on any final site engineering details that are normally worked out with the Township engineer, and pending Township review and approval of any required master deed, association by-laws, protective covenants or deed restrictions, associated with the development. The Planning Commission may require sureties for compliance with all the requirements listed herein.

5.8.6 DWELLING DENSITY LIMITATIONS. Dwelling density shall be based on the number of single family detached dwellings permitted in each residential district as outlined in this Subsection. The area to be used for computing of dwelling density shall be the gross area of the site less all deductions for internal roadways and other unbuildable areas, such as but not limited to, wetlands and floodplains. The number of dwellings permitted to be constructed shall not exceed the number that would be permitted under conventional zoning regulations as determined by the net buildable area of the parcel after the deductions listed above.

- A. Design. The number of single family detached dwellings by zoning district is set forth as follows:

<u>District</u>	<u>No Sewer</u>	<u>With Sewer</u>
RU	4.0 Acres per dwelling	4.0 Acres per dwelling
RS-1	4.0 Acres per dwelling	Not permitted
RS-2	4.0 Acres per dwelling	Not permitted

5.8.7 LOT AREA, LOT WIDTH AND BUILDING SETBACK REQUIREMENTS. The following minimum lot area, lot width and building setback requirements, by zoning district shall apply.

- A. Lot area. For lots served by private individual septic tanks and wells, the minimum lot area of each lot shall be 1 acre, or whatever may be required above that minimum by the St. Clair County Health Department to meet their standards.
- B. Lot Width & Building Setbacks. For all Districts, no minimum lot width shall be required, except each lot shall have sufficient width to allow the requirements of the building setbacks listed in the Schedule of District Regulations, for the RS-1 Sewered District, to be met. These setbacks are applicable to each District listed, RU, RS-1 AND RS-2.

5.8.8 OPEN SPACE PRESERVATION. Land to be placed in perpetuity as open space shall meet the following requirement:

- A. Amount. Land to be set aside as open space within the development shall not be less than fifty (50) percent of the land area of the property used to compute dwelling density as set forth in elsewhere in this ordinance, and as stipulated in Michigan Public Act 177 of 2001.
- B. Recreation Area. A portion of the property is encouraged to be set aside as an active recreation area for the residents of the development. This area, if possible, should contain sufficient flat land to permit the informal playing of field sports. This land may be provided in addition to, or as a part of the open space preservation area stipulated in this ordinance.
- C. Dedication. All land set as open space shall be set aside for that purpose and that purpose only. Once established and dedicated as open space, no part of any open space so established shall be converted to land for development. Other uses or purposes of the open space may be established or converted to with the express approval of the Township and the residents living in the development and provided the proposed use is in compliance with the Spirit and Intent of this Ordinance. In no event shall any reduction in open space area result in less open space being provided on the property than the minimum open space required by statute (PA177).
- D. Inclusion. The open space portion of the property shall include any lakes, ponds, streams, agricultural lands, wetlands, woodlands, or stands of trees, areas of steep topography, and areas of active recreation open space.
- E. Design. Open space shall extend to as many lots within the development as physically possible except:
 - 1. No lot line shall be placed closer that fifty five (55) feet to any projected right-of-way line of any road that is designated as a major collector or arterial street on the Township Master Plan.
 - 2. At least some portion of the open space area shall extend to each peripheral property line so that the open space in one development may be connected to open space in an abutting development. Such open space connections shall not be short dead end spaces, but shall be designed and laid out to permit the potentially continuous interconnecting of open space areas in one development with the open space areas in other developments. No open space area shall be less than fifteen (15) feet wide so that it can adequately accommodate a trail or bikepath extending uninterrupted from one open space to another.
 - 3. Where a preservation open space development shall border an existing commercial development, or land that is zoned or master planned for commercial development, open space be provided. of sufficient width to permit connecting the two sites together via a trail or bikepath, shall
- F. Perpetuity. All open space areas shall be clearly stipulated in any covenants placed on the development as area to be set aside in perpetuity as open space.

5.8.9 ASSURANCE OF OPEN SPACE PRESERVATION. The area of the property to be set aside as open space, as set forth in this ordinance shall be subject to the following preservation assurances.

- A. Approval Requirements. A master deed, protective covenants or deed restrictions and the by-laws of the association of home owners, as required in this Subsection, shall be subject to review and approval by the Planning Commission. Of particular importance to the Township shall be assurance that all open space areas, including all active recreation areas, are properly set aside for such purposes and those areas of the open space areas that will require maintenance, will be properly cared for. The Township may refer such documents to the Township Attorney for review and comment. The Township, at its discretion, may require the assigning of a second party or partner with the development to secure the open space as open space areas only, other than the active recreation area or areas. A second party could be a land conservancy or similar land preservation organization.

1. Single Family Site Condominiums. The location of all open space shall be described by legal description in the Master Deed. A general description of what the open space areas contain will be included. These areas shall be set forth as open space to be preserved as open space. Open space areas may be identified as common areas as defined in Michigan PA 59 of 1978, as amended. Area to be set aside for active recreation, as set forth in Section 5.8.9.B, above, shall also be detailed and described in the Master Deed. Any area of any open space or active recreation area that will require maintenance shall be so identified in the Master Deed and the manner in which these areas will be maintained shall be clearly spelled out in the Association's By-laws.
2. Single Family Subdivision Plat or Land Division. The location of all open space shall be described by legal description, along with a general description of what the open space areas will contain. These areas will be set forth as open space areas to be preserved as open space in the form of protective covenants or deed restrictions. The covenants shall also require the forming of an association of homeowners, who shall be governed by Association By-laws. The by-laws shall clearly spell out the responsibilities of the homeowners association, including how all open space and active recreation areas, which will require maintenance, will be maintained by the association.

5.8.10 INTERNAL STREET SYSTEM. All lots or sites shall front only upon a road which is internal to the development with sidewalks or bikepaths abutting the adjacent roadway. No lots shall be created which front upon existing Public Roads. The system of interior streets or roads shall be designed, laid out and built to provide for the safe and convenient circulation of motor vehicles within the development in accordance with the following requirements.

- A. Design. The entire interior street or road system shall be designed and built to the applicable road Commission of St. Clair County standards so they may be approved and accepted as public streets or roads by the Road Commission. All intersections with any existing public roads shall be designed and built to the applicable Road Commission of St. Clair County standards so they may be approved and accepted as public streets or roads by the Road Commission.
- B. Impact. Every effort shall be made by the applicant to create a system of interior streets or roads that will have the least adverse impact on any asset of environmental significance on the property. This will include the loss of tree cover, impacts on wetlands or the cutting and filling of areas of steep topography.

5.8.11. SCREENING AND LOT ORIENTATION. On site screening and the location of certain lots shall be provided as set forth in this Section.

- A. Natural Foliage Screen. If dense natural screening exists along the property's thoroughfare road frontage, it shall be preserved. Where deemed appropriate or necessary, it shall be augmented by new planting materials placed to enhance the natural foliage screen within the minimum required setback buffer area between the lot line and the right of way. Any screening buffer so applied may count towards meeting the minimum open space requirement of this Section.
- B. Topographic Screen. If an effective screen of natural foliage does not exist along a site's thoroughfare frontage, but a pronounced change in topography of at least eight (8) feet in height does exist within the minimum setback buffer area described in Subsection 5.8.9 E.1 of this Section, the upward change in elevation may serve as a buffer.
- C. Artificial Screen. In the event that dense foliage or a pronounced change in topography does not exist along the property's thoroughfare an eight (8) foot high undulating earth berm shall be erected within the minimum setback buffer area. The maximum steepness of the side slope of the earth berm shall not exceed a ratio of 3:1 (3 feet of horizontal plain for each foot of vertical rise) and the slopes of the berm shall be stabilized against erosion by the use of extensive ground cover

consisting for the most part, of trees and shrubs.

- D. General Landscaping. For common areas, including any entrance designs or buffering requirements as set for in this subsection, that may be required or are proposed, a detailed landscape planting plan, drawn to the same scale as the site plan, shall be submitted. The landscape planting plan shall show the location of all planting materials or landscape features and shall identify all such features, including the specie of each live planting material, their location and their size or spread at the time of planting and when they reach full growth. A statement shall be placed on the landscape planting plan explaining how all landscaping so placed, will be maintained in a living growing condition, as required by ordinance.
- E. Lot Orientation. All lots shall be placed with a back lot or side lot orientation to any buffer area required in the Subsection.

5.8.12. DURATION OF APPROVALS. The duration granted of all approvals shall be valid as follows:

- A. Preliminary Site Plan Approval. The granting of Preliminary Site Plan Approval by the Planning Commission shall be good for one (1) year, commencing on the date of approval and terminating on the date one (1) year later.
- B. Final Site Plan Approval. The granting of Final Site Plan Approval by the Planning Commission shall be good for one (1) year, commencing on the date of approval and terminating on the same date one (1) year later.
- C. Extension. If between the granting of Preliminary or Final Site Plan Approval and the termination date of that approval, a revised site plan is submitted and approved by the Planning Commission, the one (1) year expiration date will be extended one (1) year to the day from the date of revised site plan approval.

SECTION 5.9 RANGE ROAD CORRIDOR OVERLAY

5.9.1 INTENT

Range Road has been identified as an important transportation corridor through the county serving as a major commercial and industrial corridor for the communities that line the roadway. The intent of the Range Road Overlay Zoning District is to provide specific standards for the corridor to preserve roadway capacity and safety, facilitate high quality commercial, industrial, and residential development along the corridor and preserve natural features that help define the communities that line the corridor. Among the specific purposes of the Corridor Overlay Zoning District are:

- (a) Maximize the capacity of the road by limiting, and controlling the number, and location of driveway: and requiring alternate means of access through shared driveways, service drives, and access from side streets.
- (b) Preserve future right-of-way needs in a timely manner and minimizing disruption of existing businesses through preservation of additional right-of-way that maybe necessary to widen the road
- (c) Promote alternative means of transportation through development of non-motorized pathways along Range Road and provide for transit-friendly site design.
- (d) Facilitate high—quality development and redevelopment of commercial business districts through quality architecture, efficient site design and landscaping.

- (e) Require low level signs to minimize motorist distraction, avoid blight, and clutter, promote aesthetics and unify signage with the overall character desired in the corridor while providing property owners and businesses with an appropriate mechanism in which to identify their location and business.
- (f) Require landscaping on sites along the corridor as they develop and redevelop to attain the desired green space, buffering between uses and the high quality appearance of the corridor.
- (g) Promote preservation of existing natural features, including woodlands and wetlands, which provide important ecological and aesthetic functions to the communities along the corridor.

5.9.2 APPLICABILITY

- (a) **Scope of Application.** The development or redevelopment of lots and parcels of land having frontage along Range Road or having any land area within five-hundred (500) feet of the centerline of Range Road shall comply with the provisions of this overlay zoning district in addition to the applicable regulations of the underlying zoning district. The lot area, and bulk requirements of the underlying zoning district shall be complied with subject to the requirements of this overlay zoning district. Where a conflict exists between the requirements of this overlay zoning district and the underlying zoning district the most restrictive requirement shall apply.
- (b) **Uses Permitted.** The uses permitted shall be regulated by the underlying zoning district. The review and approval process applicable in the underlying zoning district shall be followed, provided site plans and plats may be forwarded to the Range Road Advisory Committee for review and recommendation prior to approval by the Planning Commission.
- (c) **Traffic Impact Study.** A traffic impact study shall be required as part of the site plan submission for any development within the overlay zoning district where the proposed development meets the warrants for such traffic impact study. The warrant for a traffic impact study and the standards listed in preparing and approving such traffic impact study shall be based upon standards adopted by the Range Road Advisory Committee. The traffic impact study may be forwarded to the Range Road ~ Advisory Committee for review and recommendation prior to approval by the Planning Commission.

5.9.3 BUILDING DESIGN

- (a) **Design.** All newly constructed buildings with frontage on Range Road shall utilize quality architecture to ensure that buildings are compatible with surrounding uses, protect the investment of adjacent landowners and blend harmoniously into the streetscape.
- (b) **Materials.** All non-residential uses, including commercial, office and industrial, shall provide exterior building materials and treatment of finished quality. Building materials and colors shall relate well and be harmonious with the surrounding area. For any side of a building visible from public roadway, service drive or parking lot, the facade shall consist of one or more of the following materials. The use of building material shall comply with the maximum percentage of the wall that may be covered by the permitted building material indicated below, provided a minimum of fifty percent (50%) shall be masonry material including brick, stone or scored, or split-face block.

	Maximum Percent of Wall that may be Covered by Certain Building Material
--	---

Permitted Building Material	Commercial Or Office	Industrial
Brick or face brick	100%	100%
Cut or cast stone	100%	100%
Scored or split-face block	50%	100%
Vinyl siding	50%	50%
Wood siding	50%	0%
EIFS, Dyvit or Stucco	25%	25%
Metal	25%	25%
Other material not listed above	10%	10%

- (c) **Roof.** Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. Buildings shall be designed with a pitched roof or shall incorporate a decorative cornice along the top of a parapet wall enclosing a flat roof. All rooftop mounted equipment shall be screened from view.
- (d) **Front Facade.** Buildings shall front towards and have their primary pedestrian entrance facing the public street. The Planning Commission may permit buildings which face towards a side yard, provided that defined pedestrian access routes are provided to the public street. Blank walls may not face a public street and buildings must have windows and architectural features commonly associated with the front facade of a building on walls that face Range Road.
- (e) **Setbacks and Building Walls.** Buildings shall be located to create a defined streetscape through uniform setbacks and proper relationship to adjacent structures. The predominate surface plane of all building walls over one-hundred (100) feet in length shall be varied through the use of one or more of the following: varying building lines, windows, architectural accents or landscaping.
- (f) **Site Elements.** Signs, landscaping, walls, lighting and other site elements shall be coordinated and compatible with the building design. as well as harmonious with other nearby developments.

5.9.4 SIGNS

- (a) **Monument Sign.** Each business along Range Road shall be permitted one monument sign, a maximum of six feet in height and sixty (60) square feet. of sign area. An additional forty (40) square feet of sign area shall be permitted for frontages of over three-hundred (300) feet. Corner lots with the minimum required frontage on two public roads shall be permitted two monument signs - one per frontage. The Planning Commission may permit up to a ten percent (10%) increase in the maximum permitted ground sign area if extensive landscaping and a descriptive brick base consistent with the materials of the principal building are provided.
- (b) **Wall Signs.** Wall signs shall be allowed up to ten percent (10%) of the front building facade an shall not

project beyond or overhang the wall and shall not project above the roof or parapet wall of the building.

- (c) **Entrance Signs.** Entrance signs shall be permitted to a maximum of thirty-six (36) square feet in area and a maximum height of six (6) feet identifying developments such as office complexes, industrial parks, schools, subdivisions, apartment complexes, condominium communities. Senior housing complexes, mobile home parks and similar uses.
- (d) **Prohibited Signs.** The following signs shall be prohibited: pole signs, billboards, commercial vehicles used as signs, exterior string lights, portable or temporary signs, signs using high intensity or flashing lights, spinners or animated devices and signs that obstruct motorist or pedestrian vision.
- (e) **Other Signs.** The following signs shall be permitted as provided for in the underlying zoning district: construction signs, flags, garage sale and estate sale signs, gas station pump island signs historical markers, menu boards for drive-thru restaurants, non-commercial directional signs, addresses, office tenant/occupant name signs, political signs, real estate signs, parking lot regulatory signs, traffic regulatory signs and street signs.

5.9.5 Landscaping. The following minimum landscaping shall be provided. Nothing herein shall preclude more extensive landscaping. Creativity in landscape design is encouraged. The standards are intentionally flexible to encourage adaptability and creative design. Required trees and shrubs may be planted at uniform intervals, at random, or in grouping. depending on the designer’s desired visual effect and the intent to coordinate landscaping on adjacent properties.

- (a) **Frontage Greenbelt.** Within all zoning districts, site plans and subdivision plats shall provide twenty (20) foot wide greenbelt planted adjacent to and outside of the road right-of-way. Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except where paved pedestrian or vehicular access are used. All existing trees six (6) inches caliper or greater within the greenbelt shall be preserved, except where necessary to install vehicular, pedestrian and utility access points. The greenbelt shall be planted with the following landscaping:
 - (1) Within any zoning district that permits commercial or office uses, a minimum of one (1) deciduous canopy tree and four (4) shrubs shall be planted for each thirty (30) lineal feet, or portion thereof, of required greenbelt length. Trees may be planted at uniform intervals, at random, or in groupings. The Planning Commission may approve substitution of evergreen trees for up to fifty percent (50%) of the required trees.
 - (2) Within all other zoning districts, including industrial and residential districts, a minimum one (1) deciduous canopy tree, one (1) evergreen tree and four (4) shrubs shall be planted for each thirty (30) lineal feet, or portion thereof, of required greenbelt length. Trees may be planted at uniform intervals, at random, or in groupings.
- (b) **Buffer Zones.** In order to provide protective screening and buffers between abutting land uses, a landscaped buffer zone shall be provided along all side and rear lot lines in accordance with the following:

REQUIRED BUFFER ZONES				
The Proposed Use Will Be:	Proposed Use Will lie Adjacent To:			
	Single Family District	Multiple Family District	Commercial District	Industrial District
Single Family	None	B	B	A

Residential (I)				
Multiple Family Residential	B	C	B	A
Commercial Office	B	B	C	B
Industrial	A	A	B	C

DESCRIPTION OF REQUIRED BUFFER ZONES			
Buffer Zone	Minimum Width	Minimum Wall/Berm (2)	Minimum Plant Materials
A	50 feet	continuous wall or berm	1 deciduous tree, 2 evergreen trees and 4 shrubs per each 20 linear feet along the property line
B	20 feet	continuous wall or berm	1 deciduous tree, 1 evergreen tree and 4 shrubs per each 30 linear feet along the property line
C	10 feet	None required	1 deciduous or evergreen tree or 4 shrubs per each 20 linear feet along the property line

- (1) Single family buffer zone required for subdivision plats and condominium site plans only.
- (2) Walls shall be constructed of masonry material such as brick or block matching the building.

(C) Landscaping of Off-street Parking Areas.

- (1) All off-street parking areas shall be landscaped with one deciduous canopy tree for each ten parking spaces. Landscaping may be located within interior landscape islands or around the perimeter of the parking lot, provided that a minimum of one-third of the require parking lot trees shall be located within landscape islands.
- (2) Landscaped areas in parking lots shall be no less than ten (10) feet in any dimension and no less than one hundred fifty (150) square feet in area- Landscaped areas shall be protected with curbing or other means to prevent overhang encroachment of vehicles. Landscaped areas shall be covered by grass or other living ground cover. Wood chips or similar material, a minimum depth of three (3) inches is permitted for planting beds surrounding plant material.
- (3) Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and help direct smooth traffic flow within the lot. Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area. Landscape islands shall be located to define and protect pedestrian walkways leading to the building entrance.
- (4) Where off-street parking areas are visible from a public street, a hedge row shall be provided within the yard between the parking lot and the road right-of-way. The hedge row shall be planted with two foot tall evergreen or deciduous shrubs, 2-1/2 feet on center. As an alternative to a hedge row, the Planning Commission may permit a three (3) foot tall brick wall with shrub plantings along the brick wall.

(d) **Planting Standards.** Plant materials used shall be nursery grown, free of pests and diseases, hearty in St. Clair County and in conformance with the standards of the American Association of Nurserymen. The following minimum specifications shall apply to all plant matter of planting proposed in accordance with the landscaping requirements of this Ordinance:

MINIMUM PLANT MATERIAL SIZE

Plant Type	Minimum Caliper 1	Minimum Height	Minimum Spread
Deciduous canopy trees	2 1/2 inches	4 feet first branch	--
Ornamental trees	2 inches	4 feet	--
Evergreen trees	--	6 feet	2 1/2 feet
Shrubs	--	2 1/2 feet	15 inches
Hedges	--	3 feet	--

5.9.6 Driveway Access

(a) Driveways in General

- (1) Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
- (2) Driveways, including the radii but not including turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved the St. Clair County Road Commission and upon written certification from the adjacent property owner agreeing to such encroachment
- (3) Any driveway design utilized must allow for an entering vehicle speed of fifteen (15) miles per hour to help reduce interference with through street traffic.
- (4) Driveway design and placement must be in harmony with internal circulation and parking design so that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period as determined by a traffic survey method approved by the Planning Commission.
- (5) There must be sufficient on-site storage to accommodate at least five (5) queued vehicles waiting to park or exit without utilizing any portion of the street right-of-way or in any other way interfere with street traffic or on-site circulation.
- (6) Provisions for circulation between adjacent parcels should be provided through coordinated and/or joint parking systems, or other methods. determined at the time of the site plan review.
- (7) Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
- (8) Driveway placement should be such that loading and unloading activities will in no way hinder vehicle ingress or egress.
- (9) Direct access driveway placement must be such that an exiting vehicle has an unobstructed sight distance from the stop bar in accordance the County Road Commission standards.
- (10) All commercial driveways shall be designed according to the standards of the St. Clair County Road Commission.
- (11) For high traffic generators, or for commercial driveways along roadways experiencing or expected to experience congestion, the Planning Commission may require two (2) egress lanes.

- (12) Where a boulevard entrance is desired by the applicant or Planning Commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. The minimum area of the island shall be one-hundred eighty (180) square feet. The Planning Commission may require landscaping on the section outside the public right-of-way. Such landscaping shall be tolerant of roadway conditions.

(b) Driveway Spacing Standards

- (1) Minimum spacing requirements between a proposed commercial driveway and a side street intersection either adjacent or on the opposite side of the street shall be at least two-hundred thirty (230) feet. Such distance may be reduced to one-hundred twenty-five (125) feet where a channelized driveway restricting left turns is proposed. Measurements are from the near edge of the proposed driveway, measured at the throat Perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.
- (2) Minimum spacing between two commercial driveways along Range Road shall be two-hundred thirty (230) feet, measured from centerline to centerline.
- (3) To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways shall be off a minimum of two-hundred thirty (230) feet along Range Road, measured centerline to centerline. Longer offsets may be required depending on the expected inbound Left-turn volumes of the driveways.
- (4) For sites with insufficient street frontage to meet the above criterion, the Planning Commission may require construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service road.
- (5) In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum commercial driveway spacing standards, the Planning Commission may modify the driveway spacing requirements. Such modifications shall be of the minimum amount necessary, but in no case shall spacing of a full-access driveway be less than sixty (60) feet, measured centerline to centerline.

(c) Number of Commercial Driveways

- (1) The number of commercial driveways serving a property shall be the minimum number necessary to provide reasonable access, while preserving traffic operations and safety along the public roadway.
- (2) Access, ether direct or indirect, shall be provided for each separately owned parcel. This access may be an individual driveway, shared driveway or via a service drive.
- (3) One additional driveway may be allowed for properties with a continuous frontage of over three-hundred (300) feet, and one additional driveway for each additional three-hundred (300) feet of frontage, if the Planning Commission determines there are no other reasonable access opportunities.
- (4) Two one-way driveways may be permitted where the frontage is at least one-hundred twenty-five (125) feet.

(d) Shared Driveways, Frontage Roads And Service Drives

- (1) Service roads shall generally be parallel or perpendicular to the front property line and may be located either along the side or behind principal buildings. Where site constraints prohibit the development of a rear service, the Planning Commission may permit a front service drive. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings, anticipated traffic flow for the site and the Range Road Corridor Plan.
- (2) The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be forty (40) feet wide.
- (3) Service roads shall have a base, pavement and curb with gutter in accordance St. Clair County Road Commission standards for public streets, except the width of the service road shall have a minimum pavement width of twenty-six (26) feet.
- (4) The service road is intended to be used exclusively for circulation, not as a parking maneuvering aisle. The Planning Commission may require the posting of "no parking" signs along the service road.
- (5) The Planning Commission may approve temporary accesses where a continuous service road is not yet available and a performance bond or escrow is created to assure elimination of temporary access when the service road is continued. At such time as the permanent service road is completed, the site shall connect to the service drive and close the temporary drive.
- (6) Each property owner shall be responsible for maintenance of the easement and service drive.

5.9.7 Right-of-Way Preservation and Setbacks

- (a) Projects along the Range Road Corridor shall provide right-of-way of seventy-five (75) feet from the centerline of Range Road. All setbacks required by the underlying zoning district shall be measured from the required right-of-way line.
- (b) Parking lots along the Range Road Corridor shall be setback twenty (20) feet from the required right-of-way.

Sec. 5.9.8 Non-motorized Transportation

- (a) A non-motorized pathway shall be required along the Range Road frontage for any activity requiring site plan, sketch plan, condominium or subdivision plat approval.
- (b) All pathways shall be ten (10) feet wide asphalt and constructed in accordance with the specifications of the American Association of State Highway and Transportation Officials (AASHTO).
- (c) Pathways shall be installed by the applicant within the road right-of-way, located one (1) foot from the edge of the right-of-way line.
- (d) An inclined approach shall be required where pathways intersect curbs for barrier free access.

5.9.9 Lighting

- (a) All outdoor lighting shall be shielded to reduce glare and shall be arranged to reflect lights away from all adjacent residential districts or adjacent residences. Light shall not exceed more than one-half (0.5) foot-candles at a residential property line. Light shall not exceed more than one (1.0) foot-candle at a non-residential property line or the front lot line. The maximum light level within the interior of the site shall not exceed ten (10) foot-candles, except gasoline service stations and automobile dealerships shall be permitted to have a maximum light level of twenty (20) foot-candles when business is open. A photometric plan prepared by an electrical engineer graphically illustrating the planned layout and foot-candles of the site lighting shall be submitted as part of the site plan application.
- (b) Outdoor lighting shall be directed toward and confined to the ground areas of lawns or parking lots except as noted elsewhere in this section. A lighting plan shall be submitted with the site plan showing light fixture locations and specifications. Lights shall be a "cut-off" fixture or similar design feature to shield the lighting. Light output shall be limited to two and a half percent (2.5%) of fixture luminosity at a height equal to the light. This requirement may be waived for ornamental lighting which is part of an overall architectural theme, as approved by the Planning Commission. Bollard lights are permitted to light driveways and pedestrian areas. Floodlight type fixtures shall not be permitted except for building accent and sign lighting.
- (c) Light fixtures shall have a maximum height of twenty-five (25) feet where adjacent to a residential district. Light fixtures shall have a maximum height of thirty-five (35) feet where adjacent to non-residential districts.
- (d) All lighting in nonresidential districts used for external illumination of buildings to feature said buildings or to illuminate a permitted sign, shall be placed and shielded so not to interfere with the vision of persons on adjacent highways or adjacent property. Illumination of signs shall be directed or shaded downward so not to interfere with the vision of persons on the adjacent highways or adjacent property.
- (e) All illumination of signs and any other outdoor feature shall not be a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Electronic signs for time and temperature only may be permitted.
 - (1) Single family buffer zone required for subdivision plats and condominium site plans only.
 - (2) Walls shall be constructed of masonry material such as brick or block matching the building.

ARTICLE 6

GENERAL PROVISIONS

Section 6.1. Purpose.

In addition to the preceding district regulations the provisions shall be subject to the modifications, additions, exceptions, or limitations as provided by the supplementary regulations specified in this article.

Section 6.2. Accessory Structures

Except as otherwise permitted or regulated elsewhere in this Ordinance, accessory structures shall be subject to the following regulations:

6.2.1. GENERAL REGULATIONS. All attached and detached accessory structures shall comply with the following:

- A. Permits. An accessory structure shall not be constructed without the issuance of a valid building or zoning permit as required elsewhere in the ordinance. One story detached accessory structures, whether temporary or permanent, having a floor area that does not exceed 200 square feet for residential uses or 120 square feet for all other uses shall not require the issuance of a building permit but shall require the issuance of a Zoning Permit and compliance with the other requirements of the Zoning Ordinance.
- B. Attached Accessory Structures
 1. *Limitations.* Where an accessory building is structurally attached to a main building it shall be considered an integral part of the main building and shall conform to all regulations of the zoning ordinance applicable to the main building..
 2. *Size.* The total square footage of an accessory structure, attached to the primary residence, shall not exceed fifty (50%) of the total square footage of the 1st and 2nd floor of the residence to which it is attached.
- C. Detached Accessory Structures (DAS)
 1. *Limitations.* Each Detached Accessory Structure shall comply with all the requirements listed below and those listed in "Section 6.2.1.C.1. Schedule of Detached Accessory Structures Regulations".
 - a. The total square footage of all DAS structures on the parcel combined shall not exceed the Maximum Allowable Floor Areas as listed.
 - b. No detached accessory structure may be constructed prior to or apart from a permitted use currently in existence on the property unless specifically exempted under the exceptions listed below.
 2. *Occupancy.* No living quarters may be constructed or exist in any part of an existing or proposed detached accessory structure unless specifically permitted otherwise by the Zoning Ordinance.
 3. *Utilities.* No sanitary sewage or septic facilities shall be provided or allowed to be connected to a detached accessory structure unless specifically listed in the Zoning Ordinance as permitted in the district under Site Plan Review or Special Use Approval regulations and has received approval by the Planning Commission.
 4. *Use.* No uses or businesses may be established or exist in an accessory structure unless specifically listed in the Zoning Ordinance as a "Home Occupation" or permitted in the district under Site Plan Review or Special Use Approval regulations and has received approval by the Planning Commission.
 5. *Location.* In no instance shall an accessory building be located within a dedicated easement, right of way or front yard setback unless exempted under the exceptions listed below.
 6. *Separation.* All detached accessory structures shall comply with all current building code requirements and on all parcels zoned or used as residential, must maintain a minimum separation distance of 10' from all other structures on site.
 7. *Survey.* Where a particular boundary, property line or flood plain determination cannot be established or readily identified, the Building Official may require a survey and/or staking

of the property, by a licensed surveyor or engineer, to be paid for by the owner of the property, prior to the issuance of a building or zoning permit.

D. Exceptions.

1. *Simultaneous Construction.* A detached accessory structure may be erected in the RU-Rural District, prior to or simultaneously with the construction of the principal building, provided that compliance with the following are obtained:
 - a. The issuance of and payment for, of a valid building permit for the principal structure, which must be started within six (6) months of the issuance date.
 - b. The submittal of a performance guarantee, in an amount determined by resolution of the Township Board.
2. *Waterfront Lots.* Accessory structures may be constructed per the additional regulations that are allowed as regulated for lots located on waterfronts as listed in Section 6.11. Waterfront Lots.
3. *Agricultural Uses.* A detached accessory building may be erected in the RU-Rural Zoning District for agricultural uses, as the principle or secondary building or use, only with the proper documentation that the land and use are found to be in compliance with the definition of a "farm" as listed in Article 2.

6.2.2. MISCELLANEOUS STRUCTURES. For the purpose of this ordinance, structures such as, but not limited to, antennas, air conditioning units, emergency generators, or other similar structures, shall be subject to the following:

- A. Regulations. Structures measuring three (3) feet or less in height and width, and five (5) or less in length, may be located on any structure or grounds in any required yard setback, subject to approval by the Building Official and all applicable building, mechanical, electrical, plumbing and safety codes.
- B. Screening. All such structures on grounds, within 5 feet of a property line shall be screened from view by means of shrubbery or similar plantings that are maintained in a healthy manner.
- C. Location. No such structures shall be located closer than 3 feet to an adjacent property line or other similar units.

Section 6.3. One Lot, One Building.

In all RU, RS-2 and RS-1 districts, only one (1) principal building shall be placed on a single lot of record. No dwellings other than the main structure shall be erected upon the rear of a lot or upon a lot with another dwelling.

Section 6.4. Substandard Dwellings.

Substandard basement or garage dwellings, as defined by the State Housing Law of Michigan, which have been heretofore erected or occupied, are hereby declared to be unlawful dwellings and shall be vacated within a period of one (1) year. No structure shall be used for dwelling purposes that is not considered a standard dwelling structure as defined by this ordinance and in the building code of the Township. No garage or other accessory building, trailer, cabin, basement, partial structure, or other temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes for any length of time unless a variance is granted by the Zoning Board of Appeals. No basement or cellar apartment shall be used or occupied for dwelling purposes at any time.

Section 6.5. Street Access.

Any one lot of record created before the effective date of this chapter shall not be occupied without access to a public or private street as defined by the ordinance.

Section 6.6. Moved structures.

Any building or structure moved from within or into the Township shall comply or conform with the applicable provisions of the zoning district in which it is to be located and with the spirit and intent of this ordinance. Prior to moving a structure into or within the Township a building permit is required to be

obtained from the Building Inspector, after inspection, indicating any required conditions for compliance with the current building codes.

Section 6.7. Dwellings in Non-Residential Districts.

No residential dwelling shall be erected in a non-residential zoning district. However, the sleeping quarters of a watchman or caretaker may be permitted by the Planning Commission as a special approval use in any district.

Section 6.8. Single Family Dwellings and Certain Mobile Homes.

No single-family dwelling, mobile home, modular housing, or prefabricated housing located outside a mobile home park or mobile home subdivision shall be permitted unless said dwelling unit conforms to the following standards:

- 6.8.1. SQUARE FOOTAGE. Each such dwelling unit shall comply with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- 6.8.2. DIMENSIONS. Each such dwelling unit shall have a minimum width across any front, side, or rear elevation of twenty (20) ft and shall comply in all respects with the Michigan State Construction Code Commission requirements, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code Commission, then and in that event such federal or state standard or regulation shall apply.
- 6.8.3. FOUNDATION. Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code Commission and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, the mobile home shall be securely anchored to the foundation in order to prevent displacement during windstorms.
- 6.8.4. UNDERCARRIAGE. In the event that such dwelling unit shall be a mobile home as defined herein, each such mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
- 6.8.5. SEWAGE DISPOSAL OR WATER SUPPLY. Each such dwelling unit shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- 6.8.6. STORAGE AREA. Each such dwelling unit shall contain a storage capability area either in a basement located under the dwelling, in an attic area, or in a separate or attached structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10 percent of the square footage of the dwelling or 100 sq ft, whichever shall be less.
- 6.8.7. ARCHITECTURE. In the event that such dwelling unit shall be a mobile home as defined herein, each such mobile home shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two (2) exterior doors with the second one being in either the rear or side of the dwelling; and contains steps and porches connected to said exterior door areas where a difference in elevation requires the same.
- 6.8.8. COMPATIBILITY DETERMINATION. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator. Any determination of compatibility shall be based upon the character, design, and appearance of one or more residential dwellings located outside of mobile home parks and within 2000 ft of the subject dwelling. At least 20 percent of the homes within the neighboring area shall be used for compatibility determination. Where said area is not so developed, the character, design, and

appearance of one or more residential dwellings located outside of mobile home parks throughout the Township shall be examined. 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.

- 6.8.9. ADDITIONS. Each such dwelling unit shall contain no addition or room or other area which is not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- 6.8.10 CODE COMPLIANCE. Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- 6.8.11 BUILDING PERMIT. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.
- 6.8.12 EXCEPTIONS. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the Township unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this Ordinance.

Section 6.9. Home Occupations.

Home occupations which are clearly incidental to the principal residential use are allowed in the Suburban Residential (RS), Multiple-Family Residential (RM), Rural (RU) and Mobile Home (MH) Districts subject to the following extra standards:

- 6.9.1. SALES. No article or service is to be sold or offered for sale on the premises, except such as is produced by such occupation.
- 6.9.2. SIGNAGE. No signage other than one non-illuminated name plate, not more than two (2) square foot in area, containing only the name and occupation of the resident of the premises shall be allowed.
- 6.9.3. EMPLOYEES. Only residents of the dwelling unit may be engaged in the home occupation.
- 6.9.4. PERCENTAGE OF USE. No more than twenty-five (25) percent of the total gross floor area of any one (1) story shall be utilized for the home occupation.
- 6.9.5. ACTIVITIES. All home occupation activities must be conducted indoors, except agricultural usage.
- 6.9.6. OUTDOOR STORAGE. No outdoor storage of equipment or materials shall be permitted.
- 6.9.7. CHARACTER. No home occupation shall be permitted or alteration made to the buildings which is injurious or changes the character of the residential district.
- 6.9.8. FIRE RATING. No use shall require alterations or equipment that would change the fire rating of the structure of the fire district in which the structure is located.
- 6.9.9. TRAFFIC. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the

conduct of such home occupation shall be met off the street and other than in a required front yard.

6.9.10. **EQUIPMENT.** Only customary domestic or household equipment, or equipment judged by the Zoning Administrator not to be injurious or a nuisance to the surrounding neighborhood shall be permitted.

6.9.11. **UTILITIES.** There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.

6.9.12. **HOME OCCUPATIONS NOT PERMITTED.** The following uses, by the nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as home occupations.

- A. Real estate office.
- B. Insurance office.
- C. House-to house salesman.
- D. Beauty Salon.
- E. Antique Shop.
- F. Barber Shop.
- G. Funeral home.
- H. Gift shop.
- I. Medical or dental clinic or hospital.
- J. Renting of trailers
- K. Restaurant
- L. Stables.
- M. Kennels.
- N. Tourist homes..
- O. Veterinary clinic or hospital.
- P. Dancing schools.
- Q. Mortuaries.
- R. Nursery schools
- S. Private clubs
- T. Repair shops or service establishments, except the repair of electrical appliances, typewriters, cameras, or other similar small items.
- U. Auto repair, major or minor.
- V. Dental offices.
- W. Medical offices.
- X. Painting of vehicles, trailers or boats.

Section 6.10. Swimming Pools.

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

6.10.1. **DEFINTION.** The definition of a "swimming pool" whether indoor, outdoor, above ground/on ground or consisting as a spa or hot-tub, including all similar uses and accompanying requirements and protection devices shall be as defined in the Building Code and the accompanying referenced codes and appendices, as adopted by the State of Michigan and/or the Federal Government.

6.10.2. **APPLICATION.** All swimming pools falling under the above definition and proposed for and/or erected in the Township shall submit the information required herein for review and issuance of a building permit. This shall include, but shall not be limited to, the name of the owner, the manner of supervision of pool, a plot plan and location of adjacent buildings, fencing, gates, public utilities, specifications, and plans to scale, of pool walls, slope, bottom, walkway, and diving boards, type and rating of auxiliary equipment, piping and valve layout, and any other detailed information affecting construction and safety features deemed necessary by the building inspector and as required in the Building Code.

6.10.3. **POOL LOCATION.** Pools located on lots used for single and two family dwellings or townhouses shall be setback a minimum of six (6) feet from all yard lot lines and adjacent building walls. Pools

located on lots utilized for uses other than single and two family dwellings or townhouses shall comply with the minimum yard setbacks as required for accessory structures in the Zoning Ordinance with a minimum setback of six (6) feet from all yard lot lines and adjacent building walls. Furthermore, no pool may be built within the required front yard as defined by the Zoning Ordinance without a variance from the Board of Zoning Appeals.

6.10.4 PROTECTION REQUIREMENTS. All swimming pools erected in the township shall comply with the minimum requirements of the Building Code and the accompanying referenced codes and appendices currently enforced by the Township as adopted through State of Michigan and/or the Federal Government.

Section 6.11. Waterfront Lots.

In all zoning districts, having frontage on the St. Clair River, a minimum waterfront setback shall be established for the construction of structures along the river. The Building Inspector and/or the Planning Commission, as noted elsewhere in the ordinance, shall review all proposed construction for compliance with the following:

6.11.1. WATERFRONT SETBACK. Those residential lots and/or parcels having water frontage and abutting a public thoroughfare shall maintain the yard on the river as an open, un-obscured yard, except that the following construction shall be permitted as listed herein:

A. *New Construction Setback Determination.* The minimum waterfront setback shall be established by rendering a straight line between the corners of the primary adjacent structures, that are closest to the river, on both sides of an individual lot proposed for construction, as follows: (If either adjacent lots are unimproved, then the dwelling on the next lot having river frontage shall be used.)

1. *Single adjacent corner.* In the case where an adjacent structure has only one corner that abuts both the waterfront side and that side lot line of the proposed new construction, then that corner shall be used for the Waterfront Setback Line.
2. *Multiple Setback Determination.* In the case where an adjacent structure has more than one corner that abuts both the waterfront side and that side lot line of the proposed new construction, then the following shall be used to determine the setback point of measurement:
 - a. If the new construction is proposed to be parallel with, or further from the river, than the existing adjacent structure, the corner closest to the river (of the adjacent structure) shall be used for the setback point of measurement. (See Diagram)
 - b. If the new construction is proposed to be closer to the river than parallel to the existing adjacent structure, then the averaged difference of the midway point, between the corners, (of the adjacent structure) shall be used for the setback point of measurement. (See 6.11.1. Waterfront Setback Diagram)

B. *Existing Setback Determinations.* Additions to existing structures may also be approved by the Building inspector, in compliance with the above regulations and the following:

- 1 *Line of Sight.* Existing structures that extend further toward the river than the waterfront setback line, as described above, may have additions constructed provided they comply with the following. They may not extend past the line of sight, from the river front of the existing structure to a point that is midway on that side of the adjacent structure, measured front to back, or the actual setback line, whichever is greater. (See 6.11.1. Waterfront Setback Diagram)
- 2 *New Stories.* New stories to existing structures may only be constructed if they comply with the New Construction Setback Determination listed above or if the average elevation of the height of the improvement shall be no higher than the elevation of the lowest floor of the adjacent structure of that abutting lot line.

6.11.2. WATERFRONT ACCESSORY STRUCTURES. The following accessory structures are permitted on waterfront lots subject to the requirements listed below.

- A. *Limitations.* Each Detached Accessory Structure, on a "Waterfront Lot", shall comply with the requirements listed in "Section 6.2. Accessory Structures and Uses." unless specifically restricted or exempted herein. The total square footage of all Detached Accessory Structures combined, on a "Waterfront" parcel, shall not exceed the Maximum Allowable Floor Areas listed in 6.2.1.C.1. Schedule of Detached Accessory Structures Regulations.
- B. *Front yard setback.* Accessory structures shall be permitted at any location in the setback between the abutting road right-of-way and the main building providing all other front and side yard setback requirements listed elsewhere in the ordinance are met.
- C. *Waterfront Improvements.* Additional accessory structures, such as fencing not exceeding a maximum visual impairment of thirty percent (30%) and not exceeding five (5) feet in height, as well as decks, unenclosed porches, balconies, patios, pools, and other similar improvements shall be permitted to project in the required yard abutting the river, subject to review, approval and the issuance of a building or zoning permit in compliance with the following:
1. *Building Department Review.* Should the proposed residential dwelling or improvement extend into the "Waterfront Setback" as listed above, the Building Official may approve the improvement in compliance with the other requirements listed above and subject to the following:
 - a. The improvement cannot exceed one story.
 - b. The average elevation of the height of the improvement shall be no higher than the elevation of the lowest floor of the adjacent dwellings.
 2. *Planning Commission Review.* All chain link and decorative fencing exceeding five (5) feet in height or a maximum visual impairment of thirty percent (30%), and all decks, unenclosed porches, balconies, patios, pools and other similar improvements that do not meet the requirements listed above, for approval by the Building Department, shall be subject to an "Improvement Review" by the Planning Commission, prior to construction taking place, in compliance with the following:
 - a. *Improvements.* Approval shall be granted to the above improvements that do not unreasonably impair access of adjacent dwellings to light and air, or to a view of the river.
 - b. *Boathouses and Accessory Structures.* A covered or uncovered boathouse or accessory structure shall be permitted subject to the above and the following requirements:
 1. Boathouses may be located abutting and extending over the watercourse.
 2. All structures shall be located a minimum of five (5) feet from the side property lines or ten (10) feet if docking is located on the side of the structure facing the property line.
 3. All such structures shall not exceed a maximum of ten (10) feet in building height as defined in this ordinance, measured from the adjacent average grade surrounding the structure on land.
 4. The total of all enclosed accessory structures on the water side of the parcel shall not exceed a total of one thousand (1000) square feet, of which no more than four hundred (400) square feet may be enclosed with a solid floor or located over land area.
 5. A second floor shall not be permitted in boathouse nor shall a boathouse have sanitary facilities that are self-contained or connected to a sanitary sewer system.
 6. A building permit for a boathouse shall not be issued unless and until the applicant has complied with all other applicable Federal, State and Local codes and agencies, including but not limited to the State Building Code, US Army Corp of Engineers, the DEQ and County Departments.

6.11.3. **APPEALS.** Appeals or variances for all items related to the above regulations of St. Clair Township, due to denial or restriction of such improvements shall be taken to the Zoning Board of Appeals unless specifically stated otherwise.

Section 6.12. Livestock or Farm Animals.

The keeping of livestock or farm animals shall conform to the following minimum requirements.

6.12.1. REGULATIONS. Raising of livestock or farm animals in the RU, RS-1 and RS-2 districts shall conform to the following regulations:

	5 - 6.99	7 - 8.99	9 - 9.99
Type of Animal	Acres	Acres	Acres

Horse	2	3	4
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The following numbers are equivalent to horses

Cattle(dairy, feeder, slaughter)	2	3	4
Swine	2	5	7
Sheep, lambs, goats	10	20	30
Turkeys	30	60	90
Laying Hens	30	60	90
Ducks	5	10	15
Ostrich, emu, llama, alpaca	2	4	6

Section 6.13. Visibility.

No structure, wall, fence, sign, shrubbery or trees shall be erected, planted or maintained on any lot which will obstruct the view of the driver of a vehicle approaching an intersection.

6.13.1. CORNERS. For residential corner lots this unobstructed area will be a triangular section of land formed by the two (2) street curb lines and a line connecting them at points twenty-five (25') feet from the intersection of said curb lines.

6.13.2. EXCEPTIONS. Shrubby and low retaining wall not exceeding two and one-half (2-1/2") feet in height above the curb level will be permitted. Shade trees will be permitted where all branches are not less than eight (8') feet above the street level.

Section 6.14. Signs.

All outdoor signs, including advertising structures, billboards, displays, and others which advertise a business, commercial venture or name of a person or persons shall be regulated as follows:

6.14.1. GENERAL REGULATIONS. All signs erected shall conform to the following regulations:

- A. Permits Required. A building permit shall be required for the erection, construction or alteration of any sign, except as hereinafter provided, and all signs shall be approved by the Zoning administrator if they conform to the requirements of the zoning district wherein said sign or signs are to be located and the requirements of this section.
- B. Setback. All signs shall be set back at least five (5') feet from all public or private road right-of-way or easement lines and from all interior lot or property lines without ZBA approval. No sign shall overhang any public right-of-way unless approved by the Township Board.
- C. Height. No sign, unless otherwise permitted, shall exceed the maximum height limitations of the zoning district in which it is located.
- D. Maintenance. If the Code Enforcement Officer finds any sign which no longer advertises a bona fide business or product or which is found to be unsafe or properly maintained, or contains any obscene matter, or is constructed in violation of any provisions of the ordinance, he shall give written notice to the owner of the property to remove the sign. If the owner fails

to remove the sign within 10 days of the notice the Code Enforcement Officer may remove the sign at the expense of the owner. Any sign which is of immediate danger to person or property may be removed without notice at the expense of the owner.

- E. Temporary Signs. A temporary development sign not exceeding one hundred (100) square feet in area may be permitted subject to renewal, providing it conforms to conditions established by the Building Inspector in harmony with this Ordinance and that there are building or home sales continuing in the development being advertised.

6.14.2. SIGNS PERMITTED BY DISTRICT. The following signage is allowed only as listed and in the areas specified.

A. Residential District signage is permitted as follows:

1. No signs shall be illuminated by other than continuous indirect white light nor shall it contain any visible moving parts.
2. For permitted principal uses other than dwellings and for permitted uses after special approval, one (1) bulletin or announcement board not exceeding twelve (12) square feet in area. No sign so permitted shall be located nearer to the front lot line than one-half (1/2) the required front yard setback nor nearer the side lot line than the required side yard setback.
3. In the Multiple-Family areas, one (1) ground or wall sign indicating the name of the multiple housing development in addition to individual dwelling name plates. Such sign indicating the name of the multiple housing development shall not exceed thirty-two (32) square feet in area.

B. General Business District outdoor signage is permitted as follows.

1. Freestanding, accessory signs or advertising pylons shall be no closer than one hundred (100') feet to any adjacent residential district and shall be no larger than one hundred (100) square feet in area.
2. Commercial billboard structures and signs are permitted subject to all limitations of the district, and shall be no closer than two hundred (200') feet to adjacent residential districts. Non-accessory signs shall be permitted but shall be spaced no closer than one thousand (1,000') feet between signs on the same side of the road right-of-way.

6.14.3. EXEMPTIONS. The following signs do not require the issuance of a permit provided they comply with the other requirements of the Ordinance.

A. Signage for essential services shall be permitted in any District as authorized and regulated by law and other ordinances of the Township.

B. Advertising signs for service clubs, churches, fraternal organizations and similar organizations are permitted in all zones provided they do not exceed 12 square feet. All other signage is subject to the approval of the Planning Commission, providing such signs conform to the conditions established by the Commission to secure harmony with this Chapter.

C. Signs advertising real estate for sale or directing the public to such real estate are permitted in all districts, provided they are used only during the construction of a building or buildings or the offering for sale of real estate and provided they are not larger than five (5) square feet in area.

D. Temporary Political Signs are allowed provided they are removed within 7 days after the election.

E. Professional Name Plates not exceeding 4 square feet in area.

F. One sign designating the architect, engineer or contractor in charge when placed on work under construction and not exceeding 12 square feet in area.

- G. For each dwelling unit, one (1) name plate sign displaying the street name and number and name of occupant, not exceeding one (1) square foot in area.
- H. Professional nameplates or directional signage not exceeding 2 square feet in area.

Section 6.15. Area, Height and Use Exceptions Permitted.

The following exceptions to the ordinance are permitted subject to the regulations listed.

6.15.1. PATIOS. Paved terraces and patios shall be permitted to encroach upon the required yard area provided:

- A. The paved area is unroofed and without walls, parapets, or other forms of solid, continuous enclosure that so link the paved area to the principal building that an enclosed area is formed, appearing functionally a part of the principal building;
- B. The highest finished elevation of the paved area is not over three (3) feet above the average surroundings finished ground grade;
- C. No portion of the paved area is closer than four (4) feet from any lot line.

Exception. The paved areas may have an open railing or fence not over three (3) feet high, and may have non-continuous windbreak or visual screen fences or walls not over six (6) feet high and not enclosing more than one-half of the perimeter of the paved area.

6.15.2. UNENCLOSED PORCHES. Unenclosed porches, roofed or unroofed, may project into a required yard area a distance not to exceed Ten (10) feet, provided:

- A. The porch is unenclosed, no higher than one story, and is erected on piers;
- B. The porch shall not be closer than four (4) feet at any point to any lot line;
- C. That no building shall have more than one (1) porch in any one yard.

6.15.3. ENCLOSED PORCHES. Enclosed porches, either one-story, two-story, or an unenclosed porch having solid foundations and capable of being enclosed, shall be considered an integral part of the building and shall, therefore, be subject to all yard and area dimensional requirements established for principal buildings.

6.15.4. ARCHITECTURAL FEATURES. Architectural features including bays, attached eaves, cornices, and gutters sills, belt-courses, chimneys and similar structural features, may project into any required yard area not more than two (2") inches for each one (1') foot of width of such yard area up to a maximum of three (3) feet, provided that the sum of such projections on any wall does not exceed one-third (1/3) the length of the wall.

6.15.5. EXITS. Fire escapes, outside stairways, and balconies, if of open construction, may project into any one required yard up to a maximum of five (5) feet.

6.15.6. SUPPLEMENTARY HEIGHT REGULATIONS. The following structural appurtenances shall be permitted to exceed the height limitations for authorized uses in any district as allowed by this ordinance.

- A. Those purely ornamental in purpose such as church, spire, belfries, domes, cupolas, ornamental towers, flag poles, and monuments.
- B. Those necessary to mechanical or structural functions such as chimneys, smoke stacks, water tanks, elevator and stairway penthouses, ventilators, bulkheads, aerials, and antennae, electronic devices, heating and cooling units, and fire towers.

- C. Those necessary for proper building design such as cornices and parapet walls which shall not exceed the height limitations by more than five (5) feet and shall have no window openings.
- D. Commercial Broadcast Radio, Television, and Cellular Telephone Towers subject to the regulations set forth in other portions of the ordinance.

6.15.7. CARNIVALS, CIRCUSES, PUBLIC MEETING TENTS, AND SPECIAL COMMERCIAL OUTDOOR SALES EVENTS.

- A. Carnivals, circuses and public meeting tents shall be located on a site of sufficient size to safely accommodate the event, including its tents vehicles, structures, any areas needed for the keeping and caring of animals, setbacks and off-street customer and employee parking, and shall comply with the following requirements.
 - 1. At the discretion of the Building Official, all tents, vehicles and structures used in conjunction with a carnival, a circus or a public meeting tent may be required to meet the minimum applicable building setback requirements of the zoning district in which it is located, except when the site shall abut land that is occupied by a residential development, or by residential homes, all the minimum setback requirements of the district shall apply.
 - 2. Access to the site shall be from an arterial street as identified in the Township Master Plan.
 - 3. All parking shall be off-street and on site or on land directly abutting the site shall be laid out so as to permit safe and efficient access to all parking spaces by access lanes which shall be kept open at all times to facilitate an efficient flow of traffic. At the discretion of the Building Official, the event may be required to provide a sufficient number of persons on site to direct vehicles to designated parking areas.
- B. Special Commercial Outdoor Sales Events: A temporary permit issued by the Township Building Officials shall be required for any special short term outdoor sales event, or tent sales event involving the sale of merchandise by a commercial store or outlet, but not including the usual outdoor sales area of a motor vehicle or mobile home business, a bona fide flea market or auction. When reviewing an application for a temporary special commercial outdoor sales event, the Building Official, or when requested, the Planning Commission, shall find that the following conditions are met.
 - 1. The temporary permit shall be obtained not less than ten (10) days prior to the first day of such sale.
 - 2. All such sales shall be conducted on the same premises with the commercial outlet.
 - 3. If conducted on a public sidewalk located within a public right-of-way, permission shall first be gained in writing from the agency in control of the right-of-way and all applicable conditions and controls set forth by the agency shall apply.
 - 4. No such sale shall be conducted by any business more than two (2) times in one (1) calendar year.
 - 5. Each such sale be conducted on consecutive days but no such sale shall be conducted for more than four (4) consecutive days.
 - 6. No special sales event conducted by any business shall be conducted within ninety (90) days from the last day of the last sale conducted by the business.
 - 7. All special sales event items shall be placed inside a secured area at the end of each sale day.
 - 8. Food or beverage sold in conjunction with a special sales event shall comply with all applicable health codes. Trash containers shall be strategically located through out the sales event area.
 - 9. Temporary signs advertising the special sales event may be erected up to twenty four (24) hours before commencement of a special sales event. All such signs shall be removed within twelve (12) hours following the end of the last day of the special sales event.
 - 10. All flammable materials or liquids kept or used during a special sales event shall be

stored in approved containers.

11. The area of a special sales event shall not extend into any minimum required front yard or exterior side (street side) yard setback.
12. The area of a special sales event shall not cover more than twenty five (25) percent of the surface area of any parking lot and when located in a parking lot shall be set up in a manner that will allow convenient and safe access to the remaining parking spaces.

6.15.8. INTERPRETATION OF BUILDINGS OR STRUCTURES. Dog houses, birdhouses, tree houses and similar type buildings or structures including tents used exclusively for private enjoyment or outdoor recreational pursuits shall be exempt from the application of this Ordinance.

Section 6.16. Temporary Use Approval For Construction Trailer Offices And Storage Trailers.

Trailers used as a temporary construction office, or as a temporary residence of a watchman or foreman during construction, or for the secured storage of materials or equipment at a construction site or site improvement project during construction of site or site improvements, may be issued temporary permits for the time periods specified in this section by the Township Building Official.

- 6.16.1. Before issuing a temporary permit the Building Official shall find the request to be in compliance with the following conditions where applicable. Furthermore, during review of an application for a temporary permit, the Building Official may at his discretion, request the review and recommendation of the Township Planning Commission regarding a request for a temporary permit.
 - A. Construction Site: A temporary permit to bring trucks, truck trailers or trailers with or without wheels on a construction site for office use, to secure or store construction equipment or materials used in the construction project, or as a temporary office of a watchman or construction foreman, may be issued by the Township Building Official, subject to the following conditions.
 1. The truck, truck trailer or trailers with or without wheels are structurally sound and meet all applicable codes and ordinances.
 2. Any permit issued for a trailer used as an office, of a construction foreman or watchman shall be an annual permit that will terminate six (6) months after date of issuance by the Township; Except, one (1) month extensions may be granted by the Township upon application for an extension by the applicant at least thirty (30) days before the date of termination.
 3. Except as otherwise required in the subsection, the permit need not display a specific termination date, but shall automatically terminate fourteen (14) days after the date an occupancy permit is issued for the building or if not a building, the date on which the construction project is accepted by the entity for whom the project has been constructed. On or before the end of the automatic termination day all trucks, truck trailers or trailers for which any temporary permit was issued shall be removed from the site.
 4. Adequate areas shall be provided at any truck, truck trailer, or trailer or trailer that will be used as an office for off street parking. Parking shall be provided for each such use in accordance with the applicable numerical off-street parking requirements of this Ordinance Code and the parking spaces and any service drive(s) to the parking spaces shall be maintained in a manner that will permit access to be gained to the parking spaces.
 5. No truck, truck trailer or trailer shall be placed on the site in a manner will violate the restricted clear corner vision requirements of the Ordinance Code, or in anyway jeopardize the health, safety and general welfare of persons working at the construction site.

6.2.1.C.1. Schedule of Detached Accessory Structures Regulations

Cross Reference the requirements listed below with matching Zoning Districts and sizes to the right		Ru Rural District RS-1 Suburban Residential District-One (Low Density) RS-2 Suburban Residential District-Two (Medium Density)	All other Districts listed in Article 5 to comply with the requirements for the Zoning District they are located in			
1. Utility Status		For Both Sewer and Septic Serviced Parcels				
2. Based on the Applicable Size and Frontage of Parcel	Area	≤ 12,000 S. F. or	< 4 Acres or	≥ 4 Acres and	Structures <1000 SF & <10% of the existing building	Structures ≥ 1000 SF or 10% of the existing building
	Width	≤ 120 L. F.	< 165 L. F.	≥ 165 L. F.		
3. The MAFA of all DAS's on the parcel combined, may not exceed The following totals: *a		Twice the total Square Feet of the 1 st floor of the main residence	As per ≤ 12,000 SF plus an additional 1000 SF per acre ≥2 to 5,000 total SF	As per ≤ 12,000 SF plus an additional 1000 SF per acre ≥2 to 10,000 total SF	A Zoning Permit and/or Building Permit, is required in compliance with the setbacks required for the District in which they are located	Site Plan Review by the Planning Commission is required in compliance with the setbacks required for the District in which they are located
4. Front Yard Setback Required *b, c		A DAS must meet the minimum front, side & rear yard setbacks and be located behind the front of the main residential structure or be able to meet the exception listed.				
5. Side Yard Setback Required *c		Minimum 5 feet	Minimum 10 feet	Minimum 20 feet		
6. Rear Yard Setback Required *c		Minimum 5 feet	Minimum 10 feet	Minimum 20 feet		
7. Maximum Building Height		Not to exceed the height listed in the Schedule of District Regulations for each Zoning District				
8. Maximum Building Width Not to exceed the following:		40% of the parcel width to the MAFA	35% of the parcel width to the MAFA	30% of the parcel width to the MAFA	Requires Zoning Review by the Planning Commission in compliance with the existing setbacks required	
9. Maximum Building length Not to exceed the following:		40% of the parcel length to the MAFA	25% of the parcel length to the MAFA	20% of the parcel length to the MAFA		
10. Maximum % of Lot Coverage		Not to exceed the % of lot coverage listed in the Schedule of District Regulations for each Zoning District				
11. Agricultural Buildings		Not permitted	Not to exceed the allowable, Building Height, Width, Length or % of lot coverage		When listed as an allowed use after PC Site Plan Review and approval	

DAS – Detached Accessory Structures

MAFA – Maximum Allowable Floor Area

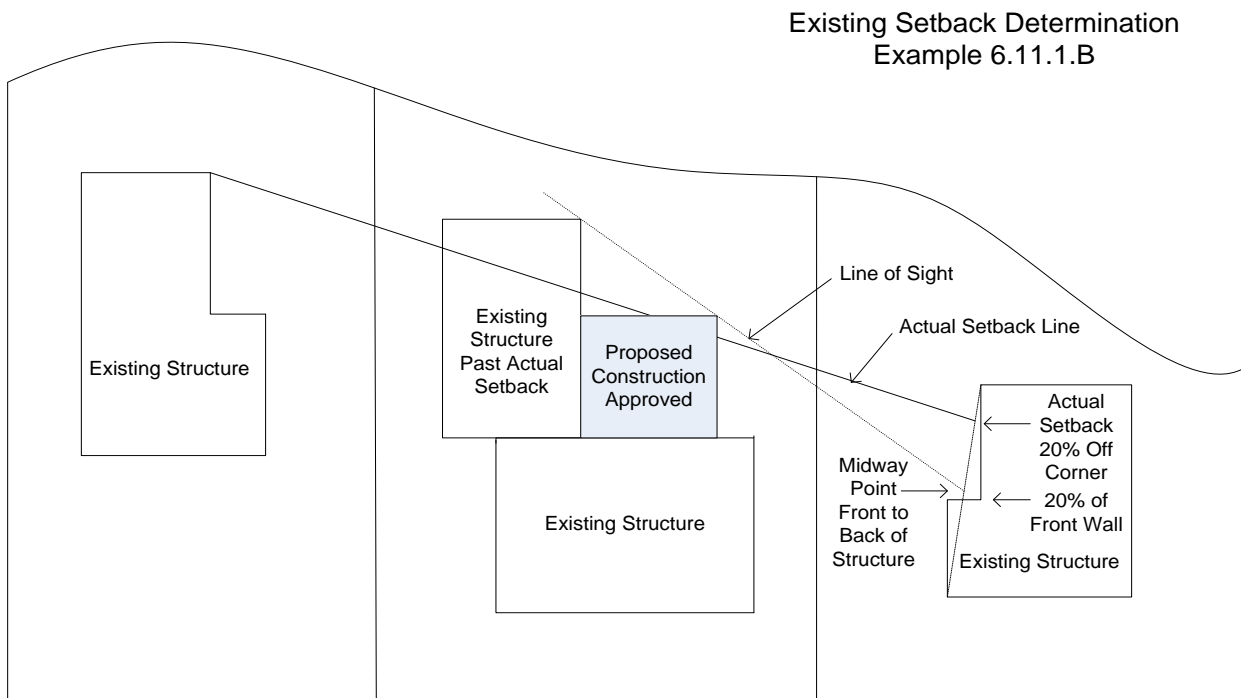
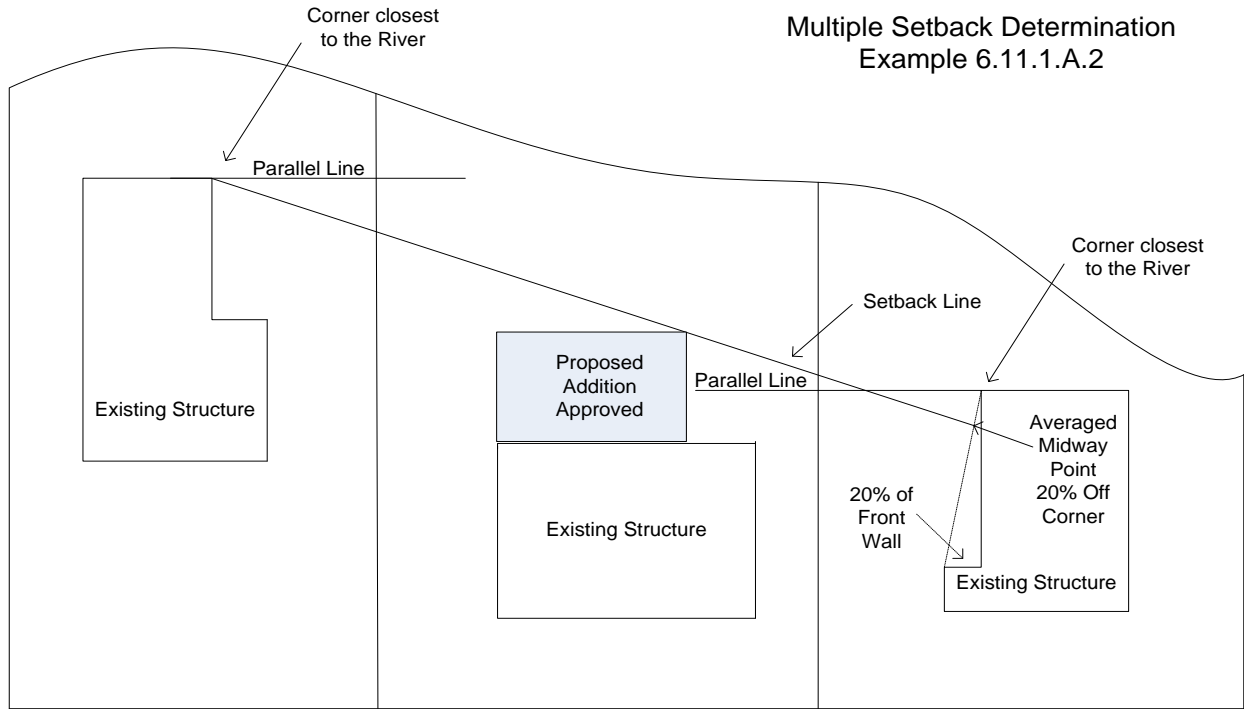
*** a.** All other remaining additional setback and building restrictions must be complied with regardless of the Maximum Allowable Floor Area.

An additional “Story” or “Basement,” as defined in the Zoning Ordinance, is not allowed in an accessory structure, with the exception of a second floor “Half Story” as defined in the Zoning Ordinance, that complies with the height restrictions.

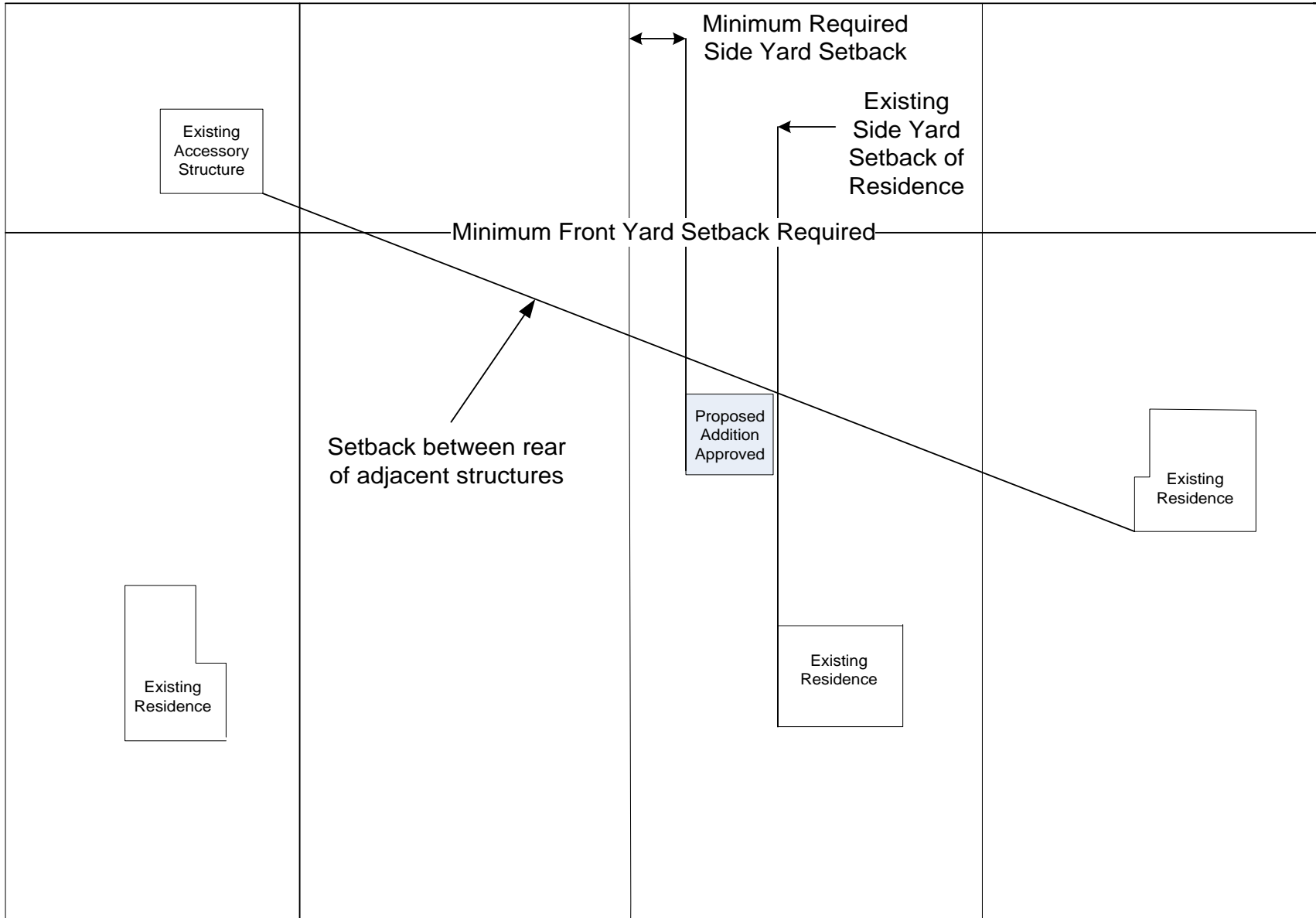
*** b.** In the RU Rural and RS1 Suburban Residential Districts on parcels of 4 acres or greater, a detached accessory structure may be erected in front of the main residence provided it can be located between the existing side yard setback of the main residence, and the required minimum side yard setback, and provided it can be located totally to the rear of the minimum front yard setback and a line drawn between the rear of the adjacent primary or accessory residential structures that are closest to the front right of way. (See “6.2.1.D.2 Front Yard Setback Diagram for Detached Accessory Structures”)

*** c.** In the case of lots with more than one right of way frontage, accessory buildings shall observe the front yard setback requirements on the additional frontages as indicated. (See Article 2 “Setback Diagram”)

6.11.1. Waterfront Setback Diagrams



6.2.1.D.2. Front Yard Setback Diagram for Detached Accessory Structures



4.6. Schedule of District Regulations

ZONING DISTRICT		Minimum Lot Size Per Unit		Minimum Floor Space Per Unit	Building Width	Maximum Building Height	Minimum Yard Setback Required			Maximum % Lot Area	Additional Regulations	
		Area	Width				Front Yard	Side Yard				Rear Yard
				Square Feet	Minimum	Stories or Feet		Least One	Total Two			
RU	Rural	4 acres	220'	1200 sq. ft.	24'	2½ or 30'	35'	20'	40'	50'	30%	A
RS-1	Suburban Residential Sewered	12,000 sf	75'					5'	15'	35'	30%	A, H
	Suburban Residential Non-Sewered	4 acres	220'					10'	20'	50'	30%	
RS-2	Suburban Residential Sewered	10,000 sf	75'	750 sq. ft. Plus 150 sq. ft. For every bedroom over two.	20'	2½ or 25'	25'	5'	15'	35'	30%	A, H
	Suburban Residential Non-Sewered	4 acres	220'					10'	20'	50'	30%	
RM	Multiple Family Sewered	12000 sf	75'					One bedroom unit-600 sq. ft. Plus 150 sq. ft. for every bedroom over one			35'	20'
	Multiple Family Non-Sewered	4 acres	220'	15'	30'							
MH	Mobile Home - sewerred	12000 sf	75'	One bedroom unit-600 sq. ft. Plus 100 sq. ft. for every bedroom over one	20'	2 or 25'	35'	5'	15'	35'	40%	
	Non - sewerred	4 acres	220'				35'	10'	20'	35'		
	Parks & Condominiums	5 acres	330'		-	-						
PUD	Planned Unit Development	-	-	-	-	-	-	-	-	-	-	-
CR	Commercial Recreation	10 acres	330'	-	-	2 ½ or 30'	35'	50'	100'	50'	10%	
B-1	Neighborhood Business Sewered	-	-	-	-	2 or 30'	35'	-	-	20'	30%	
	Neighborhood Business Non-Sewered	4 acres	220'					20'	40'	50'		
B-2	General Business	-	-	-	-	3 or 40'	20'	One foot for each foot over 25' hgt.		35'	-	

I-L	Light Industrial	4 acres	220 ‘	-	-	30 ‘	50 ‘	20 ‘	40 ‘	50 ‘	40%	D
I-H	Heavy Industrial	5 acres	330 ‘	-	-	35 ‘	50 ‘	50 ‘	100 ‘	50 ‘	40%	D
	Accessory Uses			**See Section 6.2 for regulations by District		1 Story or 14 ‘	F	6 ‘ each side 10 ‘ from other structures		30%	E, F, G	

- A. In the case of a rear yard abutting a side yard, or where a side yard is adjacent to a front yard across a common separating street, the side yard abutting a street shall not be less than the minimum front yard of the district in which located.
- B. No multiple family dwellings shall be permitted on a lot or parcel of land unless they comply with the minimum lot area plus the additional lot area requirements per unit as listed below:
 - 1. One Bedroom Unit 3400 sq ft or 10.2 units per acre.
 - 2. Two Bedroom Unit 3800 sq ft or 9.3 units per acre.
 - 3. Three Bedroom Unit 4200 sq ft or 8.5 units per acre.
 - 4. Each Additional Bedroom (includes a den, library or similar extra room) 400 sq ft extra prequired per unit per acre.
- C. Total side yard setback distances are required to be maintained individually for each unit to an imaginary property line between buildings located on the same lot.
- D. No building shall be located closer than 50 feet to any property line abutting a residential district.
- E. No Accessory structure shall exceed the floor area of the main building without Special Use Approval from the Planning Commission. It may not be located closer than 10' to another structure on the same lot and may not be located within a dedicated easement or right of way.
- F. All accessory structures must comply with the front yard setback requirements for the main building in the district in which it is located.
- G. All accessory farm buildings for uses other than those usually incidental to the dwelling shall be located not less than twenty (20) feet from any lot line or property boundary, with the exception that the main farm barn building shall not be less than one hundred fifty (150) feet from the front property line. This requirement shall not apply to the alteration or addition of an existing barn or other farm buildings which are located closer to the road and existed prior to the adoption of this ordinance.
- H. Condominium site property size requirements may be modified from the minimum lot size requirements upon approval of the Planning Commission provided:
 - 1. The number of dwelling units per acre do not exceed the minimum lot size requirements per acre as listed.
 - 2. Designated open spaces are provided for preservation of natural assets, recreational areas and the like.
- I. All requirements for PUD's are listed under the Planned Unit Development section of the Ordinance.

ARTICLE 7
SITE REGULATIONS

Section 7.1. Flood Prevention Regulations.

The following shall apply in the issuance of any permit:

7.1.1. **DETERMINATION OF COMPLIANCE.** Prior to the issuance of a permit a determination shall be made by the Building Official that all aspects of the permit are in compliance with the requirements of the National Flood Insurance Program. The determination of a flood plain shall be made using the maps prepared in conjunction with the Flood Insurance Program and as established by the profiles in the report of the Soil Survey of St. Clair County, Michigan.

Section 7.2. Buffer Strip Requirements.

The following buffers are to be provided as required below after Site Plan review and approval by the Planning Commission.

7.2.1. **PERMIT.** The erection, construction or alteration of any buffer shall require the issuance of a permit approved by the Building Inspector in compliance with the provisions of this ordinance.

7.2.2. **INDUSTRIAL OR COMMERCIAL USES.** Where any industrial or commercial use is being established adjacent to or across a street or alley from a Residential District, an unpierced masonry wall shall be provided in accordance with the following requirements:

A. **Setback requirements.**

1. Separation by a street from the front yard of lots in a residential district, shall require the wall be setback at least 20 feet from the right of way.
2. Separation by a street or alley from a side or rear yard of lots in a residential district shall require the wall to be setback 15 feet from the right of way or easement.
3. Where there is no separation from a residential district, there shall be provided a setback of at least 10 feet from such non-residential district

B. **Height.** The wall shall be erected to a height of not less than six (6') feet and not more than eight (8') feet, measured from the average grade within thirty (30') feet of the adjacent property. The Planning Commission may reduce the required height where the wall is required to be erected within 25 feet of a street right-of-way and the construction would constitute a traffic hazard.

C. **Construction Timing.** Such wall shall be constructed prior to construction of any structure extending above the foundation wall in order to preserve the residential character and livability of the adjacent residential properties during the time of construction when the noise, dust and hazards from construction equipment are most obnoxious to residential properties.

D. **Setback Strip.** The minimum setback of the conflicting land uses, as listed above, shall be established and maintained as a landscaped strip including the following requirements:

1. One tree shall provided for each 30 feet of lineal frontage of conflicting land uses.
2. Grass ground cover or decorative gravel or chips shall be established and maintained on all portions of the required landscape strip not occupied by any other landscape material.

E. The requirement for the above masonry wall may be modified at the request of the developer or upon the initiation of the Planning Commission or surrounding property owners provided that the spirit and intent of the ordinance and the safety, health and welfare of the public is maintained. Any modification to the above requirement shall be in compliance with all other requirements listed in the ordinance for landscape buffer strips between conflicting uses.

7.2.3 BUFFER STRIPS BETWEEN CONFLICTING LAND USES.

- A. Upon any improvement, including a structural or use expansion of property, within a zoning classification requiring Site Plan Review or Special Use Approval Review, an obscuring wall shall be constructed to create a visual screen along all adjoining boundaries of property, zoned or used for rural, single-family, two-family or multiple-family residential.
- B. Landscape Buffer: The landscape buffer shall be constructed as follows:
1. Between conflicting land uses, a hedge or other plant material barrier, wall, berm, or any combination of these landscape elements shall be planted to form a continuous screen at least six (6) feet in height at all points. If a non-living barrier is used, living plant material will be required on both sides of the screen. The screen shall be located so as not to create a vehicular sight-distance obstruction and shall be a minimum of twenty (20) feet from driveway intersections.
 2. A strip of land a minimum of fifteen (15) feet in width shall be located between the residential use and the conflicting land uses(s). The center line of a non-living barrier shall be a minimum of five (5) feet from the property line with the remaining ten (10) feet maintained between interior roads and/or parking areas or driving lanes.
 3. A minimum of one (1) large deciduous tree and 10 evergreens or shrubs for each thirty (30) feet lineal, or fraction thereof, shall be located between the residential use and adjacent conflicting land use(s). They shall be located so as not to create a vehicular sight-distance obstruction. The trees and/or shrubs allowed shall be in compliance with those approved under the Landscape Design Standards listed elsewhere in the ordinance.
 4. All interior landscape areas, not dedicated to trees or to preservation of existing vegetation, shall be landscaped with grass, ground cover, shrubs or other appropriate landscape treatment. Sand, gravel or other pavement shall not be considered appropriate landscape treatment.
 5. The landscape buffer shall be planted in such a manner as to provide a minimum opacity (visual restriction) of 80 percent in summer and 60 percent in winter.
 6. The owner of the property required to be landscaped, by the Ordinance, shall maintain such landscaping in a reasonably healthy condition, free from weeds refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. If deemed necessary by the Planning Commission, for the proper maintenance of the landscaping, the installation of underground sprinkler systems shall be required at the time of Site Plan Review.
 7. If existing woodlands are available, the applicant may preserve a twenty-five (25') feet wide strip in-lieu of the landscaping requirement.

7.2.4. BERMS. In those instances where the Planning Commission permits an earth berm it shall comply with the following requirements:

- A. The berm shall not exceed a rise of 1 foot for every 3 feet of horizontal plane and have a nearly flat horizontal plane of at least 2 feet.
- B. The berm shall be protected from erosion and all landscaping shall be established and maintained as specified by the commission during the appropriate reviews.

7.2.5. PARKING LOTS. Every parking lot, except parking lots accessory to one-family dwellings may be required to be screened from any adjacent public street or alley (except at entrances and

exits) by a screening device 30 inches in height. The Planning Commission shall determine the precise type of screening device to be utilized in each instance.

Section 7.3. Landscape Design Standards

7.3.1. **QUALITY:** Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to St. Clair County, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.

7.3.2. **MAJOR PLANT TYPES:** The following lists represent plant and landscape materials approved for usage subject to compliance with applicable size and spacing requirements.

- A. Evergreen Trees (minimum 5 ft in height): Juniper, Douglas-Fir, Hemlock, Fir, Spruce, Pine
- B. Narrow Evergreens (minimum 3 ft in height): Column Hinoki Cypress, Pyramidal Red-Cedar, Pyramidal White Pine, Douglas Arbor-Vitae, Blue Columnar Chinese Juniper, Swiss Stone Pine, Irish Yew, Columnar Giant Arbor-Vitae
- C. Tree-like Shrubs (minimum 4 ft in height): Flowering Crab, Mountain Ash, Hornbeam, Russian Olive, Redbud, Hawthorn, Dogwood, Rose of Sharon, Magnolia
- D. Large Deciduous Shrubs (minimum 6 ft in height): Honeysuckle, Forsythia, Cottoneaster, Privet, Viburnum, Lilac, Hazelnut, Buckthorn, Mock-Orange, Ninebark, Euonymus, Sumac
- E. Large Deciduous Trees (minimum 8 ft in height): Oak, Birch, Sweet-Gum, Linden, Hard Maple, Planetree (Sycamore), Beech, Hop Hornbeam, Hackberry, Ginkgo, Honey locust, Ash

7.3.3. **TREES NOT PERMITTED.** The following is a list of trees not permitted to be utilized for meeting landscape requirements.

- A. Box Elder, Soft Maple (Red, Silver), Elms, Poplars, Willows, Horse Chestnut (Nut Bearing), Tree of Heaven, Catalpa.

Section 7.4. Maintenance

The owner of property shall maintain landscaping in a healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced by the next appropriate planting period, but in case longer than one year from notification. All landscaped areas shall be provided with a readily available and acceptable water supply.

Section 7.5. Exterior Lighting

All lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs shall be directed away from and shall be shielded from adjacent residential districts and shall also be so arranged as to not affect driver visibility adversely on adjacent thoroughfares.

Section 7.6. Waste Receptacles.

No occupancy, whether owner, lessee or agent, shall permit the storing or accumulation of rubbish or waste, or permit it to be kept in open yards or lots unless placed in an accessory building. Neither waste nor waste receptacles shall be stored or placed in a required front, rear or side yard except on the day of collection.

7.6.1. **RESIDENCES.** The occupant or occupants of every single family residential building where waste accumulates, and in case of a semi-detached or terrace building, the owner, lessee or agent shall cause to be provided for said building, kept clean and in place, proper receptacles for said wastes, either stationary or portable.

- 7.9.1. PERMIT. The erection, construction or alteration of any fence shall require the issuance of a zoning permit approved in compliance with the provisions of this Ordinance.
- 7.9.2. CONSTRUCTION. All fences hereafter erected shall comply with the following:
- A. Safety. With the exception of Rurally zoned property, barbed wire, spikes, nails or any other sharp instruments of any kind are prohibited on top of, or on the sides of any fence, except that barbed wire cradles may be placed on top of fences enclosing public utility buildings or equipment in any district, or wherever deemed necessary by the Planning Commission in the interest of public safety or protection of private property.
 - B. Visibility. Where any fence would be located within twenty-five (25') feet of a street intersection, the wall shall be angled or off-set in such a manner so as to comply with the intersection visibility provisions found in this ordinance.
 - C. Construction. All exposed horizontal and vertical structural members of a fence shall be located facing the inside of the property they are intended to fence.
- 7.9.3. AGRICULTURAL USES. All animals raised for agricultural uses shall be enclosed by fencing suitable to retain such animals
- A. Notwithstanding the general provisions and intent of this section, barbed wire or other sharp, pointed material may be used in the construction of any fence in rural zoned areas so long as such fence is used exclusively to contain those animals kept or maintained for personal use.
- 7.9.4. RESIDENTIAL USES. Fences or walls in residential districts may be constructed along or inside the property line of a side or rear yard as follows:
- A. Side/Rear Yard Height. Fences on all lots and parcels of record in all rural/residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater. However fences within a required side or rear yard may be allowed to exceed six (6) feet in height after review and approval of the plans by the Planning Commission.
 - B. Front Yard Height. Fences are allowed in the front yard provided they are decorative in nature, do not exceed a maximum visual impairment of thirty percent (30%) and do not exceed four (4) feet in height.
 - C. St. Clair River. Man made decorative and chain link fences on lots with frontage on the St. Clair River shall be allowed to be erected in the yard on the river side, provided they do not exceed an average of five (5) feet in height and do not exceed a maximum visual impairment of thirty percent (30%). Fences or screening that do not exceed an average of six (6) feet in height, may be constructed after an "Improvement Review" and approval by the Planning Commission.
- 7.9.5. NON RESIDENTIAL USES. Fences in other than Rural/Residential Districts shall only be permitted to be located and constructed as approved by the Planning Commission after an "Improvement Review".

Section 7.10. Ponds and Retention.

Ponds or retention areas, created for livestock watering, irrigation, fish or aquatic life, or for recreational or retention purposes, are a permitted use when approved by the Building Inspector subject to the following standards and requirements:

7.6.2. **FENCING.** Trash containers in all zoning districts other than single-family shall be screened on four (4) sides with an opaque fence or wall at least as high as the trash container and shall be constructed of material which is compatible with the architectural materials used in the site development. Gates which provide access to the container for maintenance shall be made of an opaque material also compatible with the architectural materials used in the site development. The location of the dumpster or other trash container unless specific exception is provided by the Planning Commission, shall be fifteen (15) feet from any off-site building or lot line. The container shall not constitute a hazard and shall not be within the required yard setbacks of that zoning district. The Commission may further require internal storage and/or the use of trash compactors where, in the determination of the Commission, the public health, safety, and welfare is served.

Section 7.7. Reserved for Future Use (Previously Drains and Drainage, repealed 8-24-2005)

Section 7.8. Building Grades.

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

- 7.8.1. **EXISTING SUBDIVISIONS.** Where there is existing development in the area or where the adjacent lands are subdivided, the grades about the new development or construction shall be set to conform to the grades of the existing development or subdivision.
- 7.8.2. **NEW DEVELOPMENT.** All new development shall be accomplished as to contain all runoff on the site or direct runoff to storm facilities without crossing abutting developed or platted lands.
- 7.8.3. **GRADE CHANGES.** Where the grade on a site is in any way to be increased above the existing grade, the owner of the property shall, upon application for a building permit, submit a certified survey signed and sealed by a Land Surveyor or a Civil Engineer licensed to practice in the State of Michigan stating the existing and proposed grades and that all the conditions set forth in this ordinance are met. This certification shall be accompanied by a drawing which contains at least the following information:
- A. A property line survey showing lot shape and dimension, drawn to a scale of (1" inch equals ten (10') feet on lots eighty-five (85') feet in width or less and up to one (1" inch equals thirty (30') feet on lots greater than eighty-five (85') feet.
 - B. Elevations of abutting properties and the crown of abutting road pavement shall be shown.
 - C. Existing and proposed changes in grade shall be shown in sufficient detail to establish current and proposed drainage patterns, grades of any proposed structures, adjacent properties and existing structures, including contoured elevations of up to one foot if deemed necessary.
 - D. The proposed location and first floor elevation of the proposed construction shall be shown.
- 7.8.4. **FINAL APPROVAL.** Upon completion of the project and prior to the issuance of a Certificate of Occupancy, a revised certified survey shall be submitted indicating the actual grades on the property and elevation and location of the construction.
- 7.8.5. **FEES AND BONDS.** Fees and/or Bonds for inspection and completion of the new grade shall be paid at the time of application for a permit. The amounts shall be established by a resolution of the Township Board and shall cover the cost of the inspection and completion of the project.

Section 7.9. Fences, Walls and Screens.

All fences, walls and other protective barriers (referred to in this Section as "fences") of any nature, description or location in St. Clair Township shall conform to the following regulations:

7.10.1. PERMIT REQUIREMENTS. A Site Plan, including a cross section of the pond, shall be submitted to the Building Inspector for his determination that it meets the requirements and standards of this Section as follows:

- A. The existing drainage patterns shall not be altered so as to result in flooding of any adjacent or surrounding properties nor shall ponds be constructed in such a manner that run off, overflow, spillage, or seepage encroach upon adjacent properties, owned by another person.
- B. Any artesian well or other water overflow from a pond that could affect adjacent property shall be provided with adequate drainage
- C. Ponds shall be of the excavated type, only; as defined by the Soil Conservation Service Engineering Standard; and shall be constructed to the SCS, Standard No. 378, as amended.
- D. No pond shall be constructed without first obtaining a permit from the Department of Natural Resources, if such pond would be:
 - 1. five (5) acres or greater in area, or
 - 2. connected to an existing lake or stream, or
 - 3. located within five hundred (500) feet of the ordinary high water of an inland lake or stream.
- E. The obtaining of the permit from the D.E.Q. shall not relieve a person from also complying with the requirements of this Section.

7.10.2. LOCATION. All approved ponds shall be located on a contiguous parcel, with a minimum of three (3) acres as follows; except, when used for irrigation and/or livestock watering, when the minimum requirement is forty (40) acres.

- A. The pond shall be a minimum distance of forty (40) feet from any property line.
- B. A front yard pond must be located at least fifty (50) feet from the road right-of-way.
- C. Ponds shall be located a minimum of fifty (50) feet from the septic tank or field; subject to approval of the Health Department.

7.10.3. CONSTRUCTION. All ponds shall be constructed to the following requirements.

- A. The pond is not to be excavated prior to the commencement of construction of the residence; except that all ponds, used for agricultural purposes, on parcels of forty (40) acres or more are exempt from this requirement.
- B. The submerged side slopes of the pond shall extend no less than three (3) feet into the pond, per every foot of drop (ie. 3:1 slope).
- C. Ponds shall have warning signs and lifesaving equipment, as required by the State of Michigan.
- D. Ponds shall be a minimum of 10 feet deep over 25% of the pond's surface area which may be no less than 8400 sq. ft.

7.11 Private Roads

Section: 1 Frontage

(1) Every dwelling or principal building shall be located on a lot or parcel which fronts upon a public road and/or a private road for the full width of the lot or parcel, as measured between side lot lines; providing said lot lines are in a straight line from the

front line to the rear line. Modification of this requirement may be permitted by the Board of Appeals in cases where unusual topographic or geographic conditions exist.

(2) An unimproved platted lot which does not have direct access to either a dedicated public road or an approved private road may have pursuant to a recorded easement, provided, however, that before any improvements shall be commenced upon such a lot or a building permit issues, such easement shall be improved to meet the requirements of a private road as set forth in this ordinance.

Section: 2 Private Roads

(1) Private Roads are permitted only after Special Approval is given by the Planning Commission. Blue prints, construction plans and site plans shall be submitted to the Planning Commission for review and approval.

(2) Any Private Road allowed by the Planning Commission, as a Special Approval Use shall meet the following requirements:

(a) It shall be a permanent easement dedicated to the public for purposes of ingress and egress and for utilities. The easement shall state that acceptance does not obligate the Township to improve or maintain the easement.

(b) A Joint Maintenance Agreement shall be submitted by the applicant that runs with the land and binds the benefiting properties. The agreement shall be reviewed and approved by the Township Attorney and shall be recorded with the County Register of Deeds.

(c) In the case of the owners or person or persons, firm or corporation having charge of any parcels benefited by said private road who refuse or neglect to adhere to the maintenance agreement, the Township of St. Clair shall give written notice before maintaining said private road, by its employees or contractor, and to charge actual cost thereof, together with 10% of such costs to cover expenses, against the owners of benefiting properties of said private road.

The Township Treasurer shall keep record of cost maintenance of said private road in the Township, and notify owners of benefiting properties of such by ordinary mail or otherwise, with statement of amount due the Township. If costs and charges due the Township have not been collected on or before the 30th day of November of the year which the expenses were incurred by the Township, the same shall be reported by the Township Treasurer by adding the amount to the tax roll and collected in the same manner as a delinquent general property ad valorem tax and delinquent assessment.

(d) A preliminary road permit shall be obtained before construction begins and a final private road permit shall be obtained after construction and inspection. (permit fees are to be established from time to time by the Township Board).

(e) No building permit or commencement of construction on a private road shall begin until all appropriate permits and approvals are obtained.

(f) The easement shall have a width of at least (66') sixty-six feet except where an access easement of record of less width existed prior to the adoption of this ordinance.

(g) It shall have a minimum of 6" of MDOT 22A specifications aggregate on a road bed of at least (20') twenty feet in width.

(h) It shall have shoulders at least (4') four feet in width on each side.

(i) It shall have proper and adequate drainage.

(j) It shall have proper a turn around (cul-de-sac) with a minimum radius of (75') seventy-five feet at the end.

(k) The road is to be formally named with street signs approved by the County Road Commission.

(l) A sign conforming to county road standards at the entrance to the private road reading "this is not a public road".

(m) The road must be completed within 36 months subsequent to approval and issuance of the preliminary permit.

ARTICLE 8**OFF-STREET PARKING AND LOADING REQUIREMENTS****Section 8.1. Parking Lot Requirements.**

In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

- 8.1.1. PERMIT. No parking lot shall be constructed unless and until a permit is issued by the Building Official after review and approval by the Township Engineer.
- 8.1.2. PLANS. Plans for the development of any parking lot must be submitted to the Building Inspector, prepared at a scale of not less than fifty (50) feet equals one (1) inch and indicating existing and proposed grades, drainage, pipe sizes, parking of all dimensions, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used and the layout of the proposed parking lot. The plans are to be prepared in a presentable form by person(s) competent in such work and shall reflect conformance with the following provisions.
- 8.1.3. SITE PLANS. All Site Plans requiring Site Plan approval by the Planning Commission, including plans for the layout of off-street parking facilities, must be approved by the Planning Commission and shall be in accordance with the minimum requirements listed in this ordinance.
- 8.1.4. PARKING STRUCTURES. Parking structures may be built to satisfy off-street parking requirements, when located in commercial, business, or industrial zoned districts, subject to the area, height, bulk and placement regulations of such districts in which located. Such structures may occupy the required site or rear open space, but shall not be closer than twenty (20') feet from a lot line without the establishment of a landscape buffer.
- 8.1.5. ABANDONMENT. Upon the abandonment of such area as a parking lot used for parking for a period of six (6) months, it shall revert to its immediate prior use.
- 8.1.6. TABLE OF OFF-STREET PARKING REQUIREMENTS. The amount of required off-street parking space for new uses of buildings and additions to existing buildings shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the other requirements of this section including the following:
 - A. When units of measurements determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) loading space.
 - B. For uses not specifically mentioned herein, the requirements for off-street parking facilities for a use which is mentioned, and which said use is similar, shall apply and as interpreted by the Board of Appeals.
 - C. Residential Parking Requirements. Residential off-street parking spaces shall consist of a parking strip, driveway, garage or combination thereof and shall be located on the premises they are intended to serve, not closer than three (3') feet from any street lot line.

D. Useable Floor Area. For the purpose of this Article, the floor area used to determine the required number of parking spaces shall be as described in this ordinance under Definitions.

8.2. Table of Off-Street Parking Requirements.

USE	REQUIRED NO. OF PARKING SPACES	PER EACH UNIT OF MEASURE AS FOLLOWS
Residential		
a. Single- or Two-Family Dwelling	2	Per each dwelling unit
b. Multiple-Family Dwelling	2 1	Per each dwelling, <u>plus</u> per each ten (10) dwelling units
c. Senior Citizen Housing	1 1	Per each dwelling unit, <u>plus</u> per each ten (10) dwelling units
d. Fraternities, Sororities, Rooming Houses	1	Per each three (3) occupants
e. Dormitories	1	Per each four (4) occupants
Institutional		
a. Churches	1	Per each three (3) seats based on maximum seating capacity in the main place of assembly therein
b. Private Clubs & Lodges	1	Per each three (3) individual members allowed within the maximum occupancy load as established by local county, state, fire, health, or building codes
c. Hospitals	1 1 1	Per each four (4) beds, <u>plus</u> per staff doctor, <u>plus</u> per each four (4) employees
d. Convalescent Homes, Home for the Aged, Nursing Homes, Children's Homes	1 1 1	Per each four (4) beds, <u>plus</u> per each staff doctor, <u>plus</u> per each four (4) employees
e. High Schools	1 1 1	Per each teacher, <u>plus</u> per each ten (10) students, <u>plus</u> per each employee or administrator, <u>plus</u> requirements of the auditorium or assembly hall therein
f. Elementary & Junior High Schools, Trade Schools	1 1	Per each teacher, <u>plus</u> per each employee or administrator, <u>plus</u> requirements of the auditorium or assembly hall therein
g. Child Care Center, Day Nurseries, or Nursery Schools	1 1	Per each 400 sq ft of UFA, <u>plus</u> per each employee
h. Stadiums & Sports Arena	1	Per each four (4) seats or eight (8) feet of bench
Commercial		
a. Retail Stores, except as otherwise specified herein	1 1	Per each 200 sq ft of GFA, <u>plus</u> per each three (3) employees
b. Furniture, Appliances & Household Equipment, Repair Shops, Hardware Stores and other similar uses	1 1	Per each 800 sq ft of UFA, <u>plus</u> per each two (2) employees
c. Auto Salesrooms, Wholesale Stores, Machinery Sales, & other similar uses	1 1	Per each 1000 sq ft of UFA, <u>plus</u> per each employee
d. Medical Clinic & Dental Clinic	3 1	Per each staff or visiting doctor, <u>plus</u> per each employee
e. Business & Professional Offices	1	Per each 300 sq ft of GFA
f. Motels, Hotels, Tourist Homes	1 1	Per each guest bedroom, <u>plus</u> per each employee, <u>plus</u> amount required for accessory uses

Article 8

Off - Street Parking and Loading Requirements

g. Banks (other than drive-in), Post Offices	1	Per each 200 sq ft of UFA, <u>plus</u>
	1	per each one (1) employee
h. Drive-in Banks	4	Stacking spaces per each teller window
i. Barber & Beauty Shops	3	Per each operator
j. Bowling Alleys	6	Per bowling lane, <u>plus</u>
		amount required for accessory uses
k. Drive-in Restaurants	1	Per each 50 sq ft of GFA, <u>plus</u>
	1	per each two (2) employees
l. Fast Food	1	Per each 125 sq ft of GFA, <u>plus</u>
Drive-in Restaurants	1	per each two (2) employees, with a minimum total of 25 parking spaces
m. Establishments (other than drive-in restaurants) in which is conducted the sale and consumption on the premises of food, beverages or refreshments	1	Per each three (3) persons allowed within the maximum occupancy load as established by local, state, or county fire, health, or building codes, <u>plus</u>
	1	per each three (3) employees, <u>or</u>
	1	per each 100 sq ft of UFA, (whichever is greater)
n. Private Tennis, Swim or Golf Clubs, or other similar uses	1	Per each two (2) member families or individuals, <u>plus</u>
		amount required for accessory uses
o. Golf Course, open to the general public	5	Per each holes, <u>plus</u>
	1	per each employee, <u>plus</u>
		amount required for accessory uses
p. Filling Stations, Automobile Service Stations	2	Per each service stall, <u>plus</u>
	1	per each employee, <u>plus</u>
	1	per each service vehicle, <u>plus</u>
	1	per each 200 sq ft GFA used by the public
q. Motor Vehicle Wash Establishments (self-serve)	4	Per each wash stall
r. Motor Vehicle Wash Establishments (other than self-serve)	4	Per each unit which represents the establishments maximum capacity as computed by dividing the linear dimensions of the mechanical wash/dry operation by 20 feet, <u>plus</u>
	1	per each employee
s. Service Garages, Auto Repair Shops, Collision or Bump Shops, and other similar uses	1	Per each 800 sq ft UFA, <u>plus</u>
	1	per each two (2) employees computed on the basis of the maximum number of employees on duty at any one time, <u>plus</u>
	2	per each stall or service area
t. Open Air Business (not otherwise provided for herein)	1	Per each 800 sq ft of lot area used for said business
u. Personal Service Establishments (not otherwise provided for herein)	1	Per each 300 sq ft of UFA, <u>plus</u>
	1	per each two (2) employees
v. Theaters, Auditoriums, & Assembly Halls	2	Per each five (5) seats based on the maximum seating capacity in the main place of assembly therein, <u>plus</u>
	1	per each two (2) employees
w. Marinas	1	Per each boat slip, <u>plus</u>
	1	per each employee
Industrial		
a. Industrial or Manufacturing Establishments, Research Establishments	1	Per each 1½ employees computed on the basis of the greatest number of persons employed at any one time, day or night, <u>or</u>
	1	per each 2000 sq ft of UFA (whichever is greater)
b. Warehouses and Storage Buildings	1	Per each two (2) employees computed on the basis of the greatest number of persons employed at any one time, day or night, <u>or</u>
	1	per each 2000 sq ft of GFA (whichever is greater)

Section 8.3. Zoning Requirements.

Off-street parking for other than residential use shall be either on the same lot or within three hundred (300') feet of the building it is intended to serve, measured without crossing any major thoroughfare, from the nearest point of the building to the nearest point of the off-street parking facilities

- 8.3.1. **EXISTING LOTS.** Off-street parking existing at the effective date of this Ordinance in connection with the question of an existing building or use shall not be reduced to an amount less than hereafter required for a similar new building or new use.
- 8.3.2. **EXPANSIONS.** Whenever a use requiring off-street parking is increased in floor area and such use is located in a building existing on or before the effective date of this Ordinance, the minimum number of parking spaces required at the time of the increase in floor area shall be based on either twice the usable floor area or other determining unit of measure of the addition, or two-thirds (2/3) of the usable floor area or other determining unit of measure of the entire building, including the addition.
- 8.3.3. **COLLECTIVE REQUIREMENTS.** Two (2) or more buildings or uses may collectively provide the required off-street parking in which case, the required number of parking spaces shall not be less than the sum of the requirements of several individual uses computed separately with the following exceptions:
- A. Where the required number of parking spaces exceeds one hundred (100) spaces, the requirements may be reduced by ten (10%) percent for the first one hundred (100) spaces and ten (10%) percent for each complete one hundred (100) spaces after that.
 - B. In cases of dual functioning of off-street parking where operating hours do not overlap, the Board of Appeals may grant an exception. Parking spaces already provided to meet off-street parking requirements for theaters, stadiums, auditoriums, and other places of public assembly, stores, office buildings and industrial establishments located within five hundred (500') feet of a church, as measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and are made available for other parking, may be used to meet not more than seventy-five (75%) percent of the off-street parking requirements of a church. There shall be a written agreement between all parties concerned where this arrangement is permitted.
- 8.3.4. **RESIDENTIAL LANDSCAPE BUFFER STRIP REQUIREMENTS.** Where a parking lot is contiguous or adjacent to a residentially zoned district there shall be established a setback line ten (10') feet from the front lot line and any adjacent lot lines. The land between the setback line and lot line in a parking lot is for the purpose of this Ordinance is called a "Landscaped Buffer Strip". Such lots shall be required to provide a Landscaped Buffer Strip as regulated elsewhere in this ordinance with the following exception:
- A. Wherever a screen planting is not practical or reasonable, a continuous unpierced masonry wall of specified height and materials may be substituted for buffer strips if approved by the Planning Commission with recommendation to the Board of Appeals.
- 8.3.5. **PARKING LOTS WITH 30 OR MORE SPACES.** Such lots shall be required to provide a Landscaped Buffer strip as regulated elsewhere in this ordinance and include the following requirements also:
- A. Each separate landscaped area within a parking lot shall be adequately planted and maintained and shall be located in such a manner as to promote the following:
 - 1. divide and break up the expanse of pavement parking areas
 - 2. designate vehicular circulation
 - 3. separate parking lots from adjoining uses

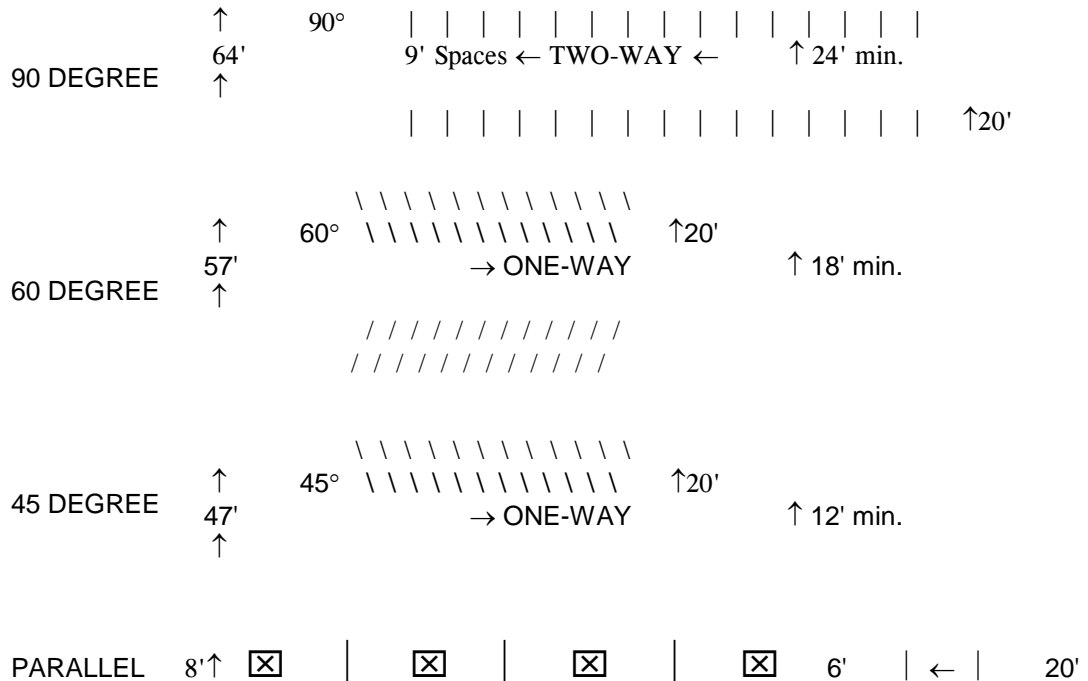
- B. The minimum total landscaped area shall be forty five (45) square feet per every two (2) parking spaces. Right-of-way areas and retention ponds shall not be included in this calculation.
- C. A minimum of three (3) feet shall be established from the backside of the curb or planting edge to the center of the trunk of the proposed tree or shrub. Narrow strips of landscaping incorporated within parking lots shall be arranged to contain sufficient landscaping and landscape buffering to soften large expanses of paved or gravel surfaces.

Section 8.4. Parking Lot Layout, Construction & Maintenance

Whenever the required off-street parking requires the building of an off-street parking lot, the off-street parking lot shall be laid out, constructed and maintained in accordance with the following tables and regulations:

8.4.1. LAYOUT.

PARKING LAYOUTS



- A. Maneuvering Lanes. All spaces shall be provided adequate access by means of maneuvering lanes. Maneuvering lanes will be required to be increased when such lane is required for fire or safety vehicle access to building.
- B. Access. All parking spaces shall have access from an aisle on the site to minimize backing onto a street or into the space from the street.
- C. Striping. All parking spaces shall be clearly striped to facilitate movement and to help maintain an orderly parking arrangement.
- D. Size. All spaces shall be laid out in the dimension of nine by twenty (9' x 20') feet, or one hundred and eighty (180) square feet of space with the following exception.
 - 1. Parallel parking spaces shall be twenty (20') feet in length with a six (6') feet maneuvering space for each two (2) parking spaces.

- E. Access Drives. Adequate ingress and egress to the parking lot shall be provided for vehicles by means of clearly limited and defined drives not less than fifteen (15') feet wide for a one-way and twenty-two (22') feet wide for a two-way traffic.

PARKING PATTERN	MINIMUM DRIVEWAY OR AISLE WIDTH	PARKING SPACE LENGTH (a)	PARKING SPACE WIDTH(b)	TOTAL WIDTH OF TWO TIERS OF SPACES & AISLES
0° (parallel)	10 feet	23 feet	8 feet	
30°	12 feet	20 feet	9 feet	47 feet
45°	12 feet	20 feet	9 feet	47 feet
60°	18 feet	20 feet	9 feet	57 feet
90°	24 feet	20 feet	9 feet	64 feet

- a. as measured perpendicular to longitudinal angle of parking
- b. as measured parallel to longitudinal angle of parking

8.4.2. CONSTRUCTION. All such parking lots and access, drives, etc. required for uses other than single or two-family residential shall be hard-surfaced with a pavement consisting of asphalt or concrete. They shall be completely constructed prior to a Certificate of Occupancy being issued in compliance with all the requirements listed.

- A. Drainage. They shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining private property.
- B. Lighting. Where lighting facilities are provided they should be so arranged as to reflect the light away from the adjacent residential districts.
- C. Wheel Chocks. Where buffer strips are not required, there shall be a bumper stops or wheel chocks of concrete or similar permanent material provided.

8.4.3. MAINTENANCE. Such spaces shall be maintained and shall not be encroached upon as long as said main building or structure remains unless an equivalent number of spaces are provided elsewhere in conformance with this Ordinance.

Section 8.5. Truck and Equipment Parking

On the same premises with every building, structure or part thereof, erected and occupied for the manufacturing, storage, warehousing, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning establishment, or other uses similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading services in compliance with the following requirements.:

8.5.1. LOCATION. The space shall be adjacent to the opening used for loading and unloading in order to avoid undue interference with public use of the streets or alleys.

8.5.2. SIZE. Loading and unloading space, unless otherwise adequately provided for, shall be an area ten by fifty (10' x 50') feet with a fifteen (15') foot height.

8.5.3. NUMBER OF SPACES. The number of required spaces shall be in accordance with the following table:

GROSS FLOOR AREA (sq ft)	LOADING & UNLOADING SPACES REQUIRED
0 - 2,000	None.
2,000 - 20,000	One (1) space.
20,000 - 100,000	One (1) space plus one (1) space for each 20,000 sq ft in excess of 20,000 sq ft.
100,000 - 500,000	Five (5) spaces plus one (1) space for each 40,000 sq ft in excess of 100,000 sq ft.
over 500,000	Fifteen (15) spaces plus one (1) space for each 80,000 sq ft in excess of 500,000 sq ft.

8.5.4. SCREENING. No loading space may be on any street frontage and provision for handling all freight shall be on those sides of any building which do not face on any street, or proposed street, except where such areas are obscured from such street with a solid masonry wall not less than six (6') feet in height.

8.5.5. RESTRICTIONS. The loading space as required in this ordinance as "Off-Street Loading and Unloading", shall not be construed as supplying off-street parking space.

Section 8.6. Handicap Requirements.

Parking Space Requirements for Handicappers. In those cases where barrier-free design parking areas are required under Act 1, Public Acts of 1966, as amended (MCL 125.1351 et seq., MSA 3.447(121) et seq.), such parking areas shall be provided in accordance with those requirements and the following table:

TOTAL SPACES IN LOT	REQUIRED NUMBER OF ACCESSIBLE SPACES
up to 25	One (1)
26 to 50	Two (2)
51 to 75	Three (3)
76 to 100	Four (4)
101 to 150	Five (5)
151 to 200	Six (6)
above 200	Six (6)

Section 8.7. Restrictions.

The required off-street parking shall be for occupants, employees, visitors, patrons, and shall be limited in use to motor vehicles including the following restrictions.

- 8.7.1. STORAGE. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited on all parking areas with the following exceptions.
- A. Residential. The parking of one motor vehicle on a residential lot in or adjacent to the drive in the front yard setback for sale may be allowed provided it has current registration and does not create a condition of blight.
- 8.7.2. PARKING DURATION. Except when land is used as storage space in connection with the business of a repair, service garage, hotel or motel, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to or intended to provide, and it shall be unlawful to permit, the storage or prolonged parking on any such parking area in any such district wrecked or junked cars, or for creating a junk yard or a nuisance in such areas.
- 8.7.3. PRIVATE PROPERTY. It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property, or use said private property for vehicle storage, or use any portion of any private property as parking space, without the express or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property.

Section 8.8. Variances.

Notwithstanding anything herein before contained in this section, the setback requirements required hereby may be modified by the Board of Appeals with respect to the number of feet required in any case in which it appears an undue hardship will arise from the strict enforcement of the distance requirements above set forth.

ARTICLE 9**ENVIRONMENTAL PERFORMANCE****9.1. Purpose.**

No use, otherwise allowed, shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area.

9.2. Smoke.

It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke from any source whatsoever to a density greater than that permitted by Federal Clean Air Standards and those standards promulgated by the Michigan Department of Natural Resources according to Act 348 of 1965 as amended.

9.3. Dust, Dirt, and Fly Ash.

No person, firm, or corporation shall operate or cause to be operated, maintained, or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas borne or airborne solids shall not exceed Federal Clean Air Standards and those standards promulgated by the Michigan Department of Natural Resources.

9.4. Glare and Radioactive Materials.

9.4.1. **GLARE.** Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Glare from automobile headlights or commercial or industrial vehicle headlights shall not be directed into any adjacent property so as to become a nuisance.

9.4.2. **EXTERIOR LIGHTING.** In non-residential areas, exterior lighting shall be installed so that the source of light shall not be visible from any residential dwelling and shall be so arranged as far as practical to reflect light away from the residential use. In no case shall more than one candle-power of light cross a lot line five (5) feet above the ground into a residential district.

9.4.3. **RADIOACTIVE MATERIALS.** Radioactive materials and wastes, including electromagnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

9.5. Fire and Explosive Hazards.

The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended.

9.6. Odors.

The emission of noxious odors, odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to four or more volumes of clean air or as to produce a public nuisance or hazard beyond lot lines, is prohibited.

9.7. Noise.

9.7.1. REGULATIONS. The pressure level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

<u>SOUND LEVEL</u>	<u>ADJACENT USE</u>	<u>WHERE MEASURED</u>
65dBA	Residential/Agricultural	Property Line*
75dBA	Commercial/Office	Property Line
80dBA	Industrial/Other	Property Line

- A. *Except where normal street traffic noise levels exceed 65dBA, the use noise level may equal but not exceed the traffic noise level.
- B. The sound levels shall be measured using a weighted decibel measurement and with a type of audio out meter approved by the National Institute of Standards and Technology.
- C. Objectionable noise as determined by the Board of Trustees, of an intermittent nature, or high frequency sounds, even if falling below the aforementioned decibel readings, shall be muffled so as not to become a nuisance to adjacent uses.

9.8. Waste and Rubbish Dumping.

No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes and crates, or other offensive or obnoxious matter shall be kept in open containers, or piled, placed, stored, or dumped on any land within the Township in such a manner as to constitute a nuisance or create a hazard to health, safety, morals, and general welfare of the citizens of the Township.

9.9. Excavations or Holes.

The construction, maintenance or existence within St. Clair Township of any unprotected, unbarricaded, open or dangerous excavation, holes, pits, or wells, or of any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety, or welfare is hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued pursuant to this Ordinance or the Building Code of the Township of St. Clair, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Building Inspector.

9.10. Removal of Soil, Sand, or Other Material.

9.10.1. ZONING BOARD OF APPEALS. The use of land for the removal of topsoil, sand, or other materials from the land is not permitted in any zone except under a Temporary Permit from the Zoning Board of Appeals which may be denied or issued in appropriate cases. In issuing such Temporary Permit the Zoning Board of Appeals shall determine the locational aspects of removal machinery or equipment and the like so as to minimize the negative effects of noise, dust, debris, and truck traffic on surrounding properties requiring appropriate conditions and safeguards including the following:

- A. The posting of a Bond or other acceptable surety to insure that such removal will not, at the expiration of such permit, cause stagnant water to collect, or leave the surface of the land in an unstable condition, or unfit for the growing of turf, or for other land uses permitted in the zone in which such removal occurs and
- B. Securing the property in such manner to reduce the likelihood of injury, pain or loss.

- C. 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.
- D. Prior to action by the Township Board of Appeals, all required documentation for Temporary Permit for the removal of soil, sand, or other materials shall be submitted to the Planning Commission for their review and written recommendation.

9.10.2. EXCEPTION. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has been duly issued or does not apply to common household gardening and ground care incidental to maintaining landscaping.

9.11. Restoring Unsafe Buildings.

Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector or required compliance with a lawful order, except as specified elsewhere in the Ordinance.

9.12. Structural Damage.

Any structure or building which may be in whole or in part destroyed by fire, windstorm, or other such cause, if rebuilt, shall be rebuilt in accordance with this Ordinance and other pertinent codes and ordinances or shall be restored to a safe and healthy condition with all debris removed from the site within ninety (90) days from the occurrence of such damage.

ARTICLE 10**NONCONFORMING LOTS, USES, STRUCTURES****Section 10.1. Applicability**

10.1.1. **EXISTING CONSTRUCTION.** To avoid undue hardship and infringement upon private property rights, nothing in this Ordinance shall be deemed to require a change to any building or structure upon which actual construction was lawfully begun prior to the adoption of this Ordinance, where said construction will be completed within eighteen (18) months after the effective date of this Ordinance, except that for reasonable cause, the Building Inspector may grant one (1) extension of time for an additional period not exceeding ninety (90) days.

10.1.2. **DEFINITION.** Actual construction is hereby defined to include:

- A. Any lawful and approved physical operation on the premises which is preparatory to the intended development.
- B. Site preparation or physical construction each constitute actual construction.
- C. Demolition started before adoption of this Ordinance is actual construction.

10.1.3. **PREVIOUS VARIANCES.** The adoption of amendment of this ordinance shall not be deemed to affect, alter or change any special exceptions, interpretation, or variance theretofore decided or granted by the appropriate administrative or legislative body of the Township or by a court of competent jurisdiction upon review of action of such administration or legislative body.

Section 10.2. Lawfully Existing Nonconforming Lots. The intent of this subsection is to allow reasonable development of lawfully existing nonconforming residential lots of record based on the preamble of this Ordinance.

10.2.1. **APPROVED LOTS.** Notwithstanding limitations imposed by other provisions of this Ordinance, in any district where the lot does not meet the minimum lot size requirements, and is a lawfully recorded lot at the time of adoption or amendment of this Ordinance buildings may be constructed in conformity with approved uses in the district even though the lot fails to meet the minimum requirements of the particular district.

- A. **Definition.** A single, isolated, lawful, nonconforming residential lot or record refers to a lot either situated between two (2) interior lots which are developed or a corner lot contiguous to a developed interior lot and there is no likelihood to:
 - 1. Obtain additional land area to satisfy minimum required lot area, or 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 (1), or preferably to both, of the contiguous property owners.
- B. **Setback requirements.** Exclusive of those requirements involving area or width, or both, the erection or construction of a building or structure or both, on a single, isolated, lawful, nonconforming residential 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 building may be reduced six (6") inches for each one (1') foot of lot width less than 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 than 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.

10.2.2. REVIEW REQUIRED. These lots, because of the unnecessary hardship upon the property owner, may be allowed to develop after review by the Board of Zoning Appeals and it has been determined that there is no likelihood to:

- A. Obtain additional land area to satisfy the minimum required lot area, or lot width, or both;
- B. No arrangement is available for public purchase of such lot; or
- C. No likelihood exists to sell the parcel to one, or preferably to both, of the contiguous property owners.

10.2.3. CONTIGUOUS PARCELS. Irrespective of common ownership, contiguous vacant nonconforming lots of record having continuous frontage of 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.

- A. Exception. If, however, fifty-one (51%) percent or more of the parcels on both sides of the street, between the nearest cross street on each side of the subject parcel, are developed and do not meet the minimum lot width and lot area requirements, said nonconforming lots may be divided provided the lot width and lot area is 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.

Section 10.3. Nonconforming Uses, Buildings and Structures Jointly or Individually.

10.3.1. INTENT. It is the intent of this subsection 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 buildings, structures, uses of land 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.

10.3.2. INCOMPATIBILITY. Such uses are declared by this Ordinance to be incompatible with permitted uses in the district involved but increasing awareness that some nonconforming uses, buildings or structures will not go away as a result of wishful thinking makes it 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 can not be fitted into a neat zoning pattern, they are desirable and useful.

Section 10.4. Definition and Classification of Nonconforming Uses, Buildings or Structures.

10.4.1. CLASSIFICATION. All nonconforming uses, buildings or structures shall be classified as Class B nonconforming uses at adoption of this Ordinance. Class A nonconforming uses, buildings or structures are those which have been so designated by the Zoning Board of Appeals after application by an interested person or the Zoning Administrator, upon findings that:

- A. Continuance thereof would not be contrary to public health, safety or welfare, or the spirit and intent of this Ordinance;
- B. That the use, building or structure does not and is not likely to significantly depress the value of nearby properties;
- C. That the use, building or structure was lawful at the time of its inception; and

- D. 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.

Section 10.5. Procedure for Obtaining Class A Designation Conditions.

10.5.1. APPLICATION. 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.

- A. The Zoning Board of Appeals may require the furnishing of such additional information as it considers necessary.
- B. 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.
- C. The decision shall be in writing and shall set forth the findings and reasons on which it is based.

10.5.2. CONDITIONS. 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.

10.5.3. VESTED INTEREST. No vested interest shall arise out of a Class A Designation.

Section 10.6. Revocation of Class A Designation.

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

Section 10.7. Regulations Pertaining to Class A Nonconforming Uses and Structures. Where Class A nonconforming use status applies to a building and/or structure and premises in combination, removal of the building or structure shall eliminate the nonconforming status of the land.

10.7.1. ABANDONMENT. 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 twelve (12) months of if it has been changed to a conforming use for any period.

10.7.2. ENLARGEMENT. A Class A use or structure may be used, altered or enlarged provided that it does not violate any condition imposed by the Board of Appeals at the time of its designation.

10.7.3. RESTORATION. 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 provided that said restoration is entirely and completely executed within eighteen (18) months from the time of destruction and that the same use is made of the premises; except that for reasonable cause the Building Official may grant one (1) extension of time for an additional period not exceeding ninety (90) days.

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

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

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

10.7.6. CHANGE IN USE.

- A. Allowed. 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 the public interest or is more appropriate to the district (zone) than the existing nonconforming use.
- B. Requirements. In permitting such change in use, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance inclusive of upgrading the premises to comply as nearly as is practicable with the requirements of this Ordinance.
- C. Submission to the Planning Commission. 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.

Section 10.8. Regulations Pertaining to Class B Nonconforming Uses and Structures.

10.8.1. INTENT. It is the purpose of this Ordinance to eliminate Class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation.

10.8.2. ABANDONMENT. No Class B nonconforming use shall be resumed if it has been discontinued for a continuous period of at least twelve (12) months or if it has been changed to a conforming use for any period or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50%) percent of the reproduction cost of such structure.

10.8.3. RESTORATION. No Class B nonconforming structure shall be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50%) percent of the reproduction cost of such structure.

A. Exception. Any residential use in any zoning district as long as it maintains the existing foot print of the structure being repaired or replaced.

10.8.4. CHANGE/ENLARGEMENT. No Class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming.

10.8.5. MINERAL OPERATIONS. In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established.

10.8.6. CONTINUANCE. No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

10.8.7. **MOVED STRUCTURES.** No Class B nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

A. **Conformance.** If a Class B nonconforming structure is moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

10.8.8. **MAINTENANCE.** Ordinary repair and maintenance work may be done on any Class B nonconforming structure, including repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the state equalized value of the structure as it existed at the time of adoption of this Ordinance.

10.8.9. **CHANGE IN USE.**

A. **Allowed.** Any Class B nonconforming use of a building or structure or land may be changed to another nonconforming use upon a written finding 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 more appropriate to the district (zone) than the existing nonconforming use.

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

C. **Submission to the Planning Commission.** Prior to action by the Zoning Board of Appeals, all required documentation for a change from one (1) nonconforming use to another shall be submitted to the Planning Commission for their review and written recommendation.

Section 10.9. Record of Nonconformity.

10.9.1. **RECORD.** Within one (1) year after the adoption of this Ordinance, or any amendment thereto, the Zoning Administrator shall prepare and complete a record of all known nonconforming uses of buildings and/or structures or land, existing at the time of the adoption of this Ordinance or amendment.

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

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

Section 10.10. Nonconforming Characteristics of Use.

- 10.10.1. INTENT. It is the intent of this Ordinance to eliminate, as nearly as is practicable with the prevailing requirements of this Ordinance, nonconforming characteristics of use and to eliminate them as rapidly as is possible without payment of compensation.
- 10.10.2. UPGRADE OF USE. Notwithstanding other provisions of this Ordinance, whenever a change in use, ownership or tenancy occurs or when structural alterations are made, or when renewal of operating license as provided by other Township Ordinance was made, those nonconforming characteristics of use which were lawfully inadequate or totally lacking at the effective date of this Ordinance, or amendments thereto, shall be eliminated as nearly as is practicable with the prevailing requirements of this Ordinance relative to characteristics of use.
- 10.10.3. PROSECUTION. Such upgrading of characteristics of use shall be completely and entirely prosecuted within eighteen (18) months after the occurrence of a change in use, ownership or tenancy, or before the expiration date of the renewed operating license, or after issuance of building permit for structural alterations.
- 10.10.4. EXTENSION. The Zoning Board of Appeals may grant an extension of time not to exceed one (1) year to remedy those deficient characteristics of use found to exist.
- A. In granting such extension of time, the Zoning Board of Appeals shall base their written decision upon findings that:
1. The applicant can document conclusively that personal hardship exists presently but there is likelihood that the improvements can be completed if the initial time allotment is extended; and
 2. That the reasons of personal hardship justify granting the extension of time so as to make possible the reasonable use of land, building or structure concurrent with the likelihood for upgrading, as nearly as is practicable, those deficient characteristics of use found to exist.
- B. In granting such extension of time, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the spirit and intent of this Ordinance inclusive of requiring the posting of a performance bond or other acceptable surety to guarantee that the required upgrading is completely and entirely prosecuted.

Section 10.11. Certificate of Occupancy.

- 10.11.1. NOTIFICATION. At any time after adoption of this Ordinance should the Township become aware of a nonconforming use, the owner of the nonconforming use shall be notified by the Zoning Administrator of the provisions of this section, and that his property constitutes a nonconforming use.
- A. Application. Within thirty (30) days after receipt of said notice the owner shall apply for and be issued a Certificate of Occupancy for the nonconforming use. The application of such certificate shall designate the:
1. location
 2. nature
 3. extent of the nonconforming use
 4. such other details as may be necessary for the issuance of the Certificate of Occupancy.
- B. Failure to comply. If the owner of a nonconforming use fails to apply for a Certificate of Occupancy within thirty (30) days after receipt of the foregoing notice, the use ceases to be nonconforming and is hereby declared to be in violation of this Ordinance.

- 10.11.2. VIOLATION. The Zoning Administrator shall not issue the Certificate of Occupancy but shall declare such use to be in violation of this Ordinance if he shall find upon reviewing the application for a Certificate of Occupancy, that:
- A. the existing use if illegal or
 - B. in violation of any other ordinance or law, or
 - C. the building for which the certificate is requested has been constructed or altered for the existing use or any other use without full compliance with the Building Code or the Zoning Ordinance in effect at the time of construction or alteration.
- 10.11.3. DESIGNATION. The Certificate of Occupancy issued by the Zoning Administrator for a nonconforming use shall state that the use may be continued indefinitely, or that the use must be discontinued.

ARTICLE 11**ZONING BOARD OF APPEALS****Section 11.1. Creation and Purpose.**

There is hereby established a Zoning Board of Appeals which shall perform its duties and exercise its powers as provided in Sections 601 through 607 (MCL 125.3601 through MCL 125.3607) of the Michigan Zoning Enabling Act, Public Act 110 of 2006, in such a way that the objectives of this Ordinance shall be observed, public safety secured and substantial justice done. The Zoning Board of Appeals, as herein created, is a body of limited powers. The Zoning Board of Appeals shall have the following specific powers and duties:

- 11.1.1. **PURPOSE.** To hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance, and to hear and decide appeals where there are practical difficulties or unnecessary hardships to the property in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured, and substantial justice done.
- 11.1.2. **INTENT** In consideration of all appeals for variances the Zoning Board of Appeals shall review each case individually as to its applicability to each of the following standards so that the proposed variance or new land use:
- A. Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.
 - B. Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts;
 - C. Will be designed as to location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating there from which might be noxious to the occupants of any other nearby uses, whether by reason of dust, noise, fumes, vibrations, smoke or lights;
 - D. Will be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value;
 - E. 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;
 - F. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
 - G. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

11.1.3 MEMBERSHIP AND TERMS OF OFFICE. The Zoning Board of Appeals shall consist of five (5) members and serve for appointed terms as follows:

- A. The first member shall be any member of the Township Planning Commission, other than the Township Board member.
- B. The second member shall be a member of the Township Board, appointed by the Township Board, for a period of his term of office. This member cannot serve as Chairman to the Zoning Board of Appeals.
- C. The remaining members shall be selected and appointed by the Township Board from among the electors, residing in the unincorporated area of the Township for a period of three (3) years except that when first appointed terms may be for less than three years to allow for staggered terms. No elected officer of the Township, nor any employee or any person having a contractual relationship with the Township Board may serve simultaneously as a member so appointed, or as an employee of the Zoning Board of Appeals.
- D. Members of the Zoning Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing.
- E. Any vacancy shall be filled by the appointing authority for the unexpired term.
- F. The first two (2) members shall be appointed for their term of office. The remaining members shall be appointed to terms of office for three (3) years.

11.1.4. AUTHORITY. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it. In hearing and deciding appeals, the Zoning Board of Appeals shall have the authority to grant such variances as may be in harmony with the general purpose and intent of this Ordinance, so that public health, safety and welfare are secured, and substantial justice done, including the following:

- A. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts accompanying this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid. In case of any question as to location of any boundary line between zoning districts, the Zoning Board of Appeals shall interpret the zoning map after recommendation from the Township Planning Commission. The power of authority to alter or change the Zoning Ordinance or Zoning Map is reserved to the Township Board, as is provided by Law.
- B. Permit the erection and utilization of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established. The Zoning Board of Appeals may also permit the location in any use district of a public utility building, structure or use if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.
- C. Permit the modification of the off-street motor vehicle parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements.

- D. Permit such modification of the height, lot area, yard setbacks, floor area and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification, provided that modification of lot area regulations shall be permitted only in instances where the nature of the soil and drainage is such that there is sufficient area for safe water supply and sanitary disposal of waste (unless central water distribution and/or sanitary sewage are provided). Whenever the Zoning Board of Appeals determines that the same are necessary in order to render a decision, it may require the applicant to submit a topographical survey or the results of percolation test certified by a registered engineer or land surveyor.
 - E. Permit temporary buildings and uses for period not to exceed ninety (90) days.
 - F. Make determinations regarding the expansion, classification and changes in use on Non-conforming lots, uses and structures, as allowed and required by the Zoning Ordinance.
- 11.1.5. **CONDITIONS.** The Zoning Board of Appeals, by majority vote, may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken. In granting a variance the Zoning Board of Appeals may impose such conditions or limitations as it may deem necessary to comply with the spirit and purposes of this Ordinance.
- 11.1.6. **STAY OF APPEAL.** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals, after Notice of Appeal 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 proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the Zoning Administrator and on due cause shown.

Section 11.2. Procedure.

An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Zoning Administrator in the enforcement of the Zoning Ordinance.

- 11.2.1. **APPLICATION.** An application shall be submitted to the Township Office a minimum of 22 days prior to the next regularly scheduled meeting date, specifying the grounds for the appeal and the section of the ordinance being appealed. The appellant or applicant shall include surveys, plans or other information necessary for the Board of Zoning Appeals to thoroughly investigate the matter before it.
- A. The Zoning Administrator shall provide the Zoning Board of Appeals with copies of all of the information related to the proposed variance or appeal prior to the next immediately available meeting.
 - B. A fee shall be paid to the Township at the time the notice of appeal is filed; said fees shall be set by resolution of the Township Board.
- 11.2.2. **NOTICE.** Following receipt of a written request concerning a variance, an interpretation of the zoning ordinance, or an appeal of an administrative decision, the zoning board of appeals shall set a public hearing for the next immediately available regularly scheduled meeting, with public notice to be given as follows:
- A. **Publication.** The Township shall publish a notice of the public hearing in a newspaper of general circulation in the local unit of government not less than 15 days before the date of the public hearing, which shall include the following information:

1. Describe the nature of the request.
2. Indicate the individual properties that are the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the public hearing for the request will be held.
4. State when and where written comments will be received and the information reviewed, concerning the request.

B. Mail Notice. Should a variance request be submitted regarding a specific piece of property, a notice of public hearing shall be sent which shall include the information as required for the Publication. The notice shall be sent by regular first class mail or personally delivered at least 15 days before the date of the public hearing to the following:

1. To the applicant for and the owner(s) of, the individual properties that are the subject of the request.
2. To all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the regardless of whether the property or occupant is located in the zoning jurisdiction.

11.2.3. PUBLIC HEARINGS. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as such Zoning Board of Appeals may determine. All meetings of the Zoning Board of Appeals shall be open to the public and shall be subject to the following:

- A. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.
- B. Standards.
 1. All decisions must insure that the spirit of the zoning ordinance is observed, public safety secured and substantial justice done.
 2. Variances. To obtain a dimensional variance from the requirements of the zoning ordinance the applicant must show practical difficulty by demonstrating the following:
 - A. Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.
 - B. A variance would do substantial justice to the applicant as well as to other property owners in the district, and that it is the least allowed that would give substantial relief and be consistent with justice to others.
 - C. The plight of the owner is due to unique circumstances of the property; and
 - D. The problem was not created by an action of the applicant but existed at the time of the adoption of the ordinance or was the result of an action outside of the control of the applicant, such as a road widening.
 3. No decision regarding a question of the interpretation of the Zoning Ordinance may be made by the Board prior to receiving a written opinion on the matter from the municipal attorney.
- C. Action.
 1. Deny or table the request for additional information if the facts in the case do not establish beyond a reasonable doubt that the spirit of the zoning ordinance is observed, public safety secured and substantial justice done.
 2. Approve the request, with or without additional conditions deemed necessary to insure compliance with the stated purposes and intent of the Ordinance.
 3. A statement of facts shall be recorded containing the findings and conclusions relative to the basis for the decision.

4. A list of any conditions imposed to insure compliance with the stated purposes and intent of the Ordinance shall be made part of the official record.
- D. Records. The Zoning Board of Appeals 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 all other official actions. Once a request has been heard by the Zoning Board of Appeals and a final action taken, three (3) copies of the application and plans will be marked approved or denied and distributed as follows:
1. The record of all the required information shall be immediately filed with the office of the Township Clerk and shall be kept for a permanent public record.
 2. One copy of the decision shall be forwarded to the applicant.
 3. A copy of the decision shall be forwarded to the zoning administrator for appropriate action.

Section 11.3 Effect of Approval

11.3.1 APPROVAL PERIOD. No order of the Zoning Board of Appeals permitting the erection or alteration of a building or use shall be valid for a period longer than one (1) year, unless:

- A. A building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- B. Such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with such permit.

11.3.2. APPEALS. Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the Circuit Court of St Clair County. An appeal under this section shall be filed within 30 days after the Zoning Board of Appeals has forwarded their decision to the applicant in writing or approves the minutes of its decision, whichever occurs first.

SECTION 2. SEVERABILITY.

This Ordinance and each of the various parts, sections, subsections, sentences, phrases and clauses hereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 3. REPEAL OF ORDINANCES IN CONFLICT HEREWITH.

Any and all Ordinances of the Township of St. Clair or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions of the within Ordinance, are hereby expressly repealed.

SECTION 4. RATIFICATION.

All other provisions of the Zoning Ordinance of St. Clair Township St Clair County, Michigan except as herein modified or amended, are hereby expressly ratified and affirmed.

SECTION 5. CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the Township Board of St. Clair Township, County of St. Clair, State of Michigan, at a regular meeting held on the 4th day of December, 2006, and public notice of said meeting was given pursuant to and in accordance with the requirements of the Michigan Zoning Enabling Act, Act No. 110 of 2006 and Act No. 110 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

Members Present: 7

Members Absent:

It was moved by Clerk Skonieczny and supported by Treasurer Miskus to approve the Proposed Ordinance.

Members voting yes: 7

Members voting no: 0

JOYCE A. SKONIECZNY
ST. CLAIR TOWNSHIP CLERK

PUBLISHED: 12/27/06

EFFECTIVE: 1/3/07