
Zoning Ordinance

Township of Wales

Ordinance No. 43

Adopted: June 4, 2002

Amended: 2010 (Signs);

2012 (Low Intensity Automotive Repair Facility)

2015 (Accessory Buildings);

2018 (Signs);

2019 (Solar Systems)

2021 (Map Change I-1 to B-2)

2022 (Medical Marijuana Caregivers)

2023 (Zoning Text Amendments/ Moratorium on Wind/ Solar)

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Zoning Ordinance

Township of Wales

St. Clair County, Michigan

Title

An Ordinance enacted under Act 184, Michigan Public Acts of 1943, as amended, known as the "Township Zoning Act", governing the unincorporated portions of the Township of Wales, St. Clair County, Michigan, to provide for the establishment of zoning districts within which the proper use of land and natural resources is encouraged and regulated and the improper use of same prohibited; to regulate and restrict the location and use of buildings, structures and land for agriculture, forestry, recreation, trade, industry, residence and for public and semi-public or other specified uses; to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to provide safety, sanitary, and other protective measures that shall be required in dwellings, buildings and structures, including tents and manufactured housing that may be hereafter erected or altered; to provide for the uniformity of such provisions for each class of land or buildings, dwellings and structures, including tents and manufactured housing, throughout each district; to provide for administering of this Ordinance; to provide for conflicts in other ordinances or regulations; to provide penalties for violations; to provide for the collection of fees for permits and processing of plan approvals; to provide for petitions and hearings; to provide for appeals; to provide for changes in the regulations; to define certain terms used herein; to provide for repeals of ordinances in conflict herewith; and to provide for any other matters authorized by the above mentioned "Township Zoning Act".

Preamble

This Ordinance is based upon a comprehensive master plan for Wales Township that was prepared and adopted by the Township Planning Commission pursuant to the authority of Act 168, Michigan Public Acts of 1959, as amended. The purpose of this Ordinance is to promote the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township of Wales; to encourage the uses of lands in accordance with their character and adaptability and their peculiar suitability for particular uses, and to limit the improper use of land; to conserve natural resources and energy; to meet the needs of the state's residents for food, fiber, and other natural resources; to provide appropriate places of residence, recreation, industry, trade, service, and other uses of land; to insure that uses of lands shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements; to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land resources, and properties; and to protect and conserve the character of each district including property values; all with due consideration to the general and appropriate trend and character of land, buildings and population development.

Enacting Clause

THE TOWNSHIP OF WALES ORDAINS:

Section 1.01 — Short Title:

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

Definitions and Construction of Language

Section 2.01 — Construction of Language:

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

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. 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:
 - A. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - B. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - C. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
9. The words "he" or "him" are used for convenience and are intended to be gender neutral. The word "he" shall also include "she". Whenever the word "him" is used it shall also include "her".
10. Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.02 — Definitions:

SEE APPENDIX.

Zoning Districts and Map

Section 3.01 — Districts Established:

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

Residential Districts:

- AG: Agricultural District
- ROS: Recreation and Open Space District
- RV: Residential Village District
- R: Single-Family Residential District
- RM: Multiple-Family Residential District

Non-Residential Districts:

- IA: Intensive Agricultural District
- B-1: Neighborhood Business District
- B-2: General Business District
- I-1: Light Industrial District
- I-2: Heavy Industrial District

Section 3.02 — District Boundaries:

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

The Official Zoning Map shall be identified by the signature of the Township Supervisor attested by the Township Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.02 of the Zoning Ordinance of the Township of Wales (include date of adoption)". If, in accordance with provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after the amendment has been approved by the Township Board together with an entry on the Official Zoning Map as follows: "On (date), by official action of the Township Board, the following change(s) were made (brief description with reference number to Board proceedings)".

Section 3.03 — District Boundaries Interpreted:

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

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
4. Boundaries indicated as parallel to or extensions of features shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
5. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections 1. through 4. above, the Board of Zoning Appeals shall interpret the district boundaries.
6. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

Section 3.04 — District Requirements:

All buildings and uses in any district shall be subject to the provisions of **Article XX, "General Provisions"**, and **Article XXI, "General Exceptions"**.

Section 4.01 — Statement of Purpose:

The Agricultural District encourages farms on land resources needed for agricultural production, fosters rural life styles, and prevents encroachment from untimely suburban and urban development. Land uses commonly found within the Agricultural District include farming, woodland, farmsteads, large lot rural non-farm dwellings, open space, outdoor recreation and similar extensive land uses. In the future, based upon the Township's Comprehensive Development Plan, Agricultural Districts may be converted to other zoning districts to accommodate expansion of suburban and more urban areas.

Section 4.02 — Permitted Uses:

Per Section 20.24:

The following uses are permitted in the Agricultural District:

1. Farms (See Appendix for definition) when located on a parcel of land ten (10) acres or more in area located outside the boundaries of either a proprietary or supervisor's plat.

A farm shall be subject to the health and sanitary regulations of St. Clair County and the State of Michigan. No farm shall be operated for the disposal of garbage, sewage (except when such sewage is applied by State approved methods for the purpose of fertilizing the soil on a farm and when approved by the Township Board), rubbish, offal or rendering plants, or for slaughtering of animals (except such animals as may have been raised on the premises immediately prior thereto and for the use and consumption by persons residing on the premises).

2. Raising of livestock and farm animals (but not including feedlots, (See Appendix for definition) for the purpose of this ordinance, shall constitute a farm and require at least ten (10) acres. No livestock or animal buildings or pens shall be located closer than fifty (50') feet from any abutting residential district. (Michigan's "generally accepted agricultural and management practices" (GAAMPS) may require a greater setback to avoid a nuisance suit.) All livestock and farm animals shall be kept within a fenced enclosure. All livestock or animal buildings and enclosures shall be kept in a well-maintained condition.

Comment: The farm operator is advised that to avoid potential nuisance suits, the raising of livestock and farm animals should be conducted and sited in accordance with the Michigan "generally accepted agricultural and management practices" (GAAMPS) under PA 261 of 1999. The Township under this ordinance is not incorporating the GAAMPS by reference in this ordinance.

3. Hobby farming on Non-farm Lots outside of an existing residential plat, subdivision, and condominium development. Animals kept for a 4-H project are included under this permitted use.
 - a. Raising of small farm animals and/or poultry on residential lots of one and one-quarter (1¼) acre or less shall be limited to a total of no more than ten (10) animals.

- b. On lots of over one and one-quarter (1¼) acre, but less than five (5) acres, no more than a total of fifty (50) small farm animals and/or poultry shall be permitted.
- c. On under five (5) acres of land, not more than one-fifth (1/5) of the total number of small animals or poultry may consist of ducks, turkeys, peacocks, or guinea fowl.
- d. Raising of livestock and farm animals (but not including feedlots) on parcels of land less than ten (10) acres in area shall be limited to one (1) animal unit¹ for the first five (5) acres, plus one additional animal unit for each two (2) acres. Such use shall be accessory to an existing residence located on the same lot or parcel. No livestock or animal buildings or pens shall be located closer than fifty (50') feet from any abutting property line. All livestock and farm animals shall be kept within a fenced enclosure. All livestock or animal buildings and enclosures shall be kept in a well-maintained condition, and waste products shall not create a health hazard or a public nuisance. Storage or piling of waste products shall be confined to areas where animal buildings and quarters are permitted (accessory building) and away from wells, water bodies, and drainage ways. Notwithstanding the below table, offspring of said animals may be kept on the premises for the time period which is customary for the species involved.

A plot plan only (not a full site plan) is required for this use (See Section 22.08).

Type of Animal	Number of Animals Allowed On				
	1¼ Acres	1¼ - 5 Acres	5 Acres	7 Acres	9 Acres
Cattle	0	0	1	2	3
Horse ²	0	0	2	3	4
EQUIVALENTS					
Dairy Cattle	0	0	0	1	2
Swine	0	0	2	4	6
Sheep, Lambs, Goats	0	0	10	20	30
Turkeys	*	*	50	60	70
Chickens	*	*	50	75	100
Ducks	*	*	5	10	15
Ostrich, emu, llama, Alpaca	0	0	2	4	6

- 4. Farm buildings, plant and tree nurseries, and greenhouses.
- 5. Farm markets for the sale of agricultural products raised or grown on the farm premises within the township and agriculture-related items; when carried on entirely within the farm dwelling or accessory buildings (including roadside stands), and only when carried on as an accessory use to a farm.

In the case of roadside sales and roadside stands, the sale shall not extend for more than nine (9) months. The roadside stand shall be located not less than ten (10') feet from the existing road right-of-way; and an open area for patron's parking shall be provided subject to the same ten (10') foot setback. All structures or buildings used for the sale shall be of portable construction, temporary, non-permanent, and not anchored to the site. Said structures must be removed from the front yard of the premises within thirty (30) days from the termination of the sale.

¹ Except horses. All other animal types not in the table below are to be calculated as one thousand pounds live weight equals one animal unit.

² A three (3) acre minimum shall be required for one (1) horse.

6. Single-family detached dwellings.
7. Foster family homes (1-4 children) and Foster group homes (5-6 children) as defined in Section 2.02(See Appendix for definition).
8. Family day care homes [1–6 children] as defined in Section 2.02(See Appendix for definition).
9. State licensed residential care facilities for six (6) or fewer persons.
10. Garage sales, yard sales, or similar types of sales, provided that no such sale shall take place for a period of more than nine (9) days and no residence shall be permitted more than four (4) such sales per year.
11. Home occupations as defined and as regulated in Section 2.02(See Appendix for definition).
12. Public and Parochial elementary, intermediate and secondary schools.
13. Publicly owned and operated parks, parkways, and recreational facilities.
14. Accessory uses, buildings and structures (See Appendix for definition customarily incidental to any of the above uses when located on the same property. (See note (R), Section 16.02).

Section 4.03 — Special Approval Uses:

Special Approval Uses ((See Appendix for definition are permitted subject to the procedures set forth in Article XVIII (Sections 18.01 to 18.09), which include a public hearing. A site plan is required (except as noted below) for all special approval uses (Section 22.06).

Section 18.06 provides general standards to guide action by the Township Planning Commission. For a specific land use, additional standards are specified (Sections 18.10–18.52 and in this section below).

The following uses are Special Approval Uses in the Agricultural District:

1. Summer housing and migratory labor camps used for seasonal labor, between April 1st and November 15th, provided that any such building or structure complies with the following regulations:
 - A. All buildings or structures shall be maintained in a safe and sanitary condition and shall be furnished with a safe and sanitary water supply and with sewage disposal facilities which are no less than those required by the St. Clair County and State of Michigan Health Departments.
 - B. All buildings or structures shall be so located so as to comply with regulations for structures in an Agricultural District as set forth Article XVI, with the exception that no building shall be located nearer than fifty (50') feet to any side property line.
2. Plant and tree nurseries and greenhouses with sales areas.
3. Public and commercial stables, kennels and animal clinics as provided in Section 18.27.
4. Quarries, mining, and extraction as provided in Section 18.15.
5. Large scale outdoor recreational uses, as provided in Section 18.26.
6. Gun and hunt clubs, shooting and archery ranges as provided in Section 18.42.

7. Combat game areas as provided in Section 18.41.
 8. Cemeteries when located on sites of fifty (50) acres or more, as provided in Section 18.43.
 9. Personal Use Aircraft Landing Fields as provided in Section 18.49.
 10. Communication towers as provided in Section 18.50.
 11. Contractors and storage of commercial vehicles and equipment as provided in Section 18.21.
 12. Commercial storage of operable recreational vehicles, snowmobiles, jet skis, boats, boat trailers, automobiles, and trucks as provided in Section 18.32.
 13. Agricultural warehousing and distribution as provided in Section 18.45.
- Note: The special approval uses listed below are also special approval uses in the Residential District.
14. Group day care home (See Appendix for definition) as provided in Section 18.28.
 15. Narcotics Clinics (See Appendix for Definition)
 16. Churches and public buildings as provided in Sections 18.22 and 18.23 respectively.
 17. Golf courses, including driving ranges or miniature golf courses only when accessory to a regular golf course of nine holes or more, as provided in Section 18.24.
 18. Private non-commercial recreational areas as provided in Section 18.25.
 19. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards; when operation requirements necessitate the locating within the district in order to serve the immediate vicinity as provided in Section 18.17.
 20. High pressure gas or high voltage electric transmission lines as provided in Section 18.10.
 21. Medium Solar Energy Systems. Section 20.36.
 22. Uses similar to the above uses.
 23. Accessory buildings, structures (See Appendix for definition) and uses customarily incident to the above uses. See note (R), Section 16.02.

Section 4.04 — Area, Height, and Placement Requirements:

IN ACCORDANCE WITH THE ATTACHED SCHEDULE OF REGULATIONS, ARTICLE XVI.

IA, Intensive Agricultural District

Section 5.01 — Statement of Purpose:

The Intensive Agricultural District provides for regular and intensive agricultural uses (including “feedlots” as defined- See Appendix for Definition) and agriculturally related commercial and industrial uses. This district is intended to provide for agriculture as a collective network of agriculturally related industry operations. It is not intended to be a holding zone waiting for and inviting conversion to other uses; nor it is intended to be a large lot residential district. Larger blocks of agricultural land without competing and conflicting land uses are envisioned. Purchase of development rights, transfer of development rights, or other programs to preserve farmland, should first be generally applied on a voluntary basis to farmland and other properties within this district.

This district expressly provides for farming of all types (crop and livestock), feedlots, agriculturally related commercial uses (e.g. commercial nurseries with sales areas, farm implement dealers, road side & farm markets, commercial stables), and agriculturally related industry (food processing facilities), and other similar agricultural and agriculturally related uses.

Woodland, wetland, open space, and compatible outdoor recreation and similar extensive land uses are also appropriate to this district and are encouraged in areas of less productive soils.

In the future, based upon the Township's Comprehensive Development Plan, portions of the Intensive Agricultural Districts could be converted to other zoning districts to if determined by the Planning Commission that intensive agricultural use is no longer warranted or if additional land is needed at these locations for urban development.

Section 5.02 — Permitted Uses:

Per Section 20.24:

The following uses are permitted in the Intensive Agricultural District:

1. Farms (See Appendix for Definition) when located on a parcel of land ten (10) acres or more in area located outside the boundaries of either a proprietary or supervisor's plat.

A farm shall be subject to the health and sanitary regulations of St. Clair County and the State of Michigan. No farm shall be operated for the disposal of garbage, sewage (except when such sewage is applied by State approved methods for the purpose of fertilizing the soil on a farm and when approved by the Township Board), rubbish, offal or rendering plants, or for slaughtering of animals (except such animals as may have been raised on the premises immediately prior thereto and for the use and consumption by persons residing on the premises).

2. Raising of livestock and farm animals (but not including feedlots, See Appendix for Definition) for the purpose of this ordinance, shall constitute a farm and require at least ten (10) acres. No livestock or animal buildings or pens shall be located closer than fifty (50') feet from any abutting residential district. (Michigan's “generally accepted agricultural and management practices” (GAAMPS) may require a greater setback to avoid a nuisance suite.) All livestock and farm animals shall be kept within a fenced enclosure. All livestock or animal buildings and enclosures shall be kept in a well-maintained condition.

Comment: The farm operator is advised that to avoid potential nuisance suits, the raising of livestock and farm animals should be conducted and sited in accordance with the Michigan “generally accepted agricultural and management practices” (GAAMPS) under PA 261 of 1999. The Township under this ordinance is not incorporating the GAAMPS by reference in this ordinance.

3. Farm buildings and greenhouses.
4. Plant and tree nurseries and greenhouses with sales areas.
5. Farm markets for the sale of agricultural products raised or grown on the farm premises within the township and agriculture-related items including year round roadside stands. A roadside stand shall be located not less than ten (10') feet from the existing road right-of-way; and an open area for patron's parking shall be provided subject to the same ten (10') foot setback.
6. Accessory single-family detached dwellings (farmsteads & related caretaker facilities). Note: Rural non-farm dwellings are not permitted in this district.
 - A. Existing non-farm single-family detached dwellings shall be considered Class A non-conforming uses within this district.
 - B. New agricultural farmsteads and caretaker residences (either owner or tenant) provided that a substantial and permanent relationship to another permitted or specially permitted IA, Intensive Agricultural District use is demonstrated.
 - C. Requirements that a single-family dwelling must meet to locate in this district are included in the definition of single-family dwelling (See Appendix for Definition). Additional requirements related to area, height, and placement on a lot are given under Article XVI. A plot plan is required under Section 22.08.
7. Agricultural research facilities.
8. Garage sales, yard sales, or similar types of sales, provided that no such sale shall take place for a period of more than nine (9) days and no residence shall be permitted more than four (4) such sales per year.
9. Grain elevators, grain drying, grading, weighing, and/or shipping facilities, and other agricultural warehousing and distribution.
10. Bulk seed and fertilizer providers.
11. Public and commercial stables, kennels and veterinary clinics subject to Section 18.27 requirements 3 and 4.
12. Farm based bed and breakfast establishments (otherwise defined See Appendix for Definition) as provided in Section 18.18.
13. Farm based tourist homes (otherwise defined See Appendix for Definition), as provided in Section 18.31.
14. Home occupations as defined and as regulated in Section 2.02 See Appendix for Definition ().
15. Accessory uses, buildings and structures (See Appendix for Definition) customarily incidental to any of the above uses when located on the same property. (See note (R), Section 16.02).

Section 5.03 — Special Approval Uses:

Special Approval Uses (See Appendix for Definition) are permitted subject to the procedures set forth in Article XVIII (Sections 18.01 to 18.09), which include a public hearing. A site plan is required for all special approval uses (Section 22.06).

Section 18.06 provides general standards to guide action by the Township Planning Commission. For a specific land use, additional standards are specified (Sections 18.10–18.52) and in this section below.

The following uses are special approval uses in the Intensive Agricultural District:

1. Feedlots (See Appendix for Definition) and raising of fur bearing animals as provided in Section 18.20.
2. Migratory labor camps used for seasonal labor, between April 1st and November 15th, provided that any such building or structure complies with the following regulations:
 - A. All buildings or structures shall be maintained in a safe and sanitary condition and shall be furnished with a safe and sanitary water supply and with sewage disposal facilities which are no less than those required by the St. Clair County and State of Michigan Health Departments.
 - B. All buildings or structures shall be so located so as to comply with regulations for structures in an Intensive Agricultural District as set forth Article XVI, with the exception that no building shall be located nearer than fifty (50') feet to any side property line.
3. Quarries, mining, and extraction as provided in Section 18.15.
4. Large scale outdoor recreational uses, as provided in Section 18.26.
5. Gun and hunt clubs, shooting and archery ranges as provided in Section 18.42.
6. Combat game areas as provided in Section 18.41.
7. Food processing facilities (311) as provided in Section 18.51.
8. Personal Use Aircraft Landing Fields as provided in Section 18.49.
9. Publicly owned and operated parks, parkways, and recreational facilities when such uses would not be incompatible with agricultural uses.
10. Farm implement dealers as provided in Section 18.52.
11. Public buildings as provided in Section 18.23.
12. Narcotics Clinics (See Appendix for definition)
13. Horse and dog race tracks as provided in Section 18.13.
14. Golf courses, including driving ranges or miniature golf courses only when accessory to a regular golf course of nine holes or more, as provided in Section 18.24.
15. Private non-commercial recreational areas as provided in Section 18.25.

16. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards; when operation requirements necessitate the locating within the district in order to serve the immediate vicinity as provided in Section 18.17.
17. High pressure gas or high voltage electric transmission lines as provided in Section 18.10.
18. Communication towers as provided in Section 18.50.
19. Commercial composting facilities, provided that the location, design, and operation of said facilities comply with the conditions, regulations, and provisions set forth in the Wales Township Composting Ordinance.
20. Contractors and storage of commercial vehicles and equipment as provided in Section 18.21.
21. Medium solar energy systems. Section 20.36
22. Uses similar to the above uses.
23. Accessory buildings, structures (See Appendix for Definition), and uses customarily incident to the above uses. See note (R), Section 16.02.

Section 5.04 — Area, Height, and Placement Requirements:

IN ACCORDANCE WITH THE ATTACHED SCHEDULE OF REGULATIONS, ARTICLE XVI.

ROS, Recreation and Open Space District

Section 6.01 — Statement of Purpose:

The purpose of this district is to provide for certain large scale recreational land use.

Section 6.02 — Principal Permitted Uses:

Per Section 20.24:

1. Farms (See Appendix for Definition) when located on a parcel of land ten (10) acres or more in area located outside the boundaries of either a proprietary or supervisor's plat.

A farm shall be subject to the health and sanitary regulations of St. Clair County and the State of Michigan. No farm shall be operated for the disposal of garbage, sewage (except when such sewage is applied by State approved methods for the purpose of fertilizing the soil on a farm and when approved by the Township Board), rubbish, offal or rendering plants, or for slaughtering of animals (except such animals as may have been raised on the premises immediately prior thereto and for the use and consumption by persons residing on the premises).

2. Hobby farming on Non-farm Lots outside of an existing residential plat, subdivision, and condominium development. Animals kept for a 4-H project are included under this permitted use.
 - a. Raising of small farm animals and/or poultry on residential lots of one and one-quarter (1¼) acre or less shall be limited to a total of no more than ten (10) animals.
 - b. On lots of over one and one-quarter (1¼) acre, but less than five (5) acres, no more than a total of fifty (50) small farm animals and/or poultry shall be permitted.
 - c. On under five (5) acres of land, not more than one-fifth (1/5) of the total number of small animals or poultry may consist of ducks, turkeys, peacocks, or guinea fowl.
 - d. Raising of livestock and farm animals (but not including feedlots) on parcels of land less than ten (10) acres in area shall be limited to one (1) animal unit³ for the first five (5) acres, plus one additional animal unit for each two (2) acres. Such use shall be accessory to an existing residence located on the same lot or parcel. No livestock or animal buildings or pens shall be located closer than fifty (50') feet from any abutting property line. All livestock and farm animals shall be kept within a fenced enclosure. All livestock or animal buildings and enclosures shall be kept in a well-maintained condition, and waste products shall not create a health hazard or a public nuisance. Storage or piling of waste products shall be confined to areas where animal buildings and quarters are permitted (accessory building) and away from wells, water bodies, and drainage ways. Notwithstanding the below table, offspring of said animals may be kept on the premises for the time period which is customary for the species involved.

³ Except horses. All other animal types not in the table below are to be calculated as one thousand pounds live weight equals one animal unit.

A plot plan only (not a full site plan) is required for this use (See Section 22.08).

Type of Animal	Number of Animals Allowed On				
	1¼ Acres	1¼ - 5 Acres	5 Acres	7 Acres	9 Acres
Cattle	0	0	1	2	3
Horse ⁴	0	0	2	3	4
EQUIVALENTS					
Dairy Cattle	0	0	0	1	2
Swine	0	0	2	4	6
Sheep, Lambs, Goats	0	0	10	20	30
Turkeys	*	*	50	60	70
Chickens	*	*	50	75	100
Ducks	*	*	5	10	15
Ostrich, emu, llama, Alpaca	0	0	2	4	6

3. Farm buildings and greenhouses.
4. Farm markets for the sale of agricultural products raised or grown on the farm premises within the township, subject to requirements given under Section 4.02.5.
5. Single family detached dwellings (See Appendix for Definition), provided that all structures are set back seventy-five (75') feet from the edge of any embankment identified as an escarpment or a "Short Steep Slope" on the St. Clair County Soil Survey 1974. Additional requirements are given under Section 2.02(See Appendix for Definition), Section 16.01 & 16.02, and Section 22.08.
6. Foster family homes (1-4 children) and Foster group homes (5-6 children), subject to the requirements under 6.02, 5. immediately above. (See Appendix for Definition)
7. Family day care homes (1–6 children), subject to the requirements under 6.02, 5. above. (See Appendix for Definition)
8. State licensed residential care facilities for six (6) or fewer persons.
9. Home occupations as defined and as regulated by Section 2.02(See Appendix for Definition).
10. Garage sales, yard sales or similar types of sales provided that no sale shall take place for a period of more than nine (9) days and no residence shall be permitted more than four (4) such sales per year.
11. Boat and canoe liveryes.
12. Forest and game management areas and wildlife refuges.
13. Publicly owned and operated parks, parkways, and recreational facilities.
14. Accessory uses, buildings, and structures (See Appendix for Definition) customarily incident to any of the above uses when located on the same property. (See note (R), Section 16.02).

⁴ A three (3) acre minimum shall be required for one (1) horse.

Section 6.03 — Special Approval Uses:

Special Approval Uses (See Appendix for Definition) are permitted subject to the procedures set forth in Article XVIII (Sections 18.01 to 18.09), which include a public hearing. A site plan is required for all special approval uses (Section 22.06). Section 18.06 provides general standards to guide action by the Township Planning Commission. For a specific land use, additional standards are specified in Sections 18.10–18.52 and in this section below.

The following uses are special approval uses in the Recreation and Open Space District:

1. Golf courses as provided in Section 18.24. Miniature golf courses and golf driving ranges as provided in Section 18.33.
2. Large scale outdoor recreational uses, such as provided in Section 18.26. Campground and travel trailer park lots shall be set back seventy-five (75') feet from the edge of any embankment identified as an escarpment or a "Short Steep Slope" on the St. Clair County Soil Survey 1974.
3. Public and commercial stables, kennels and animal clinics as provided in Section 18.27.
4. Gun and hunt clubs and shooting and archery ranges as provided in Section 18.42. Combat game areas as provided in Section 18.41.
5. Tourist homes (See Appendix for Definition) as provided in Section 18.31, and bed and breakfast establishments (See Appendix for Definition) as provided in Section 18.18. Both are subject to the requirements under 6.02, 5.
6. Group day care homes (See Appendix for Definition), subject to the requirements under 6.02, 5. and Section 18.28.
7. Private non-commercial recreation areas as provided in Section 18.25.
8. Cemeteries when located on sites of fifty (50) acres or more as provided in Section 18.43.
9. Communication towers as provided in Section 18.50.
10. High pressure gas or high voltage electric transmission lines as provided in Section 18.10.
11. Medium solar energy systems. Section 20.36
12. Uses similar to the above uses.
13. Accessory buildings, structures (See Appendix for Definition), and uses customarily incident to the above uses. (See note (R), Section 16.02.)

Section 6.04 — Area, Height, and Placement Requirements:

IN ACCORDANCE WITH THE ATTACHED SCHEDULE OF REGULATIONS, ARTICLE XVI.

Section 7.01 — Statement of Purpose:

The Village Residential District is intended to minimally provide for the unincorporated villages of Goodells and Lambs, which historically developed with generally smaller lot sizes. This district allows the construction of, and the use of the land for, single-family dwellings at a higher density (12,000 sq. ft. lots), where limited public facilities can be provided at reasonable cost. Availability of public water and sewer service is not anticipated. Residential land owners are encouraged to consolidate enough land to ensure that private well and septic systems will work (which may mean ideally obtaining more than minimum 12,000 sq. ft. requirement of this district). It is recommended that homeowners in this district consult with the St. Clair County Health Department.

The Village Residential District seeks to protect an environment conducive to the enjoyment of home and family living by discouraging excessive traffic on local residential streets and roads; by not allowing new commercial, industrial and other uses which would interfere with the residential character of these districts; and by phasing-out already existing non-conforming uses.

In the Village Residential District, certain special approval uses may be permitted under specified circumstances and/or regulations, and sometimes subject to additional reasonable conditions determined by the Planning Commission. The intent is to maintain the residential character of the district.

Section 7.02 — Permitted Uses:

Per Section 20.24:

Single-family dwellings.

Other permitted uses in a Residential District are the same as those permitted in the Agricultural District under Section 4.02 (uses #7–#14).

Section 7.03 — Special Approval Uses:

Special approval uses (See Appendix for Definition) are permitted subject to the procedures set forth in Article XVIII (Sections 18.01 to 18.09), which include a public hearing. A site plan is required for all special approval uses (Section 22.06). Section 18.06 provides general standards to guide action by the Township Planning Commission. For a specific land use, additional standards are specified in Sections 18.10–18.52 and in this section below.

Additional special approval uses as listed and as regulated under Section 4.03 (uses #13–#20).

Section 7.04 — Area, Height and Placement Requirements:

IN ACCORDANCE WITH THE ATTACHED SCHEDULE OF REGULATIONS, ARTICLE XVI.

R, Residential District

Section 8.01 — Statement of Purpose:

The Residential District encourages the construction of, and the use of the land for, single-family dwellings at a low density (1.25 acre min. lots), where limited public facilities can be provided at reasonable cost.

The Residential District seeks to protect an environment conducive to the enjoyment of home and family living by discouraging excessive traffic on local residential streets and roads; by not allowing new commercial, industrial and other uses which would interfere with the residential character of these districts; and by phasing-out already existing non-conforming uses.

In the Residential District certain special approval uses may be permitted under specified circumstances and/or regulations, and sometimes subject to additional reasonable conditions determined by the Planning Commission. The intent is to maintain the residential character of the district.

Section 8.02 — Permitted Uses:

Per Section 20.24:

Single-family dwellings.

Other permitted uses in a Residential District are the same as those permitted in the Agricultural District under Section 4.02 (uses #3, #7–#14).

Section 8.03 — Special Approval Uses:

Special approval uses (See Appendix for Definition) are permitted subject to the procedures set forth in Article XVIII (Sections 18.01 to 18.09), which include a public hearing. A site plan is required for all special approval uses (Section 22.06). Section 18.06 provides general standards to guide action by the Township Planning Commission. For a specific land use, additional standards are specified in Sections 18.10–18.52 and in this section below.

Additional special approval uses as listed and as regulated under Section 4.03 (uses #13–#20).

Section 8.04 — Area, Height and Placement Requirements:

IN ACCORDANCE WITH THE ATTACHED SCHEDULE OF REGULATIONS, ARTICLE XVI.

Article

IX

Reserved for Future Use

Article

X

Reserved for Future Use

RM, Multiple-Family Residential District

Section 11.01 — Statement of Purpose:

The RM, Multiple-Family Residential, District is designed to permit a more intensive residential use of land with various types of multiple dwellings and related uses. These areas would be located near major streets for good accessibility. Various types and sizes of residential accommodations, for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the community.

Section 11.02 — Permitted Uses:

Per Section 20.24:

The following uses are permitted in an RM District:

1. Principal permitted uses are:
 - A. Single-family dwellings, and
 - B. the same as those permitted in the Agricultural District under Section 4.02 (#7–#14).
2. Multiple dwellings including:
 - A. Apartment houses
 - B. Row or townhouse dwellings
 - C. Efficiency units
 - D. Two-family dwellings (See Appendix for Definition)
3. State licensed Manufactured Housing Communities and Manufactured Home Condominium Projects, subject to the requirements of Sections 20.03.0, 20.03.1, and 20.03.2.
4. Community garages serving the principal residential building, containing space for no more than two (2) passenger vehicles for each dwelling unit in the principal building on the lot.
5. Maintenance and management buildings to serve the multiple dwellings.
6. Private swimming pool designed and operated only for occupants of the principal building and their personal guests.
7. Off-street parking and loading in accordance with Section 20.20.
8. Uses similar to the above uses.
9. Accessory buildings and uses customarily incident to the above permitted uses.

Section 11.03 — Special Approval Uses:

The following special approval uses (See Appendix for Definition) may be permitted by the Planning Commission after public hearing and review of the proposed site plan (22.06), subject to the specific standards for each particular land use hereinafter itemized and subject to the general standards to guide the actions of the Planning Commission as specified in Sections 18.01–18.09:

1. Any uses (#13–#20) permitted after special approval in the Agricultural District (Section 4.03) are permitted in this district subject to all requirements for such uses in zoning district where first permitted.
2. Boarding and Lodging Houses as provided in Section 18.31.
3. Orphanage, foster home, homes for the aged, indigent, physically or mentally handicapped as provided in Section 18.30. State licensed residential care facilities for six (6) or fewer persons shall be considered a single family residential use of property and shall be a principal permitted use all residential districts.
4. Group day care homes (See Appendix for Definition) as provided in Section 18.28.
5. Child care centers (See Appendix for Definition) as provided in Section 18.29.

Section 11.04 — Height and Placement Requirements:

IN ACCORDANCE WITH THE ATTACHED SCHEDULE OF REGULATIONS, ARTICLE XVI.

B-1, Neighborhood Business District

Section 12.01 — Statement of Purpose:

The Neighborhood Business District, as established in this Article, is intended to be that district permitting retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business development so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic, or late hours of operation. The intent of this district is also to encourage the concentration of local business by locating proposed areas, in accordance with the Comprehensive Master Plan, to the mutual advantage of both the consumer and merchant. This will promote the best use of land at certain strategic locations and avoid the encouragement of marginal strip, business development along major streets.

Section 12.02 — Permitted Uses:

In a B-1, Neighborhood Business District, no building or land shall be erected or used except for one or more of the following uses; the parenthetical number (000000) listed by each use is taken from the North American Industry Classification System (NAICS), 1997 published by the U.S. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading. However, where it is determined by the Planning Commission that the effects of a listed use may tend to extend beyond the site, then special land use approval shall be required:

1. Office buildings for any of the following occupations: real estate; insurance; executive; administrative; professional; accounting; writing; clerical; stenographic; drafting; and sales subject to the limitations contained below in Section 12.04.
2. Medical office, including clinics.
3. Banks, credit union offices, savings and loan associations (522110 - 522130), stock brokerage, and similar uses.
4. Art shops and photographic studios (except those defined as adult entertainment uses), and interior decorating studios.
5. Publicly owned buildings, telephone exchanges, and public utility offices, but not including storage yards, transformer stations, substations, or gas regulator stations.
6. Personal service establishments including barber shops (812111), beauty shops (812112), and health salons (except those defined as adult entertainment uses).
7. Hardware store (444130).
8. General merchandise and variety stores (452990).
9. Convenience food stores (445120).
10. Specialty food retail stores (including dairy product store (445299)).
11. Doughnut shops and ice cream parlors (722213).

12. Candy, nut, and confectionery store (445292).
13. Drug stores (446110).
14. Coin-operated laundries and dry cleaning (812310).
15. Florists (453110).
16. Miscellaneous retail stores:
 - A. Beer, wine, and liquor stores (445310).
 - B. Sporting goods store and bicycle shop (451110).
 - C. Book store, except adult uses (451211).
 - D. Stationery store (453210).
 - E. Jewelry store (448310).
 - F. Hobby, toy and games shop (451120).
 - G. Gift, novelty and souvenir shop (453220).
 - H. Luggage, and leather goods store (448320).
 - I. Sewing, needlework and piece goods store (451130).
 - J. News dealers and newsstands, except adult uses (451212).
17. Other similar uses, not permitted elsewhere, as determined by the Planning Commission.
18. Accessory buildings.
19. Accessory uses.
20. Accessory signs customarily incidental to the above permitted uses only when they pertain to the sale, rental, or use of the premise on which it is located, or to goods sold or activities conducted thereon, provided that any such signs shall not exceed two hundred and fifty (250) square feet in area and be located not closer than one hundred (100') feet measured along the same side of the street to any residentially zoned district. Signs shall conform to the requirements of Section 20.27.
21. Temporary buildings pursuant to the establishment of a permanent building and permitted use. All such temporary buildings shall be immediately removed upon expiration of the time limit established as a condition of their constitution.
22. Off-street parking and loading in accordance with Section 20.20.

Section 12.03 — Special Approval Uses:

The following special approval uses (See Appendix for Definition) may be permitted by the Planning Commission after public hearing and review of the proposed site plan (22.06) and subject to the procedures and provisions of Article XVIII (Section 18.01 to 18.09). The parenthetical number (000000) listed by each use is taken from the North American Industry Classification System

(NAICS), 1997 published by the U.S. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading.

1. Gas or electrical transmission lines as provided in Section 18.10.
2. Telephone exchanges, and static transformer stations, gas regulator stations, and other public utility buildings as provided in Section 18.17.
3. Nursery school, day nursery, and child care center (See Appendix for Definition) as provided in Section 18.29.
4. An accessory use customarily related to a principal use authorized by this Article.
5. Business establishments such as, but not limited to: office supplies and office service establishments, when a part of a large B-1, Neighborhood Business District which, by the nature of its size and complexity, would require these attendant services.
6. Medium Solar Energy Systems. Section 20.36.

Section 12.04 — Required Conditions:

1. No interior display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed twenty-five (25%) percent of the usable floor area of the story of the structure on which the display is located.
2. The outdoor storage of goods or materials is prohibited. Minor day-to-day in and out display may be permitted when kept behind established building setback line.
3. Warehousing or indoor storage of materials, beyond that normally incident to the above permitted uses, is prohibited.

Section 12.05 — Area, Height and Placement Requirements:

IN ACCORDANCE WITH THE ATTACHED SCHEDULE OF REGULATIONS, ARTICLE XVI.

Section 13.01 — Statement of Purpose:

The B-2, General Business District, as established in this Article, is intended to be that district permitting a wider range of business and entertainment activities than those permitted in the Neighborhood Business District. The permitted uses would serve not only nearby residential areas, but also people further away for types of businesses and services usually found in major shopping centers and central business districts at the juncture of principal streets. These uses would generate larger volumes of vehicular and pedestrian traffic and may be characterized by an integrated or planned cluster of establishments served by a common parking area. Alternatively, such districts may also be located along federal, state, or other major thoroughfares where the sites are easily accessible to large volumes of traffic. These districts are intended to be more isolated and buffered than B-1 Districts from adjacent single-family residential areas where noise and traffic could be disturbing or a hazard. Such B-2 Districts in the Township would reflect major existing shopping concentrations, other commercial uses along major highways, and desired future commercial centers as proposed in the Comprehensive Master Plan which are needed to serve adequately the future population of the Township.

Section 13.02 — Permitted Uses

Per Section 20.24:

In all B-2, General Business Districts, no building or land shall be erected or used except for one or more of the following uses; the parenthetical number (000000) listed by each use is taken from the North American Industry Classification System (NAICS), 1997 published by the U.S. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading. However, where it is determined by the Planning Commission that the effects of a listed use may tend to extend beyond the site, then special land use approval shall be required:

1. All principal permitted uses in B-1, Neighborhood Business Districts, subject to all requirements for such uses in zoning districts where first permitted, except as otherwise provided herein.
2. Paint and wallpaper stores (444120).
3. Retail nurseries, lawn and garden supply stores (444220).
4. Electronic shopping and mail-order houses (454110), only in conjunction with a retail showroom which shall be a predominant feature of the facility.
5. Supermarkets and other grocery stores (445110).
6. Meat (445210) and fish (445220) markets, including freezer provisioners.
7. Fruit store and vegetable market (445230).
8. Retail baked goods stores (445291), including bakery with product made on the premises for immediate consumption (722213).
9. Apparel (4481) and accessory store (448150).

10. Furniture, home furnishings and equipment store (442).
11. Eating and drinking places (722110) except drive-in, fast food, or carry out restaurants (722211), and except those adult-oriented entertainment uses permitted after special approval as provided in Section 13.03(8).
12. Miscellaneous retail stores(453), except manufactured (& mobile) home dealers (453930), see Section 13.03(3).
13. Real estate and developer office (531), except mini-warehouses (531130).
14. Personal services (8121), except escort services (812990), massage parlors and tattoo parlors (812199) or any other adult service or business regulated under 13.03(8).
15. Business services (54, 55, 561), except display advertising services (541850).
16. Passenger car rental and leasing (53211).
17. Automobile parking for fee (812930).
18. Electrical repair shops (8112).
19. Watch, clock, and jewelry repair (811490).
20. Re-upholstery and furniture repair (811420).
21. Small repair shop (8114), except blacksmith, boiler repair, cesspool cleaning, brick cleaning, horse shoeing, motorcycle repair, replating, septic tank cleaning, and tractor repairing.
22. Videotape, DVD, and CD rental shop (532230), except rental of adult motion pictures as defined in Section 2.02(# 2).
23. Dance halls (713990), studios (541430), and schools (611).
24. Theatrical producers (711310) and dinner theaters (711110).
25. Museums and art galleries (712110).
26. Membership organizations (813410) (See Appendix for Definition), including community service clubs.
27. Flea Markets (453310)(See Appendix for Definition) in accordance with 13.04.
28. Temporary Outdoor Sales: The temporary outdoor display and sale of live plants, cut flowers, or Christmas trees, which are not part of an otherwise approved open-air business (See Appendix for Definition), Section 13.03 and Section 18.40), provided such display or sale is for a period of not more than sixty (60) days per year and is in accordance with 13.04.
29. Open Air Business Uses (See Appendix for Definition), except those permitted under Section 13.03(3) as special approval uses, in accordance with 13.04.
30. Other similar uses, not permitted elsewhere, as determined by the Planning Commission provided that:
 - A. All establishments shall be business or service establishments dealing directly with consumers.

- B. All business, servicing, processing, or fabrication, except for off-street parking, loading, and those open-air uses permitted under special approval, shall be conducted within completely enclosed buildings.
- 31. Accessory buildings.
- 32. Accessory uses.
- 33. Accessory signs customarily incidental to the above permitted uses only when they pertain to the sale, rental, or use of the premise on which it is located, or to goods sold or activities conducted thereon. Signs shall conform to the requirements of Section 20.27.
- 34. Temporary buildings pursuant to the establishment of a permanent building and permitted use. All such temporary buildings shall be immediately removed upon expiration of the time limit established as a condition of their constitution.
- 35. Off-Street parking and loading in accordance with 20.20.

Section 13.03 — Special Approval Uses:

The following uses may be permitted by the Planning Commission after public hearing and review of the proposed site plan (22.06) and subject to the procedures and provisions of Article XVIII (Section 18.01 to 18.09). The parenthetical number (000000) listed by each use is taken from the North American Industry Classification System (NAICS), 1997 published by the U.S. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading.

- 1. Nursery school, day nursery, and child care center (See Appendix for Definition) as provided in Section 18.29.
- 2. Lumber and other building materials dealers (444190) as provided in Section 18.14.
- 3. Open air sale of mobile homes and manufactured home dealerships (453930), recreational vehicles (441210), motorcycles (441221), or other motor vehicle sales areas (other than, trucks, automobiles and homeowners' gardening equipment, etc.) as provided in Section 18.40.
- 4. New automobile and truck agency sales and showrooms (441110) as provided in Section 18.37 and used automobile and truck sales (441120) as provided in Section 18.38.
- 5. Department stores (452110) and warehouse clubs & superstores (452910).
- 6. Gasoline service stations (447) as provided in Section 18.35.
- 7. Drive-in, fast food, or carry out restaurants (722211), provided in Section 18.39.
- 8. Adult bookstores (See Appendix for Definition), adult motion picture theaters (See Appendix for Definition), massage parlors (812199) (See Appendix for Definition), nude modeling studios (See Appendix for Definition), premises for nude entertainment (See Appendix for Definition), and saunas or open bath houses (See Appendix for Definition) all subject to the following regulations:
- 9. Medium Solar Energy Systems. Section 20.36

Intent: 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 regulations of these uses is necessary to insure that these adverse effects will not contribute to the blighting or down-grading of the surrounding neighborhood.

Regulations:

- A. It shall be unlawful to establish any adult bookstore, adult motion picture theater, massage parlor, nude modeling studio, premises for nude entertainment or saunas or open bath houses except in the B-2, General Business District.
 - B. No such uses may be permitted in the B-2, General Business District, within five hundred (500') feet (as measured from the nearest lot line of the protected use to the location of the proposed use) of any: dwelling; district zoned AG, ROS, R, or RM; church, school, playground, public park, or youth center.
 - C. Any of the above stated adult entertainment uses shall not be located within a one thousand five hundred (1,500') foot radius (as measured from the nearest lot line of the protected use to the nearest lot line of the location of the proposed use) of any other such use.
 - D. Public display (visible from the exterior) of merchandise for sale or viewing shall be prohibited.
 - E. Additional requirement for advertising signs: No sign shall include language or graphics referring to either specified anatomical areas or specified sexual activities.
- 10. Direct selling establishments (4543) including fuel dealers and bottled water providers.
 - 11. Hotels (See Appendix for Definition) and motels (See Appendix for Definition)(721110), and tourist courts as provided in Section 18.19.
 - 12. Veterinary clinics as provided in Section 18.27.
 - 13. Personal services not previously described as a permitted use in this district (812199).
 - 14. Motor vehicle repair and service facilities not previously described as permitted uses in this district (8111), as provided in Section 18.36, except car washes (811192).
 - 15. Repair services not previously described as permitted uses in this district (811).
 - 16. Motion picture theaters (512131), except drive-in theaters (512132).
 - 17. Outdoor theaters, including drive-in theaters (512132), (except adult motion picture theaters) as provided in Section 18.11.
 - 18. Amusement and recreation centers and services not previously described as permitted uses in this district (713120, 713940, 713950, 713990), except racing (711212) as provided in Section 18.33.
 - 19. Gas or electrical transmission lines as provided in Section 18.10.
 - 20. Telephone exchanges, and static transformer stations, gas regulator stations, and other public utility buildings as provided in Section 18.17.
 - 21. Communication Towers as provided in Section 18.50.
 - 22. Motor vehicle washing, conveyor, or non-conveyor type (811192) as provided in Section 18.34.

23. Mini-warehouses (531130) used to provide temporary storage needs for businesses, apartment dwellers and other individuals on a self-service basis as provided in Section 18.44.
24. Particular uses (that may be listed under Section 13.02 above as Permitted Uses) where it is determined by the Planning Commission that the effects of the particular use will extend beyond the site.

Section 13.04 — Required Conditions:

1. Outdoor display of merchandise shall be limited as noted in Sections 13.02 and 13.03, except for such open-air display uses as are approved by the Planning Commission.
2. Outdoor display of merchandise shall be kept back at least eighty (80') feet from the centerline on all roads.
3. Outdoor storage shall be limited to the side or rear yard and totally enclosed with view-obscuring screening as specified by the Planning Commission based on Section 20.15, when adjacent to any residential district or open to public view.

Section 13.05 — Area, Height and Placement Requirements:

IN ACCORDANCE WITH THE ATTACHED SCHEDULE OF REGULATIONS, ARTICLE XVI.

I-1, Light Industrial District

Section 14.01 — Statement of Purpose:

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

- To control nuisance effects of warehousing, wholesale activities, and industry such as smoke, noise, odor, dust, dirt, glare, vibrations and other adverse effects so that such uses will be compatible with other land uses such as commercial or residential.
- To encourage light industrial uses to locate on major thoroughfares so that traffic generated by these uses will not utilize rural roads or local residential streets.
- To control open outdoor storage of materials.

Section 14.02 — Permitted Uses:

Per Section 20.24:

The following uses are permitted in the I-1, Light Industrial District:

1. Any of the following uses conducted wholly within a completely enclosed building.
 - A. Warehousing and wholesale establishments, and storage buildings (other than those accessory to an adjoining retail use). Mini-warehouses subject to standards under Section 15.44.
 - B. The compounding, processing, packaging or treatment of such products as: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge and machine shops.
 - C. The manufacture, compounding, assembling, or improvement of articles or merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, soil, shell, textiles, tobacco, wax, wire, wood or yarns.
 - D. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay or 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.
 - F. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs (excluding large stamping).
 - G. Laboratories—experimental, film or testing.

- H. Manufacture and repair of electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
 - I. Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products which shall conform to the performance standards of the Township of Wales governing noise, smoke, and other factors.
2. Off-street parking and loading as required in Section 20.20.
 3. Publicly-owned buildings, public utility buildings with service yards; water and sewage pumping stations.
 4. Accessory buildings, structures and uses that are customarily incidental to any of the above uses when located on the same premises.

Section 14.03 — Special Approval Uses:

The following uses may be permitted by the Planning Commission after public hearing and review of the proposed site plan (Section 22.06) subject to the specified standards for each particular land use hereinafter itemized and subject to the general standards to guide the actions of the Planning Commission as specified in Section 18.06.

1. Lumber and building material dealers as provided in Section 18.14.
2. Gas or electrical transmission lines as provided in Section 18.10.
3. Outdoor theaters (except adult motion pictures theaters) as provided in Section 18.11.
4. Telephone exchanges and static transformer stations, gas regulator stations and other public utility buildings as provided in Section 18.17.
5. Communication towers as provided in Section 18.50.
6. Medium Solar Energy Systems. Section 20.36
7. Large Solar Energy Systems. Section 20.37.
8. Accessory buildings, structures and uses that are customarily incidental to any of the above uses when located on the same premises.

Section 14.04 — Area, Height and Placement Requirements:

IN ACCORDANCE WITH THE ATTACHED SCHEDULE OF REGULATIONS, ARTICLE XVI.

I-2, Heavy Industrial District

Section 15.01 — Statement of Purpose:

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

- To provide areas for industrial uses, which, because of the nature of their operation cannot control nuisance effects to the extent that they would be compatible with residential or commercial land uses.
- To encourage industrial uses to locate on major thoroughfares so that traffic generated by these uses will not utilize local residential streets.
- To control open outdoor storage of materials.

Section 15.02 — Permitted Uses:

Per Section 20.24:

The following uses are permitted in the I-2, Heavy Industrial District:

1. All principal permitted uses in the I-1, Light Industrial District as originally regulated in the I-1 District.
2. All special approval uses in the I-1, Light Industrial District as originally regulated (except Communication Towers, see below.) in the I-1 District.
3. Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products which shall conform to the performance standards of the Township of Wales governing noise, smoke, and other factors.
4. Electric power generating facilities together with all necessary uses.
5. Lumber and building material dealers subject to the standards provided in Section 18.14.
6. Food processing facilities subject to the requirements of Section 18.51.

Section 15.03 — Special Approval Uses:

The following uses may be permitted by the Planning Commission after public hearing and review of the proposed site plan subject to the specified standards for each particular land use hereinafter itemized and subject to the general standards to guide the actions of the Planning Commission as specified in Section 18.06.

1. Auto race tracks as provided in Section 18.12.
2. Horse and dog tracks as provided in Section 18.13.
3. Quarries as provided in Section 18.15.
4. Junkyards, auto salvage or wrecking yards, waste or scrap recycling operations, and refuse transfer stations as provided in Section 18.16.
5. Personal use aircraft landing fields as provided in Sections 18.49.
6. Communication towers as provided in Section 18.50.
7. Medium Solar Energy Systems. Section 20.36.
8. Large Solar Energy Systems. Section 20.37.

Section 15.04 — Area, Height and Placement Requirements:

IN ACCORDANCE WITH THE ATTACHED SCHEDULE OF REGULATIONS, ARTICLE XVI.

Schedule of District Regulations

Section 16.01 — Schedule of Regulations By Zoning District

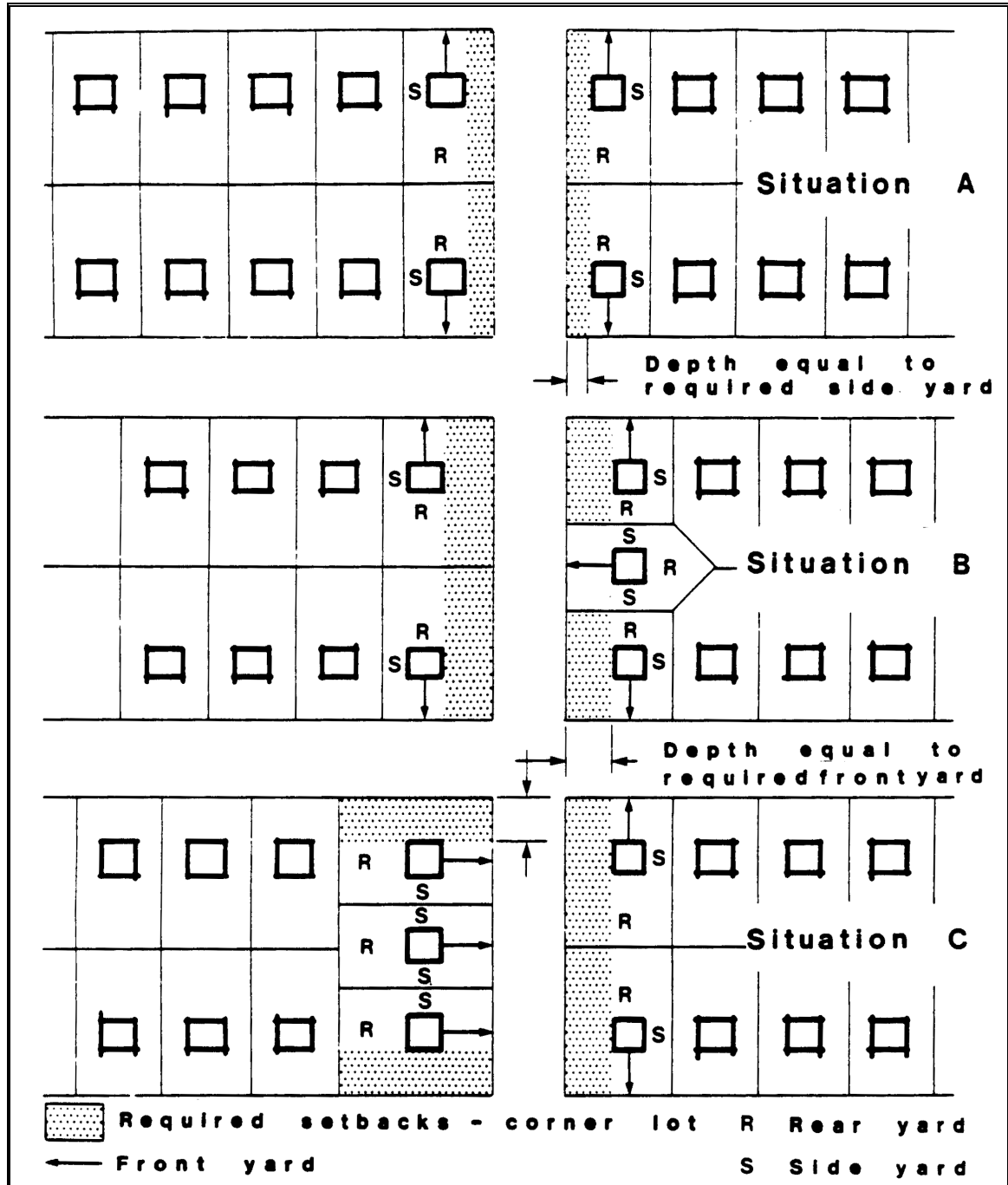
SCHEDULE OF DISTRICT REGULATIONS LIMITING HEIGHT, BULK, DENSITY & AREA BY ZONING DISTRICT (A)*											
DISTRICT	Minimum Lot Size		Minimum Yard Setbacks (B) (per lot in feet)				Maximum Height of Structures (E)		Maximum Lot Coverage By Buildings	Minimum Floor Area Per Unit	
	Area	Width (in Feet)	Front (C)	Sides		Rear	Stories	Feet			
				Minimum Side (D)	Total of Two						
IA, Intensive Agriculture (R)	10 acres	660 (C)	50 (C2, F)	50 (F)	100	50 (F)	2	30 (G)	30%	(S)	
AG, Agriculture (R)	2.5 acres	330 (C)	50 (C2)	20	40	50	2	30	20%	(S)	
ROS, Recreation & Open Space (R)	2.5 acres	330 (C)	50 (C2)	30	60	50	2	30	10%	(S)	
RV, Village Residential											
-One-Family Dwellings (R)	12,000 sq. ft.	65 (C)	30 (C2)	7.5	15	40	2	25	30%	(S)	
R, Residential											
-One-Family Dwellings (R) (T)	1.25 acres	165 (C)	40 (C2)	15	30	50	2	25	30%	(S)	
RM, Multiple-Family Res. (R)											
-Multiple Family Projects	(I,J)	—	40	25	50	50	2	30	30%	(K)	
-Manuf. Housing Comm. Dev. (L)	15 acres	—	—	—	—	—	—	25	—	760 sq.ft.	
-Two-Family Dwellings	102,300 sq. ft.	310 (C)	40 (C2)	20	40	50	2	25	30%	(S)	
B-1, Neigh. Business	2.5 acres	165 (C)	25 (M, Q)	10 (N)	20 (N)	20	2	25	—	—	
B-2, General Business	2.5 acres	165 (C)	20 (M, Q)	10 (N)	20 (N)	20	2	25	—	—	
I-1, Light Industrial	2.5 acres	165 (C)	30 (O, P, Q)	15 (P)	30 (P)	30 (P)	2	30	50%	—	
I-2, Heavy Industrial	5 acres	330 (C)	40 (O, P, Q)	20 (P)	40 (P)	20 (P)	—	40	—	—	

*Footnotes to this schedule are found in section 16.02.

Section 16.02 — Notes to Schedule Of District Regulations:

- A. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, except in conformity with the building area, placement and height regulations of the district in which the building is located; and except in conformity with the lot area, width and coverage regulations of the district in which the building is located.
- B. *Minimum Yard Setbacks.* For lots adjacent to a county road or state highway, the yard setbacks shall be measured from the edge of the planned right-of-way for such roads and highways to the building or structure on a lot. *This does not apply to signs, bus stop hutches, or other structures not of a permanent nature, the setback of which shall be measured from the existing county right-of-way (approved 2/2/2010).* In determining the location of the edge of the planned right-of-way, the centerline of a planned right-of-way, as set forth in the adopted Township Thoroughfare Plan, shall be considered to coincide with the centerline of the existing thoroughfare. In the event that no Township Thoroughfare Plan shall have been adopted, the St. Clair County Thoroughfare Plan shall govern.
- C. *Frontage Requirements and Road Requirements.*
1. *Frontage on Public Highway.* Every lot or parcel of record created after the effective date of this Ordinance shall front upon a county road or state highway for the required width of the lot as provided in Section 16.01 of this Ordinance. Lot width shall be measured as defined in the definition of lot width in Article II of this Ordinance.
 2. *Corner Lots, Frontage Requirements.* Corner lots (See Appendix for Definition) shall maintain not less than the minimum required front yard on all road frontages.
- D. *Side Yards.* 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. (See illustration "Side Yards Abutting a Street".)
- E. *Permitted Height.* No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smoke-stacks, individual, domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15') feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten (10%) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. The erection of commercial radio and television transmitting, relay, or other types of antenna towers, where permitted, shall abide by the regulations set forth in Section 18.50. Height restrictions for all buildings, structures and appurtenances erected beneath established aircraft approach lanes shall be established by the Zoning Board of Appeals after consultation with the appropriate aeronautical agency.
- F. *Setbacks for Farm Buildings.* All accessory farm buildings for uses other than those usually incidental to the dwelling shall be located not less than one hundred (100') feet from any dwelling and not less than twenty-five (25') 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. (These requirements shall not apply to the alteration or addition of an existing barn or other farm buildings, which existed prior to the adoption of this Ordinance.)

Diagram 1: Side Yards Abutting a Street



G. *Height of Farm Buildings.* In the IA and AG Districts, silos are permitted to a maximum height of ninety (90') feet and storage barns are permitted to a maximum height of forty (40') feet.

H. RESERVED FOR FUTURE USE.

I. *Multiple-Family Dwelling Projects.* In multiple-family dwelling projects, the total number of rooms of eighty (80) square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by sixteen hundred (1,600). All units shall have at least one living room and one (1) bedroom, except that not more than ten (10%) percent of the units may be of an efficiency type, and not more than twenty (20%) percent one (1) bedroom units. In the case of an apartment complex intended specifically for

senior citizens or handicapped persons, the Planning Commission may allow the twenty (20%) percent limitation on one (1) bedroom apartments to be increased to a maximum of ninety (90%) percent.

For multiple-family dwellings projects, for the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

- Efficiency 1 room
- One Bedroom 2 rooms
- Two Bedrooms 3 rooms
- Three Bedrooms 4 rooms

Plans presented showing one, two or three-bedroom units and including a den, "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

In multiple-family dwelling projects the area used for computing density shall be the total site area exclusive of any dedicated public right-of-way, either interior or bounding roads.

J. *Multiple-Family Dwelling Projects.* In multiple-family dwellings projects, front, side or rear yards need not refer to spacing between buildings for a planned development for two (2) or more buildings on the same parcel. In such cases, the minimum distance between any two buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than thirty (30') feet. (See following formula.)

In multiple-family projects, areas devoted to off-street parking, drives or maneuvering lanes shall not cover more than thirty (30%) percent of the area of any required yard or any required minimum distance between buildings.

In a Multiple-Family District, the maximum horizontal length of any one building shall be one hundred and eighty (180') feet, measured along any single front, side, rear or other exterior wall elevation.

In a Multiple-Family District the formula for regulating the required minimum distance between two (2) buildings is as follows:

$$S = LA + LB + 2(HA + HB), \text{ where}$$

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

LA = Total length of building A.

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

LB = Total length of building B.

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

HA = Height of building A.

The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural

grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

HB = Height of building B.

The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

K. *Multiple-Family Dwelling Projects.* Minimum floor area per dwelling units in square feet for multiple-family dwellings are as follows:

Efficiency Unit	500 sq. ft.
One Bedroom Unit	600 sq. ft.
Two Bedroom Unit	800 sq. ft.
Three Bedroom Unit.....	1,000 sq. ft.
Four Bedroom Unit.....	1,200 sq. ft.

L. *Manufactured Housing Community/Developments.* See Sections 20.03.0, 20.03.1, and 20.03.2.

M. *Business Uses.* Off-street parking shall be permitted to occupy a required front yard after approval of the parking plan layout and points of ingress and egress by the Planning Commission provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest planned right-of-way. Said landscaped area shall conform to the provisions of Sections 20.15 and 20.16 of this Ordinance.

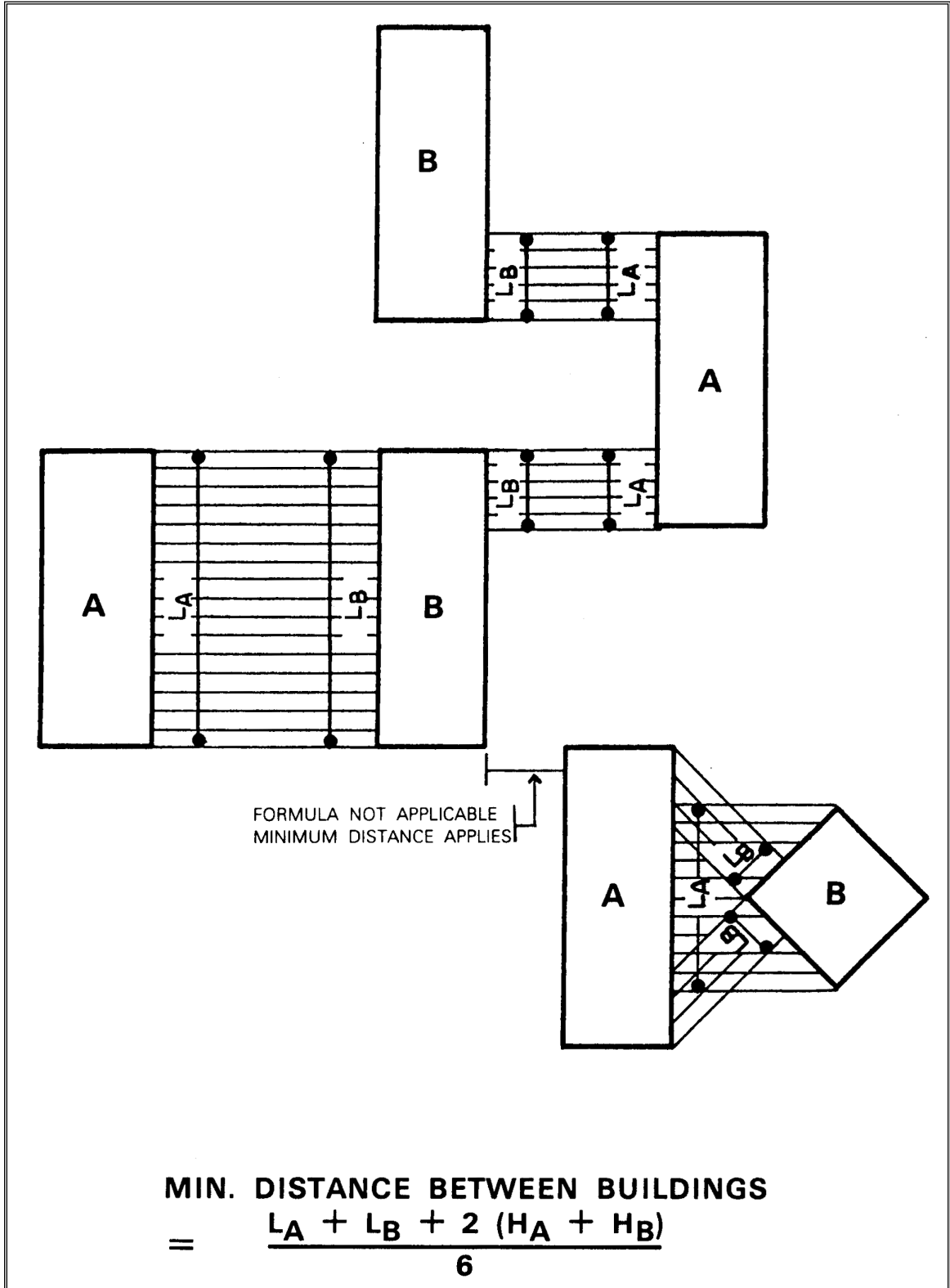
N. *Business Uses.* The Planning Commission may waive one or both side yard requirements of buildings in the Neighborhood Business (B-1) and General Business (B-2) Districts provided that adequate access to the rear of the property is provided by one of the following manners:

1. There shall be provided on every lot in a Neighborhood Business and General Business Districts on which is located a permitted building at least one side yard not less than twenty (20') feet wide for access to the rear yard. If the permanent building is not placed on the property line of the remaining side to allow for a common wall, then a setback of at least three (3') feet is required for maintenance; or
2. A dedicated alley or service aisle or permanent easement of access to the rear of the property is provided; or
3. An overall master site development plan is presented to the Planning Commission, agreed upon by all affected property owners; which plan includes building elevations for said commercial center, adequate off-street parking and loading area, access to all buildings and the rear of the property for police and fire vehicles.

Side yard requirements for the Neighborhood Business and General Business Districts shall not be waived if any of the following conditions exist:

1. Where side yards are adjacent to a public right-of-way.
2. Where side yards abut property zoned in any residential district (AG, ROS, RV, R, RM).
3. Where the continuous development of stores exceeds five hundred (500') feet.

Diagram 2: Distance Spacing for Multiple Dwellings



- O. *Industrial Uses.* Off-street parking may be permitted in a portion of the required front yard provided that such off-street parking is not located within fifty (50') feet of the front lot line. Any portion of a required front yard not used for off-street parking shall be planted in lawn, and landscaped and shall be maintained in a healthy growing condition.

- P. *Industrial Uses.* No building shall be located closer than fifty (50') feet to the outer perimeter (property line) of such district when said property line abuts any residential district.

For appearance of industrial buildings see Section 20.04.

Required side or rear yards may be used for off-street parking or loading and unloading provided that in such instances the Planning Commission shall review and approve the proposed parking and site plan to determine that sufficient access to the rear of the building is provided for firefighting or other emergency type equipment.

A heavily planted, completely obscuring, year-round greenbelt not less than twenty (20') feet wide, an obscuring wall or a landscaped earth berm (as approved by the Planning Commission) shall be provided on those sides of the property used or planned for open storage, parking or service drives, loading, unloading or servicing, and abutting land zoned AG, ROS, RV, R, or RM. The extent of such greenbelt, wall or berm may be determined by the Planning Commission on the basis of usage. Such wall shall not be less than six (6' -0") feet in height and may, depending upon land usage, be required to be eight (8') feet in height. Said greenbelt, wall or berm shall be subject further to the requirements of Sections 20.15 and 20.16.

- Q. *Commercial and Industrial Uses.* Access to commercial or industrial uses shall not be through property zoned AG, ROS, RV, R, or RM.

For Greenbelt, Wall, Berm requirements see Section 20.15.

For Fences and Walls requirements see Section 20.13.

For Off-street Parking requirements see Section 20.20.

- R. *Accessory Buildings, Structures and Uses.*

Accessory Buildings to Residential Dwellings (See Section 20.02).

Ponds (See Section 20.25).

Swimming Pools (See Section 20.29).

Open Parking and Storage of Recreation Vehicles, etc. (See Sec. 20.30).

Off-street Parking (See Section 20.20).

Wind Energy Conversion Systems (See Section 20.21).

Satellite Dish Antenna (See Section 20.31).

Signs (See Section 20.27).

Fences and Walls (See Section 20.13).

Greenbelts, Walls, Berms (See Section 20.15).

- S. *Minimum floor areas* per unit for one (1) and two (2) family dwellings are as follows:

One bedroom unit 750 sq. ft.

Two bedroom unit 864 sq. ft.

Three Bedroom unit 1,000 sq. ft.

Four bedroom unit..... 1,200 sq. ft.

Plus 120 sq. ft. for each additional bedroom over four (4).

- T. In addition to the minimum width set forth in the Schedule of Regulations, each lot created in the R residential district after the effective date of this Ordinance shall have a minimum depth of not less than 330 feet.

Article

XVII

Reserved for Future Use

Special Land Use Approval Requirements

Section 18.01 — Intent:

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

Section 18.02 — Authority to Grant Permits:

The Planning Commission, as hereinafter provided, shall have the authority to grant special approval use permits, subject to such conditions of design, operation, and safeguards as may be determined for all special approval uses specified in the various provisions of this Ordinance.

Section 18.03 — Application and Fee:

Application for any special approval use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Township Clerk by filing an official special approval use permit application form; exhibits and information; and depositing the required fee as established by resolution of the Township.

Section 18.04 — Data, Exhibits and Information Required in Application:

An application for a special approval use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; a site plan in accordance with Section 22.06 and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.

Section 18.05 — Public Hearings and Notices:

Upon receipt of an application for a special land use which requires a decision on discretionary grounds, one (1) notice that a request for special land use approval has been received shall be published in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300') feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300') feet. The notice shall be given not less than five (5) nor more than fifteen (15) days before the date the application will be considered. If the name of the occupants is not known, the term "occupant" may be used in making notification.

Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

1. Describe the nature of the special land use request.
2. Indicate the property that is the subject of the special land use request.
3. State when and where the special land use request will be considered.
4. Indicate when and where written comments will be received concerning the request.
5. Indicate the date, time and place where the public hearing on the special land use will be held.

Section 18.06 — Required Standards and Findings:

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

1. Will be in accordance with the general objectives, intent, and purposes of this Ordinance.
 - A. Will be consistent with maintenance of the public health, safety, and welfare.
 - B. Will be of such location, size and character that it will be in harmony with all applicable regulations of the zoning district in which it is to be located.
2. 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 establishment of the proposed use shall be able to provide adequately any such service.
3. 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.
4. Will be compatible with adjacent uses of land and the natural environment.
 - 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.
 - B. Will be designed such that the location, size, intensity, site layout and periods of operation of any such proposed use shall eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights.
 - C. Will be designed such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings.

- D. Will not cause substantial injury to the value of other property in the neighborhood in which it is located.
5. Will promote the use of land in a socially and economically desirable manner.
6. 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.

Section 18.07 — Determination and Imposition of Conditions:

If the facts in the case establish that the findings and standards set forth in this ordinance apply to the proposed use, and have been met, the Planning Commission shall grant special approval. In granting a special approval use permit, the Planning Commission may impose such reasonable conditions of use as is determined necessary to protect the best interest of the Township and the surrounding property, and to achieve the objectives of this ordinance. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are changed.

Section 18.08 — Approval and Appeal Procedures:

1. *Approval, Grant of Permit.* Upon holding a public hearing, and findings that the requirements of this Article have been satisfactorily met by the applicant, the Planning Commission shall within thirty (30) days grant special approval. The Planning Commission's decision on a special approval use shall be incorporated in a statement containing the conclusions relative to the special approval under consideration which specifies the basis for the decision, and any conditions imposed. Upon approval, a special approval permit shall be issued to the applicant. The Planning Commission shall forward a copy of the permit to the applicant, Clerk, and Zoning Administrator. This record shall be on file in the Clerk's Office as well as being made a part of the site plan or building records for that parcel.
2. *Appeal to Township Zoning Board of Appeals.* A person having an interest affected by a special land use decision of the Township Planning Commission may appeal to the Township Zoning Board of Appeals. (See Article XXIII, especially sections 23.02 and 23.03)

Section 18.09 — Voiding of Special Approval Use Permit:

Any approval given by the Planning Commission, under which premises are not used or work is not started within eighteen (18) months or when such use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect. The Planning Commission may grant the applicant one (1) or more six (6) month extensions of time if good cause is shown.

A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Zoning Administrator to suspend such special approval use permit until review by the Planning Commission. The Planning Commission shall determine if a violation has indeed occurred. In the case of a violation, the Planning Commission shall direct such corrective action as it determines is necessary to bring conformance with this Ordinance, or the Planning Commission shall cancel the special approval use permit in question.

Section 18.10 — Gas or Electrical Transmission Lines:

High pressure gas transmission lines, petroleum products transmission pipelines, and high voltage electric transmission tower lines may be permitted in any district subject to the following regulations:

1. General Regulations.

- A. All such utility lines shall follow existing utility corridors, where possible and reasonable, as determined by the Planning Commission.
- B. 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 Planning Commission.
- C. 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.
- D. 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.
- E. 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 Planning Commission.
- F. 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.
- G. 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.

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

- A. High voltage electric transmission lines of more than 345 kV shall not be located closer than five hundred (500') feet to occupied residences. Existing 345 kV lines shall not be energized at a higher voltage level when located closer than five hundred (500') feet to occupied residences.

- B. 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.
- C. Where operating voltages will exceed 345 kV, 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.
- D. 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.
- E. 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.
- F. "Danger-No Trespassing" signs shall be placed at all road crossings and the Planning Commission, may require fencing at those road crossings which it determines are in need of additional protective measures.
- G. Any area destroyed by necessity in the construction of such approved facilities may be subject to conditions imposed by the Planning Commission for its immediate restoration by replanting or similar techniques.
- H. Noise levels at the edge of the corridor right-of-way, that is the pressure level of sounds, shall not exceed the following decibel levels when adjacent to the following types of uses:

Sound Level	Adjacent Use	Where Measured
40dBA	Recreation & Open Space	Common Property Line
40dBA	Residential	Common Property Line
40dBA	Agricultural	Common Property Line
60dBA	Commercial	Common Property Line
75dBA	Industrial/ Intensive Agricultural	Common Property Line

The sound levels shall be measured using a weighted decibel measurement (referenced to 20 micro pascals) and with a type of audio output meter approved by the U.S. Bureau of Standards. Where noise levels will exceed the above standards for the corridor width proposed, a widening of the corridor, consistent with these requirements, will be necessary.

- I. During the construction or repair of any facilities approved here-under, the following shall be required:
 - i. All internal roads shall be kept dust free by chemical treatment.
 - ii. Any damage to public or private roads, fences, structures or facilities shall be repaired immediately.
 - iii. 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.
 - iv. All construction operations shall be confined to daylight hours - Monday through Saturday - unless permitted in writing by the Planning Commission.
- J. At the time a request is made for approval under this section, the person, partnership, corporation or public utility shall submit an estimated timetable for completion of the construction plans to the Planning Commission, and specifications of all equipment and

facilities proposed for installation. 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.

- K. 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.
- L. If any Court or the Michigan Public Service Commission or other governmental body finds that such lines and systems are not necessary, such shall, upon exhaustion of appeals, be dismantled under regulation by the Planning Commission.
- M. 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.
- N. 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.

Section 18.11 — Outdoor Theaters:

Outdoor theaters (except adult motion picture theaters) may be permitted in the B-2, General Business or I-1 or I-2, Industrial Districts subject to the following extra standards:

1. 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.
2. The proposed internal design shall receive approval from the Building Inspector as to adequacy of drainage, lighting, screening and other technical aspects.
3. 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.
4. 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.
5. The area shall be laid out so as to prevent the movie screen from being viewed from residential areas 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.
6. 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.

Section 18.12 — Auto Race Tracks:

Auto race tracks (including midget, auto, motorcycle and go-kart tracks) may be permitted in the I-2, Heavy Industrial District, after special approval, subject to the following extra standards:

1. Because auto race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas and cause noise levels which may project beyond the property so used, they shall be permitted when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question.
2. All parking shall be provided as off-street parking within the boundaries of the development.
3. All access to the parking areas shall be provided from a major thorough-fare.
4. 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. The applicant shall provide the Township with documentation of adequate liability insurance.
6. The applicant shall provide documentation, including permit from the St. Clair County Health Dept., of restroom facilities within 300 feet of all spectator seating areas.
7. An ambulance with qualified emergency medical technicians is to be stationed at the proposed race facility and shall be described in the applicant's application.
8. Public address system volumes shall be maintained in a manner sufficient to provide necessary information and interlude music to spectators and participants without undue noise and disturbance to any nearby residences.
9. No alcohol shall be allowed on the premises.
10. Hours of operation permissible.
 - A. Sunday through Thursday between 9:00 A.M. and 10:00 P.M.
 - B. Friday and Saturday between 8:00 A.M. and 11:00 P.M.

(The regulation of a private homeowner's recreational use of property without financial remuneration from a racing activity is not intended under this Section.)

Section 18.13 — Horse and Dog Race Tracks:

HORSE and dog race tracks may be permitted in the IA, Intensive Agricultural Districts and the I-2, Heavy Industrial Districts, after special approval, subject to the following extra standards:

1. Because horse and dog race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas and require sizable land areas which would be incompatible with business or residential districts, they shall be permitted when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question.
2. All parking shall be provided as off-street parking within the boundaries of the development.

3. All access to the parking areas shall be provided from a major thoroughfare.
4. 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. The applicant shall provide the Township with documentation of adequate liability insurance.
6. The applicant shall provide documentation, including permit from the St. Clair County Health Dept., of restroom facilities within 300 feet of all spectator seating areas.
7. An ambulance with qualified emergency medical technicians is to be stationed at the proposed race facility and shall be described in the applicant's application.
8. Public address system volumes shall be maintained in a manner sufficient to provide necessary information and interlude music to spectators and participants without undue noise and disturbance to any nearby residences.
9. No alcohol shall be allowed on the premises.

Section 18.14 — Lumber and Building Material Dealers:

Lumber and building material dealers (including home improvement centers) may be permitted in the B-2, General Business and I-1, Light Industrial Districts, after special approval, and as a permitted use in the I-2, Heavy Industrial Districts, all subject to the following special standards:

1. The site shall abut only land zoned General Business, Light or Heavy Industrial or a public street. All plans for the erection of signs shall be submitted to the building inspector for review and approval and shall be further subject to all codes and ordinances of the Township.
2. All storage of building materials shall be within enclosed buildings, or storage sheds, except that outdoor storage may be permitted when within an area enclosed by an obscuring fence or wall not less than six (6') feet nor more than eight (8') feet in height. Screening slats placed in a chain link fence shall not be accepted as a suitable screening device.

Section 18.15 — 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 may be permitted only in the IA, Intensive Agricultural, AG, Agricultural, and I-2, Heavy Industrial Districts and shall further be subject to the following extra standards:

1. 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.
2. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before 7:00 A.M. or after 7:00 P.M.
3. 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.
4. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100') feet of any 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.

5. 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"
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. The operator shall file with the Planning Commission 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. The anticipated cost of carrying out the plans for restoration shall be included with said plans.
12. The operator shall file with the Township of Wales 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.
13. The operator shall file with the St. Clair County Road Commission a bond for maintenance of and dust control on the public road(s) providing access to the site.

Section 18.16 — Junk Yards, Automobile Salvage or Wrecking Yards, Waste or Scrap Recycling Operations and Refuse Transfer Facilities:

These uses may be permitted in the I-2, Heavy Industrial Districts subject to the following extra standards set forth below. [Junkyards may also be subject to additional local licensing requirements by separate ordinance.] In cases where there are conflicting requirements, the most restrictive requirements shall govern.

1. These uses may only be located upon a site where abutting lands are zoned for non-residential purposes on all sides.
2. All parking shall be provided as off-street parking within the boundaries of the development.
3. Any required front yard setback shall not be used for providing off-street parking, but must be landscaped.
4. All sides of the development shall 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.
5. 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.
6. All junk, waste, or scrap materials shall be exclusively contained behind such fence or wall.
7. All roads, driveways, parking lots, loading & 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.
8. In order to protect the community from the danger of the leaching or runoff of chemicals or substances into the groundwater or surface water, these uses shall not be located upon lands classified as "wetlands" as defined on the National Wetland Inventory Map or upon a determination by the MDEQ, nor upon lands lying within the 100 year floodplain, as defined on the Fed. Flood Insurance Rate Map or Fed. Flood Hazard Boundary Map.

Section 18.17 — Telephone Exchange and Static Transformer Stations, Gas Regulator Stations, and Other Public Utility Buildings:

These uses may be permitted in all districts subject to the following extra standards:

1. There is no public business office nor any storage yard or storage building operated in connection therewith.
2. 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.
3. All required yards are to be landscaped and maintained.

Section 18.18 — Bed and Breakfast Establishments:

Bed and breakfast establishments (See Appendix for Definition) may be permitted as a special approval use in IA, Intensive Agricultural and AG, ROS, RV, R, and RM Residential Districts and as a permitted use in the B-2, General Business District provided the following requirements are met:

1. The rooms utilized are not specifically constructed for rental purposes. Each bed and breakfast establishment shall contain not less than two (2) bedrooms for rent. A structure shall not be eligible for bed and breakfast use unless it contains at least two thousand (2,000) square feet of gross floor area. Adequate living space must be preserved for the owner/innkeeper quarters; this must include a separate bedroom for owner/innkeeper and bedrooms for other family members residing on the premises.
2. The dwelling unit that contains the bed and breakfast establishment shall be the principal residence of the owner/innkeeper. Said owner/innkeeper shall reside on the premises when the bed and breakfast establishment is in operation.
3. Parking, driveway, and maneuvering area shall be provided in accordance with Section 20.20.
4. Off-street parking is provided as follows: Two spaces for the primary residential uses, plus one-half per single bed equivalent, plus one space for each employee on the largest shift.
5. Screening of parking must be provided for the benefit of adjoining residential uses as specified in Section 20.15.
6. Lighting must be directed away from residential uses (Section 20.12).
7. Rooms for sleeping shall have a minimum size of ninety (90) square feet for single occupancy rooms, one hundred (100) square feet for double occupancy rooms, one hundred fifty (150) square feet for triple occupancy rooms, and two hundred (200) square feet for four person rooms. There shall be a maximum of four (4) occupants per room. Each sleeping room shall have one wall dimension of not less than seven (7') feet in length.
8. Toilet, lavatory, and bathing facilities shall be available to all persons. There shall be the equivalent of one (1) full bath for each six (6) occupancies.
9. There shall be no exterior display other than one (1) non-illuminated, non-animated sign, not to exceed eight (8) square feet in area, nor to exceed twelve (12') feet in height.
10. Because many older, single family homes are larger and represent sizable maintenance and energy cost, it is feared that restrictions only to single family use may foster inadequate maintenance and for even abandonment. The possible consequence may be a general appearance of blight, which, if allowed to proceed in a downward trend, could erode the stability of the neighborhood. Based on the above, some areas may be regarded as conducive for limited bed and breakfast purposes; but only when certain conditions as may be required by the Planning Commission in order to preserve the character as well as the health, safety and welfare of the neighborhood are met.
11. It is the intent of the Township to allow the option of this use (bed and breakfast establishment) as an economic means of preserving structures which are historically or architecturally significant. Therefore, the structure must be placed on (or be eligible for) the state or national register of historic places. Alternatively, structures may be eligible upon a determination by the Planning Commission that they are significant prototypes or examples of a period, style, architectural movement, or method of construction, or if they are the most notable work of the best surviving work in a given region of a pioneer architect or master builder, or if they are

associated with an individual who had a profound influence on the history of the area, region, or state. Birth place, place of death, or interment shall not be considered unless something of historical importance is connected with his or her birth or death.

12. Food may be served in a bed and breakfast establishment only to those persons renting a room and only during their stay at the bed and breakfast establishment.

Section 18.19 — Hotels and Motels:

THESE uses may be permitted in the B-2, General Business District subject to the following standards:

1. Vehicular ingress and egress from the site shall be directly onto a major thoroughfare having an existing or planned right-of-way of at least one hundred twenty (120') feet in width.
2. No kitchen or cooking facilities within the units are to be provided with the exception of the manager's or caretaker's units.
3. Each unit shall contain no less than two hundred fifty (250) sq. ft. of floor area.
4. Units shall not be occupied as a place of permanent residence and a guest register shall be maintained.

Section 18.20 — Feedlots and Raising of Fur Bearing Animals:

1. Feedlots (See Appendix for Definition) may be permitted upon special approval in the IA, Intensive Agricultural Districts subject to the following conditions:
 - A. Any pen, corral, or structure where livestock and/or farm animals are maintained as a feedlot, or where swine are raised shall be sited in accordance with the Michigan "generally accepted agricultural and management practices" (GAAMPS) under PA 261 of 1999. The applicant shall demonstrate in his site plan that GAAMPS standards are to be met.
 - B. The raising of fowl, poultry, quail, or other game birds or their by-products shall be conducted within an adequately fenced area or an enclosed building and shall be sited in accordance with the Michigan "generally accepted agricultural and management practices" (GAAMPS) under PA 261 of 1999. The applicant shall demonstrate in his site plan that GAAMPS standards are to be met. The killing and dressing of fowl are permitted provided that the operation is conducted within a building. All waste parts or offal must be immediately disposed of and no outdoor storage of offal shall be permitted.
2. The raising of fur bearing animals including mink and rabbit, may be permitted upon special approval in the IA, Intensive Agricultural District when located on a continuous parcel of land ten (10) acres or more in area with all buildings and outdoor runs setback one hundred (100') feet or more from all property lines; with the exception of raising mink which shall be conducted on a continuous parcel of land forty (40) acres or more in area, with all outdoor runs or breeding areas enclosed on all sides by a fence not less than four (4') feet in height and setback from all property lines a minimum distance of four hundred (400') feet.

Section 18.21 — Contractors and Storage of Commercial Vehicles and Equipment:

Contractors, such as but not limited to, excavators, landscapers, and snow removal businesses and the storage of commercial vehicles and equipment, such as but not limited to, pickup trucks, vans, well driller's vehicles and equipment, delivery vehicles, snow plow, lawn maintenance equipment, tank trucks, semi-tractors and trailers, and construction equipment are permitted in the I-2, Heavy Industrial District and may be allowed in the AG, Agricultural and IA, Intensive Agricultural Districts only when accessory to a dwelling, and subject to the following conditions:

1. All such uses shall be located on a Township Major Thoroughfare, Secondary Thoroughfare, or Collector Road.
2. All equipment or stored materials shall be set back at least one hundred and fifty (150') feet from all property lines, provided the Planning Commission may increase this requirement where additional protection is required for adjacent properties and/or uses.
3. Adequate off-street parking shall be provided to serve the expected number of users of the commercial vehicles and for the storage of the commercial vehicles.
4. No on-site employees shall be permitted other than members of the household.
5. That the number of commercial vehicles or pieces of equipment on-site shall be limited to five (5). For purposes of counting, a truck and trailer normally used together and stored together will be counted as one (1) vehicle. A piece of equipment that is stored on the trailer of a truck/trailer combination shall not be counted as an additional vehicle.
6. Vehicles stored within a building will not be counted for the above limitations.
7. Any hazardous materials, such as but not limited to; gasoline, diesel fuel, and motor oils, shall conform to all requirements for Hazardous Materials.
8. Storage of materials, such as but not limited to; topsoil, dirt, gravel, limestone, and crushed concrete, stored on the premises for use in commercial activity will be limited to occupying no more than three thousand (3,000) square feet of contiguous ground, free standing piles, and in bins. There shall be adequate means are to be provided to prevent these materials from spreading to adjacent properties or waterways due to wind or rain.
9. An inventory of all equipment on the property must be filed with the Township by February 1st of each year. On-site property inspections by the Township zoning administrator or his/her agents shall be permitted with twenty-four (24) hours prior notice.
10. Whenever the proposed use is adjacent to a residential zoning district or use, the Planning Commission may require that a landscaped greenbelt (and berm if necessary) be provided in order to provide proper screening of the vehicle(s), equipment or material storage from the residential district or use.
11. Other conditions may be required by the Planning Commission to insure protection of the adjoining neighborhood, such as, but not limited to, truck trips per day, total amount of material removed and/or stored on an individual site on a daily basis, special measures to reduce noise levels, and similar limitations determined to be necessary to protect the health, safety, and general welfare of nearby residents and land uses and the community as a whole.
12. Hours of permissible operation between: 7:00 A.M. and 11:00 P.M.

13. The operator shall apply for a special haul route with the St. Clair County Road Commission as may be required by the Road Commission. The operator shall abide by all conditions imposed by the Road Commission which may include, but is not limited to, a financial surety, maintenance conditions, and/or improvement. At the time of application for a special land use permit, the operator shall include in his/her application, the expected Road Commission requirements and a copy of the approved special haul route permit shall subsequently be provided to the Zoning Administrator.

Section 18.22 — Churches:

Churches and other facilities normally incidental thereto may be permitted in the AG, RV, R, and RM Residential Districts subject to the following requirements:

1. The site is so located as to have at least one (1) property line abutting a public thoroughfare of not less than one hundred 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.
2. In order to insure that there is sufficient land to accommodate future expansion and accessory facilities, the subject property shall be a minimum of two (2) acres.
3. Front and side yards shall be equal to at least one and one-half (1-½) times the height of the main building. The height limitations set forth in Article XVI shall not apply to churches.
4. Off-street parking shall be provided in accordance with the provisions of Section 20.20. No off-street parking area may occupy a required front yard.
5. Whenever an off-street parking area is located within fifty (50') feet of an adjoining residentially zoned property line, a continuous and obscuring protective screening device 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. Said screening device shall comply with the provisions of Sections 20.15 and 20.16.
6. The site shall not be used for dwelling purposes except that residential dwelling facilities may be provided for up to two (2) regular employees of the church and their families. Any such dwelling units or quarters shall comply with the minimum requirements for dwellings in the District in which located.
7. Accessory structures shall not exceed one story or fourteen (14') feet in height.

Section 18.23 — Government Buildings:

Government buildings and uses may be permitted as special approval uses in the AG, ROS, RV, R, and RM Residential Districts and IA, Intensive Agricultural Districts provided:

1. The depth of the front and rear yard and the width of each side yard shall not be less than fifty (50') feet.
2. Off-street parking shall be provided in accordance with the provisions of Section 20.20.
3. 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. Said screen shall comply with the provisions of Sections 20.15 and 20.16.

Section 18.24 — Golf Courses:

Golf courses may be permitted as special approval uses in the AG, ROS, RV, R, RM, Residential Districts, and in the IA, Intensive Agricultural Districts provided:

1. 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.
2. 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.
3. Major accessory uses which are generally of a commercial nature, such as a restaurant and bar, shall be housed in a single building with a club house. Minor accessory uses which are strictly related to the operation of the golf course itself, such as maintenance garage and pro shop, may be located in separate buildings.
4. 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 turnstile.
5. Off-street parking shall be provided in accordance with the provisions of Sections 20.20.

Section 18.25 — Private, Noncommercial, Recreational Areas:

Private recreational areas not open to the general public; institutional community or neighborhood recreation centers; and neighborhood association swimming pools may be permitted as special approval uses in the AG, ROS, RV, R, and Residential Districts and in the IA, Intensive Agricultural Districts provided that:

1. The subject property; is so located as not to hinder the natural and presumed residential development of the area.
2. The depth of the front and rear yards and the width of each side yard shall not be less than fifty (50') feet.
3. 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 in accordance with the provisions of Sections 20.20.
4. 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. Said screen shall comply with the provisions of Sections 20.15 and 20.16.

Section 18.26 — Large Scale Outdoor Recreational Uses:

Large scale outdoor recreational uses, including recreational fields (football, softball, baseball, soccer and similar activities), tennis courts, basketball courts, ice skating rinks, music concert pavilions and band-shells, downhill ski facilities, picnic grounds, miniature golf courses, golf driving ranges, campgrounds, riding stable, hay rides, small boat rental, swimming facilities, kiddie type rides, and tracks for off-road vehicles or similar uses for physical and outdoor exercises may be permitted as special approval uses in the IA, Intensive Agricultural, AG, Agricultural and ROS, Recreation & Open Space Districts provided that the following standards are met.

Not included under "large scale outdoor recreational uses" and regulated elsewhere in this Ordinance are the following: motorcycle and auto race tracks, horse or dog tracks, combat game areas, gun & hunt clubs, golf courses, outdoor theatres, amusement parks, circuses, carnivals, rebound tumbling facilities, outdoor dance pavilions.

1. The subject property is at least twenty (20) acres or more in area and is located on a major thoroughfare having an existing or proposed right of way of not less than one hundred twenty (120') feet.
2. All development features including the principal building and spectator seating facility shall not be closer than two hundred (200') feet to a public street or land zoned residential except, where natural topographical conditions are such that the development features would be screened from view, this requirement may be modified.
3. No activity shall take place within thirty (30') feet of the perimeter of the recreational area. All such activities shall be screened from abutting land zoned residential, by means of a protective screening device as determined by the Planning Commission meeting the requirements of Sections 20.15, and 20.16 of this Ordinance.
4. Exterior lighting shall be installed in such a manner that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent roads.
5. Adequate trash containers shall be provided on the site. The site shall be periodically cleared of debris so that windblown litter does not accumulate on adjacent properties.
6. In order to insure that the recreational use is compatible with adjacent land uses, the Planning Commission may require such items as landscaped buffer strips with berms, off-site street improvements, fencing security facilities, and other improvements in order to insure that excessive dust, noise, traffic, lighting glare, and trespassing are not inflicted on adjacent properties.
7. Related accessory commercial uses such as refreshment stands, concession counters, and sit-down restaurants which may include the sale of alcoholic beverages, retail shops selling or renting sport and recreational items such as a "pro shop" or rental equipment store, office buildings relating to the management of the recreational use, spectator seating, and service areas including locker rooms, showers, restrooms, and similar facilities may be permitted in conjunction with the recreational uses when it is clearly incidental to the main recreational character of the use. Such related accessory uses shall not include the sale, servicing, or repair of any vehicles or equipment used on the site except that owned by the proprietor.
8. 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 turnstile.
9. Off-street paved parking shall be constructed in accordance with Section 20.20 except that the Planning Commission may waive requirements for paved parking areas, maneuvering lanes, and drives for campgrounds, parks, riding stables, and other similar outdoor recreational uses

where because of their rural or rustic nature, hard surfaced parking in the opinion of the Planning Commission would detract from the nature of the recreational facility.

10. Permitted accessory uses that are generally of a minor commercial nature shall be housed in a single building. Minor accessory uses which are strictly related to the operation of the recreational use itself, such as a maintenance garage, may be located in a separate building.

Section 18.27 — Public or Commercial Stables, Kennels and Veterinary Clinics:

Public or commercial stables containing three (3) or more horses; kennels and veterinary clinics may be permitted as special approval uses in the AG, Agricultural Districts and ROS, Recreation & Open Space Districts provided:

1. The subject property is so located as not to hinder the natural and presumed residential development of the area.
2. The subject property contains a minimum of five (5) acres.
3. The stable, barn or kennel is located one hundred (100') feet from any neighboring residential use. All runs or breeding areas shall be enclosed by a chain link fence not less than six (6') feet in height.
4. If the use is of a commercial nature, that off-street parking be provided in accordance with the provisions of Sections 20.20 of this Ordinance.

Veterinary clinics shall also be allowed as a special approval use in the B-2, General Business District provided that there are no outdoor runs for animals, and that there be no boarding, no noise, and no odor.

Public or commercial stables, kennels, and veterinary clinics are permitted uses in the IA, Intensive Agricultural Districts.

Section 18.28 — Group Day Care Home:

Group day care home with 7 to 12 children (as defined under Public Act of 116 of 1973, as amended, see Section 2.02, See Appendix for Definition).

1. Adequate ingress and egress, parking and circulation shall be provided on the site.
2. The lot or parcel on which such use is located shall be located no closer than 1,500 feet to any of the following:
 - A. Another group day care home.
 - B. An adult foster care group home licensed by the Michigan Department of Social Services.
 - C. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more persons, licensed by the Michigan Office of Substance Abuse Services.
 - D. A community corrections center, resident home, halfway house, or similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
3. The construction and use shall be licensed by the Michigan Department of Social Services prior to beginning operation which has minimum regulations and requirement regarding play space.

Section 18.29 — Nursery School, Day Nursery, and Child Care Centers:

Nursery schools, day nurseries, and child care centers (See Appendix for Definition) may be permitted as special approval uses in the RM Residential Districts, and B-1 and B-2 Business Districts provided:

1. The child care center shall be licensed by the Michigan Division of Child Day Care Licensing, which includes minimum outdoor play area requirements.
2. Adequate ingress and egress, parking and circulation shall be provided on the site, including a drop-off/pick-up area for children, outside of any public right of way.

Section 18.30 — Orphanage, Foster Home, Home for The Aged, Indigent, or Physically or Mentally Handicapped:

An orphanage, foster home, or a home for the aged, indigent, physically or mentally handicapped, a rest or convalescent home may be permitted as a special approval use in the RM, Multiple-Family Residential District when the following conditions are met:

1. All vehicular ingress and egress from the site shall be directly onto a major thoroughfare having a planned right-of-way of not less than one hundred twenty (120') feet.
2. The maximum extent of development and occupancy shall not exceed thirty (30) persons, patients, or residents per acre of land.
3. No building other than a structure for strictly residential purposes shall be closer than sixty (60') feet to any property line.
4. State licensed homes for six (6) or fewer residents shall be a permitted use in all districts where single family homes are a permitted use.

Section 18.31 — Boarding and Lodging Houses:

Boarding and lodging houses (See Appendix for Definition), rooming houses (See Appendix for Definition), and tourist homes (See Appendix for Definition), may be permitted as a special approval use in RM, Residential Districts and tourist homes in the ROS, Recreation & Open Space Districts, and farm based tourist homes in the IA, Intensive Agricultural Districts provided the following requirements are met:

1. Not more than 5 sleeping-rooms for the development.
2. Adequate parking, driveway, and maneuvering area shall be available on-site and shall be provided in accordance with Section 20.20.
3. Maximum density of twenty persons per acre for the development.
4. Screening of parking must be provided for the benefit of adjoining residential uses as specified in Section 20.15.
5. Lighting must be directed away from residential uses.

6. Rooms for sleeping shall have a minimum size of ninety (90) square feet for single occupancy rooms, one hundred (100) square feet for double occupancy rooms, one hundred fifty (150) square feet for triple occupancy rooms, and two hundred (200) square feet for four person rooms. There shall be a maximum of four (4) occupants per room. Each sleeping room shall have one wall dimension of not less than seven (7') feet in length.
7. Toilet, lavatory, and bathing facilities shall be available to all persons. There shall be the equivalent of one (1) full bath for each six (6) occupancies.
8. There shall be no exterior display other than one (1) non-illuminated, non-animated sign, not to exceed eight (8) square feet in area, nor to exceed twelve (12') feet in height.
9. Food may be served in a boarding and lodging house only to those persons renting a room and only during their stay at the boarding and lodging house.

Section 18.32 — Commercial Storage (Enclosed) of Vehicles in AG Dist.:

Commercial storage of operable vehicles, snowmobiles, jet skis, boats, boat trailers, automobiles, and trucks may be permitted as a special approval use in AG, Agricultural Districts provided the following conditions are met:

1. All storage shall be within fully enclosed buildings.
2. All storage shall be conducted in a building which:
 - A. Lawfully existed prior to the adoption of this ordinance, and
 - B. Was formerly used for agricultural purposes, and
 - C. Contains not less than four thousand (4,000) square feet.
3. The operator shall apply for a special haul route with the St. Clair County Road Commission as may be required by the Road Commission. The operator shall abide by all conditions imposed by the Road Commission which may include, but is not limited to, a financial surety, maintenance conditions, and/or improvement. At the time of application for a special land use permit, the operator shall include in his/her application, the expected Road Commission requirements and a copy of the approved special haul route permit shall subsequently be provided to the Zoning Administrator.
4. No building shall be used for such storage unless a determination has first been made by the Planning Commission that it is no longer feasible for the building to be used for agricultural purposes nor reasonable for it to be used for any other lawful principal permitted or special land use.
5. All structures qualifying under this section shall also comply with minimum building code requirements and obtain all necessary permits.
6. The site shall not be licensed as a junk yard, nor shall the storage of junk be permitted.
7. The premises shall be subject to inspection during regular business hours for compliance purposes by the Zoning Administrator, Ordinance Enforcement Officer, and/or the Building Inspector upon twenty-four (24) hours notice.

Section 18.33 — Amusement and Recreation Services:

1. *Indoor recreation.* Recreation centers similar to bowling alleys, skating rinks, racquet sports, archery ranges, amusement areas, arcades and similar forms of recreation or amusement may be permitted in the B-2, General Business District provided they are conducted wholly within a completely enclosed building.
2. *Amusement oriented outdoor recreation.* Outdoor recreational space for adult or children's amusement parks, circuses, carnivals, rebound tumbling facilities, outdoor dance pavilions, miniature golf courses, and golf driving ranges may be permitted in the B-2, General Business District subject to the following special standards:
 - A. Site shall not abut directly or across a street, any Residential District.
 - B. Children's amusement parks shall be fenced on all sides with a wall or fence not less than four feet six inches (4' -6") in height.
 - C. No loud speaker of public address system shall be used except by express written consent of the Township Planning Commission wherein it is deemed that no public nuisance or disturbance will be established.
3. Outdoor recreational space for miniature golf courses and golf driving ranges may be permitted in the ROS, Recreation & Open Space District subject to the special standards 2. A., B., and C. above.

Section 18.34 — Motor Vehicle Washing, Conveyor or Non-Conveyor Type:

Motor vehicle washing, conveyor or non-conveyor type, may be permitted in the B-2, General Business District when completely enclosed in a building, excepting points of ingress and egress, and subject to the following extra standards:

1. All cleaning operations shall be completely enclosed within a building.
2. 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.
3. 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.
4. Where only a single lane is provided, it shall be used for no other purpose than to provide access to the washrack. All lanes provided shall be suitably protected from interference by other traffic.
5. The total length of the required lane or lanes so provided for a convey-or 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:

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 of or fraction thereof by which the building exceeds eighty (80') feet in overall length.

6. 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.
7. The site shall be designed in such manner that no operations are conducted off the parcel.
8. A building setback of at least sixty (60') feet must be maintained from the proposed or existing street right-of-way.
9. 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.
10. 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.
11. Gasoline sales shall be permitted on the property provided there is compliance with Section 18.34, paragraph 4, and Section 18.35, paragraphs 1-12, of this Ordinance.

Section 18.35 — Gasoline Service Stations:

Gasoline service stations may be permitted in the B-2, General Business District subject to the following extra standards:

1. One hundred and fifty (150') feet of street frontage on the lot proposed for the gasoline station shall be provided on the principal street serving the station.
2. The lot shall contain not less than twenty-two thousand five hundred (22,500) square feet in 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 width of thirty (30') feet.
5. Any driveway approach shall enter the property not less than twenty-five (25') feet from the intersection formed by the existing or proposed right-of-way lines as set forth in the Township Thoroughfare Plan, and not less than ten (10') feet from any adjoining non-residential property line nor less than twenty-five (25') feet from any abutting residential district. The angle of intersection of any driveway along the principal street(s) shall not be more than sixty (60°) degrees.
6. Curbs, in accordance with standard Township specifications, shall be constructed on all streets adjacent to the gasoline station site.
7. Signs and lighting shall be shielded from residential property.
8. No signs, storage nor display of any kind shall be allowed within the street right-of-way. All signs and display shall be so located as not to obstruct view of vehicles.
9. 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.

10. There shall be no parking of damaged or disabled motor vehicles except on a temporary basis for seventy-two (72) hours or less. Junk parts and junk vehicles shall not be kept on the outside of the building.
11. Automobile, truck or trailer renting and leasing may be permitted in connection with a gasoline service station subject to the provision that the number of automobiles, trucks, or trailers on the site that are available for lease shall not exceed one (1) automobile, truck or trailer for each one thousand (1,000) square feet of lot area and shall not be located in areas that are required for parking, aisles, service bays, loading, landscaping or sidewalks.
12. Prohibited activities include, but are not limited to: motor vehicle body repair; undercoating; painting; tire recapping; engine and transmission rebuilding; motor vehicle dismantling; upholstery work, and other such activities whose adverse external physical effects would extend beyond the property line.

Section 18.36 — Motor Vehicle Repair and Service Facilities:

Motor vehicle repair and service facilities may be permitted in the B-2, General Business District subject to the following extra standards:

1. All activities shall be conducted in an enclosed building.
2. All buildings shall be set back not less than forty (40') feet from all existing or proposed street right-of-way lines, whichever is greater.
3. No signs, storage nor display of any kind shall be allowed within the street right-of-way. All signs and display shall be so located as not to obstruct view of vehicles.
4. There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of the facility and for retail sale during the hours of operation of the facility.
5. There shall be no outdoor parking of damaged motor vehicles except on a temporary basis not to exceed seventy-two (72) hours. Junk parts and junk vehicles shall not be kept on the outside of the building.
6. Parking shall be provided on the site at a ratio of one (1) parking space for each one hundred (100) square feet of site area.
7. Automobile, truck or trailer renting and leasing may be permitted in connection with motor vehicle repair and service facilities subject to the provisions that the number of automobiles, trucks or trailers on site that are available for lease shall not exceed one (1) automobile, truck or trailer for each one thousand (1,000) square feet of lot area and shall not be located in areas that are required for parking, aisles, service bays, loading, landscaping or sidewalks.
8. The parking of tow trucks shall be permitted only in designated areas and shall not be permitted in the corner clearance areas.

Section 18.37 — New Automobile and Truck Agency Sales and Showrooms:

New automobile and truck agency sales and showrooms may be permitted in the B-2, General Business District subject to the following extra standards:

1. 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 and twenty (120') feet and an area of not less than two (2) acres.
2. 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.
3. Major repair and major refinishing shops shall be permitted as accessory when conducted entirely within an enclosed building.
4. No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.
5. 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.
6. 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.
7. All lighting shall be shielded from adjacent residential districts and the use of open or base bulbs shall be prohibited.
8. No outside loudspeaker or outside public address system shall be used.

Section 18.38 — Used Automobile and Truck Sales:

Used automobile and truck sales may be permitted in the B-2, General Business District subject to the following provisions:

1. The used automobile and truck sales 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.
2. 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.
3. No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.
4. 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.
5. All lighting shall be shielded from adjacent residential districts and the use of open or bare bulbs shall be prohibited.
6. No outside loud speaker or outside public address system shall be used.
7. Any person selling more than two (2) vehicles per year shall be defined as a used car dealer and shall be located only in a B-2, General Business District.

Section 18.39 — Drive-In, Fast Food, or Carry-Out Restaurant:

Drive-In, fast food, or carry-out restaurants may be permitted in the B-2, General Business District subject to the following extra standards:

1. Ingress and egress points shall be located at least thirty (30') feet from the intersection of any two (2) streets measured from the intersection of the street right-of-way to the nearest end of the curb radius and shall be directly from a major thoroughfare having an existing or proposed right-of-way of at least 120 feet.
2. The minimum distance of any driveway to the property line shall be seven (7') feet. The minimum distance between driveways on the site shall be sixty-five (65') feet measured from the two (2) closest driveway curbs.
3. When a building or portion of building is used for said purposes, it must be located not less than five hundred (500') feet from a elementary, intermediate, or secondary school, and not less than three hundred (300') feet from a church, nursing home, or a home for the aged.
4. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times, and separated from the paved parking area by a raised curb or other equivalent barrier.
5. Concrete curbing six (6") inches in height shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across approved driveways so as to prevent vehicular encroachment onto or over the adjoining property or vehicular damage to buildings.
6. All outside trash receptacles (except those intended for use by the customer) shall be located within a six (6') foot high enclosure constructed of masonry material and covered with face brick and shall be provided with opaque gates of the same height. In addition, two (2) trash receptacles for use by the customer shall be placed in a manner reachable by the customers from their car windows at each point where exit drives empty onto a public street; said receptacles shall be emptied as often as is necessary to insure their efficient and continued use by the customer.
7. Except for approved drive-in restaurants, it shall be unlawful for any person to consume or for any restaurant owner, operator, manager, franchise holder, or anyone else in authority to allow or permit the consumption of foods, frozen desserts, or beverages in motor vehicles parked upon the restaurant premises or at other facilities on the premises outside the building.

Section 18.40 — Open-Air Display and Sale of Recreational Vehicles, Motorcycles, or Other Motor Vehicle Sales Areas Other Than Trucks, Automobiles, and Home Owners' Gardening Equipment, Etc.:

Open-air display and sale of recreational vehicles, motorcycles or other motor vehicle sales areas other than trucks and automobiles, home owners' gardening equipment, etc. may be permitted in the B-2, General Business District provided that said vehicles are displayed on a paved surface complying with the provisions of Section 20.20, there is no outside storage, and further provided that there be no display in areas that are required for parking, aisles, loading or sidewalks. Ingress and egress to the site shall be at least twenty-five (25') from a street intersection or adjacent residential district.

Section 18.41 — Combat Game Areas:

Combat game areas in which participants use air-guns or other similar devices which are intended only to "mark" participants and not cause injury may be permitted in the IA, Intensive Agricultural, AG, Agricultural, and ROS, Recreation & Open Space Districts subject to the following special standards:

1. The site shall contain a minimum of forty (40) acres per game field. The site shall not abut directly or across a street any Residential District. The site shall have direct access to a public road.
2. A three hundred (300') foot buffer zone around the perimeter of the property shall be provided in which no game activities are permitted. This buffer area shall be clearly marked so that participants will not use the area.
3. A four hundred fifty (450') foot buffer zone shall be established and clearly marked on the sides between the subject parcels and adjacent existing residences.
4. No trespassing signs shall be placed in prominent locations approved by the Building Inspector around the boundary of the property.
5. The hours of operation shall not exceed 9:00 a.m. to one-half hour before sunset.
6. A plan for emergency medical facilities and treatment shall be provided to the County Emergency Preparedness Officer for his approval prior to commencement of the use.
7. A liability insurance policy that protects participants, visitors and others, including potential trespassers, shall be provided to the Township Attorney for his approval prior to commencement of the use.
8. The applicant shall provide off-street parking to standards established in the ordinance for at least fifty (50) vehicles.
9. No more than fifty (50) people shall be permitted to participate on game fields at any one time.
10. Toilet facilities shall be provided and shall be approved by the County Health Department.
11. Safety rules, supplied by the applicant with his application, shall be strictly enforced at all times.

Section 18.42 — Gun and Hunt Clubs, Shooting and Archery Ranges:

Gun and hunt clubs, shooting and archery ranges may be permitted in the IA, Intensive Agricultural, AG, Agricultural and ROS, Recreation & Open Space Districts subject to the following extra standards:

1. Gun and hunt clubs must be located on a parcel of forty (40) acres or more in area. Shooting ranges with short range guns and ammunition with supporting documentation presented, and archery ranges may be permitted on a parcel of twenty (20) acres or more in area.
2. The said parcel must be located at least four hundred and fifty (450') feet from a lot line of any adjacent residential district.
3. All ingress and egress from said parcel must be directly from a public road.

4. Off-road parking must be provided.
5. No on-road parking shall be permitted.
6. All new gun & hunt 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.
7. All new shooting ranges shall meet the design standards of the National Rifle Association.
8. Operations shall not begin before 8:00 am nor continue beyond 9:00 pm. Noise levels at the property lines shall not exceed 40dbA. Sound levels shall be measured using a weighted decibel measurement (referenced to 20 micro pascals) and with a type of audio output meter approved by the U.S. Dept. of Standards.
9. The use of center fire rifles shall be prohibited in hunt clubs.

Section 18.43 — Cemeteries:

Cemeteries may be permitted in the AG, Agricultural Districts and ROS, Recreation & Open Space Districts subject to the following extra standards:

1. The location of a cemetery shall be permitted in the quarter section of a district when the quarter section does not have more than fifty-one (51%) percent of its land area in recorded plats.
2. All access shall be provided from a public road having a planned right-of-way of not less than one hundred twenty (120') feet.
3. All sides of the cemetery shall be screened from any residential view by providing a continuous and completely obscuring wall, fence, or buffer strip planting as described in Sections 20.15 and 20.16.
4. Approval shall be given contingent on a satisfactory drainage plan approved by the Township Engineer or other appropriate official.
5. 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.
6. 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.
7. Any grave, crypt, mausoleum, or other building containing bodies or remains shall not be located within any officially designated floodplain.
8. The proposed cemetery complies with all provisions in acts relating to cemeteries enacted by the people of the State of Michigan.

Section 18.44 — Mini-Warehouses:

Mini-warehouses may be permitted as a special land use in the B-2, General Business Districts and as a permitted use in the I-1, Light Industrial and I-2, Heavy Industrial Districts, in all cases subject to the requirements of this Ordinance and the following special standards:

1. The site shall be at least two (2) acres in size and shall be located on a paved "major thoroughfare" having a planned right-of-way of not less than one hundred twenty (120') feet, and shall not directly adjoin a Residential District. The only access to the site shall be from the major thoroughfare.
2. All storage on the site shall be kept within enclosed buildings, except that up to fifty percent (50%) of the storage units may be "open front" three-sided buildings for the storage of boats, recreational vehicles, snowmobiles, and automobiles. The "open front" of such buildings shall face the interior of the complex.
3. Buffering shall be required as provided by Section 20.15 of the ordinance.
4. All driveways, parking, loading, and vehicular circulation areas shall be surfaced in accordance with Section 20.20.1.L which provides for pavement design and construction standards. All one-way driveways shall provide for one ten (10') foot parking lane and one fifteen (15') foot travel lane. All two-way driveways shall provide for one ten (10') foot parking lane and two twelve (12') foot travel lanes. The parking lanes may be eliminated when the driveway does not serve storage cubicles. When no parking is provided within the building separation areas, said building separation need only fifteen (15') feet. There shall be at least one (1) parking space for each ten (10) cubicles. At the office, one (1) parking space shall be provided for each twenty-five cubicles. Two (2) spaces shall be provided for the caretaker's residence, if any.
5. All lighting shall comply with Section 20.12 of this Ordinance.
6. No business activities, manufacturing, or garage sales shall be conduct-ed on the premises. The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of the business.
7. The servicing or repair of motor vehicles, boats, trailers, lawn mowers, and other similar equipment shall not be conducted on the premises.
8. The area shall be properly policed by the owner or operator for removal of trash and debris and for compliance with public and private restrictions.
9. Signs shall be limited to one (1) per arterial street frontage and shall comply with the requirements of Section 20.27 of this Ordinance.
10. A residence for a resident caretaker or manager may be constructed on the premises. The residence shall comply with all provisions of this Ordinance and the Michigan Building Code.
11. No explosive, hazardous, or radioactive materials shall be stored on the premises.
12. Buildings shall be constructed of decorative, pre-finished concrete block or other material approved by the Planning Commission which is durable, decorative, and low-maintenance in nature.
13. The complex shall be entirely surrounded by a rust proof chain link security fence no less than eight (8') feet in height.

Section 18.45 — Agricultural Warehousing and Distribution:

Agricultural warehousing and distribution may be permitted as a special land use in the AG, Agricultural District (and as a permitted use in the IA, Intensive Agricultural District). This special land use shall be subject to the requirements of this Ordinance and the following special standards:

1. Only agricultural product shall be stored and distributed.

2. The parcel or lot shall front on a paved "major thoroughfare" having a planned right-of-way of not less than one hundred fifty (150') feet. The classification of the road from which access is sought shall be determined by the Planning Commission to be appropriate to the scale and nature of the operation proposed. The proposed operation shall be determined not to generate excessive car and/or truck traffic through residential areas.
3. The operator may be required, depending on access route(s) and distance to a paved major thoroughfare, to apply to the St. Clair County Road Commission for a special haul route. If required, the operator shall abide by all conditions imposed by the Road Commission which may include, but is not limited to, a financial surety, maintenance conditions, and/or improvement. At the time of application for a special land use permit, the operator shall include in his/her application, the expected Road Commission requirements (if any), and a copy of the approved special haul route permit shall subsequently be provided to the Zoning Administrator.
4. Ingress/Egress. For new facilities there shall be provided not more than one (1) entrance way to the facility property for each five hundred (500') feet of road frontage. For existing facilities the number of entrance ways in excess of this standard shall be limited as much as possible.
5. Parking. All parking shall be provided as off-street parking within the boundaries of the development.
6. Truck standing/loading. No vehicle shall be permitted to wait or to stand within a dedicated road right-of-way.
7. All lighting shall comply with Section 20.12 of this Ordinance.
8. Whenever the proposed use is adjacent to a residential zoning district or use, the Planning Commission may require that a landscaped greenbelt (and berm if necessary) be provided in order to provide proper screening of vehicles, equipment or material storage from the residential district or use.
9. Other conditions may be required by the Planning Commission to insure protection of the adjoining neighborhood, such as, but not limited to, truck trips per day, total amount of material storage outside, special measures to reduce noise levels, and similar limitations determined to be necessary to protect the health, safety, and general welfare of nearby residents and land uses and the community as a whole.

Section 18.46 — Low Intensity Automotive Repair Facility:

(amended 1/3/2012)

The purpose of this Section is to allow the resident to operate a small scale repair facility while denying a large commercial operation in the Agricultural and Intensive Agricultural Districts.

For the purposes of this ordinance, a repair shop is defined as a restricted ancillary, accessory home/residence occupational use, and is further defined as a business that performs repairs to small to medium engines, e.g., lawn mowers, power trimmers, motorcycles, et. al., up to automobiles, e.g., automobiles, single rear axle load bed trucks up to 1 ton capacity (pick-up trucks, vans), farm tractors, recreational vehicles, etc. This type of business may also perform repairs to trailers of 1-ton or less capacity, farming implements, et. al.

Repair shops are permitted in the I-2, Heavy Industrial District. They may be allowed, in the AG, Agricultural and IA, Intensive Agricultural Districts only when accessory to a residential dwelling and subject to the following conditions:

1. This use shall be located on a Township Major Thoroughfare, Secondary Thoroughfare, or Collector Road.
2. All equipment and stored materials, buildings, and vehicles shall be set back at least seventy five (75') feet. The Planning Commission may increase this requirement where there is cause to for additional protection of adjacent properties and/or uses.
3. No on-site employees other than members of the household are permitted.
4. The number of automobiles on site outside for repairs and/or maintenance shall be limited to six (6) vehicles. Except for vehicles registered to the property/business owner, no vehicle on site for repairs shall remain on site for more than two (2) weeks. Under no condition shall a vehicle qualifying under the Wales Township Blight Ordinance as a blighting factor be stored at the site. For the purposes of this Section, an automobile is a wheeled vehicle such as a car, pickup truck, farm tractor, or similar sized vehicle. Larger vehicles such as semi tractors, any tracked construction vehicles, dump trucks, and similar commercial vehicles, etc. are not permitted. Non-motorized equipment such as cargo trailers, boat trailers, farm implements are permitted but count as one (1) automobile/vehicle.
5. Vehicles stored inside a building shall not count toward the total allowed.
6. The handling of any hazardous materials, including but not limited to gasoline, motor oil, diesel fuel, operating fluids, cleaning agents, shall conform to State of Michigan, St. Clair County, Fire Department, and Wales Township laws and ordinances.
7. Storage of parts, tools, or any materials used in the business shall be limited to containment inside fully enclosed buildings connected with the business and/or residence. Power automobile lifts for raising an entire car for maintenance are not permitted.
8. An inventory of all power tools, vehicles, parts, materials of over five hundred dollars (\$500.00) value must be maintained and filed with the Township of Wales by February 1 of each year. On-site property inspections by the Supervisor or his designee shall be permitted with 24 hours notice to the property/business owner.
9. The Planning Commission may require that a landscaped greenbelt (and berm if necessary) be provided to properly screen the business.
10. Other conditions may be required by the Planning Commission including, but not necessarily limited to: hours of operation; customer parking; noise reduction measures; more/less stringent signage limitations than in Section 20.27; number of tow trucks and/or "Lo-Boy" vehicle trailers allowed on site; and any limitations deemed necessary to protect the health, safety, and general welfare of nearby residential and agricultural uses.
11. No more than one building, dedicated to the business, of a 1,200 maximum square footage with 14' high walls will be allowed.
12. The hours of operation shall be no longer than from 7:00 AM to 9:00 PM. These hours may be adjusted by the Planning Commission with cause.
13. The business owner must also be the property owner. The business/home owner must be a mechanic licensed by the State of Michigan. The business/home owner must have adequate business liability insurance covering the operation of the facility and must produce proof of such insurance upon special use permit approval and by February 1 of each year.
14. A cash assurance bond of five hundred dollars (\$500.00) shall be required and held in an escrow account. This assurance bond shall be forfeited if applicant fails to comply with the conditions of this ordinance at which time new bond must be posted. This bond will be returned to the applicant upon the legal termination of this special conditional use.

15. The applicant shall submit, with his/her application, a site plan detailing lot line dimensions, road and property line setbacks, building and structures, road entry ways, drainage, utility services, septic and well locations, and existing and proposed parking. The site plan shall give detailed and precise description of the proposed automotive repair facility (building or structure).

Section 18.47 — Reserved for Future Use:

Section 18.48 — Reserved for Future Use:

Section 18.49 — Personal Use Aircraft Landing Fields:

Landing fields for the personal use of the property owner may be permitted in the IA, Intensive Agricultural, AG, Agricultural, ROS, Recreation & Open Space, and I-1 & I-2, Industrial Districts subject to the following provisions:

1. 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.
2. 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.
3. All landing fields shall have a runway with an eighteen hundred (1,800') foot landing length in each direction from a clear approach slope of 20:1 and a one hundred (100') foot usable width with an additional fifty (50') foot minimum width on each side which is free of obstructions. The approach slope with a width of not less than two hundred (200') feet shall be based on a clearance of all objects within the approach area, including a roadway clearance of fifteen (15') feet or seventeen (17') feet over an interstate highway, a railway clearance of twenty-three (23')

feet, and a clearance at the property line of twenty-five (25') feet. The landing area shall be marked in accordance with Michigan Aeronautical Commission standards.

4. No landing field shall be approved that would interfere with the right of nearby and adjacent owners and occupants of property to peaceful enjoyment of their property.
5. *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 takeoff or landing of aircraft shall be permitted.
6. *Yard and Placement Regulations.*
 - A. The site shall not abut directly or across a street any Residential District.
 - B. 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 eighteen hundred (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.
7. The property owner shall construct a residence within two (2) years or be required to obtain a two (2) year renewable license from the governing township authority.
8. All lights used for landing fields and other lighting facilities shall be arranged so as not to reflect towards adjoining non-landing field uses.
9. *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 be permitted on the premises.
10. Helicopters shall conform to all of the above regulations, except for those regulations intended to clearly apply only to airplane landing fields. Placement and operation of helicopters and related facilities shall comply with all regulations of the Federal Aeronautics Administration (FAA) and the Michigan Aeronautics Commission.

Section 18.50 — Communication Towers:

Communication towers shall be allowed in the AG, IA, ROS, B-2, I-1, and I-2 districts subject to the following Special Approval Requirements:

1. The tower must be setback from all property lines a distance equal to its height for reasons of safety and aesthetics. Except that the setback may be reduced if the developer submits evidence that the tower is designed in the event of failure, to collapse within a more confined distance, and the Planning Commission with adequate consideration of aesthetic circumstances approves. Land included within such minimum required setbacks shall remain undivided and undeveloped with other structures not accessory to the tower.
2. Towers shall be of the freestanding type without guy wires.

3. Accessory structures are limited to uses associated with the maintenance and operation of the tower and may not be located any closer to any property line than thirty (30') feet.
4. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
5. All buffer yard requirements within the zoning ordinance shall be met.
6. All towers shall be equipped with an anticlimbing device to prevent unauthorized access.
7. The plans of the tower construction shall be certified by a registered structural engineer.
8. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
9. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
10. Communication towers in excess of one hundred (100') feet in height above grade level shall be prohibited within a two (2) mile radius of a public or private airport or 1/2 mile radius of a helipad.
11. All facility components accessory to a tower or antenna shall comply with all regular setback requirements for the district in which located. However, in no case shall said accessory components be located within thirty (30') feet of a property line.
12. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
13. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
14. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the Michigan Building Code.
15. All signals and remote control conductors of low energy which extend substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8') feet above the ground at all points, unless buried underground.
16. Towers shall be located so that they do not interfere with reception in nearby areas. If problems occur after construction, the tower owner or lessee shall provide a remedy.
17. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
18. The base of the tower shall occupy no more than five hundred (500) square feet.
19. Minimum spacing between tower locations shall be two (2) miles (without respect to municipal boundaries) in order to prevent a concentration of towers in one area.
20. Height of the tower, including antennae, shall not exceed one hundred eighty (180') feet from grade.
21. Towers shall not be artificially lighted, it being the intent of the Township to encourage the use of towers of such height that does not require lighting which may adversely affect nearby properties. However, if required by the FAA in the future, lighting shall be of the dual mode day/night type (red at night, strobe during the day) and be designed to refract up so as to limit ground scatter to a maximum of seventy-five (75) candela.

22. Existing on site vegetation shall be preserved to the maximum extent practicable.
23. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
24. The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
25. Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Special Use approval will be subject to revocation by the Planning Commission. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
26. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
27. Parking and drive areas must be paved if the property is accessed from a paved county road(s), otherwise they shall be surfaced with 22A gravel. All driveway entrances shall meet the requirements of the St. Clair County Road Commission and a permit shall be obtained from the Road Commission for each driveway entrance.
28. Except for the driveway opening, along the entire perimeter of the tower, including its related structures and fencing, and within the area leased or owned by the applicant, the developer shall plant a landscaping buffer, which the lessee or owner shall subsequently maintain. The buffer, at a minimum, shall consist of two (2) staggered rows of trees that are a minimum of six (6') feet tall when planted with a height at maturity of at least twenty (20') feet. Trees shall be planted on twenty (20') foot centers. Trees shall be eighty (80%) percent evergreens and twenty (20%) deciduous, mixed in species, using only species approved by the American Nurserymen's Association or a similar organization which may be specified elsewhere by Township ordinance.

The Planning Commission may waive this requirement if the site is buffered by adequate existing natural vegetation.
29. The tower shall be removed by the property owner within six (6) months of being abandoned.
30. The policy of the community is to minimize the number of communication towers in the Township. Therefore, the Township shall require the co-location of communication towers. Pursuant to this policy, the following standards apply to communication towers:
 - A. All new and modified communication towers shall be designed and constructed so as to accommodate co-location.
 - B. A special land use permit for the construction and use of a new communication tower shall not be granted unless and until the applicant demonstrates that a feasible co-location opportunity is not already available for the coverage area and capacity needs.
 - C. An antenna(s) with supporting accessory ground equipment and structures (no additional tower) may be co-located on an existing high voltage electric transmission line tower in any zoning district, subject to all requirements of this Section 18.50. The Planning Commission may also consider co-location on other extraordinarily tall structures, such as, but not limited to smokestacks, water towers, and power houses.
31. The following communication facilities are exempt from the above provisions, provided that they meet the requirements of the zoning district in which they are located and provided that the maximum height of these facilities shall be sixty (60') feet:

- A. Citizen band radio facilities
- B. Short wave facilities
- C. Ham and amateur radio facilities
- D. Television reception antennae
- E. Satellite dishes
- F. A farmer's communication system or other similar private communication systems.
- G. Government facilities which are subject to state and federal law or regulations that preempt municipal regulatory authority.

Section 18.51 — Food Processing Facilities:

Food processing facilities may be permitted in an I-2, Heavy Industrial District subject to the following requirements. Also, in some instances, a food processing facility which is strongly reliant on an agricultural product with limited adverse impacts on other agricultural land uses may be permitted in the IA, Intensive Agricultural District subject to necessary controls, limitations, and/or mitigating measures.

Example food processing facilities: livestock feed production, fruit juice & cider pasteurization and packaging, seed drying, sorting, & packaging, preserved fruits and vegetable manufacturing. Slaughter houses, meat packing plants, and other similar uses shall be specifically excluded.

1. These uses may only be located upon a site where abutting lands are zoned for agricultural or non-residential purposes on all sides. For a site zoned for Agricultural purposes all processing buildings, fixed equipment, machinery, and stored raw materials and product shall be located at least five hundred (500') feet from said site lot line(s).
2. The classification of the road from which access is sought shall be determined by the Planning Commission to be appropriate to the scale and nature of the operation proposed. The proposed operation shall be determined not to generate excessive car and/or truck traffic through residential areas.

The operator may be required to file with the St. Clair County Road Commission a bond for maintenance of and dust control on the public road(s) providing access to the site. A truck route may also be designated if determined necessary.

3. Ingress/egress. There shall be not more than one (1) entrance way to the facility property for each five hundred (500') feet of road frontage.
4. Parking. All parking shall be provided as off-street parking within the boundaries of the development.
5. Truck standing/loading. No vehicle shall be permitted to wait or to stand within a dedicated road right-of-way.
6. Such food processing or storage shall not be conducted as to cause the pollution by any material of any subsurface, water course, or waterbody outside the lines of the property on which such use shall be located.

Section 18.52 — Farm Implement Dealers:

New and used farm implement dealers (including heavy truck sales) and showrooms may be permitted in the IA, Intensive Agricultural District and B-2, General Business District subject to the following additional standards:

1. This use may only be located upon a site where abutting lands are zoned for Agricultural or non-residential purposes on all sides.
2. For a site side adjacent to another property zoned for agricultural purposes, all buildings and farm implements & heavy trucks shall be located at least one hundred (100') feet from said site side lot line. All lighting shall be shielded from any residence and the use of open or base bulbs shall be prohibited.
3. The farm implement dealers and showrooms must be located on a site having a frontage on a major thoroughfare of not less than two hundred and twenty (220') feet and an area of not less than five (5) acres.
4. Ingress and egress to the site, including the outdoor sales area, shall be at least sixty (60') feet from the intersection formed by any existing or proposed right-of-way lines, whichever is greater.
5. Major repair and major refinishing shops shall be permitted as accessory when conducted entirely within an enclosed building.
6. 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 farm implements and heavy trucks.

List of Special Approval Uses by District

Name of Use	Section of Ordinance	Districts Where Special Approval Use May Be Allowed
Agricultural Warehousing & Distribution	18.45	AG (IA permitted use)
Airports: -Personal Use Aircraft Landing Fields	18.49	IA, AG, ROS, I-1, & I-2
Amusement & Recreation (Indoor/Outdoor) -Mini-golf/Golf driving Ranges	18.33	B2 & ROS
Auto Race Tracks	18.12	I-2
Bed and Breakfast Establishments	18.18	AG, IA, ROS, RV, R, RM & (B-2 permitted use)
Boarding & Lodging Houses	18.31	RM & tourist homes in ROS (agr. Tourist homes permitted in IA)
Cemeteries	18.43	AG & ROS
Child Care Centers, Nursery School, Day Nursery	18.29	RM, B-1, & B-2
Churches	18.22	AG, RV, R, & RM
Combat Game Areas	18.41	IA, AG, & ROS
Commercial Storage of Vehicles	18.32	AG
Communication Towers	18.50	IA, AG, ROS, B-2, & I-1
Contractors Commercial Vehicles	18.21	AG & IA I-2 permitted use)
Farm Implement Dealers	18.52	IA & B-2
Feedlots & Fur Bearing Animals	18.20	IA
Food Processing Facilities	18.51	IA (permitted in I-2)
Gas, Petroleum Products, or Electrical Transmission Lines	18.10	All Districts
Gasoline Service Stations	18.35	B-2
Golf Courses	18.24	AG, ROS, RV, R, RM, & IA
Government Buildings	18.23	AG, ROS, RV, R, RM, & IA
Group Day Care Homes	18.28	AG, ROS, RV, R, & RM
Gun Clubs, Shooting & Archery Ranges	18.42	IA, AG, & ROS
Horse & Dog Race Tracks	18.13	IA & I-2
Hotels & Motels	18.19	B-2
Junkyards, Auto Salvage/Wrecking Yards, Waste or Scrap Recycling Operations & Refuse Transfer Stations	18.16	I-2
Large Scale Outdoor Recreational Uses	18.26	IA, AG, & ROS
Lumber & Building Material Dealers	18.14	B-2 & I-1 (I-2 permitted use)

Name of Use	Section of Ordinance	Districts Where Special Approval Use May Be Allowed
Mini-Warehouse	18.44	B-2 (permitted use in I-1, I-2)
Motor Vehicle Repair & Service Facilities	18.36	B-2
Motor Vehicle Washes	18.34	B-2
New Auto & Truck Sales & Showrooms	18.37	B-2
Open-Air Display & Sales of Manufactured housings, Motorcycles, Etc.	18.40	B-2
Orphanage, Foster Home, Home for Aged, Indigent, Physically or Mentally Handicapped	18.30	RM
Outdoor Theaters	18.11	B-2, I-1, & I-2
Private, Non-Commercial Recreational Areas	18.25	AG, ROS, RV, R, & IA
Public, Private, or Commercial Stables, Kennels, & Veterinary Clinics	18.27	AG & ROS (permitted use in IA)
Quarries	18.15	IA, AG, & I-2
Restaurants: Drive-In, Fast Food & Carry-Out	18.39	B-2
Medium Solar Energy Systems	20.36	I-A ,B-1, B-2, AG, OS ,I-1, & I-2
Large Solar Energy Systems	20.37	I-1, & I-2
Telephone Exchange & Static Transformer Stations, Gas Regulator Stations & Other Public Utility Buildings	18.17	All Districts
Used Auto & Truck Sales	18.38	B-2

Article XIX	Reserved for Future Use
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General Provisions

Section 20.01 — Scope:

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

Section 20.02 — Accessory Buildings:

Section 20.02 Accessory Buildings

(AMENDED APRIL 7, 2015)

Accessory Buildings are allowed in Residential (R), Residential Village (RV), Agricultural (AG), Intensive Agricultural (IA), and Recreational & Open Spaces (ROS), under the following conditions:

1. An accessory building may be located in a non-required front yard, in a non-required side yard, or in a non-required rear yard, (see appendix Diagrams 18 & 19), provided it is set back at least fifteen feet (15') from any adjacent property lot lines, ten feet from a main building, and all right-of-ways, either private or public.
2. An accessory building may be located in any non-required area of a lot except the front yard area lying between the lines formed by the projected side walls of the main building to the road.
3. An accessory building may not occupy more than twenty-five percent (25%) of a non-required front side yard, non-required side yard, or the non-required rear yard.
4. The accessory building(s) shall be aesthetically compatible in design and appearance with residences in the vicinity and shall have a minimum roof pitch of 4/12.
5. Height Limitation. An accessory building shall not exceed eighteen feet (18') in height, measured at the center of the gable, when in the non-required front side yard or the non-required side yards. (Building Height, Diagram 11).
6. An accessory building may be erected prior to the principle housing, for the purpose of storing construction material for the main structure, as long as the Building Inspector has issued a Building Permit for the main dwelling.
7. Accessory buildings shall be used solely for the purpose of accommodating lawful accessory uses as defined and permitted in the district in which the accessory building is to be located.
8. In a case where the approval of a demolition permit results in a non-conforming lot and/or use, the demolition permit will be issued. The owner of the property will be informed in writing of the non-conforming status of the property when requiring the permit.
9. All Accessory Buildings Must Meet the Health and Safety Guidelines. All accessory buildings shall be designed and constructed to comply with all applicable Federal, State, County, and Township Health, Safety, and Construction codes.

Section 20.03.0 — Review and Preliminary Approval of Manufactured Housing Community Plans

1. Review.

Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community, or construction of any building within the community not previously approved, a plan shall be presented to the Planning Commission for its review and approval.

2. Application.

All plans submitted to the Planning Commission for review under this section shall contain the following information:

- A. Every preliminary site plan submitted for review by the Planning Commission shall be a complete application and in accordance with the requirements of this ordinance. Twenty (20) copies of the preliminary site plan shall be submitted with the application.
- B. The name and address of the property owner and developer.
- C. The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, architectural, or planning firms responsible for the preparation of the site plan.
- D. The date, north arrow and scale. The scale shall not be less than one inch equals fifty feet for property under three acres and at least one inch equals one hundred feet for those three acres or more.
- E. All property lines are to be shown in dimension.
- F. The location and height of all existing structures on and within the subject property, and existing within one hundred feet of the subject property.
- G. The typical location and typical dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, and community buildings.
- H. The location of all proposed open space and recreation areas with written assurance that it meets the requirements of Rule 946 of the Manufactured Housing Commission.
- I. The location of all proposed landscaping and buffering.
- J. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
- K. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
- L. Location of all fire hydrants, if applicable.
- M. The number of manufactured housing sites proposed.
- N. The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal.

- O. Utility and other easements.
- P. Existing wetlands.
- Q. A description of storm water management facilities with written assurance that surface drainage facilities will meet the requirements and standards of Part of the MDEQ (Michigan Department of Environmental Quality).
- R. Proposed sign locations.
- S. A statement of all required setbacks and separation distances.

Provided, however, that detailed construction plans shall not be required to be submitted to the Township.

3. Fee.

Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.

4. Decision.

A. The plan shall be reviewed by the Planning Commission for compliance with the design standards for manufactured housing communities contained in this Chapter, and the regulations of the Michigan Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the Ordinance and regulations, it shall be approved.

B. The plan shall be approved, approved with conditions, or denied within sixty (60) days after received by the Township, unless the applicant consents to allow a longer period of review.

5. A copy of the final construction plan shall be submitted to the Township upon approval by the Michigan Department of Consumer and Industry Services.

6. Noncompliance.

Any substantial noncompliance with the approved preliminary site plan, shall be reported to the Manufactured Housing Division of the Michigan Department of Consumer and Industry Services for remedy along with all pertaining evidence.

Section 20.03.1 — Manufactured Housing Community Requirements

State-licensed manufactured housing communities (also previously known as mobile home parks) are a permitted use in the R-3, High Density Residential District subject to the following requirements. It is the Township's intention to provide for this high density land use in a manner similar to that which other high density residential land uses are accommodated.

1. Site Size.

A fifteen (15) acre site shall be the minimum site size.

2. Access and Roads.

A. The proposed site location shall be governed by the requirements of Section 11 of the Mobile Home Commission Act and Rule 920(1)(b) of the Manufactured Housing Commission Rules.

- B. Two access points shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall be interpreted as satisfying this requirement.
- C. All internal roads shall be constructed of concrete or bituminous asphalt and be supported by a suitable sub-grade in compliance with the standards of the American Association of State Highway and Transportation Officials (“AASHTO”).
- D. Maximum cul-de-sac length shall be one thousand (1,000’) feet. A blunt-end road is prohibited. An internal road that has no exit at one end shall terminate with an adequate turning area which is to be approved by the local fire ordinances. Parking shall not be permitted within the turning area.
- E. Safe-sight distance shall be provided at intersections.
- F. An offset at an intersection or an intersection of more than two internal roads is prohibited.
- G. The following types of internal roads shall have driving surfaces that are not less than the following widths:
 - i. One-way, no parking..... 16 feet
 - ii. Two-way, no parking..... 21 feet
 - iii. One-way, parallel parking, one side..... 23 feet
 - iv. One-way, parallel parking, two sides..... 33 feet
 - v. Two-way, parallel parking, one side..... 31 feet
 - vi. Two-way, parallel parking, two sides..... 41 feet
- H. All entrances to communities that have 300 or more home sites shall be a minimum of 30 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community’s internal road, and shall be constructed as follows:
 - i. All turning lanes shall be a minimum of 10 feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.
 - ii. The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
 - iii. The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road with a curved line that has a minimum radius of 15 feet. The intersection of the public road and the ingress and egress road shall not have squared corners.
 - iv. Entranceway structures, including but not limited to, walls, columns and gates marking the entrance to a manufactured housing community, may be permitted, and may be located in a required setback, except that required Clear Vision Areas as provided under Section 20.09 shall be maintained. Such entranceway structure(s) shall comply with the Michigan Building Code. A driveway permit shall be obtained from the St. Clair County Road Commission and must approve such proposed entranceway structures if located within the public road right of way.
- I. An orderly street name system and unit numbering system shall be established by the community owner and the plan of such system approved by the Township Fire Department. Manufactured home space numbers shall be located uniformly on each space, housing unit, or identification marker, throughout the community, and street names shall be adequately marked at all internal road intersections.

- J. Appropriate traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.
3. Driveways.
- A. Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials.
 - B. The minimum width of driveways shall be 10 feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.
4. Resident Vehicle Parking.
- A. All home sites shall be provided with two (2) parking spaces.
 - B. If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:
 - i. The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable sub-grade in compliance with the standards of AASHTO.
 - ii. The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than 10 feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the two parking spaces shall not be less than 19 feet and the length shall be not less than 20 feet.
 - iii. If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within 30 feet of the home site and each parking space shall have a clear parking width of 10 feet and a clear length of 20 feet.
 - iv. If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.
5. Visitor Parking Facilities.
- A. A minimum of one parking space for every three home sites shall be provided for visitor parking.
 - B. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.
 - C. If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.
6. Sidewalks.
- A. Public Sidewalks. Concrete sidewalks, five (5') feet in width, shall be required along that portion of a community fronting along public road(s). Such sidewalk shall be located within the road right-of-way or easement, beginning one (1') foot inside the right-of-way line.
 - B. Sidewalks shall be constructed in the community and maintained for the safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. Sidewalks shall be installed along one side of all internal collector roads within the community and to the public right-

of-way and to all service facilities including but not limited to central laundry, central parking, and recreation areas.

- C. All sidewalks shall be constructed in compliance with all of the following requirements:
 - i. Sidewalks shall have a minimum width of 4 feet and shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 *et seq.* of the Michigan Compiled Laws, an act which regulates sidewalks for handicappers.
 - ii. All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.
 - D. An individual sidewalk with a minimum width of 3 feet shall be constructed between at least one entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or the common sidewalk.
 - E. No portion of any off-street parking area shall be considered part of the sidewalk system.
7. Lighting.
- A. Access points shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.
 - B. At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than 0.15 foot candle.
 - C. Internal roads, parking bays, and sidewalks shall be illuminated at not less than 0.05 foot candle.
 - D. If a community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot candles on any entry on the directory.
8. Utilities required to be constructed by Developer.
- A. All electrical, telephone, cable television, natural gas, and other utility services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, each meter shall be located in a uniform manner on each housing site.
 - B. All manufactured housing sites and all other buildings within the community shall be connected to the water system of the Township, if it is available to the community, or to another state-approved system. The community water system shall conform to Part 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards.
 - C. Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of the fire code. There shall be no more than 500 feet between hydrants as measured along adjacent roadways within the community.
 - D. All manufactured housing sites and all other buildings within the community shall be connected to the public sanitary sewage system of the Township, if it is available to the community within 200 feet at the time of preliminary site plan approval. If a public sewer system is unavailable, the proposed development shall connect to a state-approved sewage system. The community's sanitary sewage system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards.

- E. All storm sewers shall be constructed in accordance with Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards. Additional requirements for a community may be established by the St. Clair County Drain Commissioner, pursuant to Section 11(3) of Public Act 96 of 1987, as amended.
9. Individual Home Site Size, Spacing, Setback, and Fence Requirements and Pool Location.
- A. Home Site Area. The manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. This 5,500 square feet average may be reduced by twenty (20%) percent provided that each individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code, and Section 20.03.1, 11. (Open Space Requirements) of this Chapter.
 - B. Required Distances Between Homes and Other Structures.
 - i. Home sites shall be arranged to allow for, and manufactured homes shall be located to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:
 - a. For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes.
 - b. For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
 - c. 10 feet from either of the following:
 - (1) The parking space on an adjacent home site.
 - (2) An attached or detached structure or accessory of an adjacent home that is not used for living purposes.
 - d. 50 feet from permanent community-owned structures, such as either of the following:
 - (1) Club houses.
 - (2) Maintenance and storage facilities.
 - e. 100 feet from a baseball or softball field.
 - f. 25 feet from the fence of a swimming pool.
 - ii. Attached or detached structures or accessories that are not used for living space shall be a minimum of 10 feet from an adjacent home or its adjacent attached or detached structures.
 - iii. Any part of an accessory structure, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures shall be set back the following minimum distances:
 - a. 10 feet from the edge of an internal road.
 - b. 7 feet from a parking bay off a home site.

- c. 7 feet from a common sidewalk.
 - d. 25 feet from a natural or man-made lake or waterway.
- iv. A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side:
- a. Support pillars that are installed adjacent to the edge of an internal road shall be set back 4 feet or more from the edge of the internal road or 2 feet or more from the edge of a sidewalk.
 - b. Roof overhangs shall be set back 2 feet or more from the edge of the internal road.
- v. Steps and their attachments shall not encroach into parking areas more than 3 ½ feet.

C. Setbacks from Property Boundary Lines.

- i. Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the community.
- ii. If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line.

D. Fences on Individual Home Sites.

Fences on individual home sites shall be uniform in height, not-to-exceed thirty-six (36") inches, and shall be constructed in such a manner as to provide firefighters an access to at least two (2) gates.

E. Pool Location. Free standing swimming pools, spas, hot tubs and similar devices shall not be located between any home and roadway. Swimming pools, spas, hot tubs and similar devices are further regulated under Section 20.29. Swimming pools, if provided, shall be in compliance with Act 368 of the Public Acts of 1978, as amended, and the rules promulgated thereunder.

10. Screening/Landscaping: Manufactured housing communities shall provide the following screening, buffering and landscaping:

- A. If a manufactured home development abuts an existing residential development, the development shall provide screening along the boundary line abutting the adjacent development, if not in conflict with existing utilities.
- B. In all cases, a community shall provide screening along the boundary abutting a public right-of-way.
- C. The landscaping shall consist of evergreen trees or shrubs which are spaced so they provide a continuous screen at maturity.
- D. Landscape material shall consist of evergreen trees a minimum of four (4') feet in height at installation and evergreen shrubs a minimum of three (3') feet in height at maturity.
- E. Alternative screening techniques (earth berms, fences, etc.) may be approved by the Planning Commission based upon a landscape plan for the site if they conceal the manufactured home development as effectively as the required landscaping described above.
- F. Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing

soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.

11. Open Space Requirements.

- A. A community that contains 50 or more sites shall have not less than two (2%) percent of the community's gross acreage dedicated to designated open space, but in no case less than 25,000 square feet. At least one-half of the required open space, up to two (2) acres, shall be dedicated to community recreation uses, such as, but not limited to, picnic areas, athletic fields, playgrounds, walking trails, basketball courts, and lawn game areas.
- B. Required setbacks may not be used in the calculation of open space area. No part of a waste water lagoon(s) and any appurtenances thereto shall be considered a part of any required open space.

12. Site Constructed Buildings, Dwellings, and Additions to Manufactured Homes.

- A. Site constructed buildings within the community such as community buildings or laundries, but not including manufactured homes and their HUD approved accessory buildings, shall be reviewed by the Township at the time of submission for a building permit under the Michigan Building Code, unless approved as part of the original plan for the community.
- B. The maximum height of any community or similar building shall not exceed 35 feet, or two stories in height, whichever is less. Storage or service buildings shall not exceed 15 feet, or one story in height.
- C. Community or service buildings shall not be located adjacent to an adjoining parcel that is either zoned or developed for single-family residential purposes, unless wall or greenbelt (Sec. 20.15) is provided for that area.
- D. Site-built single-family dwellings may be located in a community as follows:
 - i. One single-family dwelling may be permitted for the exclusive use of the community owner or manager in a community of 30 acres or less.
 - ii. Two single-family dwellings may be permitted for the exclusive use of the community owner, manager, or caretaker in a community in excess of 30 acres.
 - iii. Any such single-family dwellings permitted under this section shall comply in all respects with the requirements of single-family dwellings in the "RV", Residential Village District.
- E. Any addition to a manufactured home unit that does not comply with the standards of the U.S. Department of Housing and Urban Development for manufactured homes and any site built garages or carports shall comply with the Michigan Building Code. A carport or garage shall not exceed five-hundred and seventy-six (576) square feet.

13. Signs.

There shall be a maximum of one sign per road frontage with an entrance which shall bear only the name of the community. The sign may be lighted, provided that the source of the light is not visible and is not of the flashing or intermittent type. One sign, not exceeding 32 square feet in area shall be permitted for the first entrance provided to the community. For multiple entrances, a 16 square foot sign shall be permitted at each entrance after the first. Signs may be doubled-faced, but each side of the sign shall have identical copy and be flush with the other side. Signs shall not exceed eight (8') feet in height.

Signs purely for traffic regulation and direction within the manufactured housing community may be utilized as required.

14. RV Storage.

If boats, boat trailers, and utility trailers are permitted to be parked within the manufactured housing community, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this ordinance and shall be adequately locked, fenced and permanently buffered.

Such storage shall not be located adjacent to an adjoining parcel that is either zoned or developed for single-family residential purposes, unless wall or greenbelt (Sec. 20.15) is provided for that area.

15. Severe Weather Warning and Storm-Fallout Shelter.

A manufactured housing developer shall comply with Manufactured Housing Commission Rule 706:

R 125.1706 Severe weather warning; shelters.

Rule 706. Immediately upon occupancy, the (manufactured housing) community shall provide each community resident with written information indicating whether the local government provides a severe weather warning system or designated shelters and, if provided, describing the system and giving the nearest shelter location.

16. Compliance with Regulations.

The design, layout, construction and use of a manufactured housing community shall in all other respects comply with the regulations on the design, construction and use of manufactured housing communities, the sale and leasing of manufactured housing lots and all other aspects of the construction and use of manufactured housing communities, as set forth in the rules of the Michigan Manufactured Housing Commission, as amended from time to time.

Section 20.03.2 — Manufactured Homes Within Manufactured Housing Communities: Operation Of Communities.

1. Home Size.

Manufactured homes within a community shall not contain less than 760 square feet of area, as measured by the outside dimensions, nor have an outside width of less than 13 feet.

2. Installation.

The installation of manufactured housing on each site within the community shall conform to the requirements of Rule 602 and Rule 602A of the Manufactured Housing Commission Rules. All utility connections to homes within the community shall be performed in accordance with the requirements of Rule 603 of the Manufactured Housing Commission Rules.

3. Skirting shall be installed around all manufactured housing units and meet all of the following requirements:

A. All skirting shall be installed prior to the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed 90 days. All skirting shall meet the requirements established by the rules of the Michigan Manufactured Housing Commission.

- B. Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the under-body from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.
4. Storage of Personal Property.
- A. Except as otherwise noted in this Ordinance, no personal property, including tires, shall be stored outside or under any manufactured housing, or within carports which are open on any side. Towing mechanisms, including axles, are not subject to this provision.
 - B. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on either a finished wooden deck, a concrete or bituminous asphalt patio or equivalent type of surface associated with the home.
 - C. Storage sheds with a maximum area of one hundred forty-four (144) square feet may be placed upon any individual manufactured housing site for the storage of personal property.
5. Towing Mechanisms: Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however be stored under manufactured homes within a community.
6. Use: A manufactured home shall be used only as a single family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured housing community.
7. Vehicle Repair/Inoperable Vehicle Storage: No major vehicular repair, changing of oil or use of other potentially hazardous materials or procedures is permitted within the community. Further, no vehicles which are inoperable for a period of 72 consecutive hours shall be stored and/or remain in any outdoor area associated with the developed community property. Also See Section 20.30.
8. Occupancy: No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary, prior to building official inspection and approval.
9. Manufactured Home Sales: New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed dealer or broker, provided that manufactured housing development management permits the sale, pursuant to Section 28A of the Mobile Home Commission Act, Act 96 of 1987 as amended.
10. Community Maintenance: The owner or operator of any community shall be responsible for all private street maintenance within the confines of the community and shall be responsible for all snow removal within the confines of the community and shall be responsible for picking up trash and garbage within the confines of the community.
11. Storage of Combustible Items: Individual fuel oil, liquid petroleum, or other fuel tanks or combustible personal property shall not be permitted to be stored in or under any home.
12. Garbage Containers: Each home site shall be provided with approved garbage containers that meet the requirements of the Manufactured Housing Commission. The containers shall be kept in sanitary conditions at all times. It shall be the responsibility of the community operator to

ensure that all garbage containers do not overflow and to ensure that all areas within the community are maintained free from any trash or other discarded materials.

13. Fire Extinguishment Equipment: Every community shall be equipped with fire extinguishment equipment in good working order, with type, size and number so located as to be in compliance with Rule 702A of the Manufactured Housing Commission Rules. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with the regulations of the State Police Fire Marshal Division.

Section 20.04 — Facing Materials:

In any case where a building or accessory building in the Light Industrial District is erected or placed within two hundred (200') feet of the front lot line of any parcel of land fronting upon any public street, the front walls of said building or accessory building within said distance of two hundred (200') feet shall be constructed of stone, face brick, or approved ornamental material, and no building so situated shall be constructed of tarred paper, tin, corrugated iron, or any form of pressed board or felt or similar material within the limits herein specified. Open outdoor storage uses shall be permitted only in the Heavy Industrial District.

Section 20.05 — Public Lot Split Roads

New public roads to be accepted into the county road system, not built pursuant to the Subdivision Control Act or the Condominium Act, shall comply with St. Clair County Road Commission procedures for plat street development.

Section 20.06 — Development in Floodplains and Floodways:

All development within floodplains and/or floodways as identified by the Federal Emergency Management Agency (FEMA) shall be regulated and shall comply with all provisions of Wales Township Ordinance No. 23, as amended.

Section 20.07 — Buildings to Be Moved:

Any building or structure which has been wholly or partially erected on any premises located within the Township shall not be moved to and placed upon any other premises in this Township until a government permit for such removal shall have been secured from the Building Inspector. Any such building or structure shall fully conform to all the provisions of the Ordinance in the same manner as a new building or structure.

Section 20.08 — Conflicting Regulations:

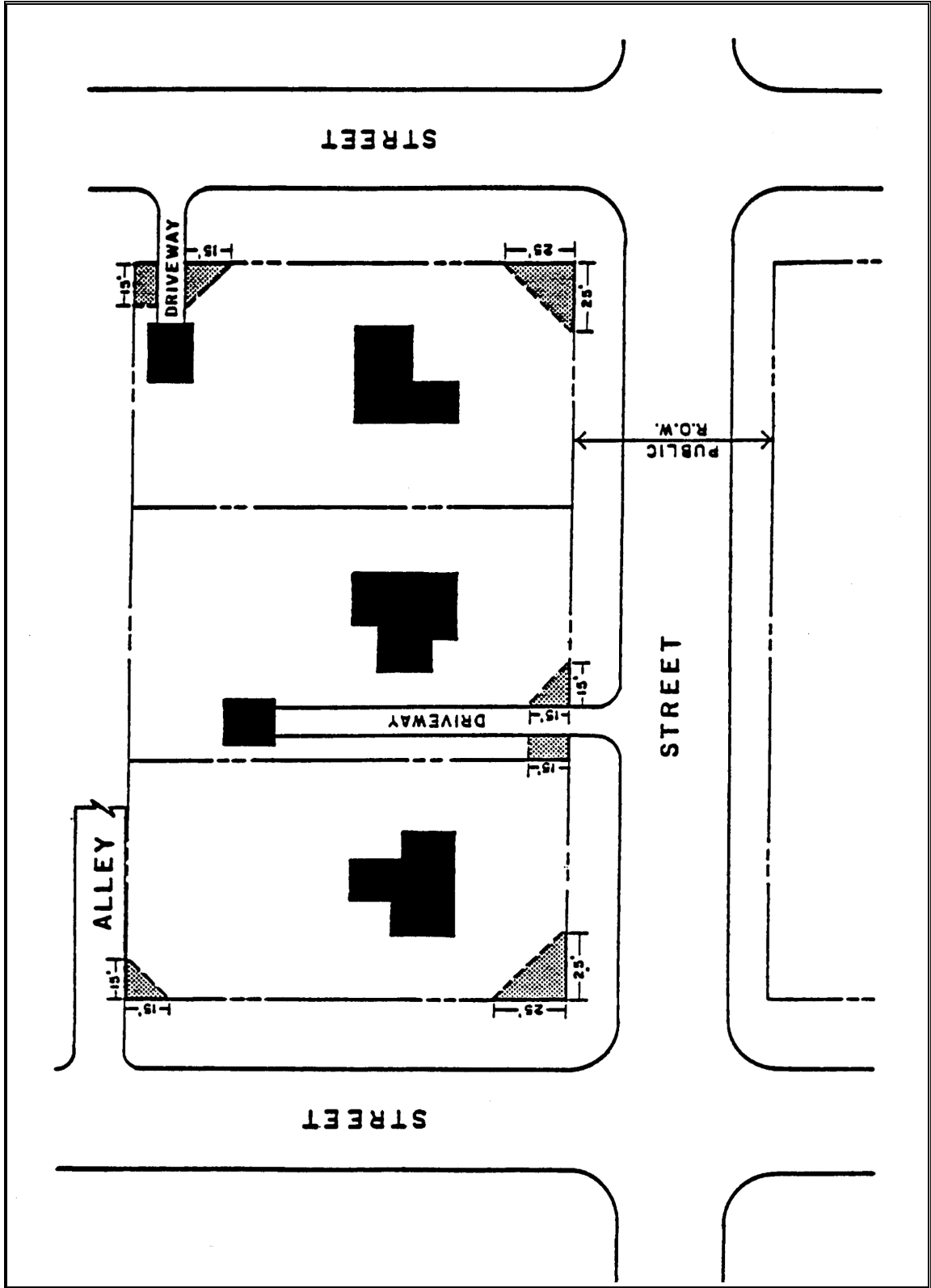
WHENEVER any provisions of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

Section 20.09 — Corner Clearance:

So as not to obstruct the view of a driver of a vehicle approaching the intersection, no fence, structure, wall, shrubbery, sign, or other obstruction to vision above a height of thirty (30") inches from the established street grades shall be permitted within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25') feet from the intersection of the street lines.

In the case of a rounded property corner, no fence, structure, wall, shrubbery, sign, or other obstruction to vision above a height of thirty (30") inches from the established street grades shall be permitted within the triangular area formed by street property lines extended and a line connecting them at points twenty-five (25') feet from the intersection of the street property lines extended.

Diagram 3: Corner Clearance



Shade trees shall be permitted where all branches are not less than eight (8') feet above the road level.

Section 20.10 — Corner Lots:

THE following shall apply to the AG, RV, and R Residential Districts. Where a side yard abuts upon a street on which other residential lots front, the side yard width shall not be less than the required front yard setback. This shall apply whether the side yard is on the same side of the street or across the street from such other fronting residential lots. All buildings, structures and accessory uses shall maintain such required yard space. (See Section 16.02, footnote "A".)

Section 20.11 — Excavations or Holes:

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

Section 20.12 — Exterior Lighting:

1. All outdoor lighting in all Use Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
2. All outdoor lighting in all Use Districts shall be directed toward and confined to the ground areas of lawns or parking lots.
3. All lighting in non-residential districts used for the external illumination of buildings, so as to feature said building, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
4. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
5. There shall be no flashing, oscillating or intermittent type of illuminated sign or display in any residential district or within one hundred (100') feet of any residential district, street intersection or railroad intersection with a street.
6. *Maximum Permitted Height.* Within all developments, the height of light standards shall not exceed thirty (30') feet for parking lots and private roadways, nor fifteen (15') feet for pedestrian ways. These restrictions shall not apply in the industrial district where, except as otherwise permitted, the height of light standards shall be limited to the height limit for structures in the district.

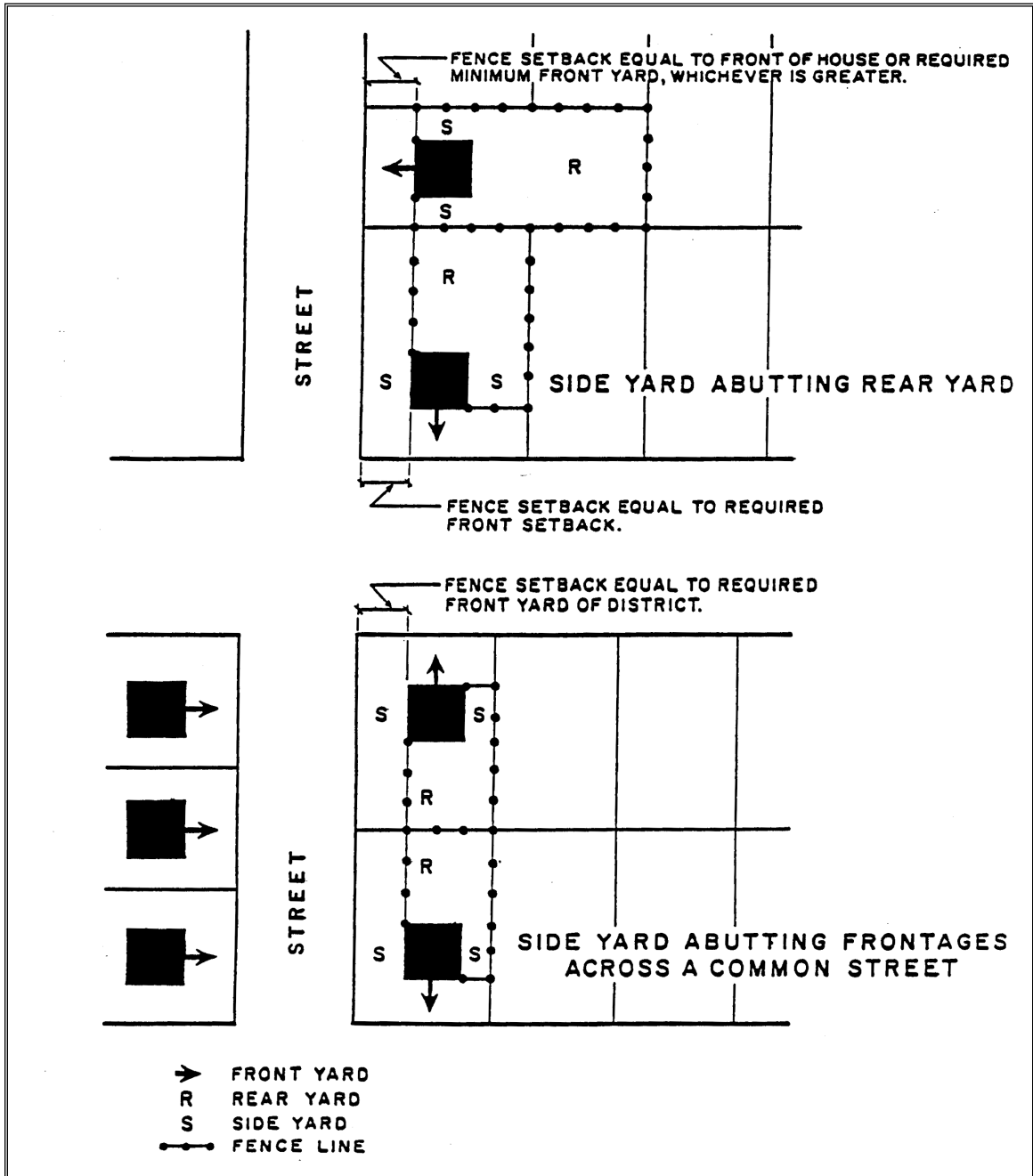
Section 20.13 — Fences, Walls, and Other Protective Barriers:

All fences of any nature, type or description including walls, hedges and other protective barriers shall conform to regulations below. These regulations address the type, characteristics, and maintenance of fences, walls, and other protective barriers, **but not property line boundaries**. Location of property line boundaries shall be deemed strictly a civil matter to be agreed to, factually

established, and/or disputed by the interested parties as provided by law. In the event of a property line boundary dispute, the applicant is advised to either first resolve the dispute or propose fence placement far enough within their own property such that it is unlikely to be alleged and substantiated as a boundary fence (by adverse possession). In the event of dispute, the applicant is advised to consult their own private attorney, land surveyor, or other professional help.

1. Agricultural Uses in any District.
 - A. Fences for bona fide agricultural uses such as enclosure of crop and pasture land in any zoning district are permitted and may be located on road right-of-way lines of a parcel of land provided such fences are maintained in good condition.
 - B. Barbed wire and electric fences are permitted provided that they do not result in an unreasonable hazard.
 - C. No permits shall be required for fencing for bona fide agricultural uses such as enclosure of crop and pasture land.
2. Single-Family and Two-Family Residential Uses in any District (including the AG, Agricultural Districts, but not IA, Intensive Agricultural Districts).
 - A. Fences may be erected along an asserted or agreed to line dividing lots or parcels or may be located within any yard provided they are not more than seven (7') feet or less than three (3') feet in height above the grade of the surrounding land and may be of closed construction. (Closed construction is defined as any construction which obstructs vision to a degree exceeding fifty (50%) per cent of the surface area of such fencing.)
 - B. All fences shall be of a type, material, and finish which is customary for the type of development in question and which is aesthetically compatible with development in the surrounding vicinity, as determined by the Zoning Administrator. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of the fence, or any electric current or charge (except low voltage) in said fences is prohibited.
3. Multiple-Family Residential (except Manufactured Housing Communities, See Sections 20.03.0, 20.03.1 & 20.03.2), Commercial, Industrial, Public Utility, Institutional, and Public Uses in any District.
 - A. All fences in connection with multiple-family residential, commercial, industrial, public utility, and public uses shall require approval by the Planning Commission as part of a site plan review. Such fences shall not be located in the required front yard, nor enclose a required parking area.

Diagram 4: Residential Fence Setbacks



- B. All fences shall be of an enclosure type. Barbed wire cradles may be placed on top of fences enclosing:
- i. permitted rear yard storage in the B-2, General Business District or in the I-1, Light Industrial District,
 - ii. permitted rear and side yard storage in the I-2, Heavy Industrial District, and
 - iii. Municipal or public utility buildings when deemed necessary in the interests of public safety by the Planning Commission.

4. Recreational and Miscellaneous Uses. The type and location of fencing for recreational uses such as, but not limited to, gun clubs, hunt clubs, golf courses, campgrounds, public and private parks, other similar uses and miscellaneous uses not otherwise provided for herein shall be subject to the review and approval of the Planning Commission.
5. Structural Members. Any exposed horizontal and vertical structural members of a fence shall be located facing the inside of the property they are intended to fence, except in the case of agricultural fences.
6. Permit Required. Prior to erection of a fence, permitted under subsections 16.12 (2) through (5) above, a permit shall first be obtained from the Zoning Administrator. Permit approval shall not be construed to approve any property line boundary. Permit fees shall be established by the Township Board.
7. Fences greater than 52" in height and 1/4 mile in length, shall further comply with all MDNR restrictions.

Section 20.14 — Reserved for Future Use

Section 20.15 — Greenbelts, Obscuring Walls, Berms:

1. For those use districts and uses listed hereinafter, there shall be provided and maintained, on those sides abutting or adjacent to a residential district or an existing dwelling, an obscuring masonry wall required as follows (USE = bold type/MINIMUM REQUIREMENTS = following in light type)
 - A. **Multiple-Family Dwelling Uses:**
6'- 0" high masonry wall, except that no wall is required when adjacent property is also multiple-family or manufactured housing community.
 - B. **Manufactured Housing Community Uses:** See Section 20.03.1, Subsection 10 for general Screening/Landscaping requirements. Community or service buildings and RV storage shall comply with Section 20.15.1.A. immediately above.
 - C. **General Business District:** 6'- 0" high masonry wall
 - D. **Industrial Districts:** 6'- 0" high masonry wall
 - E. **Off-street Parking Lot:** 6'- 0" high masonry wall
 - F. **Hospital Ambulance and Delivery Areas, Funeral Home Loading and Unloading Areas:**
6' high masonry wall
 - G. **Utility Buildings, Stations and/or Substations:**
6' high masonry wall
2. For those use districts and uses listed in Section 20.15, 1. The Planning Commission may permit, in lieu of an obscuring masonry wall: an obscuring landscaped earth berm (earth mound); or landscaped greenbelt of at least fifteen (15') in width. Where such earth berm is provided in lieu of a wall, the berm shall be landscaped and maintained in a clean, orderly, and growing condition and shall meet the following minimum design standards: (See also sketches on following pages).

Diagram 5: Walls

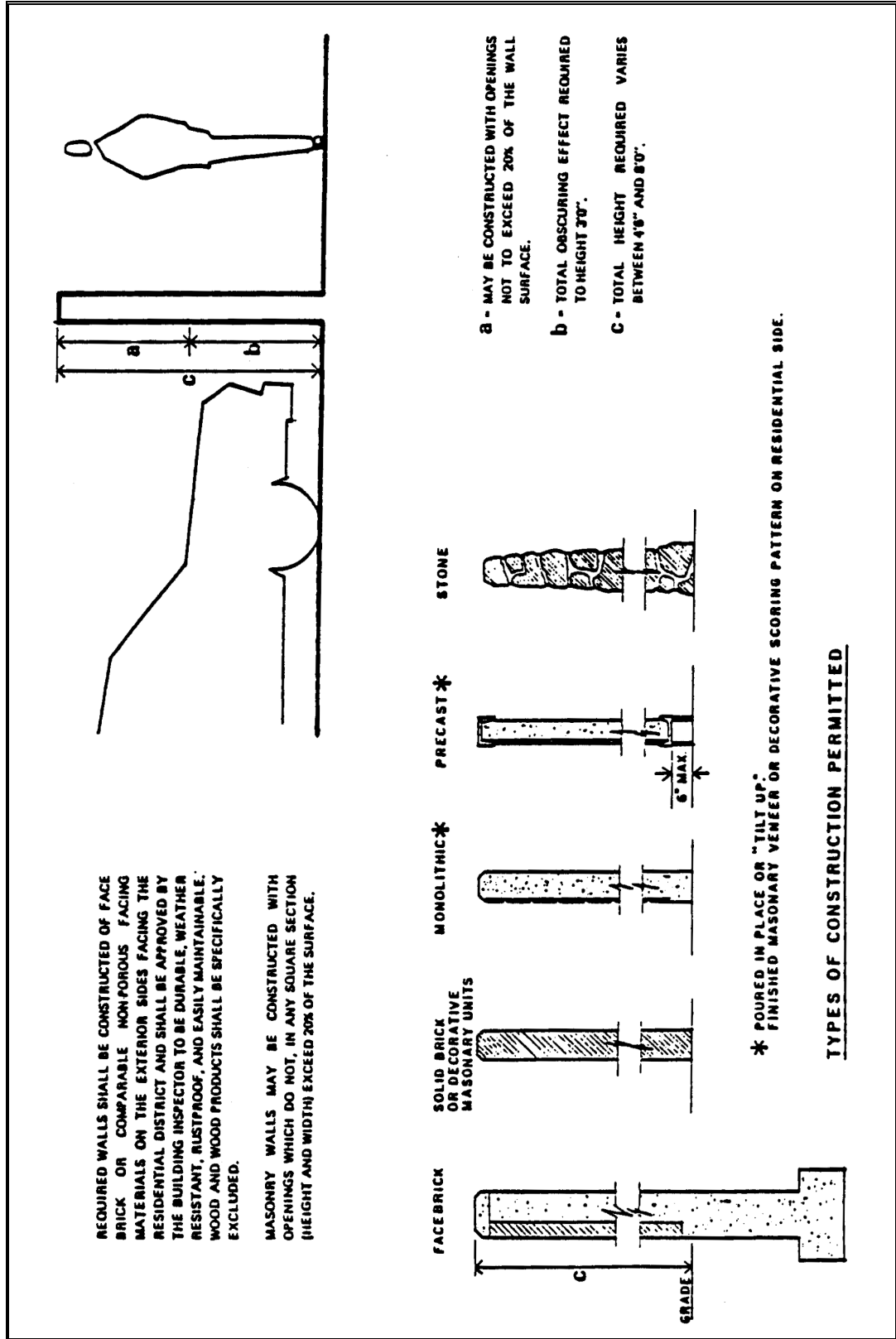
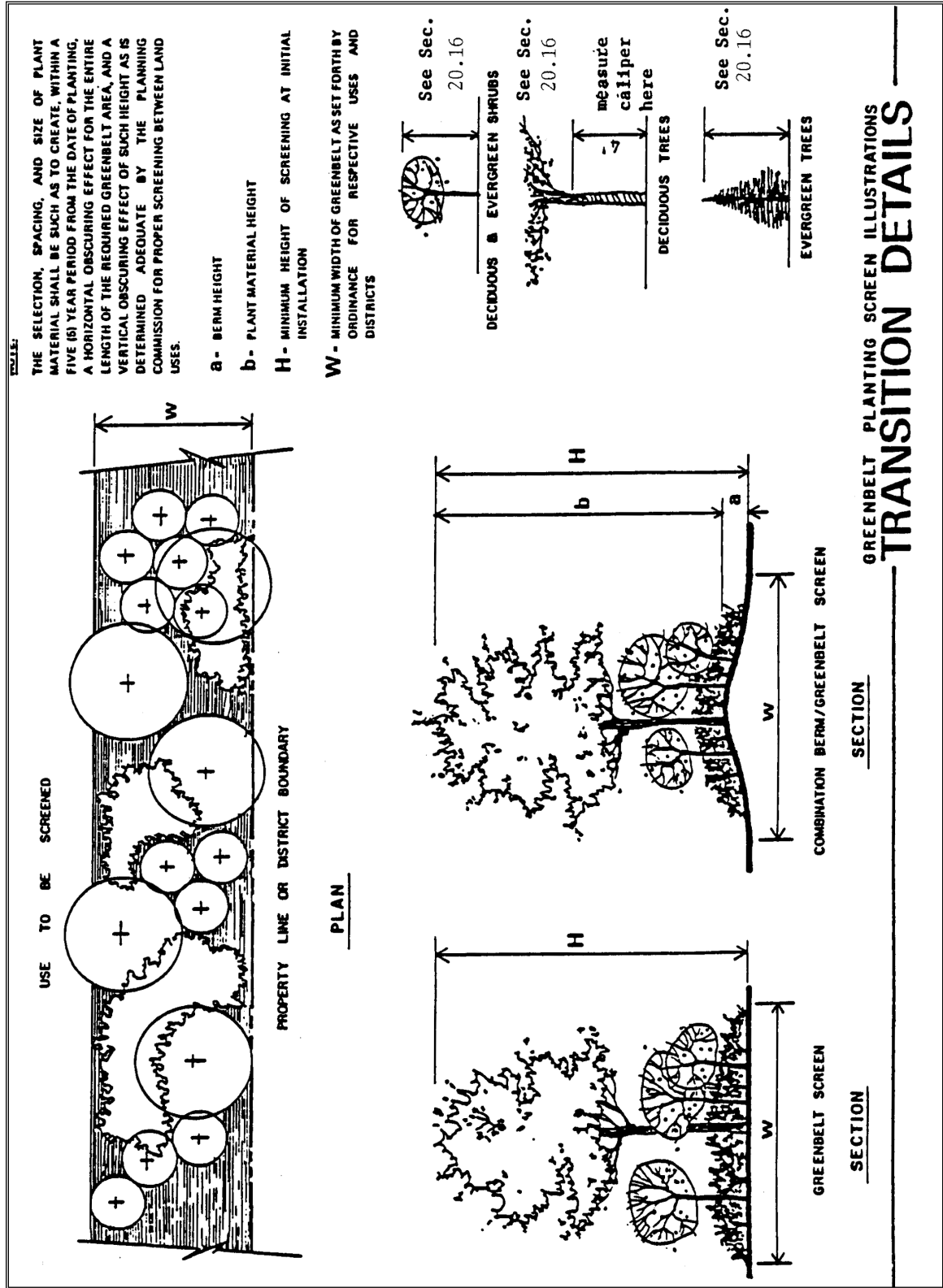


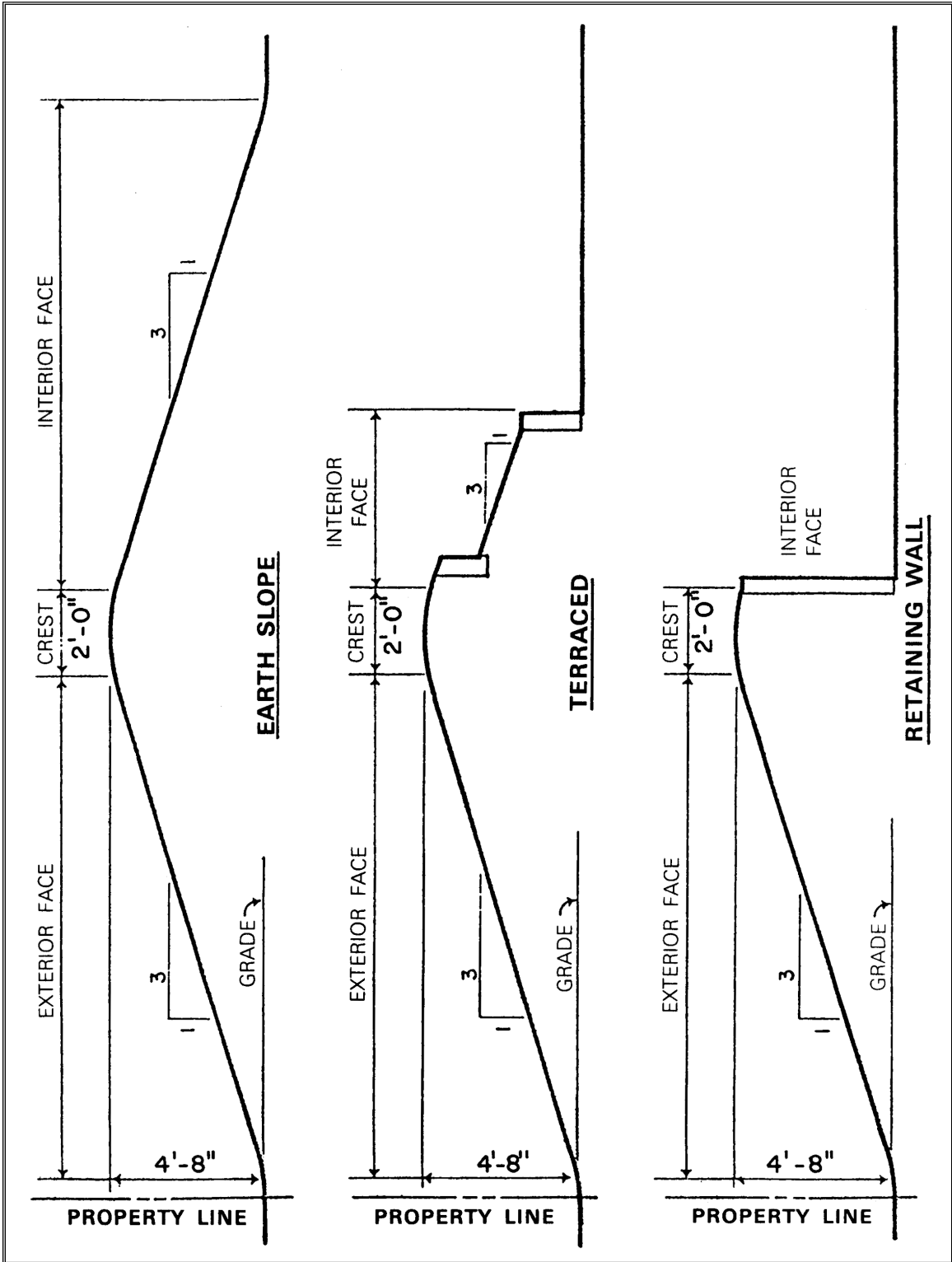
Diagram 6: Greenbelts



- A. Continuous earth berms shall be provided with undulating horizontal and vertical tops and sides, the height of which shall be no less than required for a wall in the district. Earth berms may consist of opaque screen plantings within the horizontal berm depressions or

masonry walls or a combination of both as long as the minimum required height of the earth berm, plantings, wall or combinations thereof are provided.

Diagram 7: Berm Illustrations



B. Berms shall be landscaped earth mounds possessing a maximum slope ratio of three (3) to one (1) (three (3') feet of horizontal plane for each one (1') foot of vertical height). Side

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

- C. Berm or earth mounds shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected with a straw mulch held in place by jute netting until the seed germinates and a permanent lawn is established. The straw mulch is not required if the seeded slope is protected by a net which is specifically designed to control erosion. The berm area shall be kept perpetually free of weeds, refuse, debris and general clutter and shall be planted with shrubs, trees or lawn and shall be continuously maintained in a healthy growing condition. Failure to maintain the earth berm in accordance with these requirements shall constitute a violation of this Ordinance.
 - D. In those instances where the Planning Commission permits an earth berm or landscaped greenbelt in lieu of a wall, a detailed drawing of the proposed berm or greenbelt shall be submitted in addition to the site plan.
3. Required walls, earth berm or greenbelt shall be located as near as possible to the lot lines, except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts.

When vehicles or open air display generally exceed a five (5') foot height, said wall shall be increased to a height not exceeding ten (10') feet, as determined by the Planning Commission.

4. Such walls, earth berm and/or greenbelt shall have no openings for vehicular traffic or other purposes except as otherwise provided in this subsection 20.15(4) and subsection 20.15(8) below.

All walls herein required shall be constructed of face brick or other approved materials as shown in the illustrations accompanying this Section. All materials shall be approved by the Planning Commission to be durable, weather resistant, rustproof and easily maintained; wood or wood products shall be specifically excluded.

Masonry walls or earth berm may be constructed with openings which do not, in any square section (height and width) exceed twenty (20%) percent of the surface. Where walls or earth berms are so pierced, the openings shall be spaced so as to maintain the obscuring characteristic required and shall not reduce the minimum height requirement. The arrangement of openings shall be reviewed and approved by the Planning Commission.

5. Upon review of the site plan, the Planning Commission may waive any part or all of the wall, earth berm or greenbelt requirements, if it is determined that the intended screening effect of the wall, earth berm or greenbelt would serve no useful purpose.
6. If the Planning Commission should determine that a residential district may be a future nonresidential area, temporary waiver of the requirements of Section 20.15, for an initial period not to exceed one (1) year may be granted, provided that escrow money or surety bond in the amount of the estimated cost for erection of the wall or earth berm is filed with the Township for a period not to exceed five (5) years. Granting of waivers, subsequent to the first waiver may be permitted.
7. *Residential Property across Alley.*
- A. Any General Commercial or General Industrial District which a drive-in business, open air display, parking lot or other open use is conducted shall be separated along its entire length from any adjacent residentially zoned district, located across a public alley of not less than twenty (20') feet wide, by either a building housing a permitted use or by a solid decorative masonry wall five (5') feet in height above grade located, preferably on the residential side of said public alley as provided in paragraph b below. Greater wall height may be required as determined by the Planning Commission.

- B. Required walls may, upon approval of the Planning Commission, be located on the opposite side of an alley right of way from a nonresidential zone that abuts a residential zone upon agreement with affected property owners. Such agreements shall be indicated on the site plan and recorded as a covenant upon the land. The continuity of the required wall on a given block will be a major consideration of the Planning Commission in reviewing such requests.
8. *Openings in Walls, Berms, Greenbelts.* Where required walls, berms, or greenbelts are provided on the business side of public alleys, requirements may be waived to provide necessary entrance to or exit from required off-street parking and loading areas, provided approval is secured from the Planning Commission as to suitability of width and location of such openings.
9. *Bond.*
- A. A bond or cash in an amount equal to the cost of construction of the required wall, earth berm, or greenbelt shall be deposited with the Township Clerk until such time as the screening device is constructed and/or planted. In the event that weather or seasonal conditions prevent transplanting, the petitioner shall be granted six (6) months from the date of issuance of certificate of occupancy to install said screening device or the Township shall be authorized to use said funds to install said screening device.
 - B. In the case of a earth berm or a greenbelt, the Township shall be authorized to withhold twenty (20%) percent of the bond or cash for a period of two (2) years from the date of issuance, to insure that dead or dying nursery stock shall be replaced. Excess funds, if any, shall be returned to the depositor upon completion of the two (2) year period. It shall be the responsibility of the property owner to maintain the greenbelt for its original intent and purpose.

Section 20.16 — Plant Materials:

- 1. Whenever in this ordinance a landscaped greenbelt or earth berm is required, it shall be planted prior to the issuance of a Certificate of Occupancy. If the development is not completed within a growing season, a temporary Certificate of Occupancy shall be issued for a one (1) year period and a bond posted of sufficient amount to ensure that the earth berm or greenbelt will be completed in accordance with Ordinance provisions. (For general requirements for Manufactured Housing Communities See Section 20.03.1, Subsection 10 Screening/Landscaping.)
- 2. Suitable plant materials as listed below, or equal in characteristics to these materials, with the spacing as required shall be provided.
 - A. Plant Material Spacing
 - i. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
 - ii. Where plant materials are planted in two (2) or more rows, planting shall be staggered in rows.
 - iii. Evergreen trees shall be planted not more than thirty (30) feet on centers.
 - iv. Narrow evergreens shall be planted not more than three (3) feet on centers.

- v. Deciduous trees shall be planted not more than thirty (30') feet on centers.
- vi. Tree-like shrubs shall be planted not more than ten (10') feet on centers.
- vii. Large deciduous shrubs shall be planted not more than four (4') feet on centers.

3. Approved Plant Materials. Minimum Height

A. Evergreen Trees *Five (5') feet*

- i. Juniper
- ii. Hemlock
- iii. Fir
- iv. Pine
- v. Spruce
- vi. Douglas Fir

B. Narrow Evergreens *Five (5') feet*

- i. Column Honoki Cypress
- ii. Blue Columnar Chinese Juniper
- iii. Irish Yew
- iv. Pyramidal Red-Cedar
- v. Swiss Stone Pine
- vi. Douglas Arbor-Vitae
- vii. Columular Giant Arbor Vitae
- viii. Pyramidal White Pine

C. Tree-like Shrubs *Six (6') feet*

- i. Flowering Crabapple
- ii. Mountain Ash
- iii. Dogwood
- iv. Redbud
- v. Rose of Sharon
- vi. Hornbeam
- vii. Hawthorn
- viii. Magnolia
- ix. Russian Olives

D. Large Deciduous Shrubs *Six (6') feet*

- i. Honey Suckle
- ii. Viburnum
- iii. Mock Orange
- iv. Forsythia

- v. Lilacs
- vi. Ninebark
- vii. Cottoneaster
- viii. Hazelnuts
- ix. Evonymus
- x. Privet
- xi. Buckthorn
- xii. Sumac

E. *Large Deciduous Trees* *3"- 4" caliper*

- i. Oaks
- ii. Hard Maples
- iii. Ash
- iv. Hackberry
- v. Sycamore
- vi. Birch
- vii. Beech
- viii. Ginkgo
- ix. Honeylocust
- x. Sweet Gum
- xi. Hop Hornbeam

4. *Trees not permitted.*

- A. Box Elder
- B. Soft Maples (Red-Silver)
- C. Elms (American)
- D. Poplars
- E. Ailanthus (Tree of Heaven)
- F. Catalpa
- G. Horse Chestnut (nut bearing)
- H. Willows

5. *Additional Regulations.*

- A. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn or other materials acceptable to the Planning Commission. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance.
- B. Whenever a greenbelt or earth berm is required under the provisions of this Ordinance, or when the Planning Commission allows the substitution of same in lieu of a wall, a detailed planting plan shall be submitted to the Planning Commission for approval prior to the issuance of a Zoning Compliance Permit. The planting plan shall indicate, to scale, the location, spacing, starting size, and description for each unit of plant material proposed for

use within the required greenbelt or bermed area, together with the finished grade elevations proposed therein.

C. The Planning Commission shall review said planting plan relative to:

- i. The Proper spacing, placement and location of plant materials relative to the length and width of greenbelt so as to insure that the required horizontal and vertical obscuring effect of proposed land uses will be achieved.
- ii. The choice and selection of plant materials so as to insure that root system will not interfere with public utilities and that fruit and other debris (other than leaves) will not constitute a nuisance within the public right-of-way, or to abutting property owners.
- iii. The proposed relationship between deciduous and evergreen plant materials so as to insure that a maximum obscuring effect will be maintained throughout the various seasonal periods.
- iv. The size of plant material (both starting and ultimate) to insure adequate maturity and optimum screening effect of proposed plant materials.

Section 20.17 — Lot and Subdivision Limitations:

In the AG, ROS, RV, and R Residential Districts only one principal building/single-family dwelling shall be placed on a lot of record (See Appendix for Definition), except where no “subdivision” of the land under Public Act 288 of 1967 (the State Land Division Act), as amended, has taken place, and where the land therefore remains as one “lot or parcel,” as in the following cases:

1. In the case of a licensed Manufactured Housing Community, or
2. In the case of a “site condominium”.

In this instance, not more than one single-family dwelling shall be constructed upon an individual “unit of ownership” within a site condominium development.

No building shall be erected on land subdivided in violation of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act).

Section 20.18 — Lots, Yards, And Open Spaces:

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

Section 20.19 — Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures and Nonconforming Characteristics of Use:

1. *Applicability.* To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the approved plans, construction or designated use of any structure or land on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance

and that there is likelihood that said lawful construction will be completed twelve (12) months after the effective date of this Ordinance.

Actual construction is hereby defined to include any lawful and approved physical operation on the premises which is preparatory to intended development or to the establishment of a use such as excavation, grading, fill, drainage and the like or the placing of construction materials in permanent position and fastened in a permanent manner; except that where lawful and approved demolition or removal has begun preparatory to rebuilding, such lawful and approved demolition or removal shall be deemed to be actual construction, provided that said lawful and approved demolition and subsequent reconstruction of the building or structure involved is completed within eighteen (18) months after the effective date of this Ordinance.

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

2. *Lawfully Existing Nonconforming Lots.*

- A. The intent of this Section is to allow reasonable development of lawfully existing nonconforming lots.
- B. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirements variances may be obtained through approval of the Board of Zoning Appeals.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

3. *Definition and Classification of Nonconforming Uses and Structures.* Nonconforming uses and structures are those that do not conform to certain provisions or requirements of this Ordinance but were lawfully established prior to the time of its applicability. Class A nonconforming uses and structures are those which have been so designated by the Zoning Board of Appeals, after application by any interested person or the Zoning Administrator upon findings that (a) continuance thereof would not be contrary to the public health, safety or welfare, (b) that the use or structure does not and is not likely to significantly depress the value of nearby properties; (c) that the use 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 or structure does not conform.

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

4. *Procedure for Obtaining Class A Designation, Conditions.* A written application shall be filed with the Zoning Administrator setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains and including such other

information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the Zoning Board of Appeals shall be the same as in the case of an application for a variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based.

Conditions may be attached, including any time limit, where necessary, to assure that the use, building or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this Ordinance.

No vested interest shall arise out of a Class A designation.

5. *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.
6. *Regulations Pertaining to Class A Nonconforming Uses and Structures.*
 - A. 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 eighteen (18) months or if it has been changed to a conforming use for any period.
 - B. 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 Zoning Appeals at the time of its designation.
7. *Change to a More Conforming Use.* The owner of a nonconforming use (Class A or B) may apply for a change in use from the existing nonconforming use to a more conforming (less than permitted or special approval) use in accordance with the same procedure as provided under paragraph 4. above for a Class A Designation. In making their determination, the Zoning Board of Appeals shall consider the zoning district statement of intent and the other permitted and special approval uses provided in the district.

An affirmative determination that a proposed change in use is "more conforming" shall not provide a Class A designation unless also applied for and separately approved. No vested interest shall arise out of an approved more conforming use determination.

8. *Regulations Pertaining to Class B Nonconforming Uses and Structures.*
 - A. *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.
 - B. No Class B nonconforming use shall be resumed if it has been discontinued for a continuous period at least eighteen (18) 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.
 - C. No Class B nonconforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50%) percent of the reproduction cost of such structure.
 - D. 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.

- E. In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land that constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established.
 - F. No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.
 - G. 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.
 - H. If a Class B nonconforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
 - I. Ordinary repair and maintenance work may be done on any Class B nonconforming structure including repair and replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the state equalized value of the structure provided that the cubic content of the building as it existed at the time of adoption of this Ordinance shall not be increased.
9. *Repairs and Maintenance.* Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to safe condition of any nonconforming structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
10. *Change of Tenancy or Ownership.* There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.
11. *Record of Nonconformity.* Within six (6) months after the adoption of this Ordinance, the Zoning administrator shall prepare and complete a record of all known nonconforming uses and structures existing at the time of the adoption of this Ordinance.

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.

Such record shall be available in the office of the Township Clerk.

12. *Nonconforming Characteristics of Use.*

- A. 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.
- B. 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 Ordinances is 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.

Such upgrading of characteristics of use shall be completed within twelve (12) 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 a building permit for structural alterations.

- C. The Zoning Board of Appeals may grant an extension of time to remedy those deficient characteristics of use found to exist.

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 an extension of time so as to make possible the reasonable use of land or structure concurrent with the upgrading of those deficient characteristics of use found to exist.

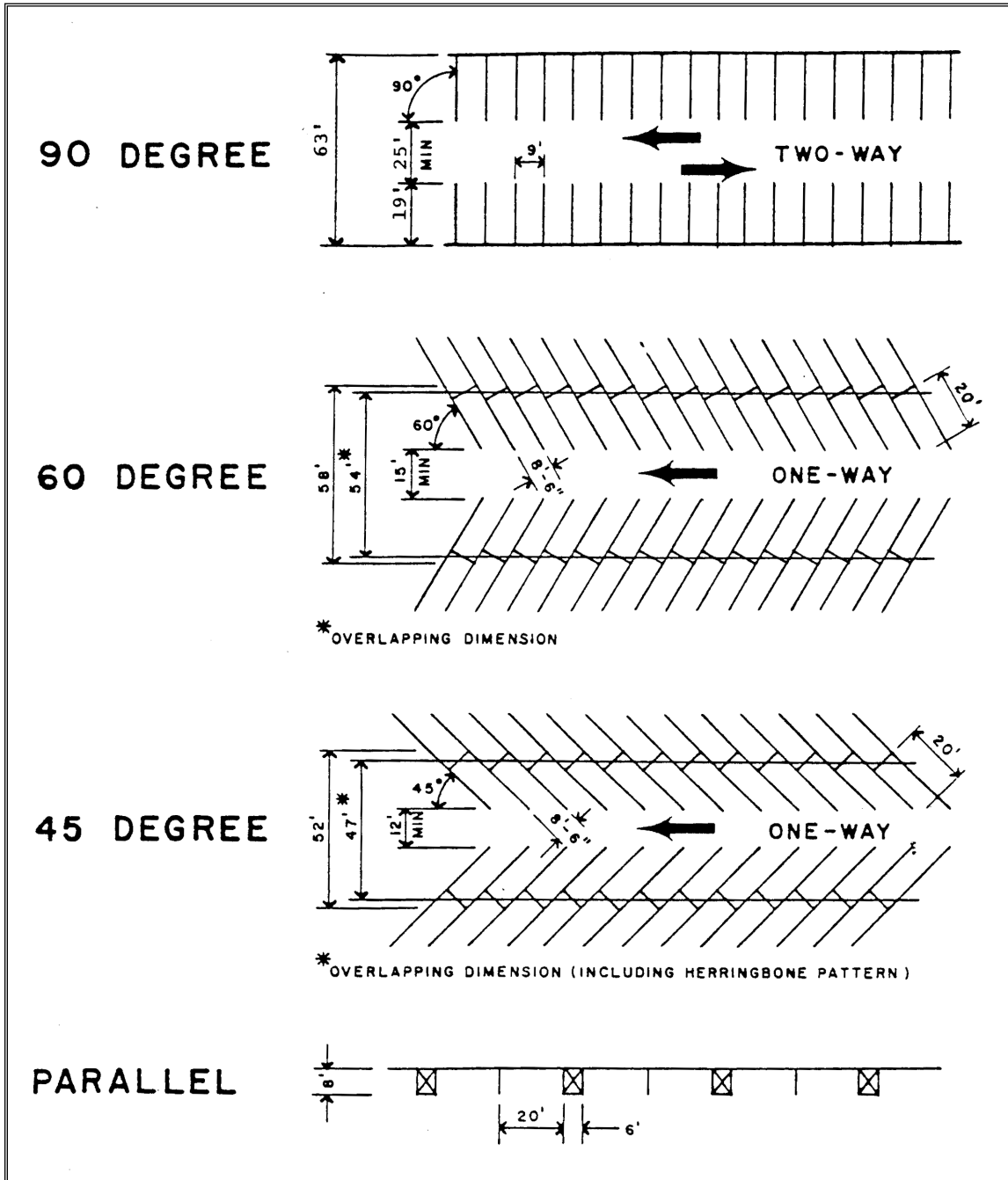
Section 20.20 — Off-Street Parking:

The off-street parking and loading requirements of this Ordinance are established to prevent congestion on the public streets, remove the hazard to all beings of emerging from between parked vehicles onto a public street, to facilitate proper storm water run-off, prevent the generation of dust into the air and make clear the availability and arrangement of spaces to all users.

1. *Off-Street Parking Facilities.* It shall be the duty of both the owner and occupant of any premises to provide off-street parking space as required in this Section. Whenever the off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:
 - A. Any existing off-street parking facilities being used upon the effective date of this Ordinance shall not hereafter be reduced below the requirements hereof for the use or a similar structure or land use. Whenever a use or an activity requiring off-street parking is created or increased in floor area, intensity of activity in some other manner, the number of off-street parking spaces shall be provided and maintained as required in this Ordinance.
 - B. When units or measurements determining the number of required parking spaces result in requirement of a fractional space, any fraction shall require one (1) parking space.
 - C. All spaces shall be laid out in accordance with the following schedule, plans for the layout of off-street parking facilities must be approved by the Planning Commission and shall be in accordance with the following minimum requirements, except that the dimension of spaces for the handicapped shall be as set forth by the Michigan Building Code:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces plus Maneuvering Lane	Total Width of Two Tiers of Spaces plus Maneuvering Lane
0 degrees	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30–53 degrees	12 ft.	8.5 ft.	20 ft.	32 ft.	52 ft.
54–74 degrees	15 ft.	8.5 ft.	20 ft.	37 ft.	58 ft.
75–90 degrees	25 ft.	9 ft.	19 ft.	44 ft.	63 ft.

Diagram 8: Parking Layouts



- i. All parking spaces shall be clearly striped to facilitate movement and to help maintain an orderly parking arrangement.
- ii. Parallel parking spaces shall be twenty (20') feet in length with a six (6') feet maneuvering space for each two (2) parking spaces.
- iii. All parking lots shall have access from a clearly limited and defined driveway not less than fifteen (15') feet wide for a one-way and twenty-four (24') feet wide for a two-way traffic. In no case shall a driveway exceed thirty (30') feet in width.

- iv. All parking spaces shall have access from an aisle on the site to minimize backing onto a street and having a potential traffic hazard.
 - v. Vehicular access to a parking lot shall not be across any zoning district that would not permit the principal use or parking lot.
- D. For the purpose of meeting off-street parking requirements for offices, merchandising, service or industrial uses, floor area shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients, employees, or as tenants, including areas occupied for storage and fixtures and equipment used for display or sale of merchandise. Where parking is required for both floor area and employees, the area used exclusively by employees may be deducted from gross floor area used to determine the parking required to meet the floor area (square foot) requirement.
- E. In the case of hospitals, bassinets shall not be counted as beds. In the case of stadia, sports arenas, churches and other uses where spectators occupy benches, pews, or other similar seating facilities, each twenty (20") inches of such seating shall be considered as one seat for the purpose of determining off-street parking requirements.
- F. Parking plans shall be submitted for review and approval of layout and points of access by the Planning Commission.
- G. In the case of a use not specifically mentioned, the requirement for off-street parking facilities for such use shall be that for a listed use which is most similar as determined by the Planning Commission.
- H. Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided collectively such facilities shall not be less than the sum of the requirements for the various individual uses computed separately. Any such provisions or agreements for collective parking shall be set forth in a recordable instrument and recorded in the Register of Deeds, describing the lands affected by this agreement or easement.
- I. The amount of required off-street parking space for new uses of buildings, additions thereto and additions to existing buildings as specified above shall be determined in accordance with this Ordinance, and the space so required shall be stated in the application for a building permit and shown on the plot plan or site plan and shall be irrevocably reserved for such use.
- J. The off-street parking facilities required for all uses shall be located on the lot or on property within three hundred (300') feet of the permitted use requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility and the building to be served, provided that the said off-street parking facility shall not be separated from the building to be served by a Major Thoroughfare as may be designated in the Township Master Plan.
- K. In the B-1 and B-2 business districts, the required number of on-site parking spaces for a subject use may be reduced by the Planning Commission, if adequate curbed parking lanes and/or sufficient public parking areas are available in the business district within three hundred (300') feet of the permitted use.
- L. Except for single-family detached dwelling units or farm uses located in a residential or agricultural districts, all parking areas required shall be paved with concrete or plant mixed bituminous material in accordance with plans approved by the Building Inspector.

Pavement design shall meet or exceed the following standards:

- i. The compressive strength of concrete at twenty-eight days after pouring shall be at least 3,500 pounds per square inch.
- ii. Asphalt pavement shall consist of MDOT Specifications Series 1100 bituminous mixture or approved equal (260 pounds per square yard) surfacing over an approved sub-base adequately designed for sufficient thickness (minimum of 6" inches) and type to be compatible with expected loading and sub-soil conditions.
- iii. All parking areas (other than driving lanes described below) shall be paved with either six (6") inches minimum thickness of concrete or six (6") inches minimum thickness of stone aggregate, topped with 260 pounds per square yard of bituminous aggregate surface course.
- iv. All driving lanes (not including parking lot aisles) in parking lots and multiple-family housing sites shall be constructed of either:
 - a. Concrete pavement of six (6") inch minimum thickness; or
 - b. "Deep strength" asphalt pavement nine (9") inches thick with the bottom five and one-half (5-½") inches constructed of bituminous base mixture material and the top three and one-half (3-½") inches constructed of bituminous surface mixture material.
 - c. A combination asphalt pavement and aggregate base, with the bottom aggregate base constructed of a minimum of nine (9") inches deep, 21A or 22A aggregate, with a two and one-half (2-½") inch minimum layer of 1100L 2AA (275 pounds per square yard) asphalt and a one and one-half (1-½") inch minimum layer of 1100T 20AA (165 pounds per square yard) asphalt.
- v. In medium to high traffic volume settings, the Planning Commission may require that a six (6") inch high concrete curb be placed around the entire perimeter of the paved parking area where adjacent to grassed or sidewalk areas.

The Planning Commission, after review and approval of design plans, may permit the use of brick, paving blocks, or other similar material of adequate load bearing nature if, in the opinion of the Planning Commission, such use is appropriate in the setting proposed.

For uses which are located in the AG, ROS, RV, R, and RM Residential Districts and which, in the opinion of the Planning Commission, are primarily of a seasonal nature or are likely to have very low volumes of traffic, the Planning Commission may permit gravel parking and maneuvering areas to be installed, upon a determination by the Commission that waiver of hard surfacing requirements would not be contrary to the public interest, subject to review and approval of a site plan and construction design details. The Planning Commission may impose conditions of approval requiring installation of hard surfaced paving if traffic volumes increase beyond a suitable level or if the use no longer operates primarily on a seasonal basis.

- M. All spaces shall be provided adequate access by means of paved maneuvering lanes.
- N. The Planning Commission may require an access easement to provide for vehicle access to adjacent parking lots to minimize the need for driveways to each facility and thereby decreasing hazards to vehicular traffic.
- O. Parking may be permitted in a required front yard except as provided in paragraph 2e. below provided that a landscaped area ten (10') feet in width extending the full width of the lot shall be provided between the parking lot and any lot line abutting a public street. The landscaped area shall be continuous except where pierced by approved access drives.

The landscaped area shall be continuously maintained in good condition. The design and plant materials utilized shall be approved by the Planning Commission.

2. *Off-Street Parking Development Regulations.* An approved off-street parking area as permitted under this Section shall be subject to the following regulations:
 - A. No repairs or service to vehicles and no display of vehicles for purpose of sale shall be carried on or permitted upon such premises.
 - B. All advertising signs shall conform to the requirements of this Ordinance.
 - C. All land between the lot boundaries of the lot on which is located a parking area and the barriers hereinafter referred to, as well as the surface of the parking area, shall be kept free from tall grass, weeds, rubbish, refuse and debris, and shall be landscaped to conform with the general character of the district.
 - D. When lighting facilities are used, reflectors shall be installed to reflect the light away from residential areas and uses and the public right-of-way.
 - E. Side yards shall be maintained for a space of not less than ten (10') feet between the side lot lines adjoining residential lots and the parking area. The depth of the front yard or setback line from the street as established for houses on any block in any given residential area shall be continued and made applicable to parking space if located adjacent to such residential area and it shall be unlawful to use the space between such setback line and the sidewalk for the parking of motor vehicles; provided, however, that the barrier specified in the next succeeding section shall be located in the setback line as herein required.
 - F. Whenever such parking area adjoins residential property and/or residential street or alley, a protective wall or greenbelt shall be erected and maintained between the required yard space and area to be used for parking. On such other locations where a protective barrier is required, there shall be no advertising whatsoever. Bumper guards, comprising either a curb at least six (6") inches high or steel posts twenty-four (24") to thirty (30") inches high and not more than five (5') feet apart, set three (3') feet in concrete, shall be provided to prevent vehicles striking said wall or shrubbery.
 - G. Entrance to such parking areas shall be only from adjoining principal use or adjoining alley or street.
 - H. A building permit shall be required for the construction of any parking area whether or not such parking area is in conjunction with the construction of a structure or is a separate land use not connected with any structure. The applicant shall submit a written plan to the enforcing officer along with application for a building permit. Such plan shall show in detail at a scale of not more than fifty (50') feet to the inch, the boundary lines of the property involved, the location and size of any structures or proposed structures thereon, parking spaces, entrances and exits, drainage structures, if any required, boundary wall; and landscaping, if required, and the proposed use of the property.
 - I. It shall be unlawful for any person to leave, park or store any motor vehicle or to permit any motor vehicle to be left, parked, or stored in a parking lot as permitted in this sub-section for a period of longer than 18 hours, it being the purpose and intent of this provision that the requirement is to provide for keeping parked motor vehicles off the streets, but such requirement is not designed to permit the storage of wrecks or junked cars or vehicles. Exempt from this provision is the parking of vehicles accessory to the principal use.
 - J. No charge for parking shall be made in an off-street parking area permitted under this sub-section, unless prior authorization for a charge on a temporary basis is obtained from the Zoning Administrator or unless permitted by another public body on property under its control.

- K. The use of any loud noise producing device or public address system shall be prohibited, unless prior authorization for use on a temporary basis is obtained from the Zoning Administrator.
 - L. All parking serving other than one-family dwellings shall be side-by-side and tandem parking shall be prohibited.
3. *Paving Schedule.*
- A. All paving required by this Ordinance shall be completely installed prior to the issuance of an occupancy permit for the use of the premises, except as provided hereinafter.
 - B. In any case where the development of the land and/or buildings has been fully completed and an occupancy permit would otherwise be issued, and the complete installation of the paving required is prevented by inclement weather or acts of nature beyond the control of the owner, then, in that event the owner may obtain a temporary occupancy permit for a period not exceeding six (6) months from the Building Inspector, after review and approval of the Planning Commission, upon written request therefor, provided said owner shall:
 - i. Deposit security with the Township Treasurer in the form of cash or a corporate surety bond in an amount equal to the cost of the complete installation of the paving (the cost being determined by the Township Engineer) plus an additional ten percent (10%) thereof. The additional sum of ten percent (10%) is hereby determined to be a reasonable expense incurred by the Township in causing the complete installation of the paving as may be required and as provided in Sub-section 3(b) (3) below, and
 - ii. Complete the installation of the required paving in the time required by the terms of the temporary occupancy. Upon complete installation in that event, the security deposit required hereunder shall be canceled and returned to the depositor upon demand. Upon failure to completely install the paving as required herein, the security deposit required above shall be forfeited as liquidated damages, the same hereby being declared to be reasonable in view of the difficulty of more exact ascertainment of the damage incurred as a result of such failure.
 - iii. If the security deposit is forfeited as provided in Sub-paragraph (2) above:
 - a. The Township Engineer after specific authorization by the Township Board shall expend such amount as has been authorized by the Township Board not exceeding the total amount of the security deposit to cause the required paving installation to be made.
 - b. The building inspector shall not issue a regular occupancy permit until the paving required is completely installed, and
 - c. Use or occupancy of the premises after the expiration of the temporary occupancy permit and before the issuance of a regular occupancy permit shall be unlawful and a violation of this Ordinance.
4. *Location and Design of Driveways.* All parking areas shall be provided with a safe entrance and exit from the abutting public thoroughfare. Such entrance and exit in the case of a one way traffic flow system shall be at least fifteen (15') feet in width, and may in the case of a two way traffic flow system be combined as one which shall in no event be less than thirty (30') feet in width. Provided, however, in no case shall there be more than one separate exit and one separate entrance to and from a single street. The location of each such entrance and exit shall be submitted for approval of the County Road Commission or the Michigan Dept. of Transportation, as the case may be, and the Township Planning Commission.

5. *Off-Street Waiting Area for Drive-Through Facilities.* On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window, washing bay, or similar arrangement, there shall be provided six (6) off-street waiting spaces for each service window or service bay not blocking parking spaces, in addition to the use requirement. A waiting space shall be twenty-three (23') feet long by ten (10') feet wide.
6. *Minimum Number of Off-Street Parking Spaces.* The minimum number of off-street parking spaces by type of use for the storage or parking of motor vehicles for the use of owners, occupants, employees, customers, or visitors of buildings or uses shall be irrevocably provided and maintained on the premises occupied by such structure on the basis of the following schedule:

A. Residential Use

- i. The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground other than in the required front yard space of the building they are intended to serve and shall consist of a parking strip, parking apron, carport, and/or garage on the basis of two parking spaces for each dwelling unit.
- ii. Multiple-family residential dwellings shall have two (2) paved off-street parking spaces for each one bedroom dwelling unit. For each additional bedroom over two per unit, one-half (½) additional parking space shall be provided.
- iii. Housing for the Elderly. Two (2) for each three (3) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided and space shown on the site plan to accommodate such requirement.
- iv. Manufactured Home. See Section 20.03.1, subsection 4.

B. Institutional Uses

Number of Spaces

- | | |
|--|--|
| i. Churches | One (1) for each three (3) seats in the main unit of worship |
| ii. Golf courses open to the general public, except miniature or "par 3" courses | Six (6) for each one (1) golf hole & one (1) for each one (1) employee |
| iii. Hospitals | One (1) for each 600 SF of gross floor area, plus one (1) for each two (2) employees |
| iv. Homes for the aged & convalescent homes | Two (2) for each three (3) beds or occupants & each two (2) staff members |
| v. Elementary & junior high schools | One (1) for each (1) teacher, employee and administrator, in addition to the requirements of the auditorium |
| vi. Private clubs or lodge halls | One (1) for each three (3) persons allowed within the maximum occupancy load as established by township, county or state fire, building or health codes. |

- vii. Private golf clubs, tennis clubs, or other similar uses
One (1) for each two (2) member families or individuals
- viii. Private parks
One (1) for each two (2) individual members
- ix. Public recreation
One (1) for every two (2) users at maximum capacity plus one (1) space for each employee
- x. Senior high schools
One (1) for each one (1) teacher, employee, & administrator, plus one (1) for each ten (10) students in addition to the requirement of the auditorium
- xi. Stadium, sports arena or similar places of outdoor assembly
One (1) for each three (3) seats or sixty (60") inches or benches
- xii. Theaters and auditoriums (includes commercial theaters and movie houses)
One (1) for each three (3) seats plus one (1) for each two (2) employees. If no seats, one for each fifty (50) SF of floor area.

C. Business/Commercial

Number of Spaces

- i. Agricultural sales, greenhouses & nurseries, fish farm operations
One (1) for each one (1) employee, plus one (1) for each one hundred (100) SF of actual permanent or temporary area devoted primarily to sales, plus one (1) for each fifteen hundred (1,500) SF devoted primarily to indoor plant growing areas which are also used for display.
- ii. Airports, runways and the like
One (1) for every three (3) airplanes to be stored on the site plus one (1) for each employee
- iii. Automobile repair
One (1) for each one hundred (100) SF of floor area. No wrecked vehicles to be stored outside.
- iv. Automobile Service stations
Two (2) for each lubrication stall, rack, or pit & one (1) for each gasoline pump.
- v. Auto wash
 - a. Self-service
Four (4) spaces for each establishment plus four (4) waiting spaces for each washing stall.

- b. Other than self-service
 - Four (4) spaces for each establishment plus twenty (20) waiting spaces for each washing stall or line. A properly drained drying lane fifty (50') feet long shall also be provided at the exit of each washing stall or line in order to prevent undue amount of water from collecting on the public street & thereby creating a traffic hazard.

- vi. Beauty parlor or barber shop
 - Three (3) spaces for each of the first two (2) beauty or barber chairs, & one and one-half (1-½) spaces for each additional chair.

- vii. Boat berthing, in-and-out storage, & in-water storage
 - One (1) space for every two (2) boat berths & one (1) off-street parking space for each boat available for rent. Where launching from a boat trailer is permitted, adequate space shall also be provided for the storage of boat trailers as part of any parking plan. Launching shall be limited to the number of parking spaces available to the general public for the parking of vehicles and boat carriers at such location.

- viii. Bowling alleys
 - Six (6) for each one (1) bowling lane.

- ix. Dance halls, arcades pool or billiard parlors, roller or ice skating rinks, indoor tennis facilities, exhibition halls & assembly halls without fixed seats
 - One (1) for each two (2) persons allowed within the maximum occupancy load as established by the township, county or state fire, building or health codes

- x. Dry cleaners
 - One (1) parking space for each two (2) employees, with a min. of three (3) spaces.

- xi. Establishments for sale and consumption on the premises of beverage, food or refreshments
 - One (1) for each one hundred (100) SF of floor area or one (1) for each two (2) persons allowed within maximum occupancy, whichever is greater.

- xii. Fast food, drive-in & carry-out restaurants
 - One (1) space for each two (2) employees, plus one (1) parking space for each two (2) seats intended for patrons within the restaurant building, & one (1) space for each twenty (20) SF of building floor area available in the order-waiting area.

xiii. Furniture, appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair & other similar uses	One (1) for each five hundred (500) SF of floor area. For that floor area used in processing or storage, one (1) additional space shall be provided for each 1,000 SF, whichever is greater.
xiv. Laundromats & coin operated dry cleaners	One (1) for each two (2) machines
xv. Miniature, "par 3" golf courses	Three (3) for each one (1) hole, plus one (1) for each one (1) employee
xvi. Mortuary establishment	One (1) for each fifty (50) SF of assembly room floor space, parlors, & slumber rooms
xvii. Motel, hotel or other commercial lodging establishments	One (1) for each occupancy unit plus one (1) for each employee, in addition to the requirements for ancillary facilities such as restaurants, ballrooms, etc.
xviii. Motor vehicle sales & service establishment	One (1) for each three hundred (300) SF of floor space of sales room & one (1) for each one (1) auto service stall in the service room.
xix. Museum or art gallery	One (1) for each four hundred (400) SF of floor space
xx. Open air businesses	One (1) for each five hundred (500) SF of lot area for retail sales, uses & services
xxi. Planned centers	
a. Office buildings	One (1) for each one hundred fifty (150) SF of floor space
b. Retail business	One (1) for each one hundred (100) SF of floor space
xxii. Retail stores except as otherwise specified herein	One (1) for each one hundred fifty (150) SF of floor space
xxiii. Specialty shops	One (1) for each two hundred (200) SF of floor space.
D. Offices	Number of Spaces
i. Banks and Post Offices	One (1) for each one hundred (100) SF of gross floor space, plus one (1) space for each two (2) employees
ii. Business offices or administrative offices except as indicated below	One (1) for each two hundred (200) SF of floor space

- iii. Clinics, medical, dental, veterinary
One (1) space for each employee, plus one (1) space for each one hundred fifty (150) SF of floor space
- iv. Professional offices or doctors, dentists or similar professions
One (1) for each one hundred (100) SF of floor area or one (1) for each twenty-five (25) SF in waiting rooms, and one (1) for each examining room dental chair, or similar use area, whichever is greater

E. Industrial Uses Number of Spaces

- i. Industrial, wholesale or warehouse establishments (except for ii below)
Five (5) plus one (1) for every one & one-half (1-1/2) employees in the largest working shift, or one (1) for every four hundred (400) SF of floor space, whichever is determined to be the greater. Space on site shall also be provided for all construction workers during periods of plant construction.
- ii. Mini-warehouses
Unobstructed parking area equal to one (1) spaces for every ten (10) door openings.

7. Off-Street Loading Requirements. On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets and alleys.

Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten (10') feet by fifty (50') feet, with fifteen (15') foot height clearance, and shall be provided according to the following schedule:

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

Section 20.21 — Wind Energy Conversion Systems (windmills):

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 that follow shall apply to systems intended for the provision of the electrical or mechanical power needs of the owner/ operator of the system; also, such a system shall be for one main building and its accessory buildings only. For systems intended for uses other than the above, Planning Commission approval shall be required. Said approval shall cover the location of the system (shown on a survey of the property) on the site, the noise generated by the system, assurances as to the safety features of the system, and compliance with all applicable state and federal statutes and regulations. Planning Commission approval shall specifically be required for arrays of more than one wind energy conversion system and for systems wherein one wind energy conversion system is intended to provide the electric power for more than one main building.
4. *Standards for and Regulation of WECS.*
 - A. Construction: Tower construction shall be in accordance with the latest edition of the Michigan Building Code, and any future amendments and/or revisions to 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 (or equivalent), 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 (1) to one and one-half (1-½) ratio with tower height.

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

- D. Maximum Height: The maximum height permitted (without variance from the Zoning Board of Appeals) shall be fifty (50') 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.
- 5. 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.
- 6. Safety: The WECS's manufacturers shall document that the WECS model has been tested and certified by Underwriter's Laboratory, or other such applicable independent accrediting agency, and that when installed in accordance with recommended specifications shall have a maximum survival wind speed of not less than eighty (80) miles per hour.
- 7. 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.
- 8. *Miscellaneous.*
 - A. All electric line/utility wires shall be buried under ground except in AG, Agricultural and IA, Intensive Agricultural Districts.
 - B. Any mechanical equipment associated with and necessary for operation, including a building for batteries and storage cells shall be enclosed with a six (6') foot fence. 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.
 - C. When a building is necessary for storage of cells or related mechanical equipment, the building may not exceed one hundred forty (140) square feet in area nor eight (8') feet in height, and must be located at least the number of feet equal to the height of the tower from any property line.
 - D. The tower and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the tower and related structure shall be dismantled and removed from the property within sixty (60) days.
 - E. Every WECS shall be insured with minimum liability insurance of one hundred thousand dollars (\$100,000) for each occurrence. Proof of insurance shall be furnished to the Township.

Section 20.22 — Residential Entranceway:

1. In AG, ROS, RV, R, and RM Residential Districts entranceway structures including, but not limited to, walls, columns, and gates marking entrances to one-family residential or multiple family residential developments may be permitted and be located in a required yard, except as provided in Section 20.09 "Corner Clearance", provided that entranceway structures shall comply with all codes and Ordinances of the Township, the St. Clair County Road Commission, and State of Michigan with proper permits issued.
2. Entranceway structures shall refer only to the development on the land upon which it is located.

Section 20.23 — Permitted Area and Placement:

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

Section 20.24 — Permitted Uses:

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than is permitted in the district in which the building or land is located, except as otherwise provided herein.

Section 20.25 — Ponds:

1. Private ponds for fish, ducks, livestock watering, irrigation water, fire protection, recreation, collection of surface drainage or created for the purpose of obtaining fill dirt for on-site construction purposes (but not waste lagoons) shall be permitted in any district subject to the provisions below and after first obtaining a zoning compliance permit from the Zoning Administrator. The application for the permit shall contain:
 - A. The name of the owner(s) of the property.
 - B. Legal description of the property.
 - C. A site plan prepared with drafting instruments and drawn to a scale suitable to demonstrate compliance with applicable regulations.
2. No pond shall be constructed on vacant land, except where a permit has first been obtained for the construction of a dwelling and except to allow for agricultural ponds for watering of livestock on vacant land.
3. No pond shall be constructed without first obtaining a permit from the Michigan Department of Environmental Quality (DEQ) if such pond would be:
 - A. five (5) acres or greater in area, or
 - B. connected to an existing lake or stream, or
 - C. located within five hundred (500') feet of the ordinary high water of an existing inland lake or stream.

The obtaining of a permit from the DEQ shall not relieve a person from also complying with the requirements of this Section 20.25.

4. Applicants under this section are encouraged to obtain copies of publications concerning ponds from the U.S. Soil Conservation Service and the St. Clair County Cooperative Extension Service.
5. All ponds constructed after the effective date of this Ordinance shall comply with the following regulations:
 - A. To construct a pond, a landowner must place it on a parcel of five (5) acres or more in area and said parcel must be occupied by a principal use, except for ponds to be used for agricultural irrigation and/or livestock watering which shall be located on a contiguous parcel of land of not less than forty (40) acres.
 - B. No pond shall be less than five thousand (5,000) square feet in area. No pond shall have a width of less than sixty (60') feet.
 - C. Excavated earth material created by construction of a pond shall be used to the maximum extent feasible for on-site purposes. However, excess excavated earth materials not feasible for use on-site may be removed or sold and taken from the property in compliance with an approved site plan and the following requirements.
 - i. If the applicant proposes that any excess excavated earth is to be removed from the property he shall first provide a written statement of the cubic yards to be removed. The applicant shall be limited to this stated volume and any amount in excess of the stated volume to be removed must first be approved as an amendment to the site plan. This statement or any amendments thereto shall either be shown on the site plan or physically attached to the site plan and shall be considered a part of the site plan for purposes of review and approval or denial.
 - ii. Further, any excess excavated earth shall be removed within three (3) months after excavation, except under unusual circumstances (i.e., a long period of bad weather as might occur in winter or spring months) then the applicant may apply to the Planning Commission for one (1) extension of three (3) months.
 - D. Excavations undertaken primarily for the purpose of commercial soil, gravel, or mineral removal and not primarily for the purposes set forth in this section above shall not be considered as "ponds" but instead shall be considered as "quarries" and subject to the applicable provisions of this Ordinance.
 - E. The pond at its deepest level shall not be greater than twenty-five (25') feet in depth, nor less than twelve (12') feet in depth.
 - F. The pond may occupy up to a maximum of fifteen (15%) percent of the lot or property upon which it is placed.
 - G. The pond shall be a minimum of fifty (50') feet from any dwelling, any septic field or any domestic water supply, and a minimum of twenty-five (25') feet from any accessory building.
 - H. All ponds shall comply with the required front, rear, and side yard setbacks for the district in which the pond is to be located as set forth in Section 16.01 of this Ordinance, except that in no case shall any setback be less than twenty (20') feet. Front yard setbacks shall be measured from the edge of the "planned" road right-of-way as set forth in the Wales Township Thoroughfare Plan.

- I. There shall be no slope in excess of 25% (a 1 to 4 slope) until the pond reaches a depth of five (5') feet at the low water mark on all sides of the pond. Below this point, up to a 50% (a 1 to 2 slope) is permitted. High and low water lines shall be shown on the site plan.
- J. At least one (1) permanent safety station consisting of a Coast Guard approved life buoy or ring, 100 feet of 1/4" rope and a ten foot pole, all mounted on a post, shall be provided nearest the deepest portion of the pond and erected prior to the completion of the pond. Safety station shall comply with U.S. Soil Conservation Publication SCS-REC-121 (3-71). Signs warning of danger and emergency procedures shall also be placed at appropriate locations as indicated in aforementioned S.C.S. publication. Additional safety stations may be required by the Zoning Administrator in the case of large ponds.
- K. If the pond is intended for swimming, the swimming area shall be free of all underwater obstacles such as sudden drop-offs or deep holes, trees, stumps, brush, rubbish, wire, junk machinery, and fences. The swimming area, if any, shall be marked with a float line.
- L. All of the disturbed areas around the pond shall be seeded with adapted grasses and legumes.
- M. The pond shall be located so as to prevent sewage or run off from barnyards from draining into the pond.
- N. No pond shall be located directly beneath an overhead electrical line, wire, or conductor, nor within ten (10') feet horizontally of any overhead electrical line.
- O. The use of any residential, agricultural, or farm pond by the general public for swimming, fishing, or the like, shall be prohibited.
- P. All approved ponds shall be completed within six (6) months from the date of issuance of the permit. The Zoning Administrator may grant one six month extension of the permit for just cause.
- Q. A soil erosion control permit shall be obtained from the St. Clair County Dept. of Public Works when required by the Soil Erosion and Sedimentation Control Act (PA 347 of 1972, as amended).
- R. Existing drainage patterns shall not be altered in a manner that would result in increased run-off of water onto adjacent properties. Ponds shall be constructed in such a manner that run-off, overflow, spillage, or seepage shall not encroach upon adjacent properties.
- S. A spillway to an approved drainage ditch may be required at the discretion of the Zoning Administrator.

Section 20.26 — Porches, Patios and Terraces:

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

Section 20.27 — Signs:

The primary function of signage, as it relates to this ordinance, is to identify a particular use of a parcel of property. It is not the intent of this ordinance that the open spaces and lines of vision created by public rights-of-way be used for unrestricted advertising through the use of signage. Signs will be allowed in such a manner as to provide those similar uses in similar zones the opportunity for identification exposure regardless of parcel size, although the location and size of buildings will influence the amount of signage permitted. This consistent approach is necessary to remove the need for the types of signs that compete for attention of the motorist, thereby creating traffic hazards as well as creating visual blight. It is, therefore, within the health, safety and welfare responsibility of the township that this section is promulgated.

1. *Sign definitions.* The following definitions (see also sketch of sign types) are related to signs:
 - A. *Sign.* Any announcement, declaration, display, billboard, illustration and insignia when designed and placed so as to attract general public attention. "Sign" shall include any banner, bulbs or other lighting devices, streamer, pennant, inflated or deflated membrane device, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not.
 - i. *Decorative display.* A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
 - ii. *Freestanding sign.* A sign, other than a ground sign or portable sign, which is not attached to a building and is capable of being moved from one (1) location to another on the site on which it is located.
 - iii. *Ground sign.* A permanent display sign supported by one (1) or more columns, uprights or braces or mounted directly in and upon the ground surface and having a height not in excess of six (6') feet.
 - iv. *Marquee sign.* A sign on or attached to a permanent overhanging shelter that projects from the face of the building and is supported entirely by the building.
 - v. *Nameplate.* A wall sign stating the name of a person, firm or name or description of a certain permitted use.
 - vi. *Portable sign.* A sign and sign structure which is designed to facilitate the movement of the sign from one (1) zoning lot to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing. A sign shall be considered portable only if such sign is manifestly designed to be portable to facilitate its movement from one (1) zoning lot to another. Signs capable of being moved, other than from one (1) zoning lot to another, shall be considered freestanding signs under this ordinance.
 - vii. *Projecting sign.* A sign which is affixed to any building or structure, other than a marquee, and any part of which extends beyond the building wall or structure more than fifteen (15") inches.
 - viii. *Pole sign.* A display sign supported by one (1) or more columns, uprights or braces in the ground surface and having a height in excess of six (6') feet.
 - ix. *Wall sign.* A display sign which is painted on or attached directly to the building wall.
 - x. *Temporary sign.* A display sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material (including pennants, streamers,

and flags other than the official flag of any nation, state or organization respectfully displayed), inflated devices with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public events.

- B. *Sign, accessory.* A sign which pertains to the principal use of the premises.
 - C. *Sign, non-accessory.* A sign which does not pertain to the principal use of the premises.
 - D. *Sign alteration.* The changing, enlarging or relocating of any sign, excluding routine maintenance and also excluding the changing of movable parts of an approved sign that is designed for such changes or the repainting or reposting of original display matter, shall be deemed an alteration.
 - E. *Erect.* To build, construct, attach, hang, place, suspend, affix or paint.
 - F. *Sign area.* The entire area included within the single continuous perimeter of a regular geometric form or combination of such forms which encloses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, and including the area within any illuminated border. An area so created shall include all solid surfaces as well as openings. Supporting framework, bracing, structural members, or decorative fence or wall that is clearly incidental to the display itself and not bearing copy or display material shall not be included in computation of sign area. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules shall be included in the computation of sign area. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back, parallel to one another, and not more than eighteen (18") inches apart, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area. For internally-illuminated awnings or canopies, the entire surface of the canopy is included in the sign area calculation.
2. *General requirements for all signs.* The following conditions shall also apply to all signs erected or located in any use district:
- A. All signs shall conform to all codes and ordinances of the Township and, where required, shall be approved by the building inspector and a permit issued.
1.) The setbacks shall be ten (10) feet from the road right-of way, unless stated otherwise in this ordinance. (amended 5/1/2018)
 - B. *Directional.* All directional signs required for the purpose of orientation, when established by the Township, county, state or federal government, and directional signs for churches and public service organizations shall be permitted in all use districts.
 - C. No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located and provided further that no freestanding sign, where permitted, shall exceed three (3') feet in height.
 - D. No sign above a height of two (2') feet shall be located within, project into or overhang the triangular area formed at the intersection of street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of twenty-five (25') feet from their point of intersection.
 - E. Accessory signs shall be permitted in any use district and may be located in the required front yard except as otherwise provided herein.

- F. Except as provided by Section 4(b) below, non-accessory signs shall not be permitted in any zoning district in Wales Township, except that non-accessory signs pertaining to real estate development located within the Township and designated to promote the sale of lots or homes within a subdivision located within the Township may be permitted on a temporary basis in any use district but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all codes and ordinances of the Township.
 - G. Illumination of signs shall be only by means of white light at constant intensity. Signs may be internally or externally illuminated, however, all illumination shall be shielded, directed or shaded downward so as not to interfere with driver visibility, become hazardous to traffic or the vision of persons on adjacent streets or property. Flashing, animated, or intermittent type signs shall not be permitted.
 - H. Signs used for advertising land or buildings for rent, lease and/or for sale shall be permitted on the land or building intended to be rented, leased and/or sold.
 - I. *Removal of certain signs.* Any sign, including framing, now or here-after existing, which no longer advertises a bona fide business conducted or a product or entertainment, service or commodity offered or sold on the lot, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign shall be found within thirty (30) days after written notice from the building inspector. Notice shall be sent to the property owner of record, as indicated in Township tax rolls, by certified mail. The owner may petition the zoning board of appeals for temporary approval to install blank sign faces when it can be demonstrated that the sign structure is likely to be reused within one (1) year by a future business and the sign framework is in sound structural condition.
 - J. Connections to an energy source for lighting shall be in accord with all codes of the Township and shall not be exposed in any way that may constitute a safety hazard to the public.
 - K. Notwithstanding any other provisions of this ordinance, non-commercial messages shall be permitted on any sign on which commercial messages are permitted.
3. Permitted signs by zoning district.

All plans for the erection of signs shall be submitted to the zoning administrator for review and approval and shall be further subject to all codes and ordinances of the Township.

- A. *AG—Agricultural, ROS—Recreation & Open Space, RV, & R—Single Family Residential, and RM—Multiple-Family Residential Districts, sign types allowed.*
 - i. For each dwelling unit, one (1) nameplate not exceeding two (2) square feet in area, indicating the name of the occupant.
 - ii. For structures or uses other than dwelling units, one (1) identification sign not exceeding ten (10) square feet, except a church bulletin board not exceeding eighteen (18) square feet.
 - iii. For rental and/or management offices in a multiple housing development, an identification sign not exceeding six (6) square feet.
 - iv. For lawfully permitted home occupations, a non-illuminated sign as follows:
 - a. In the RV, R, and RM districts one (1) nameplate not exceeding four (4) square feet in area indicating the name of the lawful home occupation,

- b. In the AG, IA, and ROS districts one (1) ground sign having a sign area of not more than eight (8) square feet indicating the name of the lawful home occupation.
- B. *B-1—Neighborhood Business District and B-2—General Business District, sign types allowed. Ground, portable, temporary and wall signs as defined in this section and subject to the following conditions:*

i. *Ground sign.*

- a. One (1) ground sign having a sign area of not more than fifty (50) square feet for a single face and one hundred (100) square feet for a total of all sign faces shall be permitted. Such sign shall not exceed six (6') feet in height.
- b. Not more than one (1) ground sign may be erected accessory, to any one (1) development, regardless of the number of buildings, separate parties, tenants or uses contained therein, except that when any single development is located on a parcel of land that abuts on two (2) or more streets, one (1) ground sign may be erected along each street frontage.
- c. The distance measured between the principal faces of any ground sign shall not exceed eighteen (18") inches.
- d. Ground signs shall be setback from the proposed right-of-way line in accordance with the following schedule: (amended 5/1/2018)

Maximum Height of Sign Min.	Setback from Proposed R.O.W.
2 ft.	6 ft.
2.5 ft.	8 ft.
3 ft.	10 ft.
4 ft.	10 ft.
5 ft.	10 ft.
6 ft.	10 ft.

- e. Ground signs shall be utilized only for identification of the uses allowed in the zoning district and shall not be utilized to advertise products for sale.
 - f. Ground signs may be illuminated as required by subsections 2h and 2k above.
 - g. Time and temperature signs shall be permitted.
 - h. All ground signs shall be securely built, constructed and erected upon an approved foundation extending at least forty-two (42") inches below the material surface of the ground.
 - i. All letters, figures, characters, items or representations in cutout or irregular form maintained in conjunction with, attached to or superimposed upon any sign shall be safely and securely built or attached to the sign structure. Loose or missing letters, figures, characters or items shall constitute a maintenance violation.
- ii. *Portable sign.* There shall be no more than one (1) portable sign on any one (1) zoning lot. Such, portable sign shall be licensed as a temporary sign for periods not to exceed seven (7) days in a thirty (30) consecutive day period and not to exceed twenty-eight (28) days in any one (1) year. Each face of such sign shall not exceed twenty (20) square feet in area and shall not exceed six (6') feet in height. In no instance shall such sign be located so as to obstruct parking spaces or automobile or pedestrian travel lanes. Such signs shall not flash or be located so as to obstruct traffic vision, and

lighting shall be of a type so as not to be confused with traffic controls and not to cause distraction to vehicle drivers.

iii. *Pole signs.*

- a. Not more than one (1) pole sign may be erected accessory to any one (1) development, regardless of the number of buildings, separate parties, tenants or uses contained therein.
- b. It shall be unlawful to erect any pole sign to a height greater than eighteen (18') feet above the level of the street upon which the sign faces. The vertical distance from all points on the bottom of the sign face to the nearest point on ground shall be not less than eight (8') feet, and the sign shall be so erected as not to obstruct traffic vision.
- c. Pole signs may be illuminated as required by sub-sections 2h and 2k above.
- d. Time and temperature signs shall be permitted.
- e. All pole signs shall be securely built, constructed and erected upon posts and standards at least forty-two (42") inches below the material surface of the ground and shall be embedded in concrete. Wood or wood products shall be of wolmanized or equal treatment.
- f. All letters, figures, characters, items or representations in cutout or irregular form maintained in conjunction with, attached to or superimposed upon any sign shall be safely and securely built or attached to the sign structure. Loose or missing letters, figures, characters or items shall constitute a maintenance violation.
- g. The distance measured between the principal faces of any pole sign shall not exceed eighteen (18") inches.
- h. Sign height, setback (all portions of sign) and size for pole signs. (amended 5/1/2018)

Maximum Height See iii. b. Paragraph (3) Pole Signs (b) above for method of measuring height (in feet)	Minimum Setback Required from edge of Proposed R.O.W. (in feet)	Maximum Area* of Single Sign Face (in square feet)
14	10	60
15	10	60
16	10	60
17	10	60
18	10	60

*In those instances where more than one (1) sign face is proposed, the maximum area of all sign faces shall not exceed two (2) times the area prescribed for a single-faced sign (See also subsection 1(f) for calculation of permitted sign area).

iv. *Temporary signs.*

- a. For sale or rental of individual units, there shall be no more than one (1) such sign, except that on a corner lot two (2) signs, one (1) facing each street, shall be permitted. No such sign shall exceed six (6) square feet in area for each side of such sign. All such signs shall be removed within one (1) week after a lease or sale contract has been signed.
- b. Signs advertising buildings under construction may be erected for the period of construction and shall not exceed a face area of thirty-two (32) square feet for each side of such sign. Such signs shall be erected on the building or lot where such construction is being carried on and shall advertise only the architect, contractor,

subcontractor, building or materials and equipment used. There shall be no more than one (1) such sign.

- c. One (1) temporary sign may be displayed for any new business or owner for a period of time not to exceed twenty-eight (28) consecutive days, except as otherwise permitted by the Township Board.
 - d. No temporary sign may have a single face area greater than thirty-two (32) square feet nor be of greater height than the top of the wall to which it is attached. If the temporary sign is not attached to a wall, the sign shall be attached so the bottom edge of such sign is not less than seven (7') feet six (6") inches above grade and shall not exceed twelve (12') feet in overall height.
 - e. No temporary sign shall be strung across any public right-of-way, nor shall any temporary sign project beyond the property line except as authorized by the Township Board.
 - f. Temporary signs shall be removed promptly at the end of the display period provided for above.
 - g. Temporary signs found by the building inspector to be in a torn or damaged condition must be removed by the owner within three (3) days after his/her receipt of notice to do so from the building inspector. Temporary signs found to be unsafe shall be removed immediately upon receipt of notice from the building inspector.
- v. *Wall signs.*
- a. Wall signs may be provided on all street sides, front sides or parking lot sides of a building, and the total surface area of all wall signs shall not exceed ten (10%) percent of the area of the front elevation (including doors and windows) of the principal building or three (3) square feet for each lineal foot of building frontage, or one hundred-fifty (150') square feet, whichever is less. Where a single principal building is devoted to two (2) or more businesses or commercial uses, the operator of each such use may install a front wall sign. The maximum area of each such sign shall be determined by determining the proportionate share of the front face (including doors and windows) of the principal building occupied by each such use and applying such proportion of the total sign area permitted from the front wall of the building; or the percent agreed to by the occupants, total not to exceed the above area limitations. It is the responsibility of the applicant to provide the required information when applying for a sign permit.
 - b. Such sign may be illuminated as required by subsection 2h and 2k above.
 - c. Time and temperature signs shall be permitted.
 - d. Materials required. All wall signs of a greater area than fifty (50) square feet shall have a surface or facing of noncombustible material.
 - e. *Limitation on placement.* No wall sign shall cover wholly or partially any wall opening nor project beyond the ends or top of the wall to which it is attached.
 - f. *Projection and height.* No wall sign shall have a greater thickness than twelve (12") inches measured from the wall to which it is attached to the outermost surface. Wall signs may project over the public right-of-way not to exceed twelve (12") inches, provided clearance of not less than seven (7') feet six (6") inches is maintained below such sign if such sign projects more than four (4") inches. Such sign shall not project above the roof line.

- g. *Supports and attachments.* All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails. The method of attachment shall be stated on the permit application.
- C. *IA—Intensive Agricultural and I-1 and I-2 Industrial Districts sign types allowed. All sign types allowed and as controlled for commercial districts.*
 - D. *Permitted signs accessory to churches, schools or nonprofit institutions; sign types allowed (all use districts).* Churches, colleges, schools, buildings housing governmental functions and utilities of the Township, county or state or any subdivision thereof are permitted to erect signs. Such signs, when of a permanent nature, shall meet all the requirements of this ordinance and other ordinances of the Township except as provided hereafter and may include ground, portable, real estate and temporary signs as defined in this ordinance. During periods of special events, temporary signs advertising such events may be allowed for periods not to exceed two (2) weeks.
4. *Prohibited signs.* The following signs are prohibited within the Township except at otherwise provided for in subsection 3.B(iv) Temporary Signs:
- A. Non-accessory signs, including billboards.
 - B. String lights used in connection with business premises for commercial purposes, other than holiday decorations.
 - C. Any sign unlawfully installed, erected or maintained.
 - D. Signs erected on any fence post, tree, utility pole, or other similar object.
 - E. Any sign or banner erected upon or across any public right-of-way or dedicated public easement except by permission of the Township Board.
 - F. Signs that incorporate in any manner any flashing lights.
 - G. Any sign or other advertising structure upon which is displayed any obscene, indecent or immoral matter.
 - H. Signs which move, rotate, or have any moving or animated parts or image, whether movement is caused by machinery, electronics, wind or otherwise, including swinging signs.
 - I. Strings of flags, streamers, or pennants.
 - J. Inflated or deflated membrane devices.
 - K. Signs on park-type benches.
 - L. Freestanding signs.
 - M. Any sign on the roof of any building.
 - N. Marquee signs.
 - O. Projecting signs.
 - P. Vehicles used as signs: Any sign on a motor vehicle or trailer which is parked in front of or at a business, or in such a manner that is visible from a public street or from a residential

zoning district, which is used primarily for the purpose of advertising a business, product or service is prohibited.

Q. Medical Marijuana Caregiver signs

Any sign type that is not defined within this ordinance shall be subject to review and approval by the Township.

5. *Nonconforming signs.*

- A. All signs which were lawfully in existence as of the effective date of this ordinance and which were permanently affixed to real property that do not conform to the provisions of this ordinance shall be permitted to continue until such time as they are removed or until any structural or configuration changes are necessary, at which time they shall conform to the provisions of this ordinance. The provisions of this paragraph shall not apply to electrical maintenance, repainting, or changing of the message.
- B. A property which is a nonconforming use of land under Section 20.19, shall not be permitted to add additional signs to the buildings or property, other than those already existing at the effective date of this ordinance. Signs on nonconforming uses shall be maintained in good repair or be removed, and such removal shall be conditional to this Section (20.27), subsections 6.(Unsafe/damaged signs) & 7.(Sign maintenance) below.
- C. No permits for the installation, erection or placement of any new signs shall be issued while a non-conforming sign or an unlawful sign remains in use upon the same premises.
- D. Notwithstanding any other provision of this ordinance, a lawful nonconforming accessory pole sign existing at the effective date of this ordinance and located within a "B-1" or "B-2" District, may (within 90 days of the date of casualty) be replaced or reconstructed if damaged or destroyed by wind, fire, flood, vehicles, or by other casualty, provided said replacement or reconstruction will not create a greater nonconformity than existed prior to said damage or destruction.

6. *Unsafe or damaged signs.* Signs shall be subject to inspections, and when the condition of a sign is questionable, the owner or occupant shall obtain a professional engineer's report, certifying the condition of the sign. Failure to submit the report and make any specified corrections is a direct violation which will result in court action and order for the sign removal.

7. *Sign maintenance.* All signs, including those for which a permit is not required, together with all their supports, braces, guys and anchors, shall be maintained in good working order; and when not galvanized or constructed of approved corrosion resistant, noncombustible materials shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair so as to present a neat and orderly appearance and so as not to create visual blight within the Township. All bulbs or component parts of the sign, including the electrical switches, boxes and wiring used in the illumination of the sign, must be well maintained and in good repair. Loose or missing letters, figures, characters or items shall constitute a maintenance violation. Signs which lack maintenance shall be removed. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.

8. *Sign permits required.* It shall be unlawful for any person to erect, replace, repair (if cost of reconstruction or repair exceeds 50% of the reproduction cost of such sign), alter or relocate any sign within the Township, as defined in this section, without first obtaining a permit from the building inspector, with the exception of the following:

- A. *Signs which are not subject to regulation under this ordinance.*

- i. Wall signs, which are used as nameplates, not exceeding two (2) square feet in area; occupational signs denoting only the name and profession of the occupant in a commercial, public or other institutional building and not exceeding two (2) square feet in area.
 - ii. Bulletin boards not over twenty (20) square feet in area for governmental, educational and religious institutions when the same are located on the premises of said institutions; provided, however, if such signs are electrically illuminated, an electrical permit must be obtained.
 - iii. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or aluminum.
 - iv. Traffic or other municipal signs, legal notices, danger and such temporary emergency or non-advertising signs as may be approved by the Township.
 - v. Signs advertising the rental, sale, lease or open house of the property upon which they are located.
 - vi. Flags of recognized federal, state, county or Township governments.
 - vii. Decorative displays, provided any such display that occupies a public right-of-way shall be subject to Township Board approval.
 - viii. No hunting signs, no fishing signs, no trespassing signs.
 - ix. Political signs relating to the election of a person to public office, relating to a political party, or a matter to be voted upon at an election called by a public body, provided:
 - a. They are placed outside the highway or road right-of-way and in no way create a traffic hazard due to reduced vision of motorists or pedestrians.
 - b. Permission has been obtained from the property owner or occupant.
 - c. That such signs are erected no earlier than sixty (60) days prior to the election and are removed no later than ten (10) days after the election.
 - d. The property owner shall be responsible for removal of a political sign(s) in the event that the political candidate or his/her agents do not.
- B. *Application for sign permit.* Applications for permits shall be made upon forms provided by the building inspector and shall contain or have attached thereto the following information:
- i. Name, address and telephone number of the applicant and landowner.
 - ii. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 - iii. Position and location of the sign or other advertising structure in relation to nearby buildings or structures.
 - iv. Two (2) blueprints or drawings of the plans and specifications and methods of construction and attachment to the building or in the ground.
 - v. Name of person, firm, corporation or association erecting the structure and as required by subsection 2(a) of this section.

- vi. In all cases where wiring is to be used in connection with the structure, it shall comply with the Michigan electrical code. The electrical inspector shall approve and affix his signature to the permit if it is deemed necessary by the electrical inspector.
 - vii. Such other information as the building inspector shall require to show full compliance with this section and all other ordinances of the Township.
- C. *Sign permit fee.* It shall be unlawful for any person to erect or alter any sign, except those signs specifically exempted herein, unless a permit shall first have been obtained from the building inspector for such erection or alteration and a permit fee paid to the Township according to the schedule as shall be established from time to time by resolution of the Township Board.
- D. *Sign permit revocable at any time.* All rights and privileges accrued under the provisions of this section or any amendment thereto are mere licenses and may be revoked upon the violation of any of the conditions contained herein. If the work authorized under an erection permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void and a new permit shall be necessary to continue the project. Partially completed signs, if abandoned, shall be removed by the erector upon notice from the building inspector.
- E. *Permit number.* Every sign hereafter erected shall have placed in a conspicuous place thereon, in letters not less than one-half ($\frac{1}{2}$) inch in height, the date of erection, the permit number and the voltage of any electrical apparatus used in connection therewith.

Section 20.28 — Streets, Alleys & Railroad Rights-Of-Way:

All streets, alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

Section 20.29 — Swimming Pools:

All swimming pools as defined in the Michigan Building Code which are proposed to be erected in the Township shall comply with the Michigan Building Code and following requirements:

1. *Application.* The application for a zoning compliance permit to erect a swimming pool shall include the name of the owner, a plot plan, location of adjacent buildings, and nearby fences or other structures.
2. *Pool Location.* Minimum side yard setback shall comply with ARTICLE XVI of this Ordinance. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than four (4') feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line, or less than four (4') feet between pool wall and any building on the lot.

Section 20.30 — Open Parking and/or Storage of Motor Vehicles, Recreational Vehicles, Boats, and Similar Vehicles:

1. No motor vehicle shall be kept, parked, or stored in any district zoned for residential use, unless it shall be in operating condition and properly licensed, or kept inside a building. The purpose of this provision is to prevent the accumulation of junk motor vehicles, and therefore, it shall

not apply to any motor vehicle ordinarily used, but temporarily out of running condition. If a motor vehicle is being kept for actual use, but is temporarily unlicensed, the building inspector may grant the owner a reasonable time, not to exceed six (6) months, to procure such license.

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

2. *Non-Occupant Owned Recreational Vehicles.* The open parking and/or storage of a recreational vehicle, snowmobile, off-road motorcycle, boat, or similar vehicle, or a trailer used or meant to be used to haul such vehicles not owned by the occupant of the premises, for periods exceeding twenty-four (24) hours on lands not approved for said parking or storage shall be expressly prohibited, except that the Zoning Administrator may issue temporary permits allowing the parking of such vehicles in a rear yard on private property not to exceed a period of two (2) weeks.
3. *Occupant-Owned Recreational Vehicles.* All recreational vehicles, snowmobiles, off-road motorcycles, boats, and similar vehicles owned by the occupant of the premises and stored on the premises shall not be stored within any front yard and shall further respect the requirements applicable to accessory buildings insofar as distances from principal structures, lot lines, and easements are concerned.
4. All recreational vehicles parked on lands not approved for campgrounds shall not be connected to sanitary facilities, and shall not be occupied.
5. In any residential district, not more than one operable private passenger vehicle, owned and licensed by the occupant of the premises may be displayed for sale at a time. Any such vehicle must be located outside of: any clear vision areas, any road right-of-way, and any required side yard setback. Parking or storing of an inoperative vehicle(s), except within a garage or other permanent accessory storage building, is prohibited.

Section 20.31 — Satellite Dish Antennae:

1. Satellite dish type antennae are permitted as an accessory use in all zoning districts and shall require a zoning compliance permit from the Zoning Administrator prior to installation as set forth in Section 22.02.
2. Exclusion: This section does not apply to satellite dish antennas one (1) meter (3.3 feet) or less in diameter in residential districts or two (2) meters (6.6 feet) or less in non-residential districts.
3. Dish antennas greater than five (5') feet in diameter may not be placed on the roof of a principal or accessory building in any residential zone because of objectionable aesthetic impact on surrounding dwellings and views therefrom.
4. Satellite dish antennas controlled under provisions of this Section, including guys, are prohibited in any front or side yard of a lot or parcel in any residential or commercial district and shall not encroach upon any side yard setback line. Nor shall satellite dish antennas controlled under this Section be placed within ten (10') feet of the rear property line, provided that any guy wire anchors may be located within one (1') foot of the property line(s) that define the rear yard. In addition, any satellite dish antennae support in residential and commercial districts shall be set back from the nearest property line a distance equal to or greater than the structural height.
5. Height of any satellite dish antenna support structure covered under this Section shall be controlled by the height regulation of the district in which it is located.

6. Satellite dish antennae covered under this Section, for which an in-ground foundation or substructure must be constructed or which are roof mounted and extend more than five (5') feet above the ridge line of the roof, shall require a building permit prior to erection, enlargement, increase in height or relocation.
7. Lots or parcels in residential districts shall be limited to not more than one (1) satellite dish antennae support structure per building containing one or more dwelling units. A support structure may support more than one satellite dish.
8. Climbable satellite dish antennae support structures over twelve (12') feet in height shall be completely enclosed by a fence six (6') in height or shall have an effective anti-climb device attached. If fenced, the fence shall restrict the passage of a two (2') inch diameter sphere.

Section 20.32 — Regulation Of Condominium Developments

The following regulations shall apply to all condominium developments within Wales Township.

1. *Initial Information.*

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

- A. The name, address and telephone number of:
 - i. All persons, firms or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee).
 - ii. All engineers, attorneys, architects, planners or registered land surveyors associated with the project.
 - iii. The developer or proprietor of the condominium development.
- B. The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.
- C. The acreage content of the land on which the condominium development will be developed.
- D. The purpose of the development (for example, residential, commercial, industrial, etc.)
- E. Approximate number of condominium units to be developed on the subject parcel.
- F. Whether or not a community water system is contemplated.
- G. Whether or not a community septic system is contemplated.

2. *Information to be Kept Current.*

The information shall be furnished to the Township Building Official and shall be kept updated until such time as a Certificate of Occupancy has been issued pursuant to Section 22.03 of this Ordinance.

3. *Site Plans for New Projects.*

Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to Section 22.06 of this Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.

4. *Site Plans for Expandable or Convertible Projects.*

Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Section 22.06 of this Ordinance.

5. *Master Deed, Restrictive Covenants & "As-Built" Survey to be Furnished.*

The condominium development developer or proprietor shall furnish the Building Official with the following: One (1) copy of the recorded Master Deed; one (1) copy of all restrictive covenants and two (2) copies of an "as-built survey". The "as-built survey" shall be reviewed by the Township Engineer for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board of Trustees.

6. *Monuments Required.*

All condominium developments that consist in whole or in part of condominium units that are building sites, manufactured housing sites or recreational sites shall be marked with monuments as provided in this subsection.

- A. All monuments used shall be made of solid iron or steel bars at least one-half inch (1/2") in diameter and thirty-six inches (36") long and completely encased in concrete at least four inches (4") in diameter.
- B. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvatures, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
- C. If the required location of a monument is in an inaccessible place or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- D. If a point requiring a monument is on a bedrock outcropping, a steel rod, at least one-half inch (1/2") in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches (8").
- E. All required monuments shall be placed flush with the ground where practicable.
- F. All unit corners and the intersection of all limited common elements and all common elements shall be marked by monuments in the field by iron or steel bars or iron pipe at least eighteen inches (18") long and one-half inch (1/2") in diameter, or other approved markers.
- G. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not-to-exceed one (1) year on the condition that the proprietor

deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit to the Township of Wales, whichever the proprietor selects in an amount to be established by the Township Board of Trustees, by resolution. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

7. *Compliance with Federal, State and Local Laws.*

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

8. *Occupancy.*

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

9. *Single-Family Detached Condominiums.*

A. Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the township Board of Trustees following review and recommendation for approval by the Planning Commission. In determining whether to recommend a condominium subdivision plan for approval to the Township Board of Trustees, the Planning commission shall consult with the Zoning Administrator, Township Attorney, Township Engineer and Township Planner regarding the adequacy of the master Deed, deed restrictions, utility systems and streets, development layout and design and compliance with all requirements of the Condominium Act and Township Zoning Ordinance.

B. A single-family detached condominium development shall be subject to all of the requirements and standards of the applicable Single or Multiple Family Residential District or approved Planned Unit Development (PUD) Plan.

C. The design of a single-family detached condominium project shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by this Ordinance. Streets shall conform to at least all minimum requirements of the general specifications and typical cross sections as set forth in the Design Layout Standards Article of the Township Subdivision Ordinance and other conditions set forth by the Township Board and St. Clair County Road Commission.

i. *Location Arrangement and Design of Streets*

a. The street layout shall provide for continuation of collector streets in the adjoining subdivision or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Commission.

b. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.

c. Should a proposed condominium development border on or contain an existing or proposed major thoroughfare, the Commission may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.

- d. Should a proposed condominium development border on or contain a railroad, expressway or other limited access highway right-of-way, the Commission may require the location of a street approximately paralleled to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. Such distances shall be determined with due consideration to the minimum distance required for approach grades to future grade separation.
- e. Half streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Commission finds it will be practicable to require the dedication of the other half when the adjoining property is developed. Wherever there exists adjacent to the tract to be subdivided, a dedicated or platted and recorded half street, the other half shall be platted or otherwise included in the condominium subdivision.
- f. Should a proposed condominium development border upon or contain an existing or proposed canal, channel or drainage-way, the Commission may require the location of a bridge facility suitable to permit the unimpeded flow of water and the passage of water-borne vehicles.

ii. Right-of-Way and Pavement Widths

Street right-of-way and pavement widths shall conform to at least the following minimum requirements:

a. STREET TYPE	RIGHT-OF-WAY WIDTH	PAVEMENT WIDTH
Streets with public utilities within the ROW	66 ft.	30 ft. ⁵
Streets with public utilities outside the ROW	60 ft.	30 ft. ¹¹
Cul-de-sac	75' Radius	45' Radius

- b. No on-street parking shall be allowed.
- c. Minimum length for residential cul-de-sac streets shall be 140 feet. Maximum length for residential cul-de-sac streets shall be 1,500 feet.
- d. Access to streets across all ditches shall be provided by the proprietor with the St. Clair County Road Commission's specifications and procedures for driveway installation.

iii. Easements.

- a. Location of utility line easements shall be provided as necessary for utility lines. Such easements shall be a total of not less than twelve feet (12') wide and six feet (6') from each parcel.
- b. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the proposed condominium development plan to all appropriate public utility agencies.

⁵ Streets serving more than 50 lots shall have a pavement width of 36 ft.

- c. Easements six feet (6') in width, three feet (3') from each parcel shall be provided where needed alongside condominium unit boundary lines so as to provide for street light dropouts. Prior to the approval of the condominium subdivision plan, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific condominium unit boundaries. A notation shall be made on the condominium subdivision plan indicating: "The side boundary lines between condominium units (indicating building envelope numbers) are subject to street light dropout rights granted to the (name of utility company)".

iv. *Condominium Units.*

Condominium units within detached condominium developments shall conform to the following standards:

- a. Condominium units situated on corners in residential subdivisions shall be at least ten feet (10') wider than the minimum width permitted by the Zoning Ordinance.
- b. Excessive condominium unit depth in relation to width shall be avoided. A depth-to-width ratio of 3 to 1 shall be considered a maximum.
- c. Every condominium unit shall front or abut on a street.
- d. Side condominium unit lines shall be at right angles or radial to the street lines.
- e. Condominium units abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage condominium units or with side condominium unit lines parallel to the major traffic streets.
- f. Condominium units shall have a front-to-front relationship across all streets where possible.
- g. Where condominium unit's border upon bodies of water, the front yard may be designated as the waterfront side of such condominium unit provided the building envelope has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side.

v. *Blocks.*

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

vi. *Natural Resources.*

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

vii. *Walkways.*

Walkways shall be installed in all single-family detached condominium developments. Such walkways shall be a minimum of five feet (5') in width along both sides of collector and minor streets and six feet (6') in width along all major thoroughfares. Access to all general common areas shall be provided. Upon review of the site plan, the Planning Commission may approve alternate locations for the walkways or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation.

viii. *Street Trees and Landscaping.*

- a. Street trees shall be provided in the ratio of at least one (1) per dwelling unit, shall be placed along the right-of-way and shall not be less than eight feet (8') in height.
- b. The following trees are prohibited:
 - (1) Box Elder
 - (2) Soft Maples (Red, Silver)
 - (3) Elms
 - (4) Poplars
 - (5) Willows
 - (6) Horse Chestnut (nut bearing)
 - (7) Tree of Heaven
 - (8) Catalpa
- c. All unimproved surface area of the site shall be planted with grass, ground cover, shrubbery or other suitable landscape materials, except that patios, terraces, decks and similar site features may be allowed.

ix. *Utilities.*

- a. An adequate storm drainage system, including necessary storm sewers, catch basins, manholes, culverts, bridges and other appurtenances shall be required in all developments.
- b. A sewage disposal system shall be required as regulated by the St. Clair Co. Health Dept.
- c. A water supply system shall be required as regulated by the St. Clair Co. Health Depart.
- d. The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the development area and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the Township Engineers and the approval of the Planning Commission at the time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in

accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations that traverse privately held property shall be protected by easements granted by the proprietor.

x. *Final Documents to be Provided.*

After submittal of the condominium plan and bylaws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a mylar sheet of at least thirteen by sixteen inches (13" x 16") with an image not to exceed ten and one-half by fourteen inches (10-1/2" x 14").

Section 20.33 — Open Space Preservation Development (Residential Clustering) Option:

1. *Statement of Purpose.*

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

- A. That the preservation of wetlands, woodlands, open space and agricultural land in the township is necessary to the conservation of local, state, and national economic resources and is necessary, not only to the maintenance of the economy of the state, but also for the assurance of desirable living conditions for present and future residents of the township;
- B. That the discouragement of unnecessary conversion of open space and agricultural land to urban uses is a matter of public interest and will be of benefit to the township residents overall in that it will discourage noncontiguous urban development patterns, which unnecessarily increase the costs of services to community residents;
- C. That development under the open space preservation development option provisions of this Section is a primary goal of the township. Development under the provisions of this option is intended to provide the preferred alternative to lot splitting or conventional subdivision or site condominium development in many areas of the township;
- D. That single-family residential developments approved through this development method shall:
 - i. Maintain the township's open space and rural or semi-rural settings;
 - ii. Allow greater flexibility and encourage a more creative approach to residential development;
 - iii. Preserve the township's natural resources, including woodlands, wetlands, floodplains, prime agricultural land, and similar natural assets;
 - iv. Create a more desirable living environment through the preservation and conservation of the natural character of open fields, stands of trees, wetlands, brooks and streams, farmland and other similar assets;

- v. Provide open space that directly benefits the residents of the development and the township; and
- vi. Protect the rural character of the district, retain rural vistas by requiring optimum setbacks of residential development from rural highways and improve traffic safety by prohibiting direct access from individual home sites to such highways.

2. *Eligibility under the Township Zoning Act (PA 184 of 1943 as amended.)*

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

3. *Method of Land Division.*

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

4. *Open Space Retained.*

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

A. *Primary Conservation Areas.*

This category consists of:

- i. Wetlands, lands that are generally inundated (under ponds, lakes, creeks, etc.), land within the 100-year floodplain, slopes exceeding 25%, and soils subject to slumping. These sensitive lands are deducted from the total parcel acreage to produce the "Adjusted Tract Acreage," on which density shall be based (for both conventional and conservation subdivisions). [These areas are deducted because as a rule they would not be buildable lands under traditional development.]
- ii. Land that would be required for street rights-of-way (a minimum 10% of the net tract area) and land under permanent easement prohibiting future development (Co. Drain easements, existing and planned public road ROWs, utility easements, etc.) shall also be deducted.

B. *Secondary Conservation Areas.*

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

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

At least twenty-five (25%) percent of the total of the minimum required secondary conservation area(s) shall be suitable for active recreation purposes, but no more than fifty (50%) percent shall be utilized for that purpose, in order to preserve a reasonable proportion of natural areas on the site. The purposes for which open space areas are proposed shall be documented by the applicant.

C. Protected areas.

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

5. *Method of Preservation.*

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

A. Home Owners Association (HOA).

Title to the open space lands and other protected resource areas may be held by a homeowner's association with required participation of all residents within the development. If an HOA is to hold title, a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected.

B. Protective Covenants.

The covenants of the subdivision may include the preservation of lands within them. The exact locations of the open space and other protected resource areas shall be defined within this document. These covenants shall also state the types of uses that would be allowed in such open spaces and other protected areas. Covenants may be used with a home owners association but a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected.

C. Condominium Association.

All elements that are reserved for open space and other protected resource areas shall be preserved as common elements as shown on the site plan, except those areas that may be dedicated to a unit of government. Any alteration to the open space and other protected areas under common element status shall require the submittal of a new site plan and approval by the appropriate bodies. If a condominium association is to hold title to any open space and/or other protected areas, a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected.

D. Fee Simple Dedication to a Unit of Government.

The open space lands are dedicated to a unit of government (township, village, city, school district, county, state, or federal, etc.). This dedication may have provisions within it that state that in no way shall the unit of government be obligated to any cost due to the acquisition, and that the municipality has ample access to all areas of the open space for adequate maintenance purposes should they ever be needed. There shall also be deed restrictions preventing the unit of government from selling the property or using it for development purposes. If dedication to the township or another governmental body is to be used, a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected.

E. Conservation Easements.

The easement over the open space lands and other protected resource areas shall be held by a legal owner/holder, such as a conservation agency, and that owner shall have the right to enforce any aspect of the easement. The easement shall state the uses that are allowed within the open space areas and other protected resource areas and which uses are disallowed. The agreement shall be as specific as possible as to what is allowed and where it is allowed to take place. If the easement is granted to any party other than a recognized independent conservation organization, the easement shall be co-signed by a recognized independent conservation organization to ensure a checks and balance system. Whichever organization holds the legal rights to the easement, they shall visit the site a minimum of once per year to inspect and record any violations that may be occurring within the open space areas and other protected resource areas and create and file a report of what is observed.

F. Public Trust.

The open space lands and other protected resource areas may be dedicated to a public trust. This shall include the accompaniment of money with it to provide funds for the trust to conduct annual surveys on the land to turn into State agencies which may require these reports. The two entities shall enter into an agreement which states that the trust, whose only purpose is to protect open lands and other protected resource areas, shall protect these spaces within the development.

G. Conveyance of Any Un-used Development Rights.

Any unused development rights of the subject property may be conveyed to a unit of government or a conservation agency while allowing present and future owners of the open space lands to continue to maintain farming activities or open lands for their own use but permanently giving up the right to ever develop it.

6. *Density Limit (Yield Plan).*

The number of dwellings permitted to be constructed shall not exceed the number that would be permitted under conventional zoning regulations as determined by gross parcel area less primary conservation areas as defined in the paragraphs under 4.A. above, divided by the minimum lot area set forth in the schedule of regulations for the district involved. The permitted density may be modified if a density bonus(es) is approved by the Planning Commission.

7. *Density Bonus.*

A. General.

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

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

B. Public Access.

To encourage appropriate and desirable lands to be set aside for public access to a portion of the site, a bonus of one (1) additional potential lot may be granted to the developer in

exchange for a written and recorded easement to a unit of government for each five (5) acres of public access land provided.

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

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

8. *Minimum Lot Size.*

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

9. *Frontage on Internal Road.*

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

10. *Road Standards.*

All internal roads shall be designed and constructed to meet all requirements of the St. Clair County Road Commission (SCCRC) and as may be set forth in the township Subdivision Regulations or the township Site Condominium requirements. The Planning Commission shall not approve a development under this option until adequate assurance is obtained from SCCRC that the road(s) will be accepted if built to SCCRC specifications. All internal roads shall be dedicated to the SCCRC, be accepted, and be incorporated into the SCCRC road system.

11. *Clustered Home sites.*

A. *General Evaluation Criteria.*

- i. Protects and preserves all floodplains, wetlands, and steep slopes.
- ii. Preserves and maintains mature woodlands, existing fields, pastures, meadows, orchards, and creates sufficient buffer areas.
- iii. If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads.
- iv. Maintains or creates an upland buffer of natural native species vegetation adjacent to wetlands and surface waters.
- v. Designs around existing tree lines and hedgerows between fields or meadows, and minimizes impacts on large woodlands (greater than 5 acres).

- vi. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares.
- vii. Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
- viii. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern.
- ix. Designs around and preserves sites of historic, archaeological, or cultural value, their environs, and their related features (e.g. stones walls, earthworks, and burial grounds).
- x. Protects rural roadside character.
- xi. Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value.
- xii. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
- xiii. Includes a safe internal pedestrian circulation system, ideally connected to community pedestrian/bicycle system. The system must be integrated with open space, recreation, preservation areas, and provide convenient access from home sites.
- xiv. Provides open space that is reasonably contiguous. (Design and Management Handbook for Preservation Areas, by the Natural Land Trust is a good reference resource.)

B. Specific Criteria.

i. Location of House Sites.

House sites should generally be located not closer than 100 feet from Primary Conservation Areas, but may be situated within 50 feet of Secondary Conservation Areas to provide buffering distances and afford enjoyable views. The building “footprint” of proposed residences may be changed in any direction by less than 50 feet without approval. Changes involving 50 feet or more may be changed with approval from the Planning Commission.

ii. Street and Lot Layout.

When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the County and to facilitate easy access throughout the development. Single-loaded residential access streets may maximize the number of homes with enjoyment of open space views, but may require more land to be disturbed.

iii. Lot Lines.

These are generally drawn midway between adjacent house locations. Lots may be irregularly shaped, including L-shaped “flag-lots”.

12. *Setbacks.*

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

13. *Landscaping.*

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

14. *Sewage Disposal and Water Supply.*

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

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

15. *Pedestrian Linkages to Open Space.*

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

16. *Site Plan.*

Approval under this section requires that a site plan meeting the requirements of Section 22.06 be reviewed and approved by the Planning Commission. In addition to a site plan, the Planning Commission may require the submittal of additional documents as specified or called for herein.

17. *Site Condominium, Subdivision Approval, or Land Division.*

A project approved under this section shall also comply with all requirements of the township, county, and state for a site condominium, subdivision, or land division as may be applicable, and shall follow all such steps and procedures for approval required therein.

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

ordinance, if developed under the land division method, the number of parcels or lots to be created shall not exceed the maximum number permitted under the state Land Division Act.

18. *Application and Approval Process.*

A. Preliminary Approval.

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

- i. Applicant prepares and presents a "yield plan" for review and approval of the Planning Commission. The "yield plan" shall identify all primary conservation areas as defined in the paragraphs under 4. a. above, and shall accurately demonstrate the maximum number of lots or parcels which could be created if the property was developed conventionally.
 - ii. Applicant submits conceptual preliminary plan with all basic existing and proposed land features and structures shown separately. Aerial photos and simple transparencies may be used.
 - iii. Applicant submits conceptual landscape plan with all basic existing and proposed topography and vegetation features shown separately. Photos and simple transparencies may be used.
 - iv. A site walkabout may be scheduled for the applicant, planning commissioner(s), and the local government's staff and/or consultants.
- B. Planning Commission site plan review procedures (see Section 22.06) are required in all eligible districts (AG, ROS, R, and RM) for this permitted use. All required steps shall be scheduled with a determination of approval, approval with conditions, or disapproval to follow accordingly.
- C. Any legal instruments (easements, covenants, etc.) pertinent to the effectuating of the proposed open space preservation development must be reviewed and approved by the township attorney. Any approved easements, covenants, or other legal instruments that run with the land are to be recorded with the county register of deeds. No zoning compliance permit or building permit shall be issued until this has been accomplished.

Example

Parcel Size: 40 acres (A site like this with various natural limitations can be made more buildable under this development option.)

Normal Zoning – Agricultural District: 2.5 acre minimum lot size

Calculation of allowable number of lots:

40 acres = gross area

Less 15% for internal roadways (6.0 acres)

Less 1 acres for planned County Road ROW (parcel legal description running to the center of the road).

Less 1.5 acres for a County Drain easement.

Less 6.5 acres of regulated wetland, also 100 year floodplain, adjacent to county drain (a Primary Conservation Area)

40 – 6.0 acres – 1.0 acres – 1.5 acres – 6.5 acres = 25 acres [Adjusted Tract Acreage]
25 net acres/ 2.5 acre minimum lot size = 10.0
So...Ten (10) lots allowed [result of lot “yield plan”]

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

25 acres – 12.5 acres = 12.5 net acres [12.5 acres of Secondary Conservation areas to be permanently conserved:

- 5.0 acres on north side of parcel to be retained by original farm owner for farming together with adjacent 160 acre cropland.
- acres of upland woods and stream to be held in common by resident owners.
- 5.0 acres on east side to be dedicated for public access. See bonus below.]

12.5 acres = net developable area
less 10% for roadway (reduced need)
12.5 x 0.90 = 11.25 net acres

Area per buildable home site:

11.25 net acres/ 10 allowable units
typical home site = 1.125 acre*

Potential Bonus Lots (Section 20.33, 7.a. Density Bonus)

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

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

Potential Total: 10 + 3 = 13 Lots*

Potential Bonus Lots (Section 20.33, 7.b. Public Access Bonus)

3 acres for 50 ft. buffer area surrounding portions of wetlands
+ 1.5 acres for county trail way
+ 0.5 acre for wetland observation site and interpretative displays
5.0 acres open to the general public (out of 15 acres of site conservation area.)

5 Acres Public Access = 1 Additional Bonus Lots

Potential Total 10 + 3 + 1 = 14 Lots*

12.5 net acres/ 14 allowable units
typical home site = 0.89 acre*

* Note: Actual typical home site size may vary due to on-site conditions affecting well and septic placement as well as health department requirements. See paragraph 14.for potential well and/or septic field placement option.

Section 20.34 — Moratorium on Wind Energy, MET Towers and Solar Energy Facilities

AN ORDINANCE TO AMEND THE TOWNSHIP'S ZONING ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR, OR FOR ANY CONSTRUCTION OF, WIND ENERGY CONVERSION SYSTEMS, MET TOWERS AND SOLAR ENERGY FACILITIES.

Wales Township Ordains:

Section 1. Addition of Section 20.34

A Section 20.34 is hereby added to the Township's Zoning Ordinance to read, in its entirety, as follows:

Section 20.34 - MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR, OR FOR ANY CONSTRUCTION OF, WIND ENERGY CONVERSION SYSTEMS, MET TOWERS AND SOLAR ENERGY FACILITIES

1: Definitions.

- A. "Wind Energy Conversion System" includes all equipment that is used to convert, store or transfer energy from wind into usable forms of energy and includes any wind turbines or wind generators as well as any bases, blades, foundations, generators, nacelles, rotors, towers, transformers, turbines, vanes, wires, or other components used in such a system whose purpose is to provide electricity to the electric utility grid.
- B. "Meteorological Tower" ("MET Tower") includes a tower used for the measurement of wind speed.
- C. "Large Solar Energy Facilities" means a utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV) or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.

2. Purpose and Findings. The purpose of this moratorium is to provide sufficient time for Wales Township to fully explore, analyze, research, and make informed decisions regarding Wind Energy Conversion Systems, Meteorological Towers and Large Solar Energy Facilities. In support of this Ordinance, the Wales Township Board has determined the following:

- A. The Township Board has become aware that developers may be interested in constructing Wind Energy Conversion Systems or Large Solar Energy Facilities in the Township.
- B. The integration of these Wind Energy Conversion Systems and Large Solar Energy Facilities within the Township emphasizes the need for suitable regulations and controls.
- C. The Township Board is authorized to establish reasonable requirements and regulations to govern and control Wind Energy Conversion Systems, MET Towers and Large Solar Energy Facilities within the Township to protect the public health, safety and welfare of the Township residents and their property.
- D. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary to allow the Township time to fully explore, analyze, research and develop any proposed regulations regarding

the integration of Wind Energy Conversion Systems, MET Towers and Large Solar Energy Facilities within the Township.

- E. A moratorium should be imposed upon the issuance of any and all permits, licenses, and approvals for any property in the Township for the establishment and use of Wind Energy Conversion Systems, MET Towers and Large Solar Energy Facilities for 18 months.

3: Moratorium. Notwithstanding sections 20.21, 20.36 and 20.37 of this Ordinance, a moratorium is hereby imposed upon the issuance of any and all permits, licenses, or approvals for any property in the Township for the establishment and use of Wind Energy Conversion Systems, MET Towers and Large Solar Energy Facilities, so long as this Ordinance is in effect.

4: Term of Moratorium; Renewal. The moratorium imposed by this Ordinance remains in effect 18 months following the effective date of this Ordinance, unless repealed sooner.

Section 2. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 3. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Effective Date. This Ordinance is effective 7 days following publication.

Section 20.35 — Small Solar Energy Systems for On-Site Use: (amended 4/2/2019)

Intent. An on-site use solar energy system (See Appendix for Definition) is intended to serve the needs of the private owner. Systems occupying less than 1 acre are considered small solar energy systems. Systems may be roof-top mounted or ground mounted. Small solar energy systems may be approved through the issuance of a building permit, provided that the application meets the requirements and standards of this section. If the Zoning Administrator has a good faith belief that the solar energy systems may have an adverse impact upon the health and safety of the public, the Administrator may require the applicant to apply for Site Plan Approval to the Planning Commission. Small solar energy systems may be permitted in all zoning districts.

1. General Requirements.

a. Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.

b. Setback requirements. See Section 16.01 Schedule of District Regulations.

c. Glare. The applicant shall provide documentation that glare will be eliminated, insofar as possible. This may include manufacturer's specifications of the panels, proficient angling, adequate screening, or other means, as to not adversely affect neighboring dwellings.

d. Mechanical equipment must be screened from street and neighboring dwellings by fencing, landscaping, or greenbelts.

e. A sketch plan, drawn to scale, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the Zoning Administrator or Planning Commission that is necessary to determine compliance with this ordinance.

f. Each system shall conform to applicable industry standards including those of the American National Standard Institute (ANSI) as well as a Certificate of Compliance demonstrated, tested, and approved by Underwriters Laboratories (UL).

g. Complete, professional-prepared site plans signed and sealed by the responsible parties shall not be required if any of the following apply:

- i. Roof mounted solar panels
- ii. The installation of one (1) solar panel with a total area of less than eight (8) square feet.
- iii. Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size of coverage area of the solar energy equipment.
- iv. Ground mounted solar panels that do not exceed 1000 square feet.

2. Building Mounted Solar Energy Systems.

- a. An administrative Review is required of all building-mounted solar energy collectors permitted as an accessory use.
- b. Roof mounted Panels may extend up to five (5) feet above a flat roof surface and two (2) foot above the highest point of a pitched roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located.
- c. Panels shall not project beyond or hang below the eaves.
- d. Roof mounted solar energy systems shall be only of such weight as can safely be supported by the roof. Proof thereof, in the form of certification by a professional engineer, State of Michigan Licensed builder, or other qualified person, shall be submitted to the Township Building Official prior to installation; such certification shall be subject to the Building Official's approval.
- e. Solar Energy Systems that are wall mounted shall not exceed the height of the building wall to which they are attached.
- f. Solar Energy Panels shall not be mounted on a building wall that is parallel to an adjacent public right of way.
- g. The exterior surfaces of solar energy collectors that are mounted on the roof or on a wall of a building, or are otherwise attached to a building or structure, shall be generally neutral in color and substantially non-reflective of light.

3. Ground Mount Solar Energy Systems.

- a. Shall not be installed on acres less than one (1) acre.
- b. Shall only be located in the rear or side yard.
- c. The maximum ground area occupied by solar panels and associated paved surfaces is one (1) acre.
- d. If more than 2,000 square feet of impervious surface is proposed, a drainage plan shall be submitted.
- e. The Maximum height for Ground Mounted Panel is *ten (10)* feet, measured from the grade to the top of the panel at maximum upward tilt position.
- f. Panels glare shall be screened from neighboring residential dwellings, parks, and public rights of way by a greenbelt, existing or planted vegetation, and/or a privacy fence (See Appendix for Definition).

4. Decommissioning. If the solar energy system ceases to operate, is abandoned for a period of six (6) months, or is deemed by the Zoning Administrator or Building Official to be unsafe, the current land owner shall repair and restore the system to good working order, compliant to most current changes of building codes, within a reasonable time set by the Zoning Administrator or Building Official. If no longer operating or no longer able to be upgraded to comply with federal, state, or local codes, the current land owner shall remove the system in

its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

Section 20.36 — Medium Solar Energy Systems for On-Site And/Or Utility Use: (amended 4/2/2019)

Intent. An on-site use solar energy system (See Appendix for Definition) is intended to first serve the needs of the on-site owner. A utility grid solar energy system is a solar energy system that is designed and built to provide electricity directly to the electric utility grid. Medium solar energy system (See Appendix for Definition) shall require Site Plan Approval by the Planning Commission. Medium systems for on-site use are permitted in Agricultural and in all non-residential districts.

1. General Requirements.

- a. Setback requirements. See Section 16.01 Schedule of District Regulations.
- b. Glare. The applicant shall provide documentation that glare will be eliminated, insofar as possible. This may include manufacture's specifications of the panels, proficient angling, adequate screening, or other means, as to not adversely affect neighboring dwellings, parks, public right of ways, transportation such as air traffic, and railways.
- c. Mechanical equipment shall be screened from public right of ways and neighboring dwellings by fencing or landscaping.
- d. A site plan, drawn to scale and conforming to Section 20.06, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the Planning Commission that is necessary to determine compliance with this ordinance.
- e. Mechanical equipment shall remain locked when not undergoing service.

2. Building Mounted Medium Solar Energy Systems.

- a. An administrative Review is required of all building-mounted solar energy collectors permitted as an accessory use.
- b. Roof mounted Panels may extend up to five (5) feet above a flat roof surface and two (2) foot above the highest point of a pitched roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located.
- c. Panels shall not project beyond or hang below the eaves.
- d. Roof mounted Solar energy systems shall be only of such weight as can safely be supported by the roof. Proof thereof, in the form of certification by a professional engineer, State of Michigan Licensed builder, or other qualified person, shall be submitted to the Township Building Official prior to installation; such certification shall be subject to the Building Official's approval.
- e. Solar Energy Systems that are wall mounted shall not exceed the height of the building wall to which they are attached.
- f. Solar Energy Panels shall not be mounted on a building wall that is parallel to an adjacent public right of way.
- g. The exterior surfaces of solar energy collectors that are mounted on the roof or on a wall of a building, or are otherwise attached to a building or structure, shall be generally neutral in color and substantially non-reflective of light.

3. Ground Mounted Solar Energy Systems

- a. Shall not be installed on parcels less than twenty (20) acres.

- b. The maximum ground area occupied by solar panels and associated impervious surfaces shall not exceed three (3) acres.
 - c. If more than 2,000 square feet of impervious surface is proposed, a drainage plan prepared by a registered civil engineer is required.
 - d. The maximum ground-mounted panel height when in maximum upward tilted position shall be twelve (12) feet, measured from the grade to the top of the panel.
 - e. A glare study shall be provided indicating locations requiring screening from residential districts, neighboring dwellings which were built before approval of site plan, public right of ways, and public parks. Required screening locations shall consist of a greenbelt with a berm, or a six (6) foot privacy fence. Screening requirements may be waived by Planning Commission, when an existing established, natural, tree line fence row consisting of at least 60% native conifer and/or deciduous trees, with minimum width of 15 feet and minimum height of 15 feet, complete with native established underbrush and perennial flowers, plants and/or grasses, existing entirely on said property, and construction within this area is not permitted.
4. Decommissioning. If the solar energy system ceases to operate, is abandoned for a period of six (6) months, or is deemed by the Zoning Administrator or Building Official to be unsafe, the current land owner shall repair and restore the system to good working order, compliant to meeting most up to date State of Michigan and federal building codes, within a reasonable time set by the Zoning Administrator or Building Official. If no longer operating or no longer able to be upgraded to comply with federal, state, or local codes, the current land owner shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
5. Performance Guarantees and Reclamation Bonds: Planning Commission shall determine amount for required reclamation bond. Planning Commission shall request developer to provide third party engineer decommissioning cost estimate.

Section 20.37 — Large Solar Energy Systems for Utility Use:
(amended 4/2/2019)

INTENT. A utility grid solar energy system that is designed and built to provide electricity to the public electric utility grid. Large Solar Energy Systems (See Appendix for Definition) are intended to be so constructed and located to be compatible with neighboring land uses such as agricultural, intensive agricultural, light industrial, and heavy industrial uses, while being distanced enough from residential uses to avoid becoming a nuisance. Large Solar Energy systems shall only be considered for utility purposes and may only be permitted as a Special Land Use within Light Industrial (I-1), and Heavy Industrial (I-2) zoned properties.

- 1. General Requirements.
 - a. Shall not be installed on parcels less than ten (10) acres.
 - b. Setback requirements. See Section 16.01 Schedule of District Regulations.
 - c. Glare. The applicant shall provide documentation that glare will be eliminated, insofar as possible. This may include manufacture's specifications of the panels, proficient angling, adequate screening, or other means, as to not adversely affect neighboring dwellings, parks, public right of ways, transportation such as air traffic, and railways.

- d. Mechanical equipment must be screened from street and neighboring residential dwellings by fencing or landscaping.
 - e. A site plan, drawn to scale and conforming to Section 20.06, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the Planning Commission that is necessary to determine compliance with this ordinance.
 - f. If more than 2,000 square feet of impervious surface is proposed, a drainage plan prepared by a registered civil engineer is required.
 - g. The maximum ground-mounted panel height when in maximum upward tilted position is twelve (12) feet, measured from the grade to the top of the panel.
 - h. A glare study shall be provided indicating locations requiring screening Panels shall be screened from residential districts, neighboring dwellings, public right of ways, and public parks. Required Screening locations shall consist of a greenbelt with a berm (section 20.15), or a six (6) foot privacy fence (See Appendix for Definition) as determined by Planning Commission. If construction of site occurs during non-planting months, a surety or performance bond shall be set to ensure proposed required screening. Screening requirements may be waived by Planning Commission, when an existing established, natural, tree line fence row consisting of at least 60% native conifer and/or deciduous trees, with minimum width of 15 feet and minimum height of 15 feet, complete with native established underbrush and perennial flowers, plants and/or grasses, existing entirely on said property, and construction within this area is not permitted.
 - i. Applicant of Site Plan approved greenbelts and berms shall follow Bond requirements according to Section 20.15 9a., and 20.15 9b. in the event that weather prevents immediate construction of said screening.
2. Decommissioning. If the solar energy system ceases to operate, is abandoned for a period of six (6) months, or is deemed by the Zoning Administrator or Building Official to be unsafe, the current land owner shall repair and restore the system to good working order, compliant to meeting most up to date State of Michigan and federal building codes, within a reasonable time set by the Zoning Administrator or Building Official. If no longer operating or no longer able to be upgraded to comply with federal, state, or local codes, the current land owner shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
 3. Performance Guarantees and Reclamation Bond: Planning Commission shall determine amount for required reclamation bond. Planning Commission shall request developer to provide third party engineer decommissioning cost estimate.

Section 20.38 — Medical Marijuana Caregivers:

INTENT. The acquisition, possession, cultivation, use, delivery or distribution of marijuana to treat or alleviate a debilitating medical condition is prohibited except in compliance with the Michigan Medical Marijuana Act (“MMMA”) of 2008 and applicable provisions of the Township Zoning Ordinance.

1. General Requirements: A registered primary caregiver, operating in compliance with the MMA General Rules, the MMA and the requirements of this subsection, shall be permitted as a home occupation, as regulated by this subsection. The Township makes the following findings, in support of its determination that the regulation of registered primary caregivers as a permitted home occupation is consistent with the purposes and intent of the MMMA:

- a. The MMMA does not create a general right for individuals to use, possess, or deliver marijuana in Michigan.
- b. The MMMA's protections are limited to individuals suffering from serious or debilitating medical conditions or symptoms, to the extent that the individuals' marijuana use is carried out in compliance with the provisions related to the operations of registered primary caregivers.
- c. The MMMA's definition of "medical use" of marijuana includes the "transfer" of marijuana "to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition," but only if such "transfer" is performed by a registered primary caregiver who is connected with the same qualifying patient through the registration process established by the Department of Licensing and Regulatory Affairs, and who is otherwise operating in strict compliance with the MMMA and the MMMA General Rules.
- d. The MMMA provides that a registered primary caregiver may assist no more than five qualifying patients with their medical use of marijuana.
- e. The MMMA does not, therefore, create a new vocation for entrepreneurs or others who wish to engage in the sale of marijuana to more than five persons in a commercial setting. Instead, the MMMA is directed at improving the health and welfare of qualifying patients.
- f. The health and welfare of qualifying patients is improved by permitting the operations of registered primary caregivers as a home occupation, because this allows qualifying patients who suffer from serious or debilitating medical conditions or symptoms to obtain the benefits of the medical marijuana in a residential setting, without having to unnecessarily travel into commercial areas.
- g. By permitting the operations of registered primary caregivers as a home occupation, rather than in a commercial setting, this promotes the MMMA's purpose of ensuring that (i) a registered primary caregiver is not assisting more than five qualifying patients with their medical use of marijuana, and (ii) a registered primary caregiver does not unlawfully expand its operations beyond five qualifying patient, so as to become an illegal commercial operation, in the nature of a marijuana collective, cooperative or dispensary.

2. The following standards and requirements shall apply to the location at which the medical use of Marijuana is conducted by a primary caregiver.

- a. The medical use of marijuana shall comply at all times with the MMMA and the MMMA General Rules, as amended.
- b. A registered primary caregiver shall not possess marijuana, or otherwise engage in the medical use of marijuana, in a school bus, on the grounds of any preschool or primary secondary school, or in any correctional facility.
- c. Not more than two registered primary caregivers, who shall also be full-time residents of the dwelling, shall be permitted to operate at any one property.
- d. The medical growth of marijuana shall be conducted entirely within a dwelling or attached garage up to 12 marijuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marijuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA.

e. A sign identifying the home occupation by word, image or otherwise, or indicating that the medical use of marijuana is taking place on the premises, shall not be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.

f. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use of marijuana, no other materials or equipment not generally associated with normal ownership, use and maintenance of a dwelling shall be permitted.

g. Distribution of marijuana or use of items in the administration of marijuana shall not occur at or on the premises of the primary caregiver. A qualifying patient shall not visit, come to, or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain or receive possession of any marijuana.

h. Except for the primary caregiver, no other person shall deliver marijuana to the qualifying patient.

i. No one under the age of 18 years shall have access to medical marijuana.

j. No on-site consumption or smoking of marijuana shall be permitted within the dwelling (or on the property) of a primary caregiver, except for lawful medical marijuana consumption by the primary caregiver if registered as a qualifying patient under the MMMA.

k. Medical marijuana shall not be grown, processed, handled or possessed at the dwelling of the primary caregiver beyond that which is permitted by law.

l. all necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marijuana are located or used.

m. If marijuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.

n. Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver, apart from the permitted quantity of medical marijuana.

o. To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs, are subject to inspection and approval by the zoning administrator or other authorized official.

p. The property, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official or law enforcement official.

3. The operations of a registered primary caregiver, as a home occupation, shall be permitted only with the prior issuance of a Township Permit.

a. A complete and accurate application shall be submitted on a form provided by the Township and an application fee in an amount determined by resolution of the Township Board shall be paid.

b. The permit application shall include the name and address of the applicant; the address of the property; proof, such as a driver's license, voter registration card or similar record showing that the dwelling is the applicant's full-time residence; a current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in marijuana cultivation and processing; and a description of the location at which the use will take place. The zoning administrator may require additional information necessary to demonstrate compliance with all requirements. The zoning

administrator shall review the application to determine compliance with this Ordinance, the MMMA and the MMMA General Rules. A permit shall be granted if the application demonstrates compliance with this Ordinance, the MMMA and the MMMA General Rules.

c. The use shall be maintained in compliance with the requirements of this Ordinance, the MMMA and the MMMA General Rules. Any departure shall be grounds to revoke the permit and take other lawful action. If a permit is revoked, the applicant shall not engage in the activity unless and until a new permit is granted.

d. Information treated as confidential under the MMMA, including the primary caregiver registry identification card and any information about qualifying patients associated with the primary caregiver, which is received by the Township, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act.

4. It is unlawful to establish or operate a for-profit or nonprofit marijuana dispensary, collective or cooperative within the Township, even if such use is intended for the medical use of marijuana.

5. The use of the dwelling or other permitted facility of a qualifying patient to cultivate medical marijuana in accordance with the MMMA, solely for personal use, does not require a permit under this subsection; however, all applicable state and Township ordinance requirements must be met.

6. The provisions of this subsection do not apply to the personal use and/or internal possession of marijuana by a qualifying patient in accordance with MMMA, for which a permit is not required.

7. Marijuana establishments prohibited

a. Any and all types of a “marijuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act, are completely prohibited in the Township, and may not be established or operated in any zoning district, by any means, including by way of a variance.

b. Any and all types of “marijuana facilities” as described in Act 281 of 2016, the Medical Marihuana Facilities Licensing Act are completely prohibited in the Township and may not be established, licensed or operated in any zoning district, by any means, including by way of variance.

c. Nothing in this Section 20.38 shall limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.

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General Exceptions

Section 21.01 — Access Through Yards:

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. This Section shall not be construed to permit private roads serving more than one (1) parcel where otherwise excluded by the zoning ordinance. These drives shall not be considered as structural violations in front yard and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine (9") inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

Section 21.02 — Dwelling in a Non-Residential District:

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

Section 21.03 — Essential Services:

Essential services, as defined in section 2.02 (#55), of this Ordinance, except for high voltage electric transmission lines and high pressure gas transmission lines, shall be exempt from application of this Ordinance.

Section 21.04 — Projections into Yards:

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

Section 21.05 — Voting Place:

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.

Section 21.06 — Yard Regulations:

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape or topography, or due to architectural or side arrangement, such regulations may be modified or determined only by the Zoning Board of Appeals.

Section 22.01 — Zoning Administrator:

The Office of the Zoning Administrator is hereby established. The Zoning Administrator shall be appointed by the Township Board and shall serve at its pleasure. The Zoning Administrator in accordance with applicable Township practice of record, policy, and procedures may designate a representative to act in his place either temporarily, for extended periods, and/or on an on-going basis as an aid or deputy. He shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee, elected official, or appointed officer of the Township of Wales. He shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. He shall have no power to vary or waive ordinance requirements.

Section 22.02 — Zoning Compliance Permits:

Hereafter, no land use shall be commenced or changed and no structure shall be erected or enlarged until the person conducting such use or erecting or enlarging such structure has obtained a Zoning Compliance Permit from the Zoning Administrator. The Zoning Administrator shall issue such permit upon the furnishing in writing, over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure or addition is in full compliance with all provisions of this Ordinance, a finding by the Zoning Administrator that such is the case and payment of a permit fee in accordance with a fee schedule as may be set forth from time to time by the Township Board.

No Zoning Compliance Permit shall be issued where it appears that any land area required to conform to any provision of this Ordinance is also required as a part of any adjoining property to keep the development of use thereof in conformity with this Ordinance, or to keep it from becoming more nonconforming, if such land area was, at any time subsequent to the start of development or use of such adjoining property, in common ownership with such adjoining property.

Any Zoning Compliance Permit based on any material false statement in the application or supporting documents is absolutely void from inception (*void ab initio*) and shall be revoked.

No Zoning Compliance Permit shall remain valid if the use or structure it authorizes becomes nonconforming.

**Section 22.03 — Zoning Compliance Permit – Final Inspection;
Certificate of Occupancy:**

No permanent Certificate of Occupancy shall be issued under the Michigan Building Code administered by the Township of Wales until all requirements of this Ordinance have been met. A temporary certificate may be issued under circumstances where expressly permitted by this Ordinance.

All Certificates of Occupancy issued by the Building Inspector shall be accompanied by a Zoning Compliance Permit which bears the signature of the Zoning Administrator certifying that all requirements of this Ordinance have in fact been met and that he has made a field inspection to ascertain same.

In cases where Certificates of Occupancy are not required under the Michigan Building Code, such as in the case of agricultural buildings, the Zoning Administrator shall nevertheless certify compliance for zoning purposes that the structure or use has been established or erected in compliance with the terms of the Zoning Ordinance by issuing a Zoning Compliance Permit.

Section 22.04 — Special Zoning Orders Book and Map:

The Zoning Administrator shall keep in his office a book, to be known as the Special Zoning Orders Book, in which he shall list, with a brief description, all variances, special approval use permits, and authorizations for planned unit developments, designations of Class A nonconformance and any termination of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map of the Township, to be known as the Special Zoning Orders Map, on which he shall record the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.

Section 22.05 — Permit Fees:

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

Section 22.06 — Site Plan Review:

1. *Site Plan Review Required:* Site plan review and approval of all development proposals (except as otherwise provided herein) is required by the following provisions. 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.
2. *Site Plan Review Required:* A site plan shall be submitted to the planning commission for review and approval for the following:
 - A. Any use in any zoning district, except for the following uses:
 - i. agricultural buildings
 - ii. single-family dwellings
 - iii. two-family dwellings
 - iv. buildings and uses customarily accessory and incidental to the above uses
 - v. manufactured housing communities shall be subject to preliminary site plan review under Sections 20.03.0, 20.03.1, and 20.03.2.

- B. All site condominium or condominium projects.
 - C. Any use or development for which the submission of a site plan is required by any provisions of this ordinance.
 - D. An addition, expansion, or alteration of any of the above uses (except those listed in paragraph a. above) or a change from an existing use to a dissimilar use:
 - i. Wherein the proposed expansion or change would trigger different or additional zoning requirements, such as but not limited to: number and or arrangement of off-street parking spaces, loading zones, points of ingress or egress, walls, greenbelt, buffer, screening, landscaping, etc.
 - a. Except that Planning Commission review may be waived and the site plan approved by the Zoning Administrator when, in the opinion of the Township Planner, the expansion of use or change in use will not involve changes substantial enough to warrant Planning Commission review. A written memorandum documenting this decision shall be prepared by the Zoning Administrator and signed by the Zoning Administrator and the Township Planner.
 - ii. Wherein the proposed addition, expansion, or change would require a variance from the provisions of this ordinance no matter what size the addition or expansion.
3. *Application Procedure:* An application for site plan review shall be processed in the following manner:
- A. All site plans shall be submitted to the zoning administrator at least twenty-one (21) days prior to the next regularly scheduled meeting of the planning commission and must contain the following to be accepted:
 - i. A signed and complete application.
 - ii. Ten (10) copies of the site plan.
 - iii. All items, as required by section 4 above, shown on the site plan.
 - iv. Required fees as established by resolution of the township board.
 - B. Upon satisfactory completion of the requirements of section 3.A. i.-iv. above, the zoning administrator shall:
 - i. Forward a copy of the site plan and application to the appropriate department heads and consultants for review.
 - ii. Place review of the site plan on the next planning commission agenda.
 - iii. Forward a copy of the site plan and application to each commission member.
4. *Township Review.* Upon receipt of the site plan from the zoning administrator, the planning commission shall review the plan at their next regular meeting and thereafter approve or deny the site plan within a reasonable time.
- A. Upon determination of the planning commission that a site plan is in compliance with the zoning ordinance and other regulations, it will be so indicated on the site plan.
 - B. 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.

- C. If extensive revision to the site plan is necessary to meet the ordinance and regulation requirements, the site plan shall be denied and the applicant requested to prepare an alternate site plan. In this case, "Denied" shall be written on the plan and reasons for denial indicated in the planning commission's resolution.
 - D. When a site plan has been reviewed by the planning commission and all steps completed, five (5) copies of the application and plans will be marked approved or denied for the following distribution:
 - i. One (1) copy forwarded to the township clerk for permanent record.
 - ii. Two (2) copies forwarded to the zoning administrator.
 - iii. One (1) copy forwarded to the township planner or planning consultant.
 - iv. One (1) copy forwarded to the applicant.
5. *Site Plan Review Criteria:* The site plan shall be reviewed and approved by the planning commission upon finding that the following conditions are met:
- A. The proposed use will not be injurious to the surrounding neighborhood.
 - B. There is a proper relationship between thoroughfares and proposed service drives, driveways, and parking areas.
 - 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.
 - D. It provides for proper development of roads, easements, and public utilities and protects the general health, safety, welfare, and character of the township.
 - E. 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.
 - F. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
 - 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. 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.
 - I. The location of buildings, parking, drives, landscaping, and other improvements on the site is appropriate for the lot size and configuration.
 - J. Landscaping, including trees, shrubs, and other vegetative material, is provided to maintain and improve the aesthetic quality of the site and the area.
 - K. The proposed use is in compliance with all township ordinances and any other applicable laws.
6. *Information Required on Site Plan:* 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. Sheet size shall be at least 24" x 36" with plan view drawn to a minimum scale of 1"=20' if the subject property is less than three (3) acres and 1" = 50' if three (3) acres or more. Included on the site plan will be all dimensions and the following:

A. General Information.

- i. Proprietor's name, address, and telephone number.
- ii. Date (month, day, year), including revisions.
- iii. Title block.
- iv. Scale.
- v. North point.
- vi. Location map drawn at a scale of 1" = 2000' with north point indicated.
- vii. Architect, engineer, surveyor, landscape architect, or planner's seal.
- viii. Existing lot lines, building lines, structures, parking areas, etc., on the parcel, and within one hundred (100) feet of the site.
- ix. Proposed lot lines, property lines and all structures, parking areas, etc., within the site, and within one hundred (100) feet of the site.
- x. Centerline and existing and proposed right-of-way lines.
- xi. Zoning classification of petitioner's parcel and all abutting parcels.
- xii. Gross acreage figure.
- xiii. Proximity to major thoroughfare and/or section corners.

B. Physical Features.

- i. Proposed locations of access drives, street intersections, driveway locations, sidewalks, signs, curbing, and acceleration, deceleration, and passing lanes.
- ii. 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, sandpipers, 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 easements.

- iii. All buildings with dimensioned floor plans, setback and yard dimensions, and typical elevation views of proposed structures.
- iv. Dimensioned parking spaces and calculations, drives, and method of surfacing.
- v. Exterior lighting locations and illumination patterns.
- vi. Location and description of all existing and proposed landscaping, berms, fencing, and walls.
- vii. Sidewalks and bike paths.
- viii. Trash receptacle pad location and method of screening.
- ix. Transformer pad location and method of screening.
- x. Dedicated road or service drive locations.
- xi. Entrance details including sign locations and size.
- xii. Designation of fire lanes.
- xiii. Any other pertinent physical features.

C. Natural Features.

- i. 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.
- ii. 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.
- iii. Location of existing drainage courses, lakes, ponds, wetlands, rivers and streams, including their water surface elevation, flood plain elevation, and ordinary high water mark.
- iv. Location of other natural resource features, including woodlands.

D. Additional Requirements for Multiple-Family, and Planned Unit Development Projects.

- i. Density calculations by type of unit by bedroom count.
- ii. Designation of units by type of unit in each building.
- iii. Carport locations and details where proposed.
- iv. Specific amount of recreation space and locations.
- v. Type of recreation facilities to be provided in recreation space.
- vi. If proposed, details of community building and fencing of swimming pool.

E. Additional Requirements for Commercial and Industrial Developments.

- i. Loading/unloading areas.

- ii. Gross and useable floor area.
 - iii. Number of employees in peak usage.
7. *Effect of Approval.* When an applicant receives final site approval, he must develop the site in complete conformity with the approved site plan. The site plan approval shall be valid for a period of one (1) year. 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. Time extension to site plan approval may be granted by the planning commission.
8. *Amendment to Approved Site Plans.* Existing or proposed developments which have had site plan review and approval by the planning commission, as required herein, shall not be changed unless the proposed revisions are minor and are reviewed and approved by the zoning administrator with written concurrence of the chairperson of the planning commission. All major revisions to approved site plans shall be subject to review and approval of the planning commission and shall be processed under the same procedure used for new site plans.

Section 22.07 — Performance Guarantees:

1. To insure compliance with a zoning ordinance and any conditions imposed thereunder, the Township Board after recommendation from the Township Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with a project for which site plan approval is sought be deposited with the Clerk of the Township to insure faithful completion of the improvements. The Building Inspector shall estimate the cost of the improvements.

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

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

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

Upon acceptance of the final portion of improvement the Township shall authorize the release of the remaining portion of the performance guarantee.

No action or inaction by Wales Township in respect to any required improvement shall serve to extend the time of validity of any Temporary Certificate of Occupancy or excuse any violation of this Ordinance. A Temporary Certificate of Occupancy may, however, be extended in time, and from time to time, for good cause shown. Any such extension shall serve to extend for the same period the time for completion of the required site improvements.

Section 22.08 — Requirements for Single-Family and Two-Family Dwellings:

Single-family dwellings and two-family dwellings are exempt from the site plan review requirements set forth in Section 22.06 above. However, in order to insure that lot and setback requirements are complied with, all applications for Building Permits, and Zoning Compliance Permits shall be accompanied by a plot plan, in triplicate, drawn to scale, showing the following:

1. The actual shape, location, and dimensions of the lots.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being served.

Section 22.09 — Requirements for Farm Uses and Buildings:

Agricultural buildings are exempt from building permits under the Michigan Building Code. This exemption does not extend to the Zoning Ordinance. Farm uses and farm buildings are required to comply with the Zoning Ordinance, including the following.

In order to simplify determination of compliance, proposed new farm buildings or additions are exempt from site plan review requirements set forth in Section 22.06 above. However, they are required to obtain a Zoning Compliance Permit from the Zoning Administrator to insure that lot and setback requirements are met. Farmers are required to apply for a zoning compliance permit that shall be accompanied by three (3) copies of a plot plan, drawn to scale, showing the following:

1. The actual shape, location, and dimensions of the lots.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being served.

The Zoning Administrator shall determine compliance based on the required information submitted and by inspection(s) as needed and as provided by the zoning ordinance. Reasonable fees shall be charged as set by the Township Board.

Section 22.10 — Temporary Mobile Home or Construction Office:

The Zoning Administrator may issue a permit for the temporary placement of a mobile home as a temporary residence outside of a manufactured housing community, during the actual construction of a permanent dwelling; or temporary placement of a mobile home or similar structure as a temporary construction office, subject to the following:

1. Any temporary structure to be used for dwelling purposes 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, as amended, and shall bear the "federal seal" attesting to the same. In addition all dwellings shall meet or exceed all applicable roof snow loads and strength requirements. No temporary dwelling shall be occupied until said dwelling has been connected to a suitable source of potable water and sewage disposal facilities, both of which shall be approved by the County Health Department.

The initial permit shall not exceed twelve (12) months and shall be concurrent with a valid building permit for a permanent structure. Not more than one (1) extension, not to exceed twelve (12) months, may be granted where substantial progress toward completion of the permanent structure is being demonstrated.

2. A cash bond in the amount of five hundred (\$500.00) dollars shall be deposited with the Township Clerk to insure removal of the temporary unit upon expiration of the temporary permit. Failure to complete construction of the permanent structure, within the time limits specified in the building permit and this section, shall be sufficient grounds for the Township Board to declare the performance guarantee forfeited and use the proceeds as necessary.
3. In the event of total loss of a dwelling due to fire, tornado, or similar natural disaster, the Zoning Administrator may approve the temporary placement of a mobile home on the owner's property for use as a residence while the dwelling is being replaced, subject to the following:
 - A. A building permit for repair or replacement if the permanent residence must be obtained prior to the placement of the temporary unit.
 - B. The initial permit shall not exceed twelve (12) months and shall be concurrent with a valid building permit for a permanent structure. Not more than one (1) extension, not to exceed twelve (12) months, may be granted where substantial progress toward completion of the permanent structure is being demonstrated.
 - C. A cash bond in the amount of five hundred (\$500.00) shall be deposited with the Township Clerk, as required above, and subject to the same limitations and conditions, to insure removal of the temporary dwelling unit upon expiration of the temporary permit.

Zoning Board of Appeals

Section 23.01 — Creation and Membership:

There is hereby created a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided in Section 18 of Act 184 of Public Acts of 1943, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The ZBA shall consist of the following five (5) members:

1. The first member shall be a member of the Township Planning Commission, for the term of his office.
2. The second member may be a member of the Township Board, appointed by the Township Board for the term of his office.
3. The next three (3) members shall be selected, and appointed by the Township Board from among the electors, residing in the unincorporated area of Wales Township. Provided, that no employee or contractor of the Township may serve on the Zoning Board of Appeals or be an employee of it. An elected official of the Township may not be a Chairperson of the Zoning Board of Appeals.

Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the ZBA. An alternate member may be called to serve as a regular member of the ZBA in the absence of a regular member if;

1. the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the ZBA, or
2. the regular member will be unable to attend meetings for a period of more than 30 consecutive days.

An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the ZBA.

Section 23.02 — Meetings:

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at other times as the ZBA in its rules of procedure may specify. All hearings conducted by said ZBA shall be open to the public. The ZBA shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk,

and shall be public record. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance. The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

Section 23.03 — Appeal:

An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation, or by any officer, department, board or bureau affected by a decision of the Zoning Administrator or the Planning Commission. Such appeal shall be made within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the Zoning Administrator and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the ZBA all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

The ZBA shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

Section 23.04 — Fees:

The Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeal is filed said fee shall be paid to the Township Clerk, said fee shall be deposited to the credit of the general revenue fund of the Township of Wales.

Section 23.05 — Jurisdiction:

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, or exception and to authorize a variance as defined in this Section and laws of the State of Michigan. Said powers include:

1. *Administrative Review.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance.
2. *Variance.* To authorize, upon an appeal, a variance from the strict application of the provisions of this Ordinance whereby reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to or exceptional undue hardship upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially

impairing the intent and purposes of this Ordinance. In granting a variance, the ZBA may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the ZBA shall state the grounds upon which it justifies the granting of a variance.

The Zoning Board of Appeals does not have the authority to grant "use" variances, except as is specifically provided for by this Ordinance (Section 23.05 (3) below). The authority to designate permitted uses and special approval uses is a legislative function and resides exclusively with the Township Board. The Zoning Board of Appeals may however, interpret whether a proposed use (not expressly designated in a given district) falls under the definition of a stated permitted use.

3. *Exceptions and Other Appeals.* To hear and decide in accordance with the provisions of this Ordinance; requests for interpretation of the Zoning Map or Ordinance, appeals from the decision of the Zoning Administrator and on any provisions of this Ordinance that the Zoning Board of Appeals are required to pass. Also the Zoning Board of Appeals shall hear and decide on any exceptions subject to such conditions as the ZBA may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this Ordinance, including the following:
 - A. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of this plan, as shown upon the Zoning Map fixing the use districts, accompanying and made a part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
 - B. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission.
 - C. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purposes and intent of such requirements.
 - D. Permit such modification of the height and area regulations may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
 - E. Permit temporary buildings and uses for periods not to exceed six (6) months. Extensions may be granted for construction purposes. A cash deposit as designated by the Township Board, by resolution, shall be held for a temporary building with refund upon removal.
 - F. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed six (6) months with the granting of six (6) month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature, including a mobile home. A cash deposit as designated by the Township Board, by resolution, shall be held for a temporary use placement with refund upon removal.

The Zoning Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

- i. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district not on the property wherein the temporary use is permitted.
- ii. The granting of a temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.

- iii. All setbacks, land coverage, off-street parking, lighting and other requirement to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Township of Wales shall be made at the discretion of the Zoning Board of Appeals.
 - iv. In classifying the uses as not requiring capital improvement, the Zoning Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as but not limited to: golf-driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
 - v. The use shall be in harmony with the general character of the district.
 - vi. No temporary use permit shall be granted without first giving notice to owners of adjacent properties of the time and place of a public hearing to be held as further provided for in this Ordinance. Further, the Zoning Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.
4. In consideration of all appeals and all proposed variations to this Ordinance, the ZBA shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public safety, health, comfort, morals, or welfare of the inhabitants of the Township of Wales. The concurring vote of a majority of the members of the board of appeals (ZBA) shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant any matter upon which they are required to pass under or to effect any variation in an ordinance adopted under the Township Zoning Act (PA 184 of 1943, as amended).
5. *Designation of Class A Non-Conforming Uses and Structures.* The ZBA may designate, revoke, extend, and authorize a change in Class A Non-Conforming Uses and Structures in accordance with the provisions of Section 20.19, subsections 3., 4., 5., 6., 7., and 12.c.
6. *Limitation of Jurisdiction.* Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Township Board of Trustees of the Township of Wales, in the manner provided by law.

Section 23.06 — Orders:

In exercising the above powers, the Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

Section 23.07 — Notice:

The ZBA shall make no recommendation except in a specific case and after a public hearing conducted by the ZBA. It shall by general rule or in specific cases, determine the interested parties who, in the opinion of the ZBA, may be affected by any matter brought before it, which shall in all cases include all owners of record of property within three hundred (300') feet of the premises in question, such notices to be delivered personally or by mail addressed to the respective owners at

the address given in the last assessment roll at least seven (7) days prior to the hearing. The ZBA may require any party applying to the ZBA for relief to give such notice to other interested parties as it shall prescribe.

Section 23.08 — Lapse of Approval:

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

No order of the ZBA permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period, provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Section 23.09 — Appeal to Circuit Court:

1. Decisions of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the Zoning Ordinance may appeal to Circuit Court. Upon appeal the Circuit Court shall review the record and decision of the Zoning Board of Appeals to insure the decision:
 - A. Complies with the constitution and laws of the State.
 - B. Is based upon proper procedure.
 - C. Is supported by competent material and substantial evidence on the record.
 - D. Represents the reasonable exercise of discretion granted by law to the Zoning Board of Appeals.
2. If the Court finds the record of the Zoning Board of Appeals inadequate to make the review required by this section, or that there is additional evidence which is material and with good reason was not presented to the Zoning Board of Appeals, the Court shall order further proceedings before the Zoning Board of Appeals on conditions which the Court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decision shall be filed with the Court.
3. As a result of the review required by this section, the Court may affirm, reverse, or modify the decision of the Zoning Board of Appeals.

Changes & Amendments

The Township Board may from time to time, on recommendation from the Planning Commission or on petition, amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act 184 of the Public Acts of 1943, as amended.

Interpretation

In the interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of building or premises; provided, however, that where this Ordinance imposed a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

Vested Right

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

Article
XXVII **Enforcement, Penalties &
Other Remedies**

Section 27.01 — Municipal Civil Infraction:

The words "municipal civil infraction" mean an act or omission that is prohibited by ordinance of the township, but which is not a crime under this Ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of this Ordinance that is a criminal offense.

Section 27.02 — Penalties and Sanctions:

A person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 or more than \$100.00, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided herein.

**Section 27.03 — General Penalties and Sanctions for Violations of
Township Ordinances; Continuing Violations;
Injunctive Relief:**

1. Except as otherwise set forth, a violation of this Ordinance of the Township is specifically designated as a municipal civil infraction.
2. The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount provided by this Ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.
 - A. Unless otherwise specifically provided for a particular municipal civil infraction violation by this Ordinance, the civil fine for a violation shall be not less than \$50.00, plus costs and other sanctions, for each infraction.
 - B. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Ordinance. As used in this Section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any 6 month period (unless some other period is specifically provided by this Ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
 - i. The fine for any offense which is a first repeat offense shall be no less than \$100.00, plus costs.
 - ii. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no more than \$100.00, plus costs.

3. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this Ordinance; and any omission or failure to act where the act is required by this Ordinance.
4. Each day on which any violation of this Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
5. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Ordinance.

Section 27.04 — 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.

Section 27.05 — Fines:

The owner of any buildings, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be responsible for a separate civil infraction and shall be liable for the fines, costs and sanctions as herein provided.

Section 27.06 — Each Day A Separate Offense:

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Section 27.07 — Rights and Remedies Are Cumulative:

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Severance Clause

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

The existing zoning ordinance of Wales Township, County of St. Clair, being the Wales Township Zoning Ordinance adopted February 5, 1991, as amended, is hereby repealed. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of the prior Zoning Ordinance, as amended, or any prior zoning ordinance if the violation is also a violation of the provisions of this Ordinance.

Effective Date

Public hearing having been held herein, the provisions of this Ordinance shall become effective upon the expiration of seven (7) days following its publication pursuant to the provisions of Section 11 of Act 184 of the Public Acts of 1943, as amended.

Made and passed by the Township Board of the Township of Wales, St. Clair County, Michigan on this 4th day of June A.D., 2002.

1. Date of Public Hearing: March 18, 2002
2. Date of Adoption by Township Board: June 4, 2002
3. Date of Publication of Notice of Adoption: June 12, 2002
4. Date Ordinance Shall Take Effect: June 19, 2002

Appendix

Section A.01 — Definitions:

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

When "accessory" is used in the text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to the following:

- A. Domestic or agricultural storage in a shed, tool room, garage or similar accessory building or other structure.
 - B. Barn (Livestock Building).
 - C. Swimming pools for the use of the occupants of a residence or their guests.
 - D. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
 - E. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
 - F. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
 - G. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
 - H. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
 - I. For more examples, see Sections: 19.02 (access bldg. res.dist.), 19.13 (fences), 19.15 (greenbelts), 19.20 (off-street parking), 19.21 (windmills), 19.25 (ponds), 19.27 (signs), 19.29 (pools), 19.30 (open vehicle parking), 19.31 (satellite dish).
2. *Adult Bookstore:* An establishment having as a substantial portion of its stock in trade: books, magazines and other periodicals, printed or computer-generated images, video cassettes, video disks, and the like which are restricted to persons over the age of eighteen (18) and which is distinguished or characterized by an emphasis on matters depicting, describing or relating to "Specific Sexual Activities" (as defined below) or "Specific Anatomical Areas" (as defined below) or an establishment with a substantial segment or section devoted to the sale, rental, or display of such material.
 3. *Adult Motion Picture Theater:* An establishment used for presenting material restricted to persons over the age of eighteen (18) distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specific Sexual Activities" (as defined below) or "Specific Anatomical Areas" (as defined below) for observation by patrons therein.
 4. *Agricultural:* Means farms and farming in general (see definition of farm).

5. *Alley*: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
6. *Alterations*: Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".
7. *Animal Nuisance*: Any nuisance such as odor, noise, destruction, which is caused by any animal is considered to be animal nuisance.
8. *Animal Pen*: Any open or partly open structure or enclosure holding four (4) or more dogs or two (2) or more of any other kind of animal.
9. *Apartments*: A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.
10. *Apartment House*: residential structure containing three (3) or more apartments.
11. *Arcades*: Any place, premises, room or establishment in which a substantial or significant portion of the business carried on involves the operation of any machine or device including but not limited to pinball machines, video and electronic games operated by means of insertion of a token, coin or similar object or for a consideration paid to the owner or custodian thereof for the purpose of a game of skill or amusement. The terms shall also include any place, premises, room or establishment in which three (3) or more machines or devices including but not limited to pinball machines, video and electronic games, operated by means of insertion of token, coin, or similar object or for a consideration paid to the owner or custodian thereof for the purpose of a game or contest of skill or amusement are located.
12. *Architectural Features*: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.
13. *Attic*: The space between the ceiling beams of the top habitable floor and the roof. (see sketch)
14. *Automobile Repair*: General repair, engine rebuilding, rebuilding or re-conditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and vehicle rust proofing.
15. *Auto Repair Station*: A place where, along with the sale of engine fuels, the following services may be carried out: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.
16. *Automobile Service Station*: Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:
 - A. Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
 - B. Tire servicing and repair, but not recapping or regrooving;
 - C. Replacement of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
 - D. Radiator cleaning and flushing;

- E. Washing and polishing, and sale of automotive washing and polishing materials when accessory and incidental to the principal operation;
- F. Greasing and lubrication;
- G. Providing and repairing fuel pumps, oil pumps, and lines;
- H. Minor servicing and repair of carburetors;
- I. Emergency wiring repairs;
- J. Adjusting and repairing brakes;
- K. Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
- L. Sales of hot or cold nonalcoholic beverages, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to the principal operation;
- M. Provision of road maps and other informational material to customers; provision of restroom facilities.

Uses permissible at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, rustproofing, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in automobile service stations. An automobile service station is not a repair station or garage nor a body shop.

- 17. *Automobile Wash Establishment*: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.
- 18. *Barn (Livestock Building)*: Any building or buildings which have the primary purpose of housing livestock, storage of farm produce and/or farm equipment of a bona fide farm.
- 19. *Basement*: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
- 20. *Bed and Breakfast Establishment*: Means a private residence that offers sleeping accommodations to lodgers for not more than thirty (30) consecutive days in fewer than fourteen (14) rooms for rent; is the innkeeper's residence in which the innkeeper resides while renting rooms to others.
- 21. *Block*: The property abutting one side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.
- 22. *Board of Zoning Appeals*: Means the Zoning Board of Appeals of the Township of Wales.

Diagram 9: Basic Structural Terms

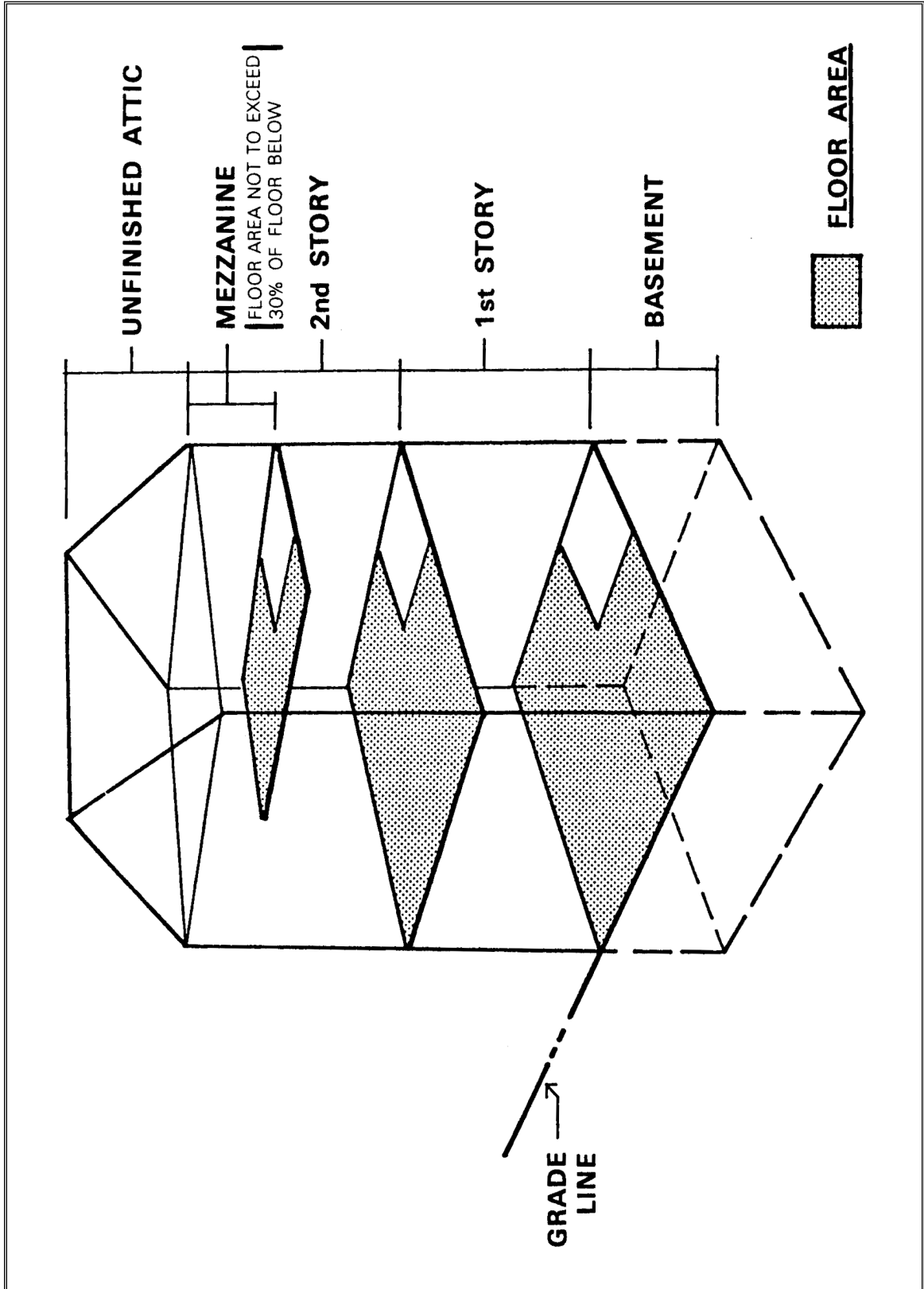


Diagram 10: Basement & Story

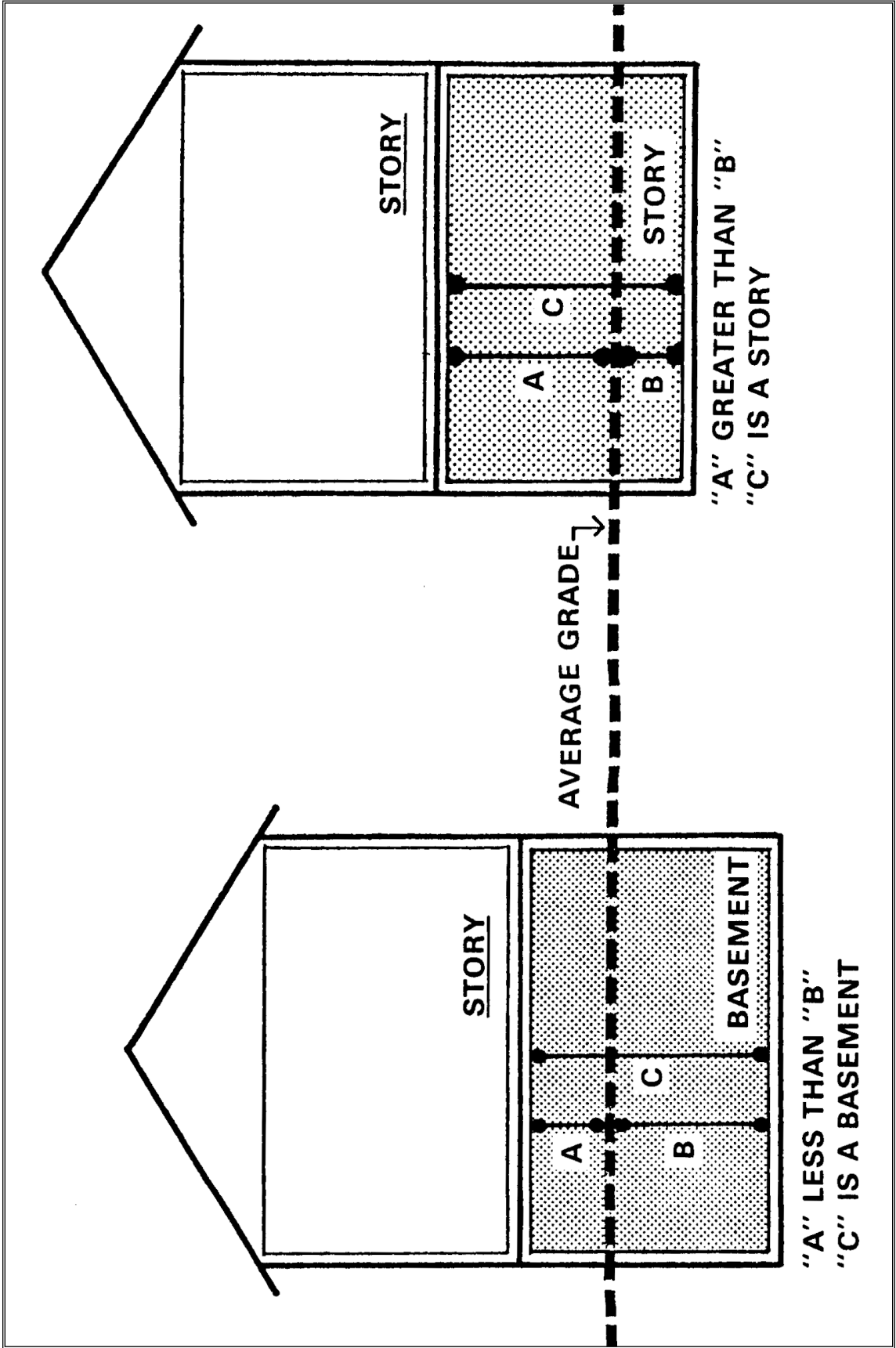
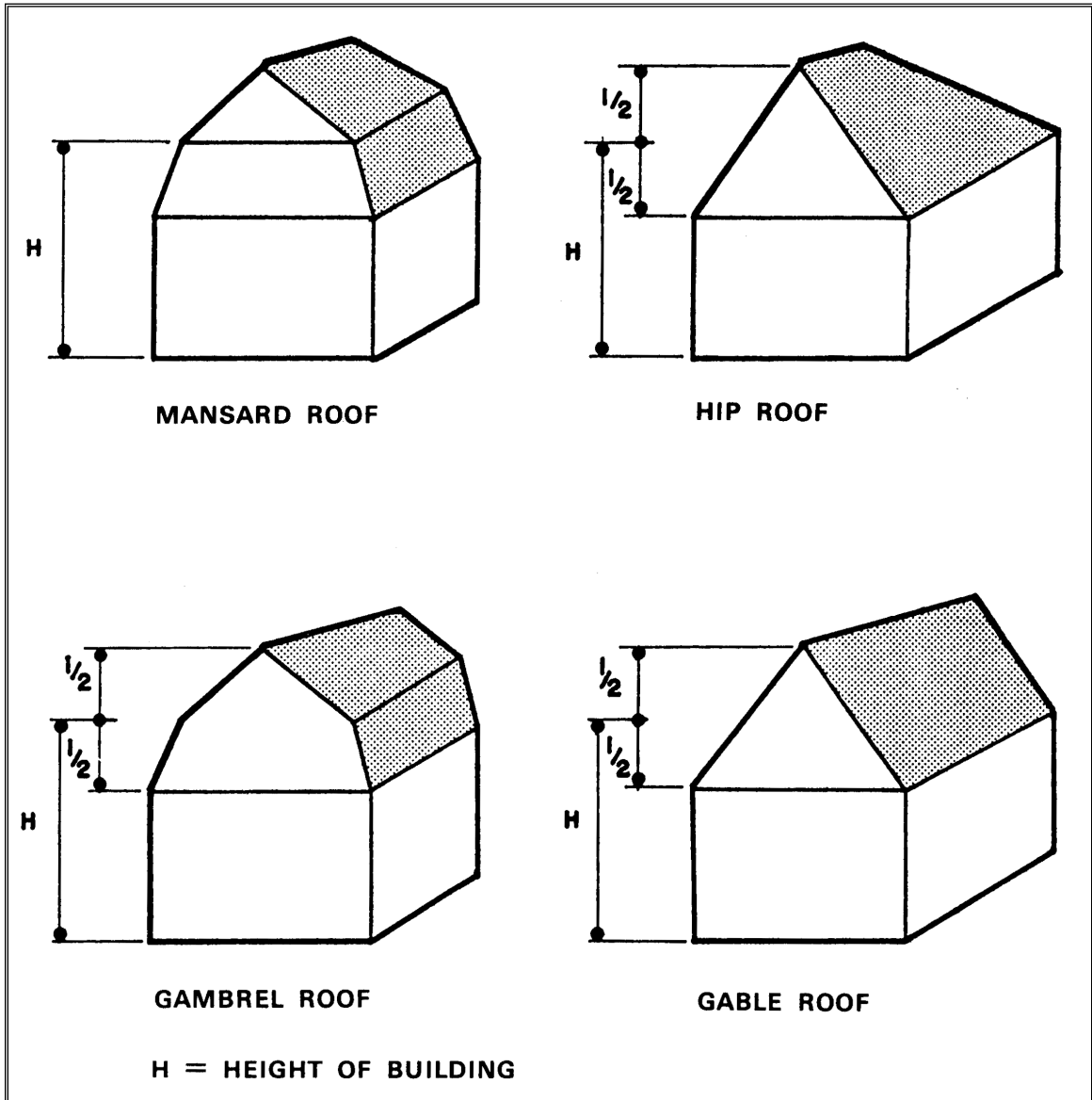


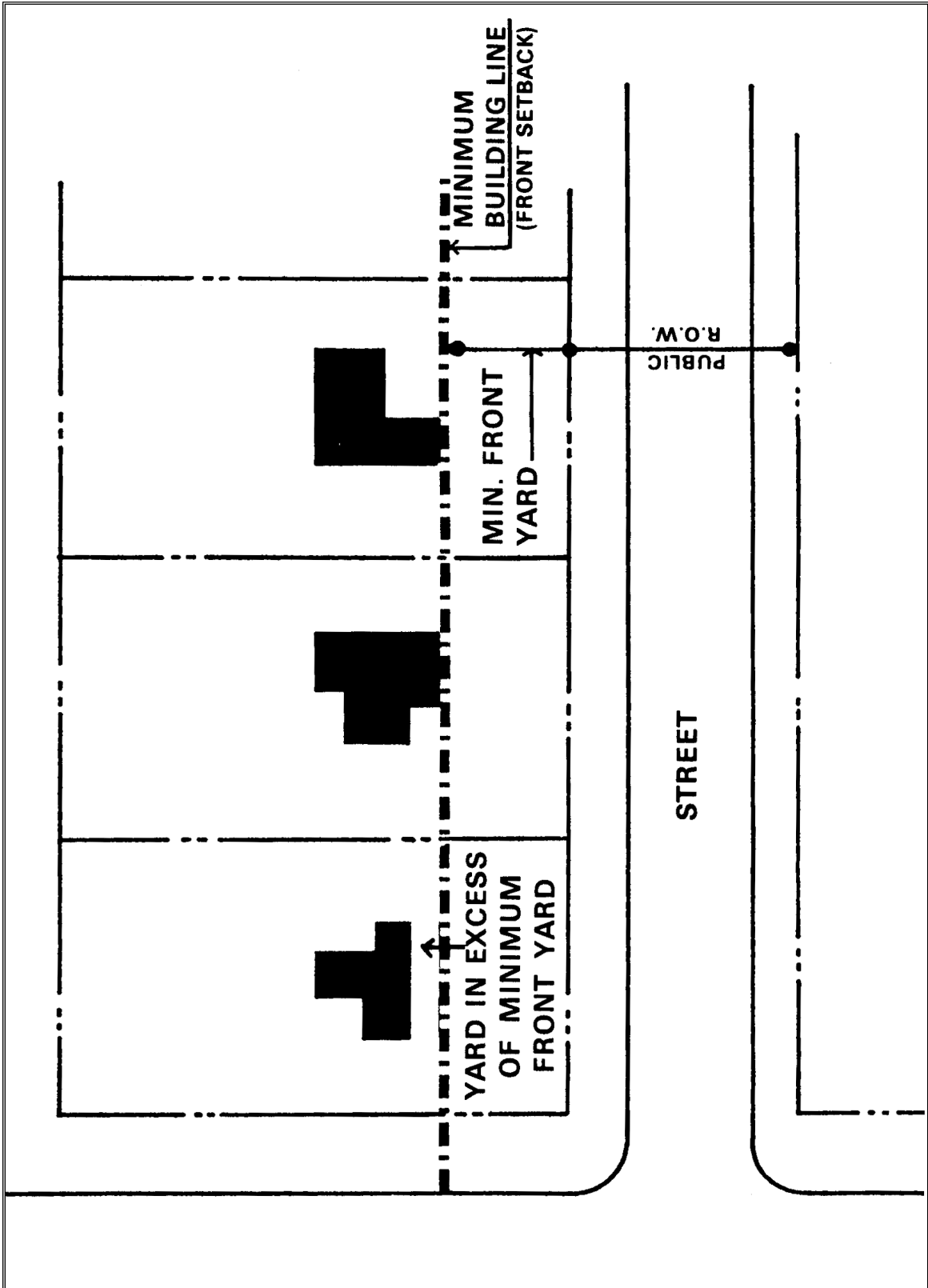
Diagram 11: Building Height



23. *Boarding House:* A dwelling where meals, or lodging and meals, are provided for compensation for three or more persons by pre-arrangement for definite periods of not less than five (5) days. A boarding house shall be distinguished from a bed and breakfast establishment, motel or hotel.
24. *Building:* A structure erected on-site, a manufactured housing unit (also formerly mobile home) or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.
25. *Building Area:* Means the space remaining after the minimum open space requirements of this Ordinance have been met.
26. *Building Height:* The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is

located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Diagram 12: Building Line



27. *Building Line*: A line formed by a wall of the building, and for the purposes of this Ordinance, a minimum building line is the same as a setback line.
28. *Building Permit*: Means a permit issued by the Building Inspector under the terms of the Michigan Building Code; it is not the same as a Zoning Compliance Permit, an Occupancy Permit, nor a special or temporary use permit.
29. *Campground*: Means any parcel of land wherein sites are offered for the use of the public or members of any organization, either free of charge, or for a fee, for the establishment of temporary living quarters for the occupation of five (5) or more tents, travel trailers, truck campers, or other similar recreational units.
30. *Cellar*: See "Basement".
31. *Child Care Center (Day Care Center)*: A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that 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. Child care center are licensed by the State of Michigan under Public Act 116 of 1973, as amended. Child care center or day care center does not include:
 - A. A Sunday School, a vacation bible school, or a religious instruction class that is conducted by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not to exceed four (4) weeks during any twelve (12) month period.
 - B. A facility operated by a religious organization where children are cared for not more than three (3) hours while parents or guardians attend religious worship services.
32. *(Child) Family Day Care Home (Licensed)*: A private home (dwelling) in which one (1) but fewer than seven (7) children are received for care and supervision for periods of less than 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 4 weeks during a calendar year. Family day care homes are licensed by the State of Michigan under Public Act 116 of 1973, as amended.
33. *Clinic*: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a physician, dentist, or similar professionals.
34. *Club*: An organization of persons for special purposes for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit.
35. *Common Elements*: The portions of the condominium other than the condominium units.
36. *Communication Tower*: A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. A communication tower shall not be included under the existing definition of essential services.
37. *Condominium Act*: Public Act 59 of 1978, as amended.
38. *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).

39. *Condominium Subdivision Plan*: 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.
40. *Condominium Unit*: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
41. *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.
42. *Convalescent Home, Home for the Aged, or Nursing Home*: A home for the care of children, or the aged, or infirm, or a place of rest for those suffering bodily disorders, and licensed or required to be licensed by the State of Michigan, but not including housing for the elderly where such persons live independently in individual apartment units.
43. *Convertible Area*: A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this ordinance and the Condominium Act.
44. *Court*: An open, uncovered, unoccupied space other than a yard partially or wholly surrounded on at least two (2) sides of a building. A court having at least one (1) side thereof opening onto a public or private street, alley, or yard or other permanent open space is an outer court. Any other court is an enclosed or an inner court.
45. *Density*: The term refers to the number of families residing on, or dwelling units developed on, an acre of land.
46. *Development*: The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.
47. *District*: A portion of the unincorporated area of the Municipality within which certain regulations and requirements of various combinations thereof apply under the provisions of this Ordinance.
48. *Drive-In*: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.
49. *Driveway*: A passageway of definite width, primarily for use by motor vehicles, over private property, loading from a street or other public way to a garage or parking area. A horseshoe shape drive or a "T" shape drive located within a front yard is included within this definition.
50. *Dwelling Unit*: A building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
51. *Dwelling, Multiple-Family*: A building or portion thereof, containing three (3) or more dwelling units designed exclusively for occupancy by three (3) or more families, living independently

of each other and conforming in all other respects to the standards set forth in Section 2.02, # 50 (See definition directly below).

52. *Dwelling, Single-Family*: A building containing not more than one (1) dwelling unit designed exclusively for and occupied exclusively by one (1) family, complying with the following standards:
- A. It complies with the minimum square footage requirement as specified under Section 16.02, Note S.
 - B. It has a minimum width across any front, side or rear elevation of twenty-four (24') feet and complies in all respects with the Michigan Building Code, 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 Building Code, then and in that event such federal or state standard or regulation with greater jurisdiction shall apply.
 - C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is manufactured housing, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required above.
 - D. In the event that a dwelling is a manufactured (or mobile) home as defined herein, each manufactured home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
 - E. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the St. Clair County Health Department.
 - F. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10%) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
 - G. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with a minimum roof pitch of 4/12 and with a roof overhang of not less than six (6") inches to eave ends on any eave side; has not less than two (2) exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of manufactured housing communities (or mobile home parks) within two thousand (2,000') feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20%) percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside

of manufactured housing communities (or mobile home parks) throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- H. The dwelling contains no additions or rooms or other areas which are 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.
 - I. The dwelling complies with all pertinent building and fire codes. In the case of a manufactured home (or mobile home), all construction and all plumbing, or electrical apparatus and insulation within and connected to said manufactured home (or 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.
 - J. The foregoing standards shall not apply to a manufactured home (or mobile home) located in a licensed manufactured housing community except to the extent required by state or federal law.
 - K. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan Building Code provisions and requirements.
53. *Dwelling, Two-Family*: A building containing not more than two (2) separate dwelling units designed exclusively for occupancy by two (2) families living independently of each other and conforming in all other aspects to the standards set forth in Section 2.02, # 50 (See definition directly above).
54. *Erected*: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.
55. *Essential Services*: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utility or municipal departments for the general health, safety, or welfare.
56. *Excavation*: Any breaking of ground, except common household gardening and working of ground for agricultural purposes.
57. *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.
58. *Family*:

- A. One or more persons related by blood, marriage, or adoption, with their direct lineal descendants and including the domestic employees thereof living as a single, nonprofit housekeeping unit, or
 - B. A collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort-seasonal in character or nature.
59. *Farm*: A farm is an establishment engaged in growing crops, sod, plants, trees, shrubs, nursery stock; an establishment engaged in dairying, the maintaining or the raising of livestock and poultry, the keeping of horses, small animals, as well as other similar enterprises or uses.

A farm includes farm buildings such as barns, greenhouses, apiaries and other similar structures.

A farm's land area includes all of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees.

Requirements for a farm by this zoning ordinance are given under Articles IV, V, and VI. Additional requirements for feedlots, chicken hatcheries, poultry farms and swineries are found under Section 18.20. Additional requirements for commercial/public stables, kennels and veterinary clinics are found under Section 18.27. Requirements for quarries and mining (which include the commercial removal of soil, sand, gravel, stone and other earth materials) are found under Section 18.15.

60. *Feedlot*: An animal feeding operation is a **concentrated** animal feeding operation for the purposes of §122.23 (Under 40 CFR 122, Appendix B) and for the purpose of defining a "feedlot" under this zoning ordinance, if either of the following criteria are met.

- A. More than the numbers of animals specified in any of the following categories are confined:
 - i. 1,000 slaughter and feeder cattle,
 - ii. 700 mature dairy cattle (whether milked or dry cows),
 - iii. 2,500 swine each weighing over 25 kilograms (approx. 55 lbs.),
 - iv. 500 horses,
 - v. 10,000 sheep or lambs,
 - vi. 55,000 turkeys,
 - vii. 100,000 laying hens or broilers (if the facility has continuous overflow watering),
 - viii. 30,000 laying hens or broilers (if the facility has a liquid manure system),
 - ix. 5,000 ducks, or

- x. 1,000 animal units⁶ as a result of any combination; or

Notwithstanding the above schedule, the following schedule shall apply in cases where one of the following conditions are met:

- pollutants are discharged into navigable waters through a manmade⁷ ditch, flushing system or other similar manmade¹² device; or
- pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility; or
- pollutants otherwise come into direct contact with the animals confined in the operation.

B. More than the following number and types of animals are confined:

- i. 300 slaughter or feeder cattle,
- ii. 200 mature dairy cattle (whether milked or dry cows),
- iii. 750 swine each weighing over 25 kilograms (approx. 55 pounds),
- iv. 150 horses,
- v. 3,000 sheep or lambs,
- vi. 16,500 turkeys,
- vii. 30,000 laying hens or broilers (if the facility has continuous overflow watering),
- viii. 9,000 laying hens or broilers (if the facility has a liquid manure handling system),
- ix. 1,500 ducks, or
- x. 300 animal units as a result of any combination:

Provided, however, that no animal feeding operation is a concentrated animal feeding operation (feedlot) as defined above under schedule B. if such animal feeding operation discharges only in the event of a 25 year, 24-hour storm event.

The term animal unit means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

- 61. *Fence*: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- 62. *Flea Market*: A Flea Market is a site where numerous small sellers congregate to offer a wide variety of new and previously-owned things for sale at retail. A flea market operates on an intermittent basis, such as weekends during warm weather. A Flea Market is distinguished from a roadside stand (See Appendix for Definition), roadside sales and garage sales as to the number of sellers, the kinds of merchandise sold, the magnitude of traffic generated and

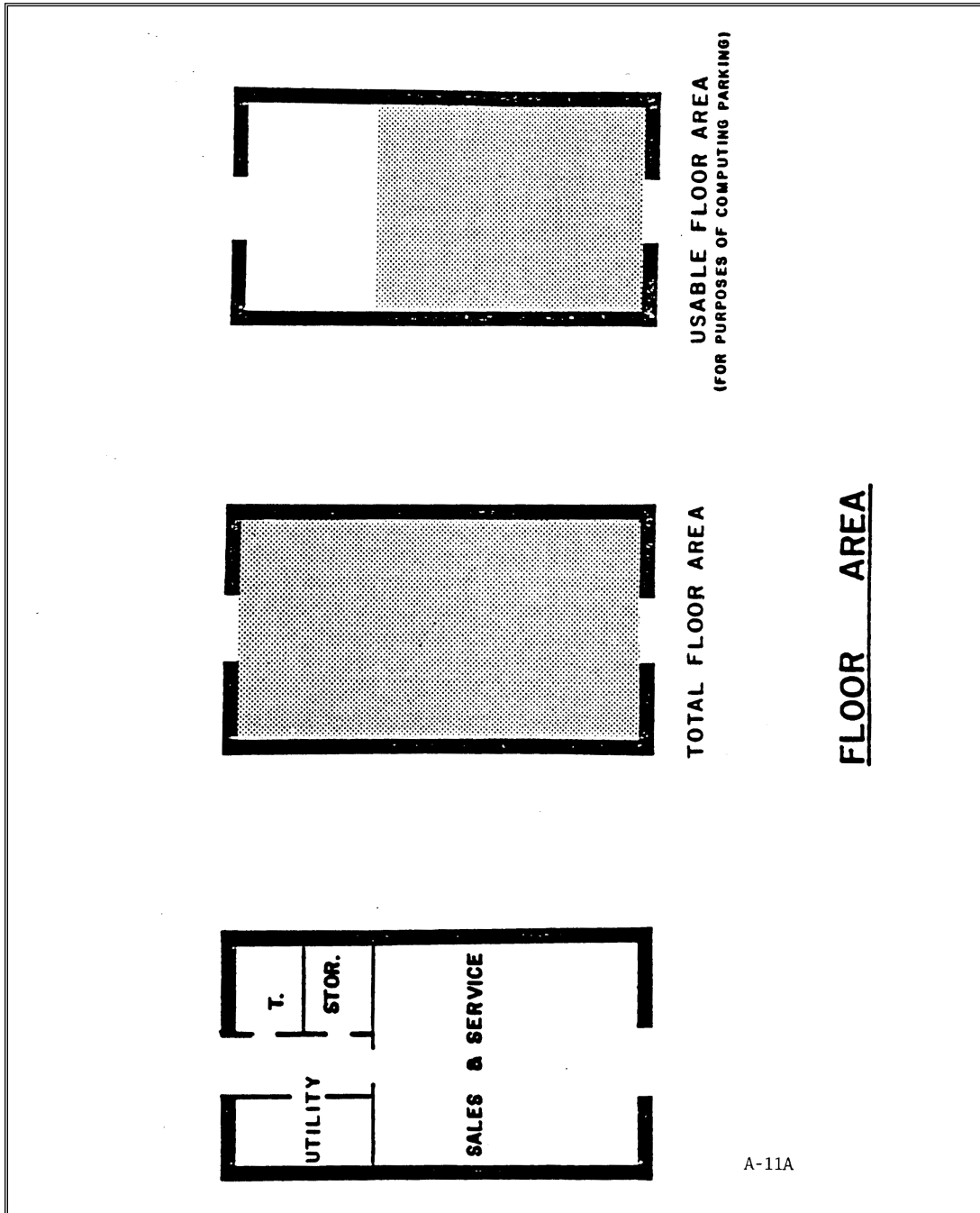
⁶ All other animal types not in schedules 1. and 2. are to be calculated as one thousand pounds live weight equals one animal unit.

⁷ The term manmade ditch or device means constructed by man and used for the purpose of transporting wastes.

customers, and days and hours of operation. A Flea Market is distinguished from temporary outdoor sales (see Section 12.02 # 21, Section 13.02 # 28) and open air businesses (See Appendix for Definition, and Sections 13.02 # 29, 13.03 # 3, and 18.40); these two uses are separately and specifically defined for the purposes of this ordinance. In this ordinance flea markets are a permitted use in the B-2, General Business District (see Section 13.02 # 27).

- 63. *Floodplain*: Means those areas of land adjacent to the rivers, and other water courses of the Township, subject to seasonal or periodic flooding.

Diagram 13: Floor Area



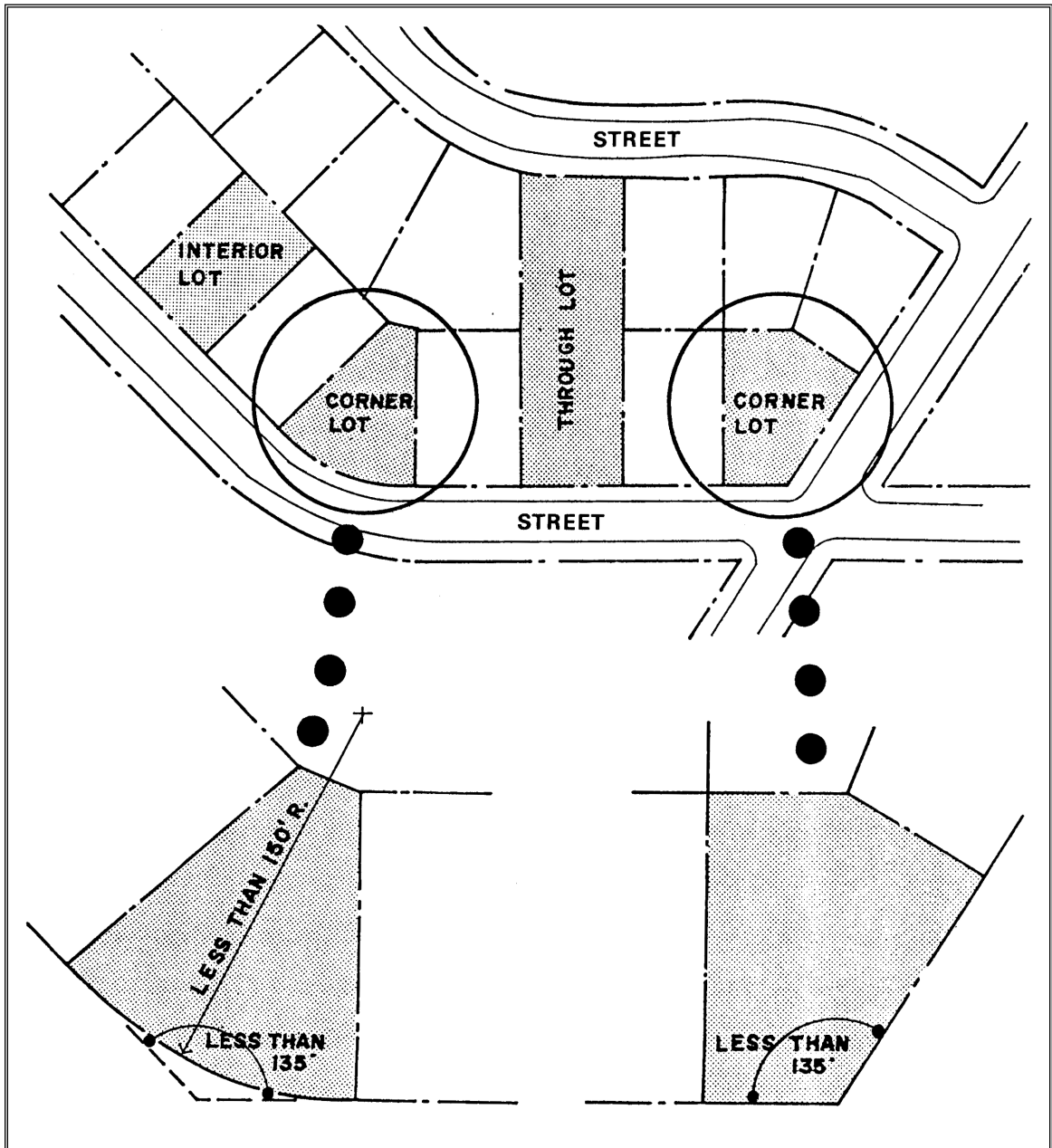
64. *Floor Area, Gross*: The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior walls or from the centerline of walls separating two buildings. In particular, gross floor area includes: basement space; elevator shafts or stairwells; floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches, and accessory buildings; attic floor space (whether or not floors have been laid) providing structural headroom of seven feet six inches (7'-6"). Gross floor area shall not include: elevator or stair bulkheads, accessory water tanks, or cooling towers; uncovered steps, attic space less than seven feet six inches (7'-6") in height, and open porches, terraces or breezeways, provided that not more than fifty (50%) percent of the perimeter of such terrace, breezeway or open porch is enclosed.
65. *Floor Area, Residential*: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
66. *Floor Area, Usable*: (For the purpose of computing parking) That area used for or intended to be used for the sale of merchandise or service, or for use to serve patrons, clients, or customers. Such floor area that is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurements of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
67. *Frontages*: That portion of any property abutting a public street; a corner lot and a through lot having frontage on both abutting streets.
68. *Foster Family Home (Private home)*: A private residence (dwelling) in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, or a family day care home, as follows:
- A. "Foster family home" is a private home (dwelling) in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code (MCL 710.21-710.70) are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.
 - B. "Foster family group home" means a private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code (MCL 710.21-710.70) are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.
69. *Garage, Commercial*: Means any premise used for the storage, care, repair or refinishing of motor vehicles, but not including a place where any such vehicles are for hire or sale.
70. *Garage, Private*: Means an accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is necessary.
71. *Garage, Service*: Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

72. *General Common Elements*: The common elements other than the limited common elements.
73. *Grade*: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished ground is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
74. *Greenbelt*: Is a long strip of land of varying width and shape which, to major degree, is left in its natural state or which is landscaped to provide a protective screening with natural vegetation. Within this area private construction is prohibited. The purpose for such greenbelts is to provide for permanent open space between two or more urban areas, to retain some of the natural beauty of the region, and/or to provide protective screening.
75. *Group Day Care Home*: A private home (dwelling) in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than 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. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. Group day care homes are licensed by the State of Michigan under Public Act 116 of 1973, as amended.
76. *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.
77. *Home Occupations*: A home occupation is any use customarily conducted within the dwelling, attached building, or accessory building, of not more than 600 square feet total including storage; and not involving employees other than members of the immediate family.
- A. Such home occupation must be registered with the Wales Township Clerk prior to commencing home occupation.
 - B. That no article or service is sold, or offered for sale on the premises except such as is produced by such home occupation.
 - C. Provision of instruction in a craft or fine art within a residence subject to the conditions of items d., e., and f. immediately below.
 - D. The above uses shall be permitted only providing such uses are not noxious, dangerous, or offensive by reason of odor, dust, smoke, gas, noise, fumes, flames, lighting, or vibration more than the ordinarily acceptable and normal conditions connected with agriculture as so to become a public nuisance.
 - E. The sign shall be subject to the provisions of Section 20.27 (Signs) 3.A.iv.
 - F. Any such home occupation shall be subject to inspection by the Building Inspector of the Township and shall be terminated by order of such inspector whenever same fails to comply with the zoning ordinance.
 - G. Medical Marijuana Caregivers provision;
 - a. Must be conducted entirely within a dwelling unit and not an accessory building.
 - b. Up to 20% of the floor area of a dwelling, or 300 square feet, whichever is less, may be devoted to a home occupation Medical Marijuana Caregivers.

78. *Hospital*: A building, structure, or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the State of Michigan, and is used primarily for in-patient services, and including related facilities as laboratories, out-patient departments, central service facilities, and staff offices.
79. *Hotel*: A series of attached, semi-detached, or detached rental units which provides overnight lodging, toilet, and bath facilities, and which offers meals, linen, and maid service to the public for compensation. A hotel shall be distinguished from a motel, boarding house, or bed and breakfast establishment.
80. *Junk*: Means any motor vehicles, machinery, appliances, product or merchandise with parts missing, or scrap metals, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured. Specifically included are motor vehicles not movable under their own power.
81. *Junk Yard*: An open space where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.
82. *Kennel, Commercial*: Any lot or premise on which dogs, cats or other household pets are either permanently or temporarily boarded, kept or bred for commercial purposes.
83. *Laboratory*: A laboratory is a place devoted to experimental, routine study or basic study such as testing and analytical operations and in which manufacturing of product or products, except prototypes, is not performed.
84. *Landfill, Sanitary*: A tract of land developed, designed, and operated for the disposal of solid waste in a manner consistent with the following:
- A. Criteria established by Act 641 of the Michigan Public Acts of 1978, as amended, and any rules or regulations established based on this Act.
 - B. St. Clair County's adopted Solid Waste Management Plan.
 - C. Applicable Township ordinances.
85. *Landowner*: Shall mean the legal or beneficial owner or owners of all the land proposed to be used or developed. The holder of an option or contract to purchase, or other persons having an enforceable proprietary interest in such land, shall be deemed to be the landowner for the purpose of this Ordinance.
86. *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.
87. *Large Solar Energy System*: "Large solar energy system" shall mean a utility-scale solar energy collection and conversion system consisting of many ground-mounted solar arrays in rows and associated control or conversion electronics, occupying more than three (3) acres of land, and that will be used to produce utility power for off-site customers and/or contribute to a public utility electric grid.

- 88. *Limited Common Elements*: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- 89. *Livestock Building*: See "Barn", See Appendix for Definition.
- 90. *Loading Space*: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

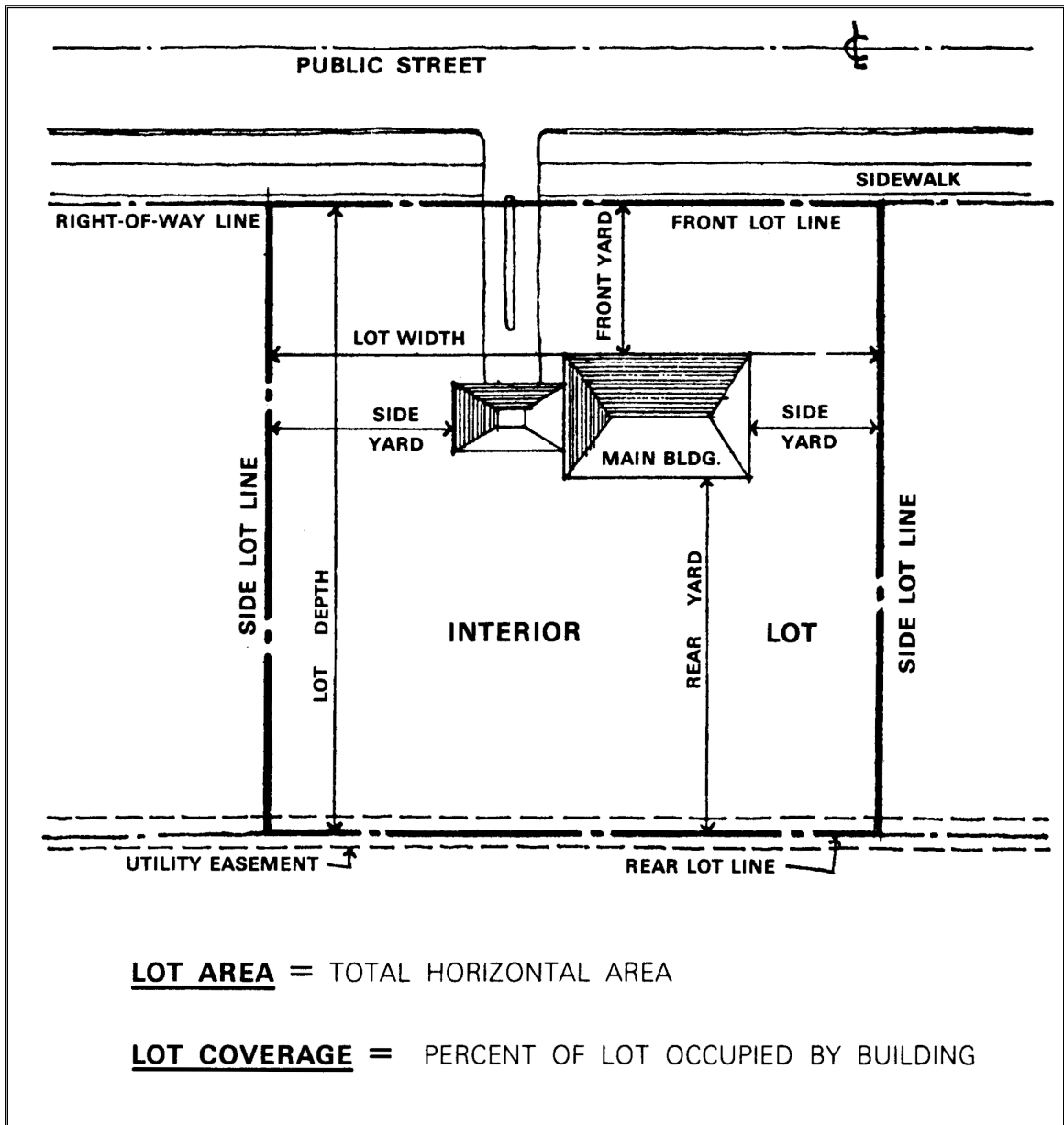
Diagram 14: Interior, Through and Corner Lots



- 91. *Lot*: A parcel of land occupied, or intended to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on Public records.

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

Diagram 15: Lots and Areas



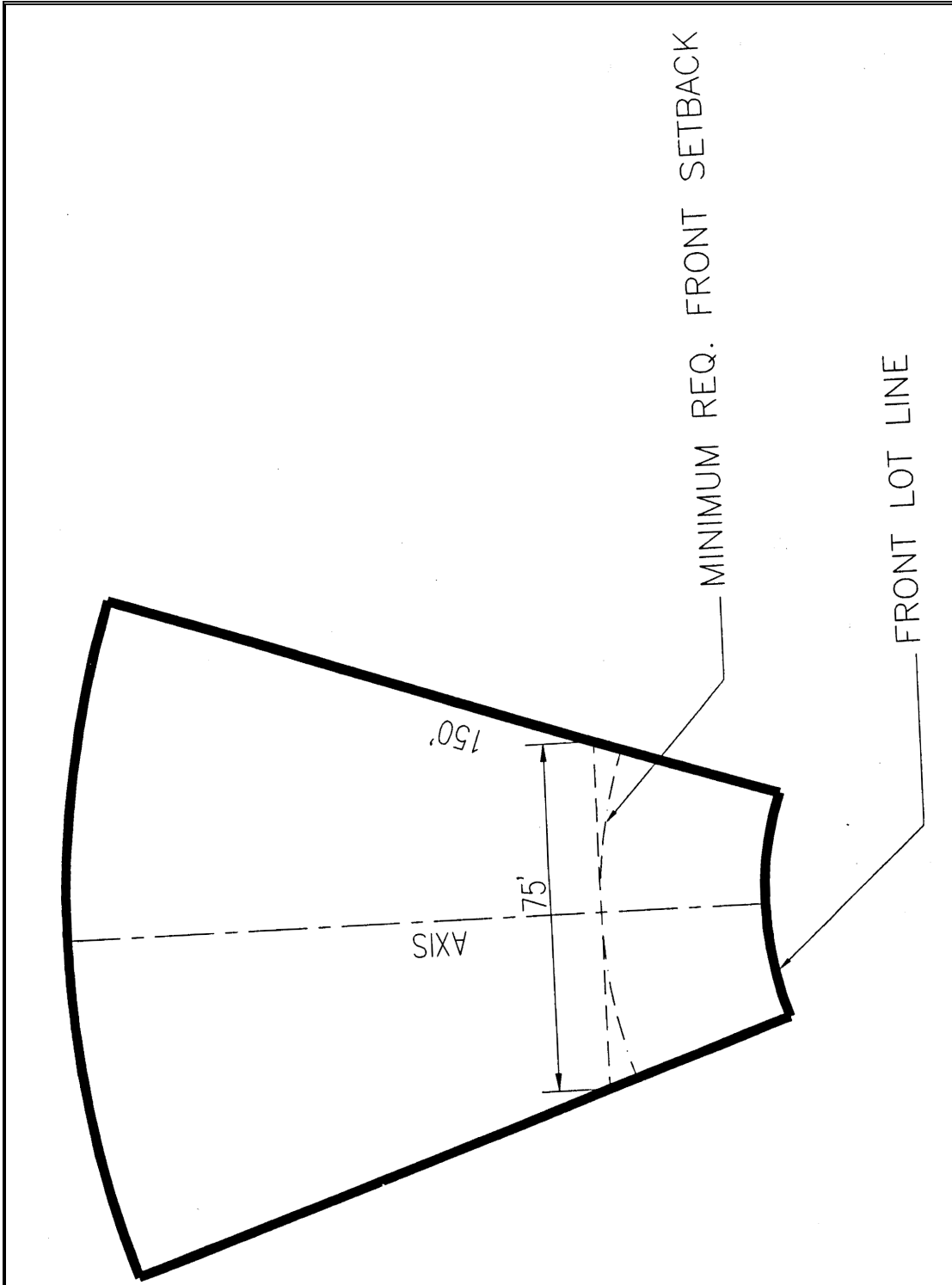
94. *Lot, Through.* Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

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

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

96. *Lot Area:* The total horizontal area within the lot lines of the lot.

Diagram 16: Lot Width



97. *Lot Coverage*: The part or percent of the lot occupied by buildings, including accessory buildings.
98. *Lot Depth*: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

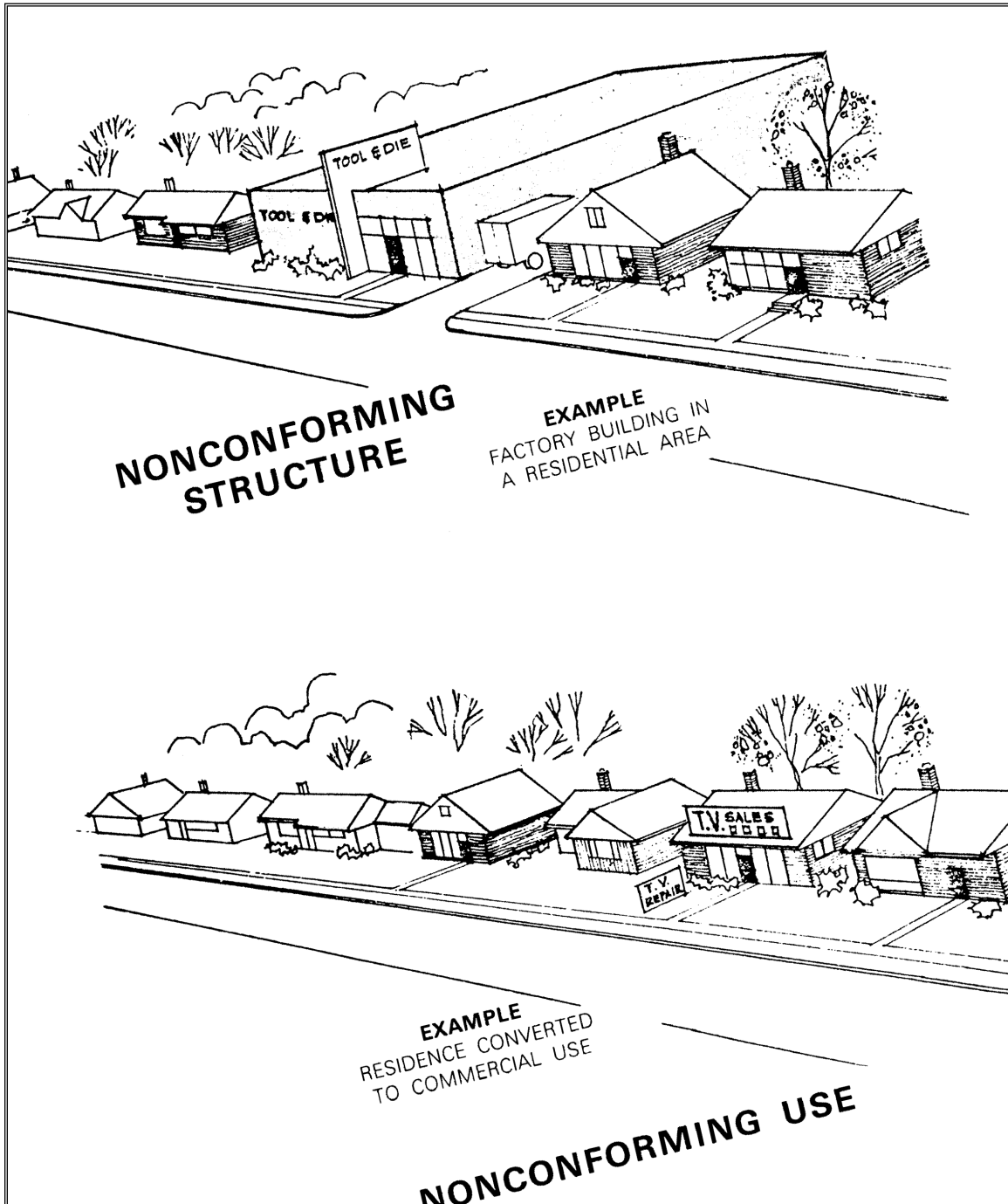
99. *Lot Lines:* The lines bounding a lot as defined herein:
- A. *Front Lot Line:* In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from either street (see definition of street).
 - B. *Rear Lot Line:* That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10') feet long lying farthest from the front lot line and wholly within the lot.
 - C. *Side Lot Line:* Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
100. *Lot of Record:* A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Municipal, or County officials and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.
101. *Lot Width:* The straight line horizontal distance between the side lot lines measured at the two (2) points where the minimum required front setback line intersects with the side lot lines. If the side lot lines are not parallel, the width of the lot shall be the straight line horizontal distance between the side lot lines measured along a line intersecting the axis of the lot at a right angle at a distance equal to the minimum required front setback. The axis of a lot shall be a line joining the midpoint of the front and rear lot lines. (See sketch)
102. *Main Building:* A building in which is conducted the principal use of the lot upon which it is situated.
103. *Major Thoroughfare:* A hard surfaced, arterial road or street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, state highway, county primary road, or equivalent term on the Wales Township Thoroughfare Plan (as prepared by the St. Clair County Road Commission) and has a planned right-of-way of at least 120 feet.
104. *Manufactured Home:* A dwelling unit which is designed for long-term residential occupancy and is wholly or largely fabricated at an off-site location.
105. *Manufactured (or Mobile) Home Condominium Projects:* A parcel of land under joint ownership which has been planned and improved for the placement of manufactured or mobile homes for non-transient use, upon individual, separate Condominium Unit envelopes.
106. *Manufactured (or Mobile) Home Lot or Site:* A parcel of land for the placement of a single manufactured or mobile home and exclusive use of its occupants within a licensed manufactured or mobile home community (previous term "park"), a condominium project or subdivision project or development.
107. *Manufactured (or Mobile) Home Stand:* That part of an individual lot which has been reserved for the placement of the manufactured or mobile home, appurtenant structures or additions.
108. *Manufactured (or Mobile) Home Subdivision:* A parcel of land under single ownership which has been planned and improved for the placement of manufactured or mobile homes for non-transient use on individual lots and for the purpose of selling the lots.
109. *Manufactured Housing:* A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling unit when connected to required utilities, and the plumbing, heating air conditioning and electrical systems contained within the structure.

110. *Manufactured Housing Community*: A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which are offered to the public for that purpose. A recreational vehicle park or campground is not a manufactured home park. The older term “manufactured home park” may also be used in portions of this Ordinance.
111. *Manufactured Housing Community License*: A written license issued by the Manufactured Housing Commission allowing a person to operate and maintain a manufactured housing community under the provisions of Michigan Public Acts 96 of 1987, as amended, and this Ordinance and regulations issued hereunder. The older term “mobile home park” may also be used in portions of this Ordinance.
112. *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.
113. *Marijuana*
- a. Marijuana, also known as Marihuana, also known as Cannabis. The term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 et seq., as is referred to in Section 3(d). Any other term pertaining to marijuana used in this Ordinance and not otherwise defined shall have the meaning given to it in the Michigan Marihuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.
- b. Marijuana Collective, Cooperative or Dispensary: Any facility, structure, dwelling or other location where medical marijuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver or a registered qualifying patient, as defined by the Michigan Medical Marihuana Act, PA 2008, Initiated Law I, MCL 333.26421 et seq. (the “Act”), or person in possession of an identification card issued under the Act or in possession of an application for such an identification card. The term “collective” or “cooperative” shall not apply to an individual registered primary caregiver that provides necessary care and medical marijuana for medical use exclusively to his/her five or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law I, MCL 333.26421 et seq. or the Administration Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133. A “marijuana collective, cooperative or dispensary” shall not include the following uses: a State-Licensed health care facility; a State-Licensed residential care facility for the elderly or infirm; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the State of Michigan.
- c. Marijuana Dispensary or Dispensary: See Marijuana Collective, Cooperative or Dispensary.
- d. Medical Use of Marijuana. The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq.
114. *Massage Parlors*: An establishment, unless otherwise licensed by the State of Michigan, restricted to persons over the age of eighteen (18) and used for housing equipment and employing persons who give massages, body rubs, or muscle-relaxing exercises to other persons, necessitating human contact between such employee and any other person.

115. *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.
116. *Master Plan*: The Comprehensive Community 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 any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or the Legislative Body.
117. *Medium Solar Energy System*: “Medium solar energy system” shall mean a private on-site or utility-scale solar energy conversion system consisting of multiple roof panels, ground-mounted solar arrays, and associated control or conversion electronics, occupying more than one (1) and no more than three (3) acres of land, that will be used to produce utility power for on-site uses and/or off-site customers.
118. *Membership Organizations*: Membership Organizations include community service clubs, lodges, church halls, catering or renting halls, fraternal organizations, and the like. In this ordinance Membership Organizations are a permitted use in the General Business District, 13.02 # 26.
119. *Mezzanine*: An intermediate floor in any story occupying not more than one-third (1/3) of the floor area of such story.
120. *Mini-Warehouse*: A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of customer's goods or wares.
121. *Mobile Home*: Means a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle (e.g. a vehicle designed and used as temporary living quarters for recreational, camping, or travel purposes, or a vehicle having its own motor power, or a vehicle moved on or drawn by another vehicle). Also referred to as a “manufactured home” in this Ordinance.
122. *Mobile Home Community*: 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 therefor, 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. The older term “mobile home park” may also be used in portions of this Ordinance.
123. *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.
124. *Modular Home*: A dwelling built to meet the Michigan Building Code which consists of pre-fabricated sections transported to the site on a removable undercarriage or flat bed and assembled for permanent location on the lot or parcel.
125. *Motel or Motor Court*: A series of attached, semi-detached or detached rental units which provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle as a facility for temporary residence. A motel or motor court shall be distinguished from a boarding house, bed and breakfast establishment or hotel.

126. *Motor Home*: A self-propelled, licensed vehicle on a chassis, intended for recreation activities and temporary occupancy.
127. *Noise*: To regulate or prohibit noise which either annoys, injures, or endangers the comfort, repose, health, or safety of others unless the making and continuing of the noise is necessary for the protection or preservation of property or the health, safety, life or limb of a person.
128. *Municipality*: The Township of Wales.
129. *Narcotic Clinics*: Narcotic treatment programs, also known as Opioid Treatment Programs or Opioid Treatment Centers, are specialized medical clinics that provide medications and behavioral health therapies to treat patients with a narcotic or opioid dependency. Patients are prescribed maintenance or medically supervised withdrawal doses of methadone or buprenorphine.
130. *Nonconforming Lot*: Means a lot which exists as a legal lot of record and which existed as a legal lot of record at the effective date of adoption or amendment of this Ordinance, which does not conform to the lot requirements of this Ordinance.
131. *Nonconforming Structure*: Means a lawful structure which existed at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by means of restrictions on area, lot coverage, height, yards or other dimensional requirements.
132. *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.
133. *Nude Modeling Studio*: An establishment restricted to persons over the age eighteen (18) used for housing and exhibiting persons in the nude acting as models for other persons to paint, photograph, videotape, draw, sketch, or the like.
134. *Nuisance Factors*: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage.
135. *Nursery, Plant Materials*: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Diagram 17: Nonconforming Structure and Use



136. *Off-Street Parking Lot.* A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of vehicles.
137. *Open Air Business Uses:* Open air business uses shall be interpreted to include the following uses:
- A. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, and home improvement equipment such as lawn movers, fertilizer spreaders, lawn rollers, etc.

- B. Retail sale of fruits and vegetables.
 - C. Rental or sale of bicycles, recreational vehicles, mobile homes, manufactured housing, trailers, motor vehicles, boats, or small hand equipment.
 - D. Outdoor display and sale of garages, swimming pools, and similar uses.
138. *Open Front Store*: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.
 139. *Parking Space*: An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.
 140. *Personal Use Landing Field*: Any location, either on land or water, which shall be used for the landing or take-off of aircraft with safety, solely for the use of the owner of the property, and which is not equipped with commercial facilities for the shelter, supply or repair of aircraft.
 141. *Planning Commission*: Shall mean "Wales Township Planning Commission".
 142. *Pond*: A body of water usually smaller than a lake, artificially created by embankment or excavation intended for any of the specific permitted uses as provided in Article XX, Section 20.25.
 143. *Porch, Open*: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.
 144. *Pre-manufactured Unit*: An assembly of materials or products intended to comprise all, or part of, a building or structure, and which is assembled at other than the final location of the unit by a repetitive process under circumstances intended to insure uniformity of quality and material content.
 145. *Premises for Nude Entertainment*: An establishment which is restricted to persons over the age of eighteen (18) and used for housing and exhibiting persons in the nude or "Specified Anatomical Areas" (as defined below # 161) of the human body.
 146. *Principal Use*: The main use to which the premises are devoted and the principal purpose for which the premises exist.
 147. *Public Use Airport*: Any location, either on land or water, which is used for the landing or take-off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas, used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established. Airports may include commercial activities or operations such as the sale of gasoline or oil, the soliciting or engaging in charter flying or student instruction, the provision of shelter or the tie-down of an aircraft, the overhaul or repair of an aircraft or engines, or otherwise offering aeronautic facilities or services to the public. A public use airport shall be distinguished from personal use landing fields.
 148. *Public Utility*: A person, firm or corporation, municipal department, board of 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.

149. *Quarry*: Any pit, excavation, or mining operation for the purpose of searching for, or removing for commercial purposes, any earth, sand, gravel, clay, stone, or other mineral in excess of two-hundred (200) cubic yards in any calendar year, but shall not include an oil well or excavation in preparation for construction of a building, structure or roadway.
150. *Restaurant, Carry-out*: A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state and whose design or method of operation includes both of the following characteristics:
- A. Foods, frozen desserts, or beverages are usually served in edible containers or paper, plastic, or other disposable containers.
 - B. The consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
151. *Restaurant, Drive-In*: A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:
- A. Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle.
 - B. The consumption of foods, frozen desserts, or beverages within motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building is allowed, encouraged, or permitted.
152. *Restaurant, Fast-Food*: A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for the carry-out with consumption off the premises, and whose design or principal method of operation includes both of the following characteristics:
- A. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
 - B. The consumption of foods, frozen desserts or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
153. *Restaurant, Standard*: A standard restaurant in any establishment whose principal business is the sale of foods, frozen deserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:
- A. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
 - B. A cafeteria-type operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.

154. *Roadside Stand*: Means a temporary open front stand so designed that service to the patron does not require entering the building, and used solely for the sale of farm products and for sale of the by-products of agricultural produce.
155. *Room*: For the purpose of determining the lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented having one (1), two (2) or three (3) bedroom units and including a "den", "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.
156. *Rooming House*: Is a building or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.
157. *Rubbish*: Means the miscellaneous waste materials resulting from housekeeping, mercantile enterprise, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.
158. *Satellite Dish Antenna*: A device incorporating a reflective surface that is solid, open mesh, or bar configuration and is in the shape of a shallow dish, parabola, cone or horn. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas which have a dimension greater than one (1) meter (3.3 feet) in residential districts or greater than two (2) meters (6.6 feet) in non-residential districts.
159. *Sauna or Open Bath House*: An establishment open to the public used for equipment and housing of apparatus wherein members of the public may have a steam bath or hot water bath.
160. *Setback*: The distance required to obtain front, side or rear yard open space provisions of this Ordinance.
161. *Signs*. Any announcement, declaration, display, billboard, illustration and insignia when designed and placed so as to attract general public attention. "Sign" shall include any banner, bulbs or other lighting devices, streamer, pennant, inflated or deflated membrane device, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not.
- A. *Decorative display*. A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
 - B. *Freestanding sign*. A sign, other than a ground sign or portable sign, which is not attached to a building and is capable of being moved from one (1) location to another on the site on which it is located.
 - C. *Ground sign*. A permanent display sign supported by one (1) or more columns, uprights or braces or mounted directly in and upon the ground surface and having a height not in excess of six (6') feet.
 - D. *Marquee sign*. A sign on or attached to a permanent overhanging shelter that projects from the face of the building and is supported entirely by the building.
 - E. *Nameplate*. A wall sign stating the name of a person, firm or name or description of a certain permitted use.

- F. *Portable sign.* A sign and sign structure which is designed to facilitate the movement of the sign from one (1) zoning lot to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing. A sign shall be considered portable only if such sign is manifestly designed to be portable to facilitate its movement from one (1) zoning lot to another. Signs capable of being moved, other than from one (1) zoning lot to another, shall be considered freestanding signs under this ordinance.
 - G. *Projecting sign.* A sign which is affixed to any building or structure, other than a marquee, and any part of which extends beyond the building wall or structure more than fifteen (15") inches.
 - H. *Pole sign.* A display sign supported by one (1) or more columns, uprights or braces in the ground surface and having a height in excess of six (6') feet.
 - I. *Wall sign.* A display sign which is painted on or attached directly to the building wall.
 - J. *Temporary sign.* A display sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material (including pennants, streamers, and flags other than the official flag of any nation, state or organization respectfully displayed), inflated devices with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public events.
- 162. *Small Solar Energy System:* "Small solar energy system" shall mean a single residential or small business-scale solar energy conversion system consisting of roof panels, wall-mounted solar panels, ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics occupying no more than 1 acre of land, that will be used only to produce utility power for on-site users.
 - 163. *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.
 - 164. *Soil Removal:* Means the removal of any kind of soil or earth matter that includes topsoil, sand, gravel, clay or similar materials or any combination thereof, except common household gardening and general farm care.
 - 165. *Special Approval Uses:* This definition is based upon the division of the Township into districts in each of which are permitted specified uses that are mutually compatible. In addition to such permitted compatible uses, however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, there is a need to carefully regulate them with respect to their location for the protection of the community. These uses, due to their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.
 - 166. *Specified Anatomical Areas:* Less than completely and opaquely covered: human genitals; pubic region; buttocks; postpubertal female breast below a point immediately above the top of the areola; human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 - 167. *Specified Sexual Activities:* Human genitals in a state sexual stimulation or arousal; acts of human masturbation, sexual intercourse, fellatio, cunnilingus, sodomy, bestiality or flagellation; fondling or other erotic touching of human genitals, pubic region, buttock or postpubertal female breast.

168. *Stable, Commercial:* A stable other than a private stable, where horses are boarded or are for hire or sale.
169. *Stable, Private:* A structure or shelter where horses that are owned by the immediate family are kept, where said horses are not boarded and are not maintained for the purpose of hire or sale.
170. *Story:* That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50%) percent, by cubic content, is below the height level of the adjoining ground.
171. *Story, Half:* An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet, six inches (7'6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4') feet clear height between floor and ceiling.
172. *Street, Minor Street, or Road:* A public thoroughfare, other than an alley, which affords the principal means of access to abutting property and which has been officially accepted as a public street or thoroughfare. 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 may be owned and maintained by the association of co-owners.
173. *Structure:* Means anything constructed, placed, or erected which requires permanent location on the ground, to include but not limited to all buildings, and including satellite dish antennae in excess of three (3') feet in diameter. Excluded are fences, sidewalks, paving on streets, driveways, parking areas, and patios.
174. *Structural Alterations:* Means any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof, or any additional floor space added to the building.
175. *Subdivision Regulations:* Means the regulations governing the subdivision of land, providing the procedure for the preparation and filing of plats, tentative approval of preliminary plats, submission of record of final plats, approval of the plat by the Township Board, providing for platting regulations and requirements in regard to conformity to the Township's Master Plan.
176. *Temporary Use of Building:* A use or building permitted by the Board of Zoning Appeals to exist during periods of construction of the main building or use, or for special events.
177. *Tents:* Means a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.
178. *Tourist Home:* A dwelling in which overnight accommodations are provided or offered for transient guests.
179. *Usable Floor Area:* (For the purpose of computing parking) Is that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage of merchandise, or for utilities shall be excluded from this computation of "Usable Floor Area". Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

180. *Use:* The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
181. *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 Michigan Building Code, which imposes other special provisions of law governing building construction equipment or means of egress.

Diagram 18: Yards

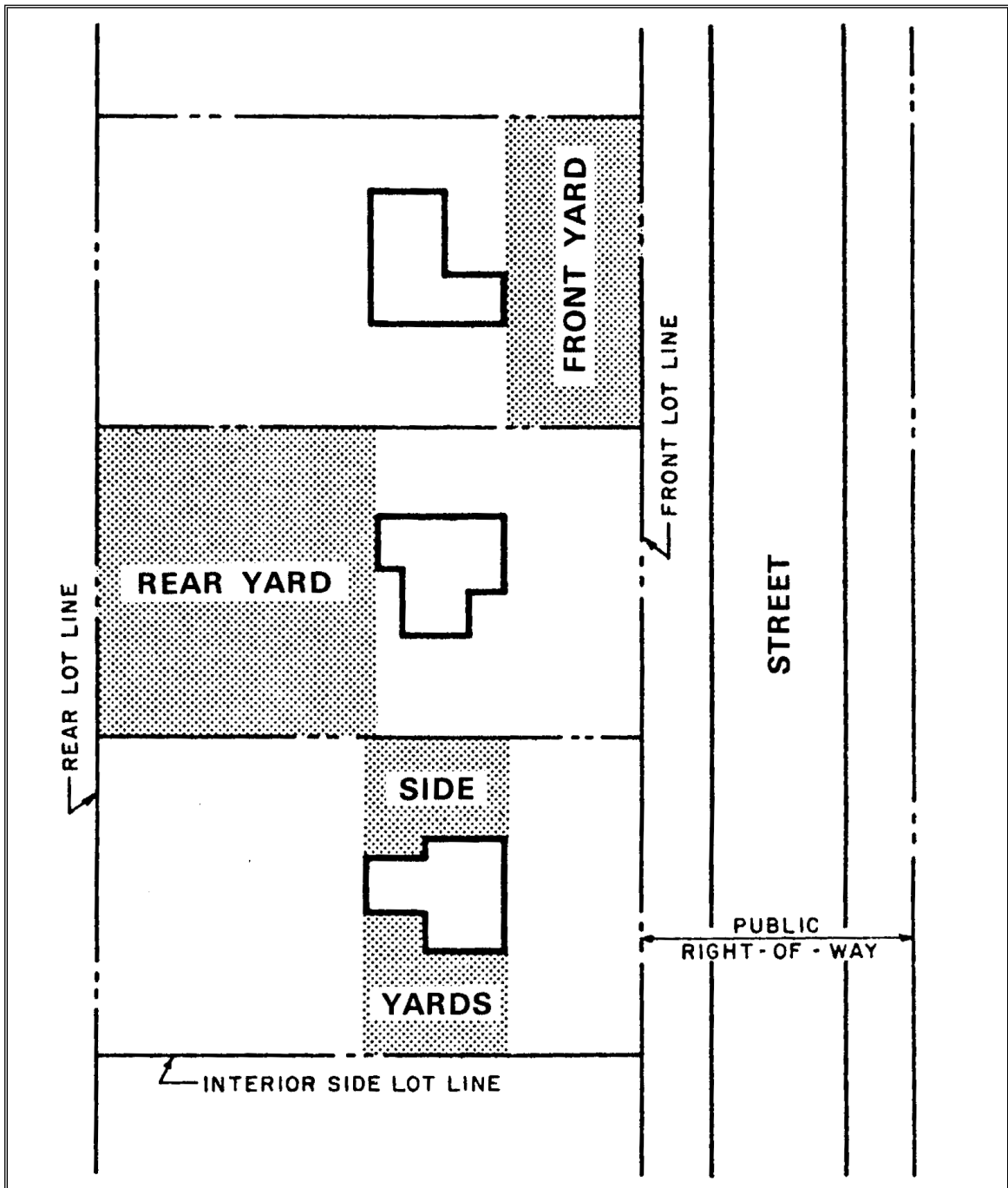
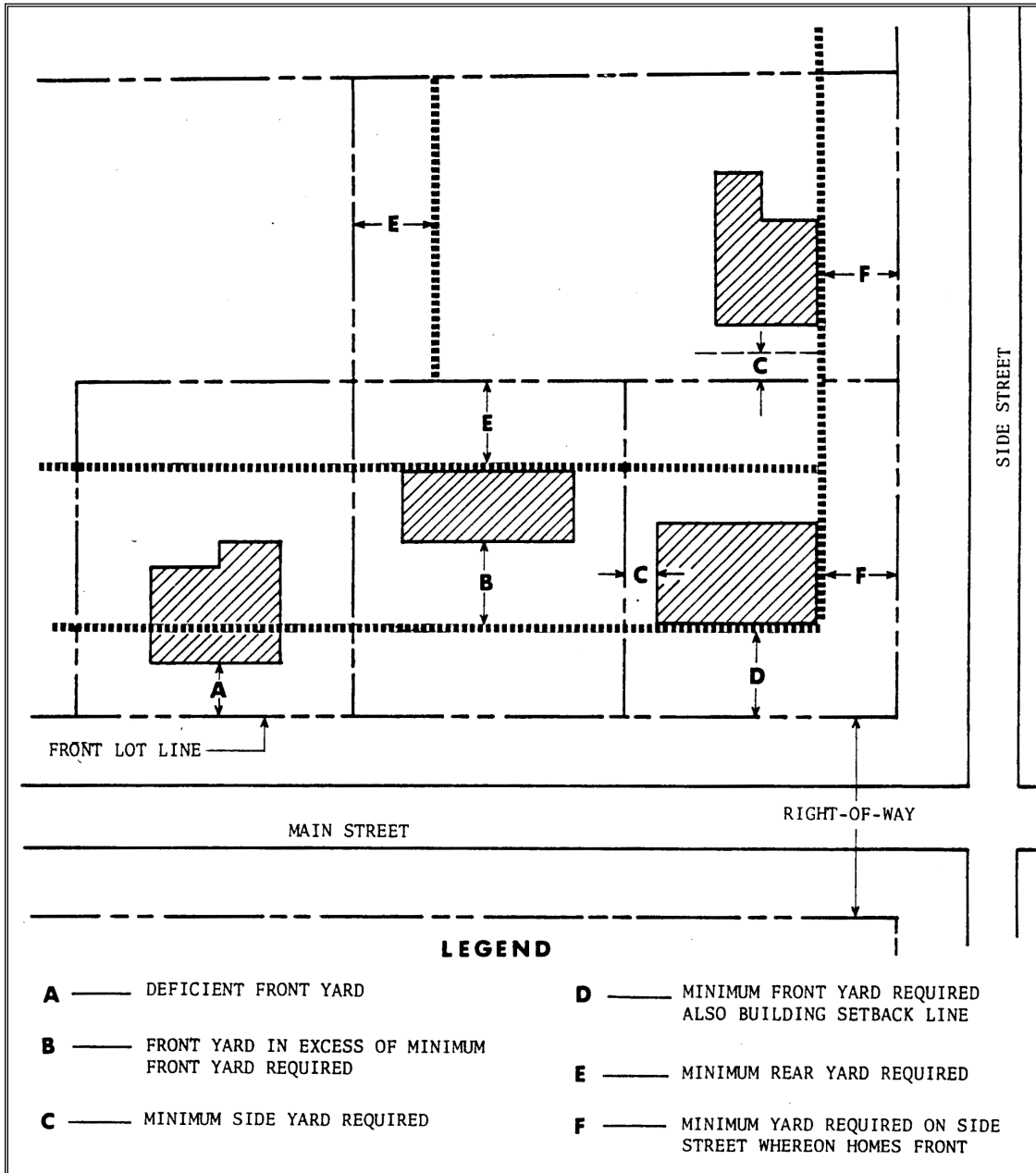


Diagram 19: Yard Requirements



182. *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.

183. *Utility Structure:* Means facilities related to and necessary for the operation of: oil, gas, water pipelines, sewer pipelines, electrical transmission lines, telephone and telegraph lines, oil and gas wells and underground storage fields. Included are such facilities as pumping stations, compressor stations, transformer stations, and switching stations.

184. *Variance:* A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

185. *Yards*: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:
- A. *Front Yard*: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
 - B. *Rear Yard*: An open space extended the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
 - C. *Side Yard*: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.
 - D. *Required Yard*: That portion of a front, side, or rear yard lying between the front, side or rear lot line and the corresponding front, side or rear minimum setback line.
186. *Zoning Compliance Permit*: A document signed by the Zoning Administrator, as required in the zoning ordinance, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the township zoning ordinance or authorized variance therefrom.

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WALES TOWNSHIP

ORDINANCE NO. 2023-___

AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR, OR FOR ANY CONSTRUCTION OF, WIND ENERGY CONVERSION SYSTEMS, MET TOWERS AND SOLAR ENERGY FACILITIES.

Section 1: Definitions.

- A. "Wind Energy Conversion System" includes all equipment that is used to convert, store or transfer energy from wind into usable forms of energy and includes any wind turbines or wind generators as well as any bases, blades, foundations, generators, nacelles, rotors, towers, transformers, turbines, vanes, wires, or other components used in such a system whose purpose is to provide electricity to the electric utility grid.
- B. "Meteorological Tower" ("MET Tower") includes a tower used for the measurement of wind speed.
- C. "Large Solar Energy Facilities" means a utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV) or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.

Section 2. Purpose and Findings. The purpose of this moratorium is to provide sufficient time for Wales Township to fully explore, analyze, research, and make informed decisions regarding Wind Energy Conversion Systems, Meteorological Towers and Large Solar Energy Facilities. In support of this Ordinance, the Wales Township Board has determined the following:

- A. The Township Board has become aware that developers may be interested in constructing Wind Energy Conversion Systems or Large Solar Energy Facilities in the Township.
- B. The integration of these Wind Energy Conversion Systems and Large Solar Energy Facilities within the Township emphasizes the need for suitable regulations and controls.
- C. The Township Board is authorized to establish reasonable requirements and regulations to govern and control Wind Energy Conversion Systems, MET Towers and Large Solar Energy Facilities within the Township to protect the public health, safety and welfare of the Township residents and their property.
- D. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary to allow the Township time to fully explore, analyze, research and develop any proposed regulations regarding the integration of Wind Energy Conversion Systems, MET Towers and Large Solar Energy Facilities within the Township.

- E. A moratorium should be imposed upon the issuance of any and all permits, licenses, and approvals for any property in the Township for the establishment and use of Wind Energy Conversion Systems, MET Towers and Large Solar Energy Facilities for 18 months.

Section 3: Moratorium. A moratorium is hereby imposed upon the issuance of any and all permits, licenses, or approvals for any property in the Township for the establishment and use of Wind Energy Conversion Systems, MET Towers and Large Solar Energy Facilities, so long as this Ordinance is in effect.

Section 4: Term of Moratorium; Renewal. The moratorium imposed by this Ordinance remains in effect 18 months following the effective date of this Ordinance, unless repealed sooner.

Section 5: Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 6: Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 7: Effective Date. This Ordinance is effective 7 days following publication.

WALES TOWNSHIP

NOTICE OF ADOPTION:

AN ORDINANCE TO AMEND THE TOWNSHIP'S ZONING ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR, OR FOR ANY CONSTRUCTION OF, WIND ENERGY CONVERSION SYSTEMS, MET TOWERS AND SOLAR ENERGY FACILITIES. ADOPTION OF ZONING AMENDMENT CHANGES TO ORDINANCE NUMBER 43. SECTION 20.02 (REMOVE WORD RESIDENTIAL), SECTION 4.02 AND 6.02 (ADD ALPACA), SECTION 4.03 AND 5.03 (ADD DEFINITION FOR NARCOTIC CLINIC), SECTION 16.01 (ADD B-1,B-2,I-1 REGULATIONS), SECTION 20.13 (CHANGE TO 7FT), SECTION 20.25 (REWORDING AND (J) DELETED), SECTION 20.27 (CORRECT AMENDMENT DATE, APPENDIX 1. CHANGE NUMBER FORM 19 TO 20 FOR SCECTION NUMBER, CORRECT ALL SPELLING, GRAMMER AND PAGE NUMBER ERRORS.

To the residents and property owners of the Township of Wales, St. Clair County, Michigan, and all other interested persons:

On March 7, 2023, the Township of Wales (the "Township") adopted an Ordinance To Amend The Township's Zoning Ordinance To Impose A Moratorium On The Issuance Of Permits, Licenses, Or Approvals For, Or For Any Construction Of, Wind Energy Conversion Systems, Met Towers And Solar Energy Facilities ("Ordinance"). A summary of the Ordinance is provided below. **A list of the Zoning amendments is available at the Township Hall.** A true copy of the Ordinance, including all exhibits, is available for inspection at the Township Hall, 1372 Wales Center Rd, Goodells, MI 48027.

Section 1. This section adds a section 20.34 to the Township's Zoning Ordinance to impose a moratorium on the issuance of permits, licenses, or approvals for, or any construction of, wind energy conversion systems, MET towers and solar energy facilities in the Township for 18 months.

Section 2. This section provides that if any portion of the Ordinance is found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 3. This section provides that any ordinances or parts of ordinances in conflict herewith are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 4. This section provides that the Ordinance shall take effect seven days after publication.

CINDY BOBCEAN, Clerk
Wales Township Hall
1372 Wales Center Rd
Goodells, MI 48027
(810) 325-1517