

SANILAC TOWNSHIP ZONING ORDINANCE

Adopted _____ 2012
Effective _____ 2012

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This project was funded in part by the Coastal Management Program, Department of Environmental Quality and the National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

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TOWNSHIP OF SANILAC
SANILAC COUNTY, MICHIGAN

ORDINANCE NO. ____

THE TOWNSHIP OF SANILAC ORDAINS:

ARTICLE 1
TITLE, PURPOSE, SCOPE, CONSTRUCTION,
VALIDITY, SEVERABILITY, CONFLICT AND VESTED RIGHT

Section 1.1 Title.

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

Section 1.2 Purpose.

The fundamental purposes of this Ordinance are to: promote public health, safety, moral, comfort, and general welfare; conserve and protect property and property values; reduce the hazards to life and property; promote the use of lands and resources of the Township in accordance with their character and adaptability and future benefits to the entire Township; secure the most appropriate agricultural and economical provision of public improvements, all in accordance with a Master Plan. The Township Board of Sanilac finds it necessary and advisable to regulate the growth of said Township, according to the Ordinance as presented herein. Divisions in the unincorporated areas are graphically presented on the map to be found in the Township offices.

The Township is divided into districts which include regulations designating land uses or activities that shall be permitted or subjected to special regulations.

It is also the purpose of this Ordinance to provide for the establishment of a Zoning Board of Appeals and its powers and duties; to provide for the administration and enforcement hereof and for penalties for its violation; and to provide for the repeal of any and all ordinances inconsistent herewith.

Article 1
Sanilac Township
Zoning Ordinance
FINAL

Section 1.3 Scope and Construction of Regulations.

- (a) This Ordinance shall be liberally construed in such manner as to best implement its purpose. In interpreting and applying the provisions of this Ordinance, the requirements shall be held to be the minimum for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare.
- (b) No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered, and no new use or change shall be made of any building, structure, or land, or part thereof, except as permitted by the provisions of this Ordinance.
- (c) Where a condition imposed by a provision of this Ordinance upon the use of any lot, building, or structure is conflicting with a condition imposed by any other provision of this Ordinance, or by the provision of an ordinance adopted under any other law, the provision which is more restrictive shall govern.
- (d) Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

Section 1.4 Validity and Severability Clause.

If a court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

If a court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, district, use, building, or structure not specifically included in said ruling.

Section 1.5 Conflict with Other Laws, Regulations, and Agreements.

Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable conditions imposed by any other provision of this Ordinance, or by the provision of any Ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

This Ordinance is not intended to modify or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or

imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

Section 1.6 Vested Right.

It is hereby expressly declared that nothing in this Ordinance be held or construed to give or grant to any person, firm, or corporation any vested right, license, privilege or permit.

ARTICLE 2

DEFINITIONS AND RULES APPLYING TO TEXT

Section 2.1 Rules Applying to Text.

The following rules shall apply to the text and language of this Ordinance:

- (a) The particular shall control the general.
- (b) In case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Words used in the present tense shall include the future, words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- (e) The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- (f) Any word or term not defined herein shall be used with a meaning of common or standard utilization.

Section 2.2 Definitions.

For the purpose of this Ordinance, certain words and terms are herewith defined.

Accessory Building or Structure. A detached or attached subordinate building or structure located on the same lot as an existing principal building, the use of which is clearly incidental or secondary to that of the principal building including, but not limited to a private garage, carport/cover or implement shed.

Accessory Use. A use or activity normally and naturally incidental to, subordinate to, and related exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; including, but not limited to garages, sheds, barns, television satellite dishes, and designed surface structures and areas.

Adult Day-Care Facility. Includes all of the following:

- (1) Adult Family Day-Care Home. A private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- (2) Adult Group Day-Care Home. A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- (3) Adult Day-Care Center. A facility, other than a private residence, receiving one or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

Adult Foster Care Facility. A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et. seq.; MSA 16.610 (61), et. seq., as amended. The following additional definitions shall apply in the application of this Ordinance:

- (1) Adult Foster Care Family Home: A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

- (2) Adult Foster Care Small Group Home: An owner-occupied facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
- (3) Adult Foster Care Large Group Home: A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
- (4) Adult Foster Care Congregate Facility: An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

Adult Regulated Uses. Includes all of the following:

- (1) Adult Book or Supply Store. An establishment having twenty (20) percent or more of its stock-in-trade or its sales devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, compact discs and DVD's and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas".
- (2) Adult Cabaret. An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees, or any other form of nude or partially nude service or entertainment.
- (3) Adult Motion Picture Theater. An enclosed building or structure wherein still or motion pictures, video tapes, or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- (4) Adult Motion Picture Theater, Adult Live Stage Performing Theater. An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

- (5) Adult Physical Culture Establishment. An "Adult Physical Culture Establishment" is any establishment club or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of any adult physical culture establishment:
- A. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
 - B. Electrolysis treatment by a licensed operator of electrolysis equipment;
 - C. Continuing instruction in material or performing arts or in organized athletic activities,
 - D. Hospitals, nursing homes, medical clinics or medical offices; and
 - E. Barber shops or beauty parlors and/or salons that offer massage to the scalp, the face, or the neck and shoulders only.
- (6) Body-Piercing. Body-piercing means the perforation of human tissue other than an ear for a non-medical purpose.
- (7) Body-Piercing Establishment. An establishment where the perforation of human tissue other than an ear for a non-medical purpose is performed, whether or not it is in exchange for compensation or any form of consideration.
- (8) Brand or Branding. The creation of a permanent mark made on human tissue by burning with a hot iron or other instrument.
- (9) Burlesque Show. An establishment which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, where beer or intoxicating liquors are not sold on the premises.
- (10) Escort Agency. Any business, agency, or person who, for a fee, commission, hire, reward or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.
- (11) Nude Modeling Studio. An establishment used for housing and exhibiting persons in the nude acting as models for other persons to paint, photograph or draw.

- (12) Specified Anatomical Areas. Specified anatomical areas means and includes any one (1) or more of the following: (a) less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or (b) human male genitals in a discernible turgid state, even if completely and opaquely covered.
- (13) Specified Sexual Activities. Specified sexual activities means and includes any one (1) or more of the following: (a) the fondling or erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (b) human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, and sodomy; (c) human masturbation, actual or simulated; (d) human excretory functions as part of, or as related to, any one of the activities described above, and (e) physical violence, bondage, mutilation, or rape, actual or simulated, as part of, or as related to, any of the activities described above.
- (14) Tattoo Parlor. An establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist; or any place where tattooing is regularly conducted whether or not it is in exchange for compensation.

Agricultural Land. Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, forestry and other similar uses and activities.

Aircraft. As defined in the Michigan Aeronautics Code, any contrivance now known, or hereafter invented, used, or designed for navigation of or flight in the air.

Airfield. The landing field of an airport.

Airport. As defined in the Michigan Department of Transportation, Bureau of Aeronautics under Section 86 of the Aeronautics Code, any location, either on land or water, which is used for the landing and 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.

Airstrip. The runway without normal airport facilities.

Alteration. Any modification, addition, or change in construction or type of occupancy; any change or rearrangement in the structural parts of a building, whether by increasing the height or extension of diminution; or the moving of a building from one location to another.

Animals.

- (1) Class I Animal. Domesticated animals which are not Class II, III, or IV, or Class V animals and which are customarily considered household pets.
- (2) Class II Animal. An animal which is normally part of the livestock maintained on a farm, including:
 - A. Bovine and like animals, including, but not limited to the cow, buffalo, elk, llama, and alpaca;
 - B. Equine and like animals, including, but not limited to the horse;
 - C. Swine and like animals, including, but not limited to the hog which are in excess of six (6) months in age;
 - D. Ovine and like animals, including, but not limited to the sheep and goat;
 - E. Other animals weighing in excess of seventy-five (75) pounds and not otherwise specifically included in Class II including, but not limited to the ostrich and the emu.
- (3) Class III Animal. Rabbits which are not maintained or kept as domesticated household pets, animals considered as poultry, and other animals weighing less than seventy-five (75) pounds not specifically treated herein.
- (4) Class IV Animal. Wild or undomesticated animals which are not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country. Such animals would generally weigh less than one hundred (100) pounds and would not cause a reasonable person to be fearful of bodily harm or property damage.
- (5) Class V Animal. Dangerous wild or undomesticated animal which is not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country. Such animals would cause a reasonable person to be fearful of bodily harm or property damage.

Animal Rescue or Shelter. A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

Apartment. A dwelling unit within a multiple-family residential dwelling (see Dwelling, Multiple Family).

Arcade. Any place, premises, establishment, or room within a structure within which are located three (3) or more amusement devices. For purposes of this section, amusement devices shall mean any device, machine, or apparatus operated by a patron who plays, exhibits, emits, produces, or displays, entertainment, or amusement in the form of a game, motion picture, music, performance, or similar entertainment. The term does not include vending machines used to dispense food, toys, or other products for use and consumption, kiddy rides, jukeboxes, bowling alleys, or pool tables.

Architectural Features. Architectural features of a building shall include but not limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Assembly or Dance Hall. A public or semi-public building, room, or structure in which a group of people can gather together for worship, meetings, instruction, banquets, exhibits or entertainment.

Automobile Dealer. A building or premises used primarily for the sale of new or used automobiles and recreational vehicles.

Automobile Repair Shop or Garage. General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, including, but not limited to body, frame, or fender straightening and repair, overall painting, and vehicle rust proofing.

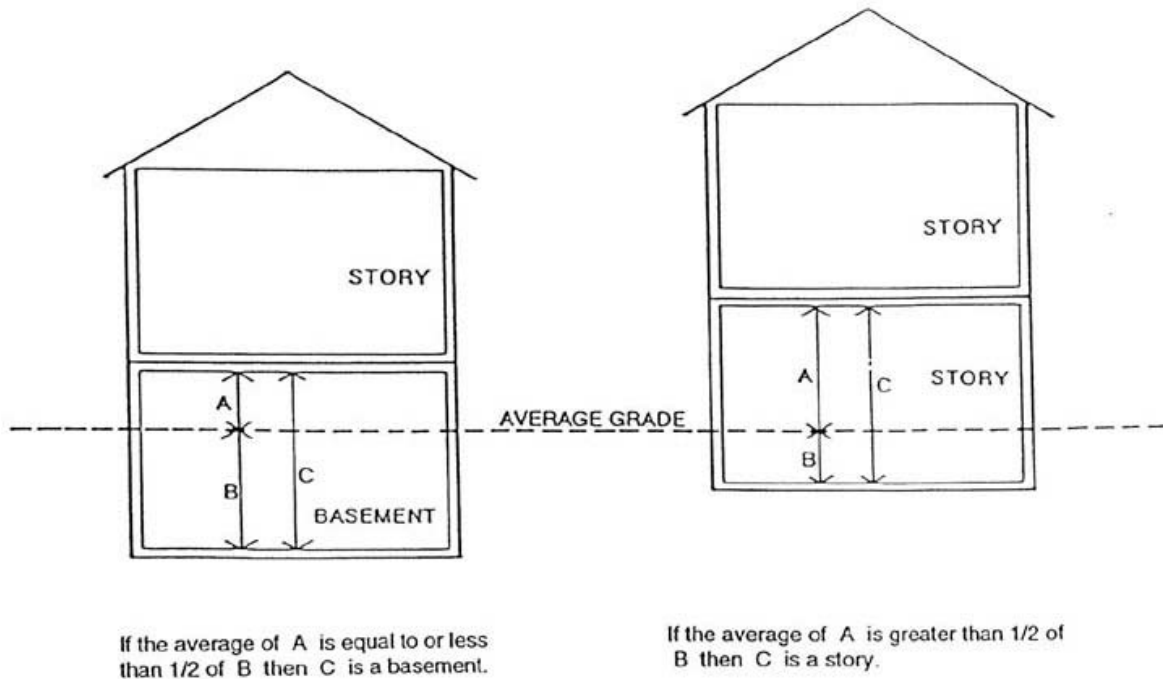
Automobile Service Station. A place that is used or designed to be used for the retail supply of gasoline and other fuels used for the propulsion of motor vehicles, kerosene, motor oil, lubricants or grease, including sale of accessories and services, including, but not limited to: polishing, washing, cleaning, greasing, undercoating, and minor repairs, but not including body work, painting, or refinishing thereof. In addition to automobile service, towing, convenience stores and carry out restaurants may be included.

Automobile Washes or Car Wash Establishment. A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

Bar. An establishment containing tables and chairs, and a counter at which alcoholic beverages and sometimes food are served to be consumed on the premises.

Barn. A building for the storage of farm products, for feed, or for the housing of farm animals or farm equipment.

Basement. That portion of a building having more than one-half (1/2) of its height below finished grade.



Basin.

- (1) Detention. A basin wherein water is stored for a relatively brief period of time, part of its being retained until the outlet can safely carry the ordinary flow plus the released water. Some basins have outlets usually without control gates, and are used for flood regulation.
- (2) Retention. A basin wherein water is stored for a period of time until the outlet can safely carry the released water. Such basins have control gates which can be released at a given time. This type of basin is used for flood regulation.

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

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

Block. The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or stream; or between any of the foregoing and any other barrier to the continuity of development.

Building. A structure having a roof supported by columns or walls.

Building Code. The currently adopted code or codes regulating building construction in Sanilac County.

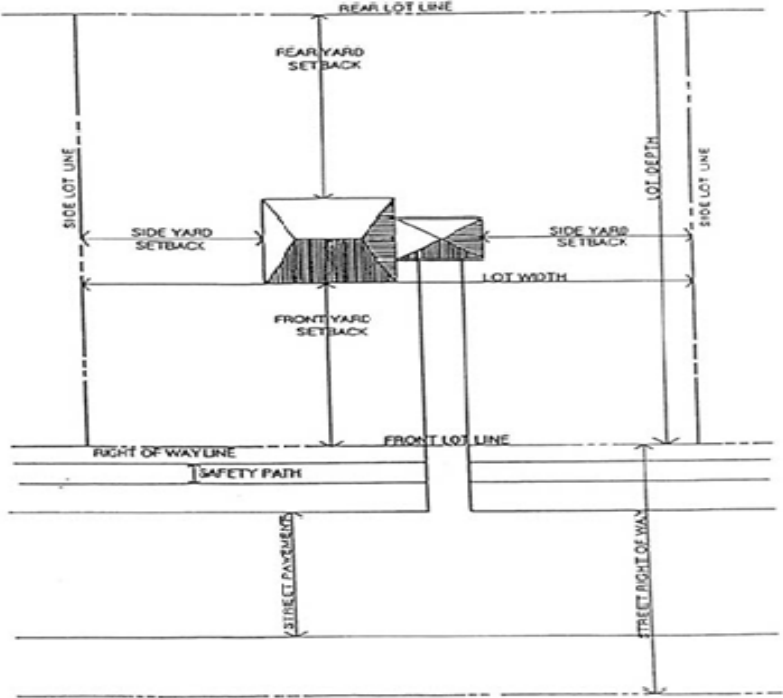
Building, Farm. Any building or structure other than a dwelling, maintained, used or built on a farm which is essential and customarily used on farms of that type in the Township for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce or farm animals.

Building Height. The building height is the vertical distance measured from the finished grade level to the highest point of the roof surface. Where the building may be situated on sloping terrain, this height shall be measured from the highest level of the finished grade at the building wall. When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Building Inspector. The person(s) designated by the Sanilac County Building Department to enforce the Building Code.

Building Official. The officer or other designated authority charged with the administration and enforcement of the Building Code, or a duly authorized representative.

Building Setback Line. The line established by the minimum required setbacks forming the area within a lot in which a building may be located.



Cemetery. Property used for the interring of the dead. May include a structure for the cremation of remains and facilities for storing ashes of remains that have been cremated of the dead. Also may include structures for the interment of the dead in sealed crypts or compartments. May include chapel and/or storage buildings.

Child Day-Care Facilities. The following definitions shall apply in the construction and application of this Ordinance:

- (1) Child Family Day-Care Home. A private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- (2) Child Group Day-Care Home. A private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- (3) Child Day-Care Center. A facility, other than a private residence, receiving more than one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

Child Foster Family Facilities. Means the following:

- (1) Child Foster Family Home. A private home 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, Chapter X of Act No. 288 of the Public Acts of 1939, being sections 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- (2) Child Foster Family Group Home. 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 Chapter X of Act No. 288 of Public Acts of 1939, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Church. A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, along with all accessory buildings and uses customarily associated with such primary use.

Clinic, Medical. A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional; including, but not limited to, a physician, dentist, or the like, except that the patients are not lodged therein overnight.

Club or Lodge. An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.

Commercial Recreation. A recreational type of business that is primarily operated for profit and that can be subdivided into either indoor or outdoor types, including, but not limited to an indoor or outdoor golf driving range.

Community Wastewater Utility System or Systems (CWUS). A facility which is owned by a non-governmental entity and is designed, constructed, operated, and maintained to transport, collect, process, and treat sanitary sewage from more than one (1) dwelling unit or structure. The system shall include any individual septic tanks, pumps, lines, and appurtenances serving each dwelling unit or structure in addition to facilities, sewers, and appurtenances that serve more than one (1) dwelling unit or structure.

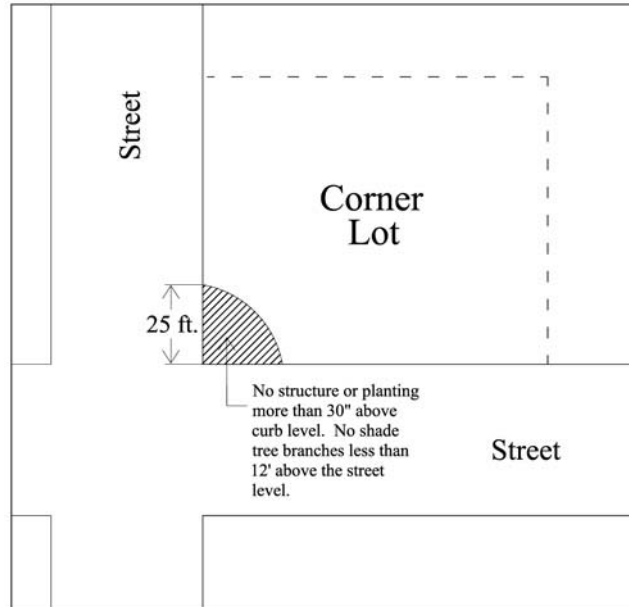
Condominium. A building or lot governed under Act 59, Public Acts of 1978, as amended.

Construction. Any site preparation, assembly, erection, substantial repair, alteration or similar action, done to a public or private right-of-way, structure, utility or similar property.

Convalescent or Nursing Home. See Senior Housing.

Convenience Grocery Store. A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience grocery stores are designed to attract a large volume of stop-and-go traffic.

Corner Clear Zone. The portion of a corner lot which shall be maintained free of any structures, grade change (i.e. berm) or plantings to ensure sufficient visibility for motor vehicles.



County Road, Gravel. Any gravel road which has been dedicated to and accepted for maintenance by the Sanilac County Road Commission, the State of Michigan, or the federal government, but which is subject to Township approval.

County Road, Paved. Any paved road which has been dedicated to and accepted for maintenance by the Sanilac County Road Commission, the State of Michigan, or the federal government, but which is subject to Township approval.

Detached. A self contained and enclosed building which does not depend on shared or common walls with adjacent building or buildings.

Development. The construction of a new use or building, or other structure on a lot or parcel, the relocation of an existing use or building on another lot or parcel, or the use of acreage or open land for the new use or building.

Drive-In Business. Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions and is so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons while in said vehicle.

Driveway. A paved or unpaved road intended for vehicular access to an individual lot.

Dry-Cleaners, Coin Operated. A building or part of a building where the services of coin operated dry cleaning machines, using only non-combustible and non-flammable solvents, is made available to the public for the purpose of dry cleaning.

Dry Cleaners, Distribution Station. A building or part of a building used only for the purpose of collection and distribution of articles to be subjected to the process of dry cleaning, washing, dry dyeing, cleaning and spotting and stain removing, and for the pressing of any such articles or goods which have been subjected to any such process elsewhere at a dry cleaners' plant.

Dry Cleaning or Laundry Outlet. A building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected to a process, carried out on-site, of cleaning or dyeing. Such establishment may also be used for pressing and/or distributing any articles or goods of fabric that have been received therein.

Dwelling. A dwelling is a building used exclusively as a residence by not more than one (1) family but in no case shall a travel trailer, motor home, trailer coach, automobile chassis, tent or other portable building be considered a dwelling.

Dwelling, Multiple-Family. A building consisting of two (2) or more dwelling units.

Dwelling, Single-Family. A building designed for, or occupied exclusively by, one (1) family.

Dwelling Unit. One (1) or more rooms with kitchen and sanitary facilities designed as a unit for occupancy by not more than one (1) family for cooking, living and sleeping purposes.

Easement. A grant by the owner of the use of a strip of land by the public, a corporation, or persons, for specific uses and purposes, to be designated as a "public" or "private" easement depending on the nature of the use.

Erection. Build, construct, alter, reconstruct, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential Services. Services and utilities needed for the health, safety, and general welfare of the community, including, but not limited to underground, surface, or overhead electrical, gas, telephone, water, sewerage, and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which it is located.

Extractive Operation. Premises from which any rock, gravel, sand, topsoil, or earth in excess of five hundred (500) cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

FAA. Federal Aviation Administration.**FCC.** Federal Communications Commission.

Family, Functional. A group of no more than four (4) persons, plus their minor children, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. A functional family shall not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals, exceeding four (4) persons in number, where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

Family, Immediate. An immediate relative related by blood, marriage, adoption or guardianship, including a parent, child, grandparent or grandchild.

Farm. The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the production of farm products.

Farmer's Market. The seasonal or year round sale of such locally grown products as fruits, vegetables and plants, farm products including, but not limited to honey, eggs and milk, and homemade foods including, but not limited to jams, jellies, pies, and breads.

Farm Operation. The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the production, harvesting, and storage of farm products, and includes, but is not limited to:

- (1) Marketing produce at roadside stands or farm markets.
- (2) The generation of noise, odors, dust, fumes, and other associated conditions.
- (3) The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
- (4) Field preparation and ground and aerial seeding and spraying.
- (5) The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides and herbicides.
- (6) Use of alternative pest management techniques.
- (7) The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.

- (8) The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- (9) The conversion from a farm operation activity to other farm operation activities.
- (10) The employment and use of labor.

Farm Product. Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

Farm Supply, Wholesale/Retail. A building, structure or area where farm equipment and farm supplies are kept for sale, but shall not include any other establishment defined or classified herein.

Fence. A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure.

Filling. The depositing or dumping of any matter onto or into the ground, except common household grading and general farm care.

Flag Lot. Flag lot means a lot, the major portion of which has access to a street frontage which is less than required by ordinance.

Flea Market. An indoor or outdoor facility for the sale, barter, trade, or exchange of goods.

Flood Insurance Study. The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

Floodplain. That portion of land adjacent to or connected to a water body or water course which is subject to periodic inundation in accordance with the one hundred (100) year flood cycle as determined by the U.S. Army Corps of Engineers or other applicable federal agency.

Floor Area. For the purpose of computing, the minimum allowable floor area in a residential dwelling unit, which is the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, non-habitable attached accessory buildings (garages), breezeways and enclosed and unenclosed porches.

Floor Area, Gross (GFA). The sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) dwelling units. Any space devoted to off-street parking or loading shall not be included in gross floor area. The floor area measurement is exclusive of areas of basements, unfinished attics, non-habitable attached accessory buildings (garages), breezeways and enclosed and unenclosed porches.

Floor Area, Usable (UFA). The measurement of usable floor area shall be as follows:

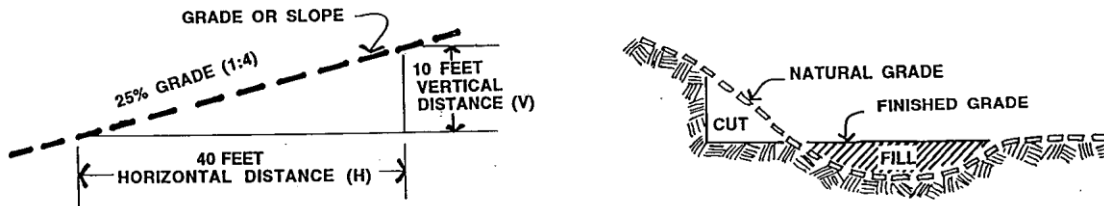
- (1) Nonresidential. The measurement of usable floor area for nonresidential uses shall be the sum of the area of the first floor, as measured by the exterior face of the exterior walls plus that area similarly measured, of all other stories that are accessible by the fixed stairway, ramp, escalator or elevator, which may be made fit for use, the measurement shall include the floor area of all accessory buildings measured similarly.
- (2) Residential. The measurement of usable floor area for residential uses shall be the sum of the area of the first floor, as measured by the exterior face of the exterior walls plus the area, similarly measured, of all other stories having enough headroom for intended use, that are accessible by the fixed stairway and which may be usable for human habitation, but excluding the floor area of uninhabitable basements, cellars, garages, accessory buildings, attics, breezeways and unenclosed porches.

Garage. A non-habitable attached or detached accessory building which is designed for the storage of private automobiles, materials, tools or other equipment necessary to maintain the property.

Garage, Commercial. Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.

Generally Accepted Agricultural and Management Practices (GAAMPS). Those practices as defined by the Michigan Commission of Agriculture. The Commission shall give due consideration to available Michigan Department of Agriculture information and written recommendations from the Michigan State University Experiment Station in cooperation with the United States Department of Agricultural Natural Resources Conservation Service and the Consolidated Farm Service Agency, the Michigan Department of Natural Resources, and other professional and industry organizations.

Grade. The degree of rise or descent of a sloping surface.



Grade, Finished. The final elevation of the ground surface after development.

Grade, Natural. The elevation of the ground surface in its natural state, before man-made alternations.

Harbor Line. As defined by the Army Corps of Engineers or any other applicable federal agency.

Hazardous Substance. Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshall Division; hazardous materials as defined by the U.S. Department of Transportation; and critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources. Petroleum products and waste oil are subject to regulation under this Ordinance are also hazardous substances.

Home Based Business. An occupation, profession, activity, or use that is clearly incidental and secondary but integrated into a dwelling unit or an accessory structure. The business may also employ non-residents of the home.

Home Occupation. An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Hospital. An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

Hotel or Motel. A building or group of buildings in which lodging is provided to the transient public.

Intensive Livestock Operations. An agricultural operation in which many livestock are bred and/or raised within a confined area, either inside or outside an enclosed building. While the density of confined livestock varies, it significantly exceeds that of traditional farming operations and includes both the number of confined livestock in the confined area and the amount of land which serves as the waste disposal receiving area.

Junk Yard. A place, structure, parcel or use of land where junk, waste, discard, salvage, or similar materials including, but not limited to old iron or metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, housing wrecking, and structural steel materials and equipment and including establishments for the sale, purchase, or storage or salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

Kennel, Commercial. An establishment wherein or whereon three (3) or more dogs, cats or other domestic animals are confined and kept for sale, boarding, breeding or training purposes, for remuneration.

Kennel, Private. Any building and/or land used, designed or arranged for the temporary or permanent boarding, breeding, training or care of dogs, cats, or other domestic animals belonging to the owner thereof and kept for purposes of show, hunting, or as pets (but not to include riding stables, or animals raised for agricultural purposes). The keeping of such animals shall be strictly incidental to the principal use of the premises and shall not be for the purposes of remuneration or sale.

Landfill. Any disposal area or tract of land, building, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse.

Landing Field. A field where aircraft may land and take off.

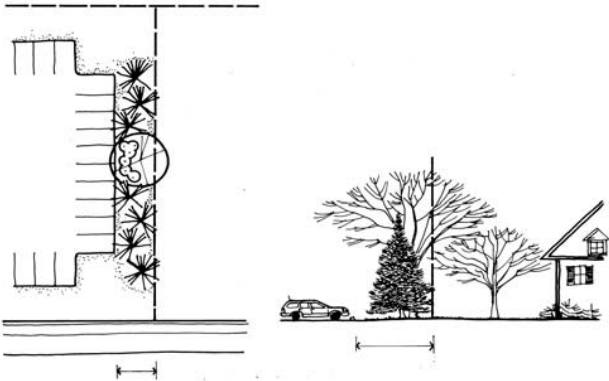
Landing Strip. An airstrip.

Landscaping. The following definitions shall apply in the application of this Ordinance:

- (1) Berm. A landscaped mound of earth which blends with the surrounding terrain.



- (2) Buffer. A landscape area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.
- (3) Conflicting non-residential land use. Any non-residential use, including, but not limited to office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.
- (4) Conflicting residential use. Any residential land use developed at a higher density which abuts a residential land use developed at a lower density
- (5) Greenbelt. A landscaped area, established at a depth of the minimum required front yard setback within a Zoning District, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.



- (6) Opacity. The state of being impervious to sight.
- (7) Plant material. A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.

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

Lot. A lot is a parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet minimum requirements for use, coverage, lot area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on a public street, or on an approved private street, and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) Any combination of complete and/or portions of lots of record;
- (4) A parcel of land described by metes and bounds.

Lot Area, Gross. The net lot area plus any public road right-of-way or private road easement contained within the property boundary. Net lot area shall be used to determine compliance with minimum lot area requirements.

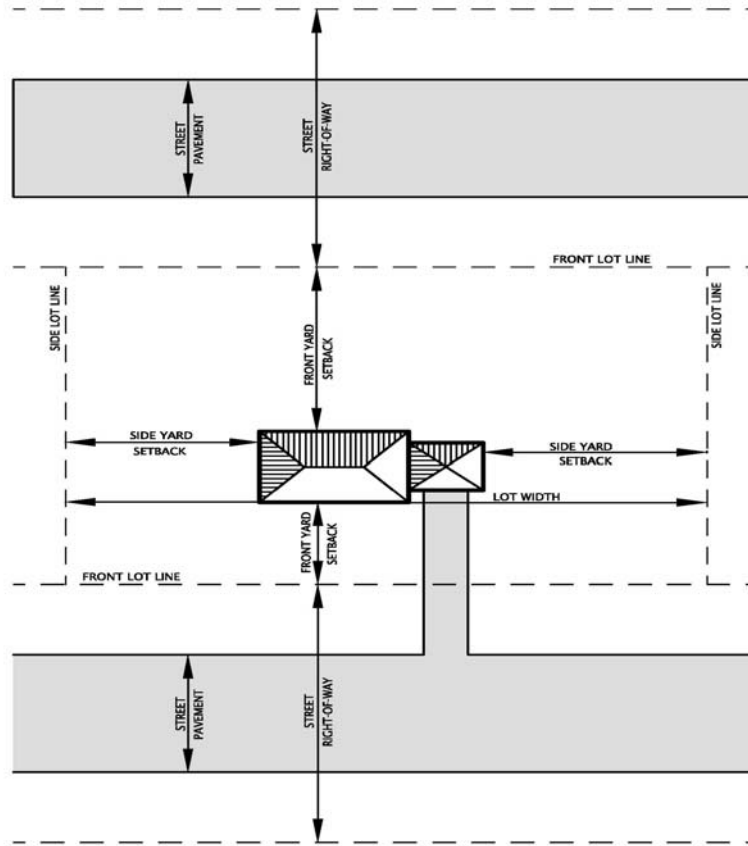
Lot, Corner. A lot with frontage on two (2) intersecting streets.

Lot Coverage. That part or percentage of the lot occupied by buildings, including attached and detached accessory buildings.

Lot Depth. The mean horizontal distance from the front line to the rear lot line; or in the case of a waterfront lot, from the lake frontage line to the street frontage line; or in the case of an acreage lot, from the front right-of-way line to the rear lot line.

Lot, Interior. An interior lot is a lot other than a corner lot with only one (1) lot line fronting on a street.

Lot, Through (Double Frontage). A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting one or both of the streets, the required front yard setback shall be observed on those streets where the structures presently fronts.



Lot Line. Any line dividing one (1) lot from another or from a public or private right-of-way, and thus constitutes the property lines bounding a lot.

Lot Line, Front. In case of an interior lot, the lot line separating said lot from the street or private road.

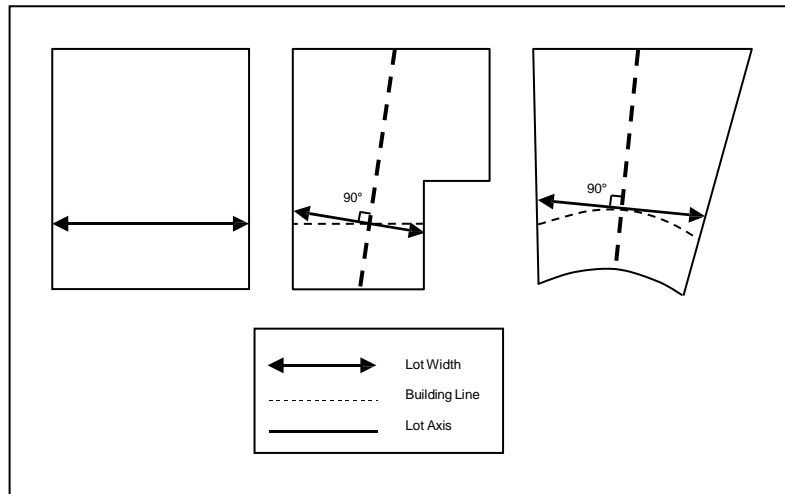
Lot Line, Rear. The lot line opposite and most distance from front lot line. In the case of an irregularly shaped lot, such lot line shall be an imaginary line parallel to the front lot line but not less than ten (10) feet long and measured wholly within said lot.

Lot Line, Side (Interior or Exterior). Any lot line which is not a front lot line or a rear lot line. A lot line separating a lot line from the side street is an exterior side lot line while a lot line separating a lot from another lot, or lots, is an interior side lot line.

Lot of Record. A lot of record is a lot, the dimensions of which are shown on a subdivision plat recorded in the Office of the Register of Deeds for Sanilac County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Registered Surveyor, so designated by the State of Michigan, and said description so recorded or on file with the County.

Lot, Waterfront. Any lot which abuts and faces onto a lake, river or similar body of water.

Lot, Width. The horizontal distance between the side lot lines measured at the two (2) points where the required front yard setback line intersects the side lot lines. Where the side lot lines are not parallel, lot width shall be the length of a straight line perpendicular to the lot axis, measured where the lot axis crosses the building line. The lot axis shall be a straight line, located within the lot lines of the lot, joining the midpoints of the front and rear lot lines.



Lot, Zoning. A single tract of land, located within a single block which, at the time of applying 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 and which tract satisfies the applicable requirements of this Ordinance in every respect. A zoning lot may, therefore, not coincide with a lot of record, but may include one (1) or more lots of record.

Manufactured Housing Unit. A dwelling unit manufactured in one (1) or more sections, designed for year-round, temporary or transient dwelling purposes, capable of being transported upon its own or a separate wheeled chassis, not motorized or self-propelled, built for the purpose of being located in a licensed manufactured housing community or mobile home park, meets the requirements of the FHA Standards of the United States Department of Housing and Urban Development (HUD) or the American National Standards Institute (ANSI), if built prior to 1976, and installed in accordance with this Ordinance and the State Construction Code. Such dwellings do not include recreational vehicles including, but not limited to travel trailers, motor coaches, campers and the like.

Manufactured Housing Community. A specifically designated parcel of land constructed and designed to accommodate three (3) or more manufactured housing units for residential dwelling use, and licensed by the State of Michigan in accordance with Act No. 96 of the Public Acts of Michigan of 1987 (MCL 125.2301 et seq., MSA 19.855(101) et seq.), the Mobile Home Commission Act.

Master Land Use Plan. The plan prepared and adopted by the Sanilac Township Planning Commission in accordance with Public Act 33 of 2008 relative to the agreed upon desirable physical land use pattern for future Township development.

Non-Conforming Building or Structure. A nonconforming building or structure is a complete building or structure or portion thereof lawfully existing at the effective date of this Ordinance, or subsequent amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

Non-Conforming Use. A non-conforming use is 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 zoning district in which it is located.

Occupied. The use of any structure, parcel or property for human endeavor, but not including the preparation of any structure or land for occupancy.

Off-Street Parking Area. A land surface or 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 more than two (2) automobiles.

Open Air Business Use. A business use operated for profit, substantially in the open air, usually without buildings or structures, uses including, but not limited to the following:

- (1) Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
- (2) Outdoor display and sales or garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.
- (3) Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.
- (4) Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children's amusement park or similar recreation uses (transient or permanent).

Open Space. Any land area suitable for growing vegetation, recreation, gardens, or household service activities, including, but not limited to, clothes drying, but not occupied by any buildings or other structures, except as provided in this Ordinance.

Open Storage. A land area occupied and used for outdoor storage of building materials, sand gravel, stone, lumber, equipment and other supplies.

Outdoor Wood, Corn, Pellet Fired, or coal Boiler or Furnace. A fuel burning device designed: (1) to burn primarily wood, corn, or pellets by hand-firing; (2) not to be located inside structures ordinarily occupied by humans; and (3) to heat spaces or water by the distribution through pipes of a fluid heated in the device, typically water. Examples of common uses of outdoor wood-fired boilers include residential or commercial space heating, heating of domestic hot water, and heating of water for swimming pools, hot tubs, or whirlpool baths.

Parcel. A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate recorder. This includes a lot, lot of record, or a piece of land created through other methods.

Park, Private. A parcel of land used by a limited group of people, an organization, or an institution for recreational purposes which may include, but not be limited to such uses as pools, playgrounds, picnic areas, camping grounds, nature trails, driving ranges, etc.

Park, Public. A parcel of land used for recreation purposes by the community-at-large, which may include similar activities as outlined under “Private Parks”.

Parking Space. One (1) unit of a parking area provided for the parking of one (1) vehicle, and shall be exclusive of driveways, aisles, or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

Permitted Use. Any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

Person. Person shall include any individual, firm, association, partnership, joint venture, corporation, limited liability company, or other entity.

Personal Service Establishment. A business where personal services are provided for profit and where the sale of goods is only accessory to the provisions of such services, including but not limited to the following: barber shops, beauty shops, tailor shops, laundry or dry cleaning shops, shoe repair shops.

Planning Commission. An appointed Commission empowered to help administer the provisions of this Ordinance.

Plat. A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967.

Pond. Any excavation, or the altering of a watercourse by damming or excavation, or combination thereof, for the purpose of creating thereby a body of water greater than fifty (50) square feet in area, and eighteen (18) inches in depth, except for detention or retention basins.

Porch, Enclosed (includes patio). A covered entrance to a building or structure which is totally enclosed, 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.

Porch, Open (includes patio and deck). 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.

Practical Difficulties. See "Zoning Variance".

Premise. All portions of contiguous land in the same ownership that are not divided by any public highway, street, or alley, and upon which is located a residence or place of business.

Principal Building or Structure. The main building or structure in which the primary use is conducted.

Principal Use. The primary, or chief purpose for which a lot is used.

Property Line. The imaginary line which represents the legal limits of property, including an apartment, condominium, room or other dwelling unit, owned, leased, or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right-of-way, the "property line" shall be the nearest boundary of the public right-of-way.

Public Service. Public service facilities within the context of this Ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses including essential services.

Public Utility. Any person, firm, corporation, or municipal agency authorized under Federal, State, County or municipal regulations to furnish electricity, gas, communications, transportation, water, or sewer services.

Recreational Vehicle. "Recreational Vehicles" shall include the following:

- (1) Boats and Boat Trailers. "Boats" and "boat trailers" shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- (2) Folding Tent Trailer. A canvas folding structure mounted on wheels and designed for travel and vacation use.
- (3) Motor Home. A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being

moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.

- (4) Other Recreational Equipment. Other recreational equipment includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.
- (5) Pickup Camper. A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- (6) Travel Trailer. A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

Restaurant. A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below.

- (1) Restaurant, Carry-Out. A carry-out restaurant is a restaurant whose method of operation involved sale of food, beverages, and/or frozen deserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off of the premises.
- (2) Restaurant, Drive-In/Drive-Through. A drive-in/drive-through restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.
- (3) Restaurant, Fast-Food. A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside or outside of the structure, or for consumption off the premises, but not in a motor vehicle at the site.
- (4) Restaurant, Sit Down. A standard restaurant is a restaurant whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

- (5) Bar/Lounge. A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Right-of-Way, Public. A legally dedicated public strip or area of land which may be varying widths allowing the right of passage and upon which a public road may be constructed.

Right-of-Way, Private. A strip or area of land which may be varying widths allowing passage in accordance with Ordinance No. 97-6, Land Division, Section 275.008, as amended.

Road. A public or private thoroughfare which affords the principal means of access to abutting property. The road types are defined as follows:

- (1) Arterial: Provides the highest level of service at the greatest speed for the longest uninterrupted distance, with some degree of access control.
- (2) Collector: Provides a less highly developed level of service at a lower speed for shorter distances by collecting traffic from local roads and connecting them with arterials.
- (3) Local: Consists of all roads not defined as arterials or collectors; primarily provides access to land with little or no through movement.
- (4) Private: A paved or unpaved road for access to one or more residences which is maintained by the property owners.

Road Frontage. The legal line which separates a dedicated road right-of-way or easement from abutting land to which it provides over-the-curb vehicular access.

Road, Frontage Access. A public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designated intersections or interchanges.

Road, Hard Surface. A highway or road built to the concrete or asphalt surface road building specifications of the County Road Commission, the Michigan Department of Transportation.

Roadside Stand or Market. A roadside stand or market is a temporary use of property or facilities for the selling of produce.

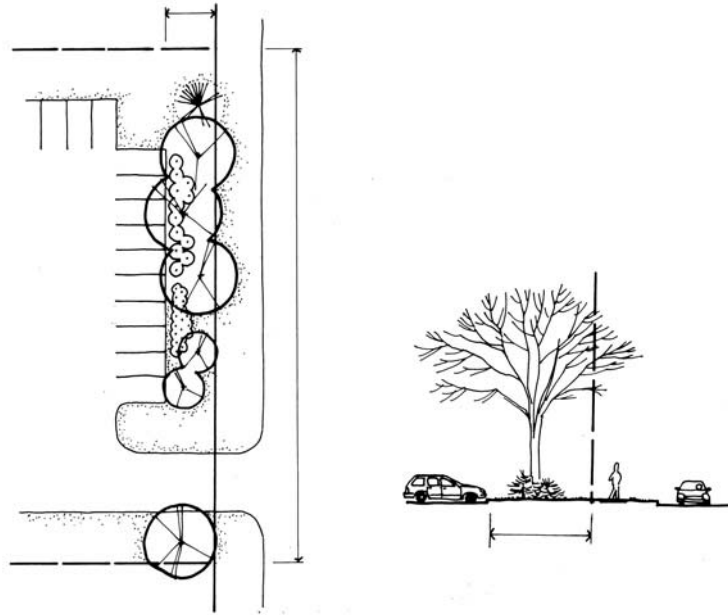
Roomer or Boarder. A person who occupies a rooming unit or occupies a room unit and receives meals for compensation in a rooming house or in a dwelling unit.

Rooming and Boarding House. A portion of an owner-occupied, single-family dwelling unit or accessory building, not to exceed a total of 1,000 square feet in area, with or without separate

kitchen facilities, for not more than six (6) individuals other than family, for an extended period of time, for compensation.

Rooming Unit. Any room or group of rooms, forming a single habitable unit used for living and sleeping, but which does not contain cooking or eating facilities.

Screen. A structure providing enclosure, including, but not limited to a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials including, but not limited to trees and shrubs.



Self-Storage Facility. A building or group of buildings, each of which consists of several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Such facilities are typically, but not necessarily, contained within a fenced, controlled access compound.

Senior Housing. An institution other than a hospital or hotel, which provides housing or room and board to non-transient persons primarily sixty (60) years of age or older. Housing for seniors may include:

- (1) Independent Living. A multiple-family housing structure with full facilities for self-sufficiency in each individual dwelling unit.
- (2) Congregate Care. A dependent elderly housing facility with cooking facilities within the unit, but with a central dining service option. Limited medical care is available.

- (3) Assisted Living. A dependent elderly housing facility without cooking facilities and only central dining service. Limited medical care is available.
- (4) Convalescent Home. A state licensed medical establishment providing accommodation and care for aged or infirmed persons, or for those who are bedfast or needing considerable nursing care, but not including facilities for the treatment of sickness or injuries or facilities for surgical care. Commonly referred to as “nursing home”.

Setback. The minimum required horizontal distance between the building or structure and the front, side, and rear lot lines and natural features.

School. A building used for the purpose of public or private elementary or secondary, special or higher education, which meets all requirements of the compulsory education laws of the State of Michigan.

Shed. A self contained and enclosed single story building of less than or equal to 200 square feet which does not depend on shared or common walls with adjacent building or buildings.

Shoreline. The line which separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County Drain Commissioner or not in the State Department of Natural Resources. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

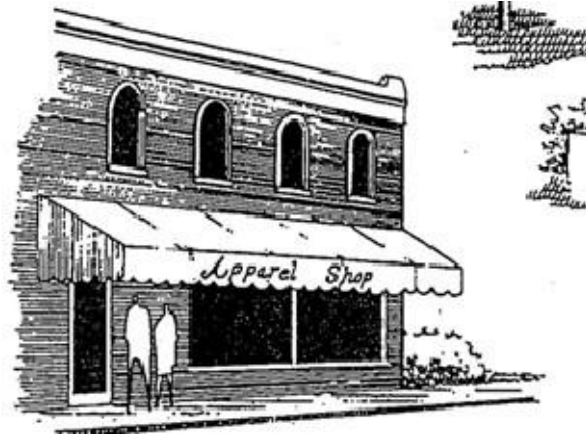
Shopping Center. More than one (1) commercial establishment, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

Sign. A device which is affixed to, or otherwise located or set upon a building, structure or parcel of land which directs attention to an activity, or business. The definition includes interior signs, which are directed at persons outside the premises of the sign owners, and exterior signs, but not signs primarily directed at persons within the premises of the sign owner. The definition does not include goods for sale displayed in a business window. The following additional definitions are provided:

- (1) Banners and Flags. Considered part of a sites signage and shall include all removable fabric, cloth, paper or other non-rigid material suspended or hung from light poles, buildings or other site amenities. These signs may or may not include a business logo or symbol.
- (2) Billboard. A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted (an off-site sign) and is regulated in accordance with

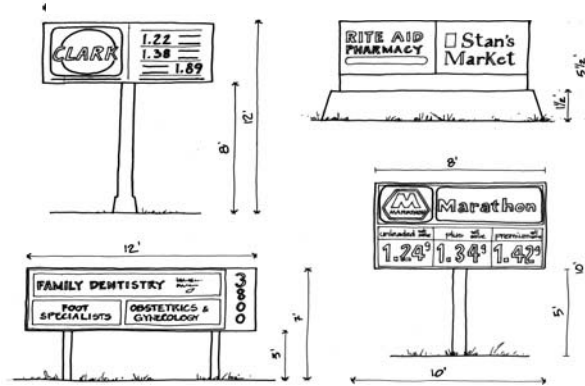
regulations governed by the Highway Advertising Act, P.A. 106 of 1972 as amended.

- (3) Canopy Sign. Means a sign displayed and affixed flat on the surface of a canopy and does not extend vertically or horizontally beyond the limits off the canopy.



- (4) Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the structural integrity of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time, temperature or stock market information shall be considered a "time, temperature and stock market" portion of a sign and not a changeable copy sign for purposes of this ordinance.
- (5) Digital/Electronic Sign. A sign that uses changing lights or other electronic media to form a sign message wherein the sequence of messages and the rate of change is electronically programmed and can be modified by an electronic process.
- (6) Directional Sign. A sign directing and guiding vehicular or pedestrian traffic or parking but bearing no advertising matter.

- (7) Ground Sign. A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary.



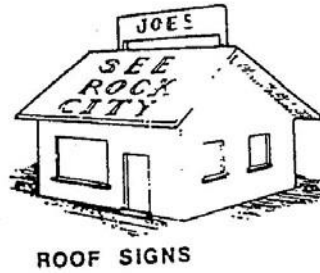
- (8) Menuboard. A sign that displays menu items and may contain a communication system for placing food orders or other items at an approved drive-through facility.
- (9) Nameplate Sign. A single face sign directly attached/affixed to a single family residence which only identifies the name and address of the residents.
- (10) Temporary Sign. A single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, easily movable, and not permanently attached to the ground or a building. Political signs are included within the definition for portable temporary signs.



TEMPORARY SIGNS

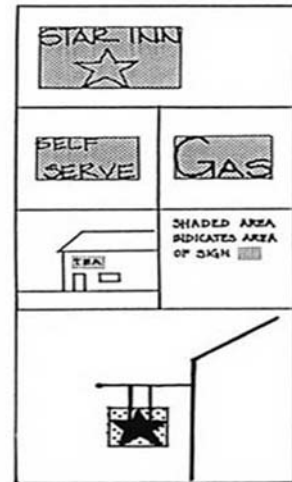
- (11) Projecting Sign. A sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign. Marquee signs are included within the definition for projecting signs.
- (12) Promotional Banner. A sign made of fabric, cloth, paper or other non-rigid material that is typically not enclosed in a frame and advertises a product or service offered on the premises.
- (13) Real Estate Sign. A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.

- (14) Roof Sign. Any sign wholly erected to, constructed/or maintained on the roof structure of any building.



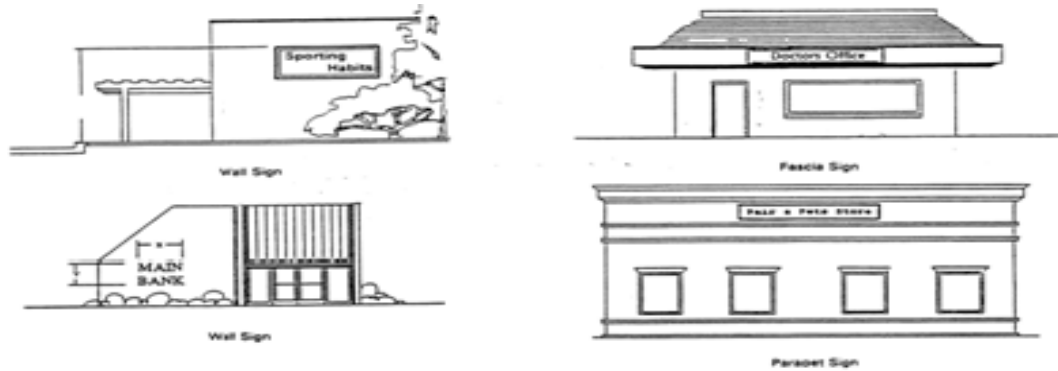
- (15) Sign Structure. That part of the sign which structurally supports the sign message area whether integrated into the message area through the use of the same materials or through the use of complementing but different materials.
- (16) Sign Surface. That part of the sign upon, against, or through which the message is displayed or illustrated.

- (17) Sign Message Area. A sign message is the area, computed in square feet, within which the letters, figures, numbers or symbols are contained. The area is determined by measuring the height of the extreme perimeters of all letters, figures, numbers or symbols, by the width of the same. The area of all changeable copy signs shall be determined by measuring the total area within which the copy can be altered.



- (18) Subdivision Entryway Sign. A ground mounted single or double sided sign which identifies the name of the subdivision/development and street address only.
- (19) Suspended Sign. A sign that is suspended or hung from the underside of an eave, porch roof or awning.

- (20) **Wall Sign.** Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.



- (21) **Window Sign.** A sign installed inside a window and intended to be viewed from the outside.



Single Ownership. Ownership by one (1) person or by two (2) or more persons jointly, as tenants by the entirety, or as tenants in common, or a separate parcel of real property not adjacent to land in the same ownership.

Site Plan. Includes the documents and drawings required by the zoning ordinance to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes. A scaled drawing which shows the intended and/or existing location and dimensions of improvement or structures upon a parcel of property, including buildings, driveways, parking areas, parking spaces, landscaping, landscaped areas, sidewalks, signs, drainage facilities, utilities or similar physical improvements.

Slaughter House. A building used for the slaughtering of animals and the scalding, butchering and storage of carcasses for human consumption, but not including the rendering, smoking, curing or other processing of meat, fat, bones, offal, blood, or other byproducts of the permitted operations.

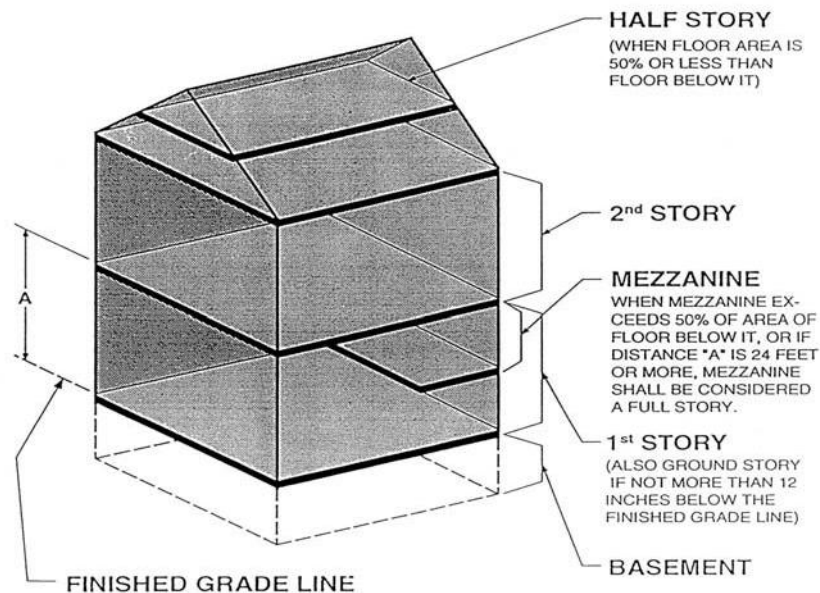
Special Land Use. A use which is subject to special land use approval by the Planning Commission. A special land use may be granted only when there is a specific provision in this Ordinance. A special land use is not considered to be a nonconforming use.

Stable, Commercial. A structure that is used for the shelter and care of horses, llamas, mules or donkeys which are rented, hired, or used on a commercial basis including breeding for compensation, also to include the renting of stable space, for the above mentioned animals not owned by the owner/proprietor(s) of a commercial stable. Add breeding purposes from kennel definition.

Stable, Private. A structure that is used for the shelter, riding and care of horses, llamas, mules or donkeys which are kept or boarded for the sole enjoyment of the owners, and does not include the renting or hiring of the above mentioned animals on a commercial basis or the renting of stable space.

State Licensed Residential Facility. A structure constructed for residential purposes that is licensed by the State under the Adult Foster Care Facility Act, and provides residential services for six (6) or fewer persons under 24-hour supervision or care.

Story. That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.



Story, One-Half. A story under the gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story and the floor area shall not exceed one-half (1/2) of the area of the floor below.

Street. A public thoroughfare which affords the principal means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width. Various types of streets are defined as follows:

- (1) Arterial Street. A major street that carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the Township.
- (2) Collector Street. A street whose principal function is to carry traffic between minor, local, and sub-collector streets and arterial streets but may also provide direct access to abutting properties.
- (3) Cul-De-Sac. A street that terminates in a vehicular turnaround.
- (4) Local or Minor Street. A street whose sole function is to provide access to abutting properties.
- (5) Private Street or Road. A street or road under private ownership which has been constructed to Township specifications and received Township Board approval for the purposes of providing access to adjoining property, and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon.
- (6) Service Drive. A roadway, normally adjacent to an existing primary roadway, designed to access principle land uses.

Street Line. The dividing line between the street right-of-way and the lot. When such right-of-way is not definable, a line shall be defined as thirty-three (33) feet on either side of the center of the street.

Structure. Anything constructed or erected above ground level or which is attached to something located on the ground. Structures typically include such things as buildings, amateur radio towers, sheds, carports/covers and decks.

Subdivision. A partitioning or dividing of a parcel or tract of land by the owner or any legal representatives for the purpose of sale, or lease for more than one year, or building development.

Supermarket. A retail establishment primarily selling food as well as other convenience and household goods to the general public, which operates on a self-service, cash and carry basis and may include facilities for parcel pickup. Supermarkets commonly have a gross floor area of between thirty-five thousand (35,000) and seventy-five thousand (75,000) square feet.

Swimming Pool. Any structure or container located either above or below grade designed to hold water to depths greater than 24 inches, intended for swimming or bathing, including swimming pools, hot tubs, jacuzies, whirlpools and ponds.

Temporary Use of Building or Land. A use of a building or premises permitted to exist during construction of the main building, or for special events.

Thoroughfare. A roadway contained within the limits of a right-of-way, having a high degree of continuity throughout a municipality or geographic region and used primarily for the conveyance of large volumes of traffic.

Time Limits. Unless otherwise specified, time limits stated in this ordinance shall be measured from midnight of the date on which the cause of action arises. Specific units of measure shall be as follows:

- (1) Days. Consecutive periods of twenty-four (24) hours.
- (2) Weeks. Consecutive periods of seven (7) days.
- (1) Months. Consecutive periods of twenty-eight (28) to thirty-one (31) days,
- (2) Years. Consecutive periods of three hundred sixty-five (365) days.

Township Board. The duly elected legislative body of Sanilac Township.

Travel Trailer Park/Campground. Land intended to house travel trailers, tents, or other similar temporary methods of travel, recreation or vacation housing.

Undeveloped State. A natural state preserving natural resources, natural features, or scenic or wooded conditions; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. The term “greenway” shall mean a contiguous or linear open space, including habitats, wildlife corridors and trails that links parks, nature preserves, cultural features, or historic sites with each other for recreational or conservation purposes.

Unnecessary Hardship. See "Zoning Variance"

Use. The lawful purpose for which land or premises or a structure or building thereon is designed, arranged, intended, or for which is occupied, maintained, let or leased for a use or activity.

Variance. See "Zoning Variance"

Veterinary Clinic. An enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and used as a boarding place for such

animals limited to short time boarding incidental to clinic or hospital use. Such clinics include only those under direction of a licensed veterinarian registered in the State of Michigan. Such animal clinics shall be constructed in such a manner that noise and odor are not discernible beyond the property upon which it is located.

Wall. An obscuring structure of definite height and location, constructed of masonry, concrete or similar approved material.

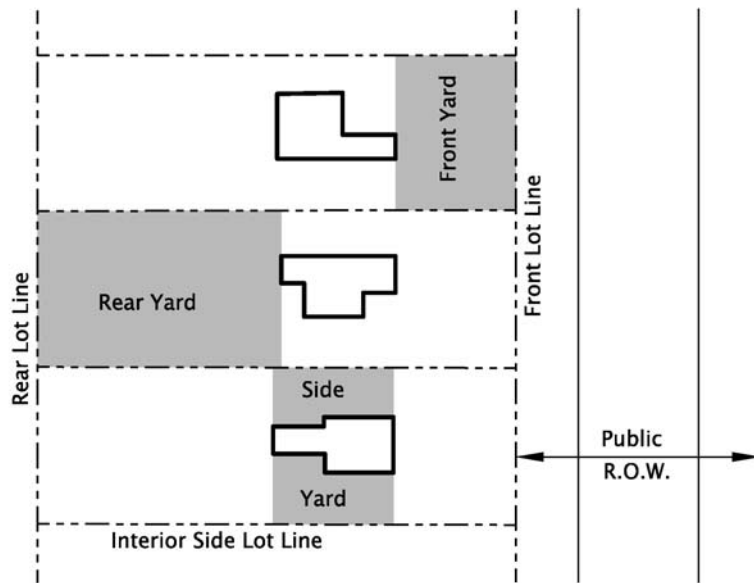
Wind Energy Conversion System (WECS): Any device such as a wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy.

- (1) Private WECS: Any WECS that is accessory to a principal use located on the same lot, and is designed and built to serve the needs of the principal use.
- (2) Commercial WECS: Any WECS that is designed and built to provide electricity.

Wireless Communication Facilities. Shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham amateur radio facilities; satellite dishes; and, governmental facilities which may be subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

- (1) Attached Wireless Communications Facilities. Any wireless communication facility affixed to an existing structure, including, but not limited to a building, tower, water tank, utility pole, or other feature utilized to receive and transmit federally or state licensed communication services via duly licensed segments of the radio frequency spectrum. This definition shall not include support structures.
- (2) Wireless Communication Support Structures. Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- (3) Collocation. The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

Yard. An open space which is unoccupied except for certain structures which are specifically permitted by the Ordinance.



Yard, Front. The required 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 in which the principal use is located. Parcels fronting on two (2) public roadways shall be deemed to have two (2) front yards.

Yard, Front, Road, and Waterfronts. Both are defined as front yards or setbacks from road right-of-way lines and shorelines of water bodies.

Yard, Rear. The required open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the back lot line and the nearest point of the main building in which the principal use is located.

Yard, Required. An open space of prescribed width or depth adjacent to a lot or property line on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, Side. The required open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the main building in which the principal use is located.

Zoning Administrator. This Zoning Ordinance shall be administered and enforced by the zoning administrator or by such person as the Township Board or Supervisor may delegate to enforce this Zoning Ordinance.

Zoning Appeal. An entreaty or demand for a hearing and/or review of facts and/or actions conducted by the Zoning Board of Appeals in accordance with the duties and responsibilities specified in this Ordinance.

Zoning Board of Appeals. As used in this Ordinance, means the Sanilac Township Zoning Board of Appeals.

Zoning District. A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance and designated on the Zoning District Map.

Zoning Interpretation. A review which is necessary when the provisions of this Ordinance are not precise enough to all applications without interpretation, and such review of the provisions of this Ordinance are therefore required in accordance with the procedures and provisions of this Ordinance.

Zoning Permit. A permit for commencing construction issued by the Zoning Administrator in accordance with all the provisions of this Zoning Ordinance and/or an approved site plan.

Zoning Variance. The term "Variance" shall mean a modification of literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause unnecessary hardship or practical difficulties due to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) unnecessary hardship, (b) practical difficulties, (c) unique circumstances, and (d) exceptional and unusual elements, are present which would preclude the same type of development permitted in the zoning district from being repeated, but, which with a variance, would permit compatible development similar to the character of development permitted in a zoning district. The term Variance shall not mean to include granting variances for substantially larger buildings or additional uses other than those permitted in the respective zoning districts.

- (1) Practical difficulties. A circumstance related to a property or piece of land that makes it difficult or impossible to use the land in accordance with the dimensional requirements of the zoning ordinance. A practical difficulty is not necessarily related to economic difficulties arising from compliance with the ordinance requirements.
- (2) Unnecessary hardship. A unique and extreme inability to use a property in conformance with the use requirements in the zoning district. Generally, it must be shown that the property cannot be reasonably used as one of the uses permitted in the district and that a variance to the allowed uses is the only means of relief.

ARTICLE 3

ADMINISTRATION AND ENFORCEMENT

Section 3.1 Zoning Administration.

This Zoning Ordinance shall be administered and enforced by the Zoning Administrator or by such deputies as the Administrator may delegate to enforce this Zoning Ordinance.

Section 3.2 Duties.

The Zoning Administrator shall:

- (a) Receive and review for completeness all applications for site plan review and special land uses which the Planning Commission is required to decide under this Ordinance and refer such applications to the Planning Commission for determination.
- (b) Receive and review for completeness all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
- (c) Receive and review for completeness all applications for amendments to this Ordinance and refer such applications to the Planning Commission and Township Board for determination.
- (d) Make periodic site inspections to determine Ordinance compliance, and answer complaints on Zoning Ordinance violations.
- (e) Implement the decisions of the Planning Commission and Township Board.

Section 3.3 Certificate of Zoning Compliance

- (a) Certificates of Zoning Compliance are required of all structures, uses, or lots, erected, used, or created after the effective date of this Ordinance.
- (b) Applications for Certificates of Zoning Compliance shall be made to the Zoning Administrator. Each application shall include a site plan as required in Section 3.3(1), herein, and all information necessary to determine zoning compliance.
- (c) All plans submitted to the Sanilac County Building Department for a Building Permit shall first be submitted for review and approval by the Zoning Administrator with respect to the

requirements of the Zoning Ordinance. No Building Permit shall be issued unless a Certificate of Zoning Compliance has been issued by the Zoning Administrator for the same, and is in effect.

(d) In all cases in which a Certificate of Occupancy is required, but a Building Permit is not required, the Certificate of Occupancy shall not be issued unless a Certificate of Zoning Compliance has been issued by the Township Zoning Administrator and is in effect.

(e) A Certificate of Zoning Compliance shall not be issued for any use or structure, unless said use or structure and the lot upon which it is situated meets all the requirements of this Ordinance. A Certificate of Zoning Compliance may be issued for a legally existing non-conforming use, structure, or lot. In such case, the Certificate of Zoning Compliance shall clearly list each and every legal non-conformity. A Certificate of Zoning Compliance shall not be issued for any use, structure, or lot if any illegal non-conformity exists thereon.

(f) The owner or lessee of the structure or lot, or agent of either, may make application for a Certificate of Zoning Compliance by the licensed engineer or architect employed in connection with the proposed work or operation. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work or operation is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

(g) Subject to the limitations of Section 3.6, herein, amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the certificate was approved and before a Certificate of Occupancy is issued. Such amendments shall be deemed part of the original application and shall be filed therewith.

(h) The Zoning Administrator shall examine or cause to be examined all applications for a Certificate of Zoning Compliance and amendments thereto within a reasonable time after filing. If the application or the plans do not conform to all requirements of this Ordinance, the Zoning Administrator shall reject such application in writing, stating the reasons therefore. If the application or plans do so conform, the Zoning Administrator shall issue a Certificate of Zoning Compliance as soon as practical.

The signature of the Zoning Administrator shall be attached to every certificate, or a subordinate may be authorized to affix such signature thereto. The Zoning Administrator shall stamp or endorse all sets of corrected and approved plans submitted with such application as "Approved."

(i) An application for a Certificate of Zoning Compliance shall be deemed to have been abandoned six (6) months after the date of filing unless such application has been diligently pursued or a Building Permit shall have been issued by the County, or a Certificate of Occupancy shall have been issued for a use not requiring a building permit. The Zoning Administrator may, for reasonable cause grant not more than two (2) extensions of time, for periods not exceeding ninety (90) days each. Any certificate issued shall become invalid if the

authorized work is suspended or abandoned for a period of six (6) months after time of commencing the work.

(j) In the case of any false statement or misrepresentation of fact in the application or on the plans on which the certificate was based, any Zoning Compliance Certificate shall be deemed null and void at the discretion of the Zoning Administrator.

(k) Issuance of a Certificate of Zoning Compliance shall be subject to the following conditions:

- A. No certificate shall be issued until the required fees have been paid.
- B. All work or use shall conform to the approved application and plans for which the certificate has been issued and any approved amendments thereof.
- C. All work or use shall conform to the approved final site plan, if required.

(l) An application for a Certificate of Zoning Compliance shall be accompanied by a site plan as required in this Section, unless a site plan is required under Section 3.6, Site Plan Review, in which case the provisions of this Section shall not apply. Such site plan shall be drawn to a measurable scale, submitted in three (3) copies, and shall provide the following information:

- A. Scale, date, and north arrow.
- B. Location, shape, dimensions of the lot, and rights-of-way.
- C. Dimensioned location, outline, and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures.
- D. A clear description of existing and intended uses of all structures.

Section 3.4 Issuance of a Citation

(a) The Zoning Administrator may issue and serve citations for non-compliance as provided in this section.

(b) Prior to issuance of a citation the Zoning Administrator shall:

- A. Notify the property owner of the violation either orally or in writing and allow thirty (30) days following notification to become compliant.

- B. If the property owner is not in compliance within thirty (30) days of the first notification stated in (A), a second notification will be sent in the form of a certified letter. This letter will inform the property owner of an additional thirty (30) days until a citation will be issued.
- C. If a property owner does not comply with (A) and (B) stated above, a civil infraction to the property owner will be issued by a constable or Zoning Administrator.

Section 3.5 Special Land Uses

(a) Applications for a special land use authorized in this Zoning Ordinance shall be submitted to the Planning Commission by filling in the official special use permit application form. Such application shall be accompanied by a fee as determined by the Township Board; provided however, that no fee shall be required of any governmental body or agency. The fee shall be charged to the applicant to defray the cost of the notification requirements of this Zoning Ordinance associated with the proceedings required on the application. No part of such fee shall be returnable to the applicant. Approvals of special land use requests will be at the discretion of the Planning Commission.

(b) An application for a special land use shall contain the following information:

- (1) The applicant's name, address, and telephone number.
- (2) The names and addresses of all owners of record and proof of ownership.
- (3) The applicant's interest in the property, and if not the fee simple owner, a signed authorization from the owner(s) for the application.
- (4) Legal description, address, and tax parcel identification number of the property.
- (5) A scaled and accurate survey drawing, correlated with the legal description, and showing all existing buildings, drives and other improvements.
- (6) A detailed description of the proposed use.
- (7) A conceptual site plan which includes adequate information to evaluate the functionality of the site.

(c) When the Planning Commission receives an application for a special land use, the following procedure shall be followed:

- (1) One (1) notice indicating that a request for a special land use has been received shall be published in a newspaper of general circulation within the Township.

Notices shall also be sent by mail or personal delivery to the owners of property for which approval is being considered (2) Notices indicating that such a request has been received will also be sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property for which a special land use has been requested. Notices will also be sent by mail or personal delivery to the owners of property, to persons to whom real property is assessed, and the occupants of all structures located within three hundred (300) feet of the property in question whether the property or occupant is located in the zoning jurisdiction. If the name of an occupant is not known, the term "Occupant" may be used in making notification. Notices shall be given not less than fifteen (15) days before either the date of the public hearing or the date the special land use application will be considered by the Planning Commission.

- (3) The notice shall include the following:
- A. Describe the nature of the special land use request;
 - B. Indicate the property that is the subject of the special land use request, including a listing of all existing street addresses within the property, if applicable;
 - C. State when and where the special land use request and/or public hearing will be held; and
 - D. Indicate when and where written comments will be received concerning the request.
 - E. The notice of receipt of a special land use application shall indicate that a public hearing on the special land use application may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a special land use regardless of whether the property or occupant is located in the Township.

(d) A public hearing on a special land use application may be requested by the Planning Commission, the applicant, a real property owner whose real property is assessed within 300 feet of the property, or the occupant of a structure located within 300 feet of the property. Notification as required in Section 3.5 (c) hereof, shall be provided before a decision is made on the special land use request.

(e) Following the public hearing, if requested, the Planning Commission may deny, approve, or approve with conditions, requests for special land use. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

(f) The Planning Commission shall review the proposed special land use in terms of the following standards:

- (1) Will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan;
- (2) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area;
- (3) Will not be hazardous or disturbing to existing or future nearby uses;
- (4) Will be an improvement in relation to property in the immediate vicinity and to the community as a whole;
- (5) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility;
- (6) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the community; and
- (7) Will be consistent with the intent and purposes of this Zoning Ordinance.

(g) The Planning Commission may impose conditions and safeguards deemed necessary for ensuring that the purposes of this Zoning Ordinance are met. Conditions imposed shall meet all of the following requirements:

- (1) Be designed to protect natural resources, the health, safety, and welfare, as well as the social economic wellbeing, 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; and
- (3) Be necessary to meet the intent of the purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

(h) Any special land use approval given by the Commission, shall become null and void unless construction and/or use are commenced within one (1) year from the date of approval. Any special land use that has been commenced but abandoned for a period of one (1) year, shall lapse and cease to be in effect unless the Planning Commission approves a one (1) year

extension of the special land use approval. Only one (1) extension may be granted per application.

Section 3.6 Site Plan Review.

Site plan review and approval of all development proposals within specific zoning districts shall be required as provided in this Section. 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.

(a) Site Plan Review Required. A site plan shall be submitted to the Commission for review and approval for the following:

- (1) Any permitted use or special land use within the Township, except one-family detached and two-family dwellings and their accessory buildings and uses; (Site Plan review is NOT required for single or two family dwellings; unless it was part of a larger scale residential development. A building plan review would be done by county building department.)
- (2) Any use or development for which the submission of a site plan is required by any provision of the Township's Ordinances;
- (3) Any change and/or conversion of use as permitted and regulated by this Ordinance that may result in a modification to off-street parking, traffic circulation, services, facilities or other physical conditions on the site;
- (4) Any use or development subject to the Michigan Condominium Act, Act 59 of the Public Acts of 1978, as amended; and
- (5) Any addition to an existing principal or accessory building within the Township, except one-family detached and two-family dwellings, and their accessory buildings and uses.

(b) Site Plan Review Standards. The site plan shall be reviewed in accordance with the following standards:

- (1) The proposed design will not be injurious to the surrounding neighborhood or impede the normal and orderly development of surrounding property for uses permitted by the Township's Ordinances.

- (2) The location, design and construction materials of all buildings and structures will be compatible with the topography, size and configuration of the site, and the character of the surrounding areas.
- (3) There will be a proper relationship between streets, sidewalks, service drives, driveways, and parking areas protecting the safety of pedestrians and motorists.
- (4) 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.
- (5) County requirements and standards for streets, lighting, driveway approaches, grading, surface drainage, storm sewers, storm water retention facilities, water mains, sanitary sewers, and necessary easements will be met.
- (6) All buildings or groups of buildings will be so arranged as to permit emergency vehicle access by some practical means to all sides.
- (7) Appropriate site design measures have been taken which will preserve and protect the landscape, existing topography, natural resources, and natural features including, but not limited to lakes, ponds, streams, wetlands, steep slopes, groundwater recharge areas, and woodlands.
- (8) 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, ground water or nearby water bodies.
- (9) Landscaping, including greenbelts, trees, shrubs, and other vegetative materials, is provided to maintain and improve the aesthetic quality of the site and the area.
- (10) The proposed use is in compliance with the Township's Ordinances and any other applicable standards and laws.

(c) Information Required on Site Plan. A site plan submitted for review shall contain all of the following data prior to its submission to the Commission for review and approval:

- (1) General Information.
 - A. Plans drawn to a scale of not less than one (1) inch equals fifty (50) feet for property less than three (3) acres or not less than one (1) inch equals one hundred (100) feet for property three (3) acres or more;
 - B. The proprietors', applicants' and owners' names, addresses and telephone numbers;

- C. The date (month, day, year), title block, scale and north arrow;
 - D. The signed professional seal, name and address of the architect, engineer, surveyor, landscape architect or planner responsible for the preparation of the plan;
 - E. The zoning district classification of the petitioner's parcel and all abutting parcels;
 - F. Pertinent area, height, lot coverage and setback requirements of the zoning district in which the parcel is located; and
 - G. A legal description, including a gross acreage figure.
- (2) Physical Features.
- A. Existing and proposed lot lines, building lines, structures and parking areas on the parcel and within one hundred (100) feet of the site;
 - B. The location of existing and proposed traffic and pedestrian circulation facilities, including:
 - i. Centerline and existing and proposed right-of-way lines of abutting streets;
 - ii. Access drives;
 - iii. Service drives;
 - iv. Fire lanes;
 - v. Street intersections;
 - vi. Acceleration, deceleration and passing lanes and approaches;
 - vii. Sidewalks and pedestrian paths; and
 - viii. Curbing.
 - C. The location of existing and proposed service facilities above and below ground, including:
 - i. Chemical and fuel storage tanks and containers;
 - ii. Storage, loading and disposal areas of chemicals, hazardous substances, salt and fuels;
 - iii. Water mains, hydrants, pump houses, standpipes and building services and sizes;
 - iv. Sanitary sewers and pumping stations;
 - v. Stormwater control facilities and structures, including storm sewers, swales, retention/detention basins, drainage ways and other facilities, including calculations for sizes;
 - vi. Existing and proposed easements; and

vii. Public utility distribution systems.

- D. Dimensioned floor plans, finished floor elevations, typical elevation views and specifications of building materials of all buildings;
- E. Dimensioned parking spaces and calculations, drives and type of surfacing;
- F. Exterior lighting locations, type of light and illumination patterns;
- G. The location and description of all existing and proposed landscaping, berms, fencing and walls;
- H. The trash receptacle pad location and the method of screening;
- I. Sign locations, height and size; and
- J. Any other pertinent physical features.
- K. Compliance with Sanilac County engineering standards.

(3) Natural Features.

- A. For parcels of more than one (1) acre, existing and proposed topography with a maximum contour interval of two (2) feet on the site and beyond the site for a distance of one hundred (100) feet in all directions. Spot elevations shall be required for parcels of less than one (1) acre in size;
- B. The location of existing drainage courses and associated bodies of water, on and off site, and their elevations; and
- C. The location of natural resource features, including wetlands and woodlands.

(4) Additional Requirements for Multiple Family Developments.

- A. Density calculations by type of unit;
- B. Designation of units by type and number of units in each building;
- C. Carport locations and details where proposed; and
- D. Details of community building and recreational facilities.
- E. Master Deed, Bylaws, and Exhibit B for all condominium developments.

(5) Additional Requirements for Non-Residential Districts.

- A. Loading/unloading areas;
- B. Total and usable floor area; and
- C. Number of employees, customers, clients or patients in peak usage.
- D. Master Deed, Bylaws, and Exhibit B for all condominium developments.

(d) Application Procedure. An application for site plan review shall be processed in the following manner:

- (1) All site plans shall be submitted to the Township with the completed application form and payment of a fee established by resolution of the Township Board by the second Tuesday of each month and must contain the following to be accepted:
 - A. A completed application signed by the owner. If the owner is not the applicant, the signature of the owner required on the application shall constitute authorization for representation by the applicant. If the owner is a corporation, the application must be signed by a corporate officer. If the owner is a partnership, the application must be signed by a general partner. If the owner is an individual, each individual owner must sign the application.
 - B. The applicant shall file at least ten (10) copies of the site plan as well as all of the required fees.
 - C. All items required by Section 3.6 hereof.
- (2) Upon receipt of the site plan, the following shall apply:
 - A. The Township shall forward a copy of the site plan and application to the appropriate Township departments and consultants.
 - B. Prior to submission to the Commission, the Township may schedule a meeting with the applicant and applicable staff to determine informational completeness and general compliance with the Ordinance.
 - C. If applicable, the applicant shall submit revised plans based upon the comments from the pre-Planning Commission meeting with staff and consultants.

D. The Township shall place review of the site plan on the next available Planning Commission agenda.

(e) Planning Commission Review. The Commission shall consider the application for approval, conditional approval, or denial at the scheduled meeting.

(1) Upon a determination by the Commission that a site plan is in compliance with the Township's Ordinances, Planning Commission shall grant approval. In this case, the basis for the decision shall be indicated in the official minutes from the proceedings.

(2) Upon a determination by the Commission that a site plan is in compliance, except with minor revisions, the Commission may grant conditional approval. In this case, the basis for the decision shall be indicated in the official minutes from the proceedings.

(3) If the site plan does not comply with the provisions of the Township's Ordinances, it shall be denied. In this case, the basis for the action shall be indicated in the official minutes from the proceedings.

(f) Effect of Approval. When an applicant receives final site plan approval, he or she must develop the site in complete conformity with the approved site plan. If the applicant has not obtained a building permit and commenced construction within one (1) year of site plan approval, the site plan approval becomes null and void and the developer shall make a new application for approval.

(g) Certificate of Zoning Compliance. Within thirty (30) days of Planning Commission approval, but prior to receiving a certificate of occupancy, the applicant shall submit a revised set of plans which address all of the conditions of site plan approval. Upon verification of compliance with the conditions of Planning Commission approval, the Zoning Administrator may sign the plans and submit a letter to the applicant indicating compliance with all applicable zoning provisions. The signed plans and associated letter shall become part of the official record which shall be retained by the Township.

(h) Amendment of a Site Plan. If an applicant seeks an amendment to an approved site plan or seeks an extension of time in which to commence building from an approved site plan, the approved site plan shall be amended or the time extension granted only upon the mutual agreement of the Planning Commission and the applicant.

(i) Administrative Review. In the following cases, the Zoning Administrator shall have the authority to approve a site plan without submission to the Planning Commission, but subject to all the criteria set forth in Sections 3.6 (a) to (c) hereof.

(1) Where Applicable.

- A. Accessory uses incidental to a conforming existing use where said use does not require any variance or further site modifications;
 - B. The conversion of an existing building from one permitted use to another permitted use within the same district, provided there is no substantial modification necessary to the building or the site;
 - C. Expansion and/or addition of five hundred (500) square feet or less to an existing conforming structure or use; and
 - D. Provision for additional loading/unloading spaces and landscape improvements as required by this section.
- (2) Information Required. The Zoning Administrator shall require all applicable criteria set forth in Sections 3.6 (a) to (c) hereof to be met and shall have the authority to waive information required in Section 3.6 (c) hereof which is not necessary to determine whether site plan review requirements have been met. The Zoning Administrator shall also have the authority to refer any site plan eligible for administrative review under Section 3.6 hereof to the Planning Commission and/or any consultants employed by the Township for the purposes of site plan review

Section 3.7 Condominium and Site Condominium Project Regulations.

- (a) Intent. Pursuant to the authority conferred by Section 141 of the Condominium Act, preliminary and final site plans shall be regulated by the provisions of Sanilac County.

Section 3.8 Use of Consultants.

From time to time, at the cost of the applicant, the Township may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of special use permits, site plans, rezonings, or other matters related to the planning and development of the Township.

Section 3.9 Fees.

The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure, for all zoning permits, appeals, and other matters pertaining to the Zoning Ordinance. The Township shall have the authority to include fees for the use of engineering, planning, legal or other special consultants. The schedule of fees shall be posted in the Township Offices, and may be altered or amended only by the Township Board. No permit, certificate, special use approval, or variance shall be issued unless or until such costs, charges, fees, or expenses have

been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

Section 3.10 Violations and Penalties.

Unless otherwise expressly provided, whoever (including, but not limited to owner, tenant, occupant, or person) violates any of the provisions of this Zoning Ordinance is guilty of a misdemeanor and upon conviction thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offence, or by both such fine and imprisonment in the discretion of the court, together with the cost of such prosecution. In addition to all other remedies, including the penalties provided in this Section of the Ordinance, the Township may commence and prosecute appropriate actions or proceedings in a court of competent jurisdiction, to restrain or prevent any noncompliance with or violation of any of the provisions of this Ordinance, or to correct, remedy or abate such noncompliance or violation. Buildings erected, altered, razed or converted, or uses carried on in violation of any provision of this Ordinance or in violation of any regulations made under the authority of Act 184 of the Michigan Public Acts of 1943, as amended, are hereby declared to be a nuisance per se, and the court shall order such nuisance abated.

Section 3.11 Amendments.

An amendment to the zoning district boundaries contained on the official zoning map (rezoning) and to the text of this ordinance may be initiated by the Township Board or the Planning Commission. An amendment to the zoning district boundaries may also be initiated by the owner or owners of property that is the subject of the proposed rezoning. An amendment to the text of this ordinance may also be initiated by petition of one (1) or more residents or property owners of the Township.

(a) Rezoning and Zoning Ordinance Text Amendment Procedure.

- (1) Information for Amendments. An amendment to the official zoning map or this ordinance, except those initiated by the Township Board, shall be initiated by submission of a letter to the Township , including an application fee, which shall be established from time to time by resolution of the Township Board. Said letter request explicitly describe the proposed amendment and shall be signed by the applicant.
- (2) Letter Request for Zoning Map Amendment. In the case of an amendment to the official zoning map (rezoning), the following information shall accompany the application.
 - A. Information to indicate the dimensions, location and size of the subject property including, but not limited to a sketch plan, property identification number, a legal description, street address of the subject property, a map

identifying the subject property in relation to surrounding properties, or other method required by the Planning Commission.

- B. The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, or proof of consent from the property owner.
- C. The existing and proposed zoning district designation of the subject property.
- D. A written description of how the requested rezoning meets Section 3.11(c) Criteria for Amendment of the Official Zoning Map (Rezoning).
- E. At the Planning Commission's discretion additional information may be required.

(b) Rezoning and Zoning Ordinance Amendment Process.

- (1) Public Hearing. Upon initiation of a rezoning or zoning ordinance text amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township, not less than fifteen (15) days before the date of the hearing, and in accordance with the provisions of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
- (2) Planning Commission Review and Recommendation. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Township Board. In the case of an amendment to the official zoning map (rezoning), the Planning Commission shall consider the criteria contained in Section 3.11 (c) criteria for Amendment of the Official Zoning Map (Rezoning), above, in making its finding and recommendation.
- (3) Township Board Review and Action. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed ordinance map or text amendment. In the case of an amendment to the text of this zoning ordinance, the Township Board may modify or revise the proposed amendment as recommended by the Planning Commission, prior to enactment. In the case of an amendment to the official zoning map (rezoning), the Township Board shall approve or deny the amendment, which may be based on consideration of the criteria contained in Section 3.11(c) Criteria for Amendment of the Official Zoning Map (Rezoning).

- (4) Notice of Adoption. Following adoption of a zoning text or map amendment the Township Board, a notice will be published in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
- (5) Resubmittal. No petition for rezoning or zoning ordinance text amendment that has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission.

(c) Criteria for Amendment of the Official Zoning Map (Rezoning). In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission and the Township Board shall consider the following criteria in making its findings, recommendations and decision.

- (1) Consistency with the goals, policies and Land Use Plan Map of the Sanilac Township Master Plan. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.
- (2) Compatibility of the site's physical, geological, hydrological, and other environmental features with the potential uses allowed in the proposed zoning district.
- (3) Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.
- (4) The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- (5) The capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township;
- (6) The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand.
- (7) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

(d) Criteria for Amendment of the Official Zoning Ordinance Text. The Planning Commission and Township Board shall, at minimum, consider the following before taking action on any proposed amendment.

- (1) Compatibility with the basic intent and purpose of the Zoning Ordinance.
- (2) Consistency with the goals and objectives and future land use map of the Sanilac Township Master Plan.
- (3) The requested amendment will correct an error in current appropriate documentation.
- (4) The requested amendment will resolve an inequitable situation created by the Zoning Ordinance and does not grant special privileges.
- (5) The requested amendment will not result in unlawful exclusionary zoning.
- (6) There is documentation from Township staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.
- (7) The requested amendment will address changes in state legislation, other Township ordinances, or federal regulations.
- (8) The requested amendment will resolve potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.

(e) Conditional Rezoning of Land. As an alternative to a rezoning amendment as described in Section 3.11 (b) of this Ordinance, the Township may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with Michigan Zoning Enabling Act, PA 110 of 2006, as amended. It is recognized that, in certain instances, it would be an advantage to both the Township and petitioners seeking rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the Township, could be proposed as part of a petition for rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.

- (1) The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to Section 3.11(a).
- (2) In addition to the procedures as noted in Section 3.11(a), the following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests.

- A. A conditional rezoning request must be voluntarily offered by an owner of land within the Township. All offers must be made in writing and must provide the specific conditions to be considered by the Township as a part of the rezoning request. All offers shall be in the form of a written agreement approvable by the Township and property owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.
- B. Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
- C. Conditional rezoning shall not alter any of the various zoning requirements for the use(s) in question, i.e. parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezonings shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of Article 12 of this Ordinance.
- D. Conditional rezoning shall not grant special land use approval. The process for review and approval of special land uses must follow the provisions of Section 3.5 of this Ordinance.
- E. All conditions offered by a land owner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.

In addition to the informational requirements provided for in Section 3.11(a) (2) of this Ordinance the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this Ordinance, that may show the location, size, height or other measures for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property that is the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the Township. A conditional rezoning site plan shall not replace the requirement under this Ordinance for site plan review and approval, or subdivision or site condominium approval, as the case may be.

(3) Time Limits and Reversion of Land to Previous District.

- A. If the proposed conditions of rezoning are acceptable to the Township, the Township may establish a time period during which the conditions apply to the property and must be met. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning classification unless an extension is granted as noted below. Reversion of a property back to its former classification must follow the rezoning amendment provisions as provided in Section 3.11(b) of the

Zoning Ordinance.

- B. Unless a reversion of the zoning takes place as described in the section above, the approved conditional rezoning shall be binding upon the subject property owner, their heirs, successors, assignees, and transferees.
 - C. Upon approval of a conditional zoning, a copy of the written agreement between the property owner and Township shall be filed with the Sanilac County Register of Deeds, which shall act to provide notice to all subsequent owners of the property of the conditions approved and agreed to by the Township.
 - D. The Township may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.
 - E. The time limits specified and approved by the Township may be extended upon the application of the landowner and approval of the Township.
- (4) Review Procedures. The factors found in Section 3.11(c) of this Ordinance must be considered in any conditional rezoning request.
- (f) Amendments Required to Conform to Court Decree. Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and published, without necessity of a public hearing.

ARTICLE 4

ZONING DISTRICT REGULATIONS

Section 4.1 Establishment of Zoning Districts

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

- AR** - Agricultural Residential District
- LR** - Lakefront Residential District
- C** - Commercial District
- I** - Industrial District

Section 4.2 Provisions for Official Zoning Map

These districts, so established, are bounded and defined as shown on the map entitled: "Zoning Map of Sanilac Township" adopted by the Township Board, and which with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the districts shown thereon were fully set forth herein.

Section 4.3 Changes to Official Zoning Map

If, in accordance with the procedures of this Ordinance and of Public Act 110 of 2006, as amended, a change is made in a zoning district boundary, such change shall be made by the Township Board with the assistance of the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published by the Township Board. Other changes in the Zoning Map may only be made as authorized by this Ordinance and such changes, as approved, shall also be promptly made by the Township Board with the assistance of the Zoning Administrator.

Section 4.4 Authority of Official Zoning Map

Regardless of the existence of other copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Township Supervisor, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

Section 4.5 Interpretation of Zoning Districts

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

- (a) A boundary indicated as approximately following the centerline of a highway, road, alley, railroad or easement shall be construed as following such centerline.
- (b) A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- (c) A boundary indicated as approximately following the corporate boundary line of the Township shall be construed as following such line.
- (d) A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- (e) A boundary indicated as following the centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.
- (f) A boundary indicated as parallel to or an extension of a feature indicated in Sections 4.3 through 4.4 above shall be so construed.
- (g) A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- (h) All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning Map shall be determined by the Zoning Board of Appeals consistent with the intent and purpose of this Ordinance.

Section 4.6

AR, Agricultural Residential District

Intent and Purpose

This district is established to preserve the rural character and support stable and viable agricultural operations. The primary use of this district area is considered to be agriculture. The regulations of this district are designed to conserve and protect farm operations, including dairy farming, pasturage, cash cropping, stables (public and private), orchards, as well as other agricultural and related uses. The regulations of the district are designed to exclude or discourage uses and buildings that demand substantial public or private services, including, but not limited to major thoroughfares, water supply, waste water treatment facilities, drainage, and other public or private utility type services. This district includes areas where the largest concentration of undeveloped agricultural soils exist.

Section 4.6.1 Permitted Land Uses

- (a) Adult Family Day-Care Homes, subject to Section 6.2.
- (b) Adult Foster Care Family Homes and Adult Foster Care Small Group Homes (six or fewer adults), subject to Section 6.3.
- (c) Child Family Day-Care Homes, subject to Section 6.2.
- (d) Child Foster Family Homes, subject to Section 6.3.
- (e) Churches, subject to section 6.12.
- (f) Dwelling, single-family.
- (g) Dwelling, two-family.
- (h) Essential services.
- (i) Farming operations considered to be generally accepted farming practices, and covered under the Michigan Right to Farm Act.
- (j) Home occupations, subject to Section 5.7.
- (k) Intensive livestock operations, subject to Section 6.27.
- (l) School, elementary, middle, high, and vocational, parochial and private.
- (m) Ponds, subject to Section 6.36.

- (n) Public buildings.
- (m) Veterinary clinic, subject to Section 6.48.
- (n) Uses similar to the above permitted principal land uses.

Section 4.6.2 Special Land Uses

The following special land uses are permitted, subject to the provisions of Section 3.5, Special Land Uses:

- (a) Adult Group Day-Care Homes, subject to Section 6.2.
- (b) Adult Day-Care Centers, subject to Section 6.2.
- (c) Adult Foster Care Small Group Homes (twelve adults or fewer), subject to Section 6.3.
- (d) Airports, airstrips and heliports, subject to Section 6.5.
- (e) Animal rescues or shelters, subject to Sections 6.6.
- (f) Bed and Breakfast, subject to Section 6.10.
- (g) Cemeteries, subject to Section 6.11.
- (h) Child Group Day Care Homes, subject to Section 6.2.
- (i) Child Day Care Centers, subject to Section 6.2.
- (j) Child Foster Family Group Homes, subject to Section 6.2.
- (k) Extractive operations, subject to Section 6.17.
- (l) Funeral homes and mortuaries, subject to Section 6.18.
- (m) Golf courses, subject to Section 6.21.
- (n) Gun clubs, firing and archery ranges, subject to Section 6.22.
- (o) Home-based businesses, subject to Section 5.7.
- (p) Kennels, commercial, subject to Sections 6.28.
- (q) Kennels, private, subject to Section 6.29.

- (r) Landscape nurseries.
- (s) Outdoor recreational facilities, subject to Section 6.34.
- (t) Public parks.
- (u) Stables, commercial, subject to Section 6.38.
- (v) Roadside stands, subject to Section 6.39.
- (w) Wireless Communication Facilities, subject to Section 6.49.
- (x) Uses similar to the above permitted principal special land uses.

Section 4.7

LR, Lakefront Residential District

Intent and Purpose

This district is established to provide an area that is primarily single family residential development. The regulations of the district are designed to encourage uses and buildings that have adequate public services, including, but not limited to major thoroughfares, water supply, and wastewater treatment facilities/plants, drainage, and other public or private utility type services.

Section 4.7.1 Permitted Land Uses

- (a) Adult Family Day-Care Homes, subject to Section 6.2.
- (b) Adult Foster Care Family Homes, subject to Section 6.3.
- (c) Child Family Day-Care Homes, subject to Section 6.2.
- (d) Child Foster Family Homes, subject to Section 6.3.
- (e) Churches, subject to Section 6.12.
- (f) Dwellings, single-family.
- (g) Dwelling, two-family.
- (h) Essential services.
- (i) Home occupations, subject to Section 5.6.
- (j) Ponds, subject to Section 6.36.
- (k) Public buildings.
- (l) School, elementary, middle, high, and vocational, parochial and private.
- (m) Veterinary clinics, subject to Section 6.48.
- (n) Uses similar to the above permitted principal land uses.

Section 4.7.2 Special Land Uses

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.5, Special Land Uses:

- (a) Adult Group Day-Care Homes, subject to Section 6.2.
- (b) Adult Day-Care Centers, subject to Section 6.2.
- (c) Adult Foster Care Small Group Homes (Twelve or fewer adults), subject to Section 6.3.
- (d) Animal rescues or shelters, subject to Sections 6.6.
- (e) Bed and breakfast establishments, subject to Section 6.10.
- (f) Cemeteries, subject to Section 6.11.
- (g) Child Group Day Care Homes, subject to Section 6.2.
- (h) Child Day Care Centers, subject to Section 6.2.
- (i) Child Foster Family Group Homes, subject to Section 6.3.
- (j) Home-based businesses, subject to Section 5.6.
- (k) Kennels, commercial, subject to Section 6.28.
- (l) Kennels, private, subject to Section 6.29.
- (m) Public parks.
- (n) Roadside stands, subject to Section 6.39.
- (o) Rooming and boarding facilities, subject to Section 6.40.
- (p) Uses similar to the above permitted principal special land uses.

Section 4.8 C, Commercial District

Intent and Purpose

This district is established to serve the overall shopping needs of the population both within and beyond the Township boundaries, including both convenience and comparison goods. It should also accommodate low-intensity, office-type professional and administrative services necessary for the normal conduct of a community's activities.

Section 4.8.1 Permitted Land Uses

- (a) Automobile washes and car wash establishments, subject to Section 6.9.
- (b) Business support service.
- (c) Churches, subject to Section 6.12.
- (d) Convenience store without gasoline sales.
- (e) Day care centers, subject to Section 6.2.
- (f) Financial institutions without drive through windows.
- (g) Funeral homes and mortuaries, subject to Section 6.18.
- (h) Hotel and motels, subject to Section 6.32.
- (i) Landscape nurseries.
- (j) Laundromat and dry cleaner.
- (k) Office: business, professional, medical, dental and non-profit.
- (l) Outdoor display and sales, subject to Section 6.33.
- (m) Personal service establishment.
- (n) Public buildings.
- (o) Private meeting halls, clubs, and similar uses designed to serve the needs of the members rather than of the general public.
- (p) Photography, art, craft studies and galleries.

- (q) Restaurants, carryout, fast food, and standard.
- (r) Tavern and nightclubs.
- (s) Theater, when fully enclosed.
- (t) Veterinary clinics, subject to Section 6.48.
- (u) Uses similar to the above permitted principal land uses.
- (v) Agricultural/Residential Zoning

Section 4.8.2 Special Land Uses

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.5, Special Land Uses:

- (a) Automobile filling stations, repair garages, service stations, and dealerships, subject to Section 6.8.
- (b) Bed and Breakfast, subject to Section 6.10.
- (c) Book, magazine and newspaper printing.
- (d) Drive-through facilities, subject to 6.16.
- (e) Essential services.
- (f) Farmers markets, subject to Section 6.7.
- (g) Flea Markets and open-air businesses, subject to Section 6.33.
- (h) Financial institutions with up to 3 drive-through windows, subject to Section 6.16.
- (i) Health club.
- (j) Home for the elderly and nursing/convalescent center, subject to Section 6.23.
- (k) Hospitals, subject to Section 6.20.
- (l) Kennel, private, subject to Section 6.29.
- (m) Limited warehousing and wholesale establishments.

- (n) Outdoor recreational facilities, subject to Section 6.34.
- (o) School, elementary, middle, high, and vocational, parochial and private.
- (p) Seasonal and transient display of products or materials intended for sale, subject to Section 6.42.
- (q) Self-storage facility, subject to Section 6.43.
- (r) Supermarket.
- (s) Transient and temporary amusement establishments, subject to Section 6.46.
- (t) Wireless communications facilities, subject to Section 6.49.
- (u) Uses similar to the above permitted principal special land uses.

Section 4.9

I, Industrial District

Intent and Purpose

This district is established to make available resources and services essential to various industrial uses that range from light to heavy industrial development. These may include manufacturing, office/research, warehousing and distribution, assembly and fabrication. It is intended that this District be located where adequate utilities and suitable road access are available.

Section 4.9.1 Permitted Land Uses

- (a) Business research, development and testing laboratories and offices.
- (b) Business support services.
- (c) Book, magazine and newspaper printing.
- (d) Churches, subject to Section 6.12.
- (e) Essential services.
- (f) Industrial park, subject to Section 6.25.
- (g) Industrial research, development, and testing laboratories and offices.
- (h) Kennel, commercial, subject to Section 6.28.
- (i) Kennel, private, subject to Section 6.29.
- (j) Landscape nurseries.
- (k) Manufacturing, compounding, processing, packaging or treatment of the following uses when conducted completely within a building, structure or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located:
 - (1) Electrical appliances, electronic instruments and devices.
 - (2) Food, cosmetics, pharmaceuticals, toiletries, hardware and cutlery.
 - (3) Jewelry, silverware and plated ware, metal or rubber stamps, or other small molded products, musical instruments and parts, toys, amusement, sporting and athletic goods, office and artists materials, notions, signs and advertising displays.
 - (4) Office, computing and accounting machines.

- (5) Previously prepared materials including, but not limited to bone, canvas, cellophane, ceramic, clay, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings including, but not limited to automobile fenders or bodies), shell, textiles, wax, wire, wood, (excluding saw and planing mills), and yarns.
- (6) Professional, scientific and controlling instruments, photographic and optical goods.
- (l) Private meeting halls, clubs, and similar uses designed to serve the needs of the members rather than of the general public.
- (m) Research, development and testing laboratories and offices.
- (n) Uses similar to the above permitted principal land uses.
- (o) Agricultural/Residential Zoning

Section 4.9.2 Special Land Uses

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.5, Special Land Uses:

- (a) Adult regulated uses, subject to Section 6.4.
- (b) Airports, airstrips, heliports, subject to Section 6.5.
- (c) Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumers at retail.
- (d) Commercial outdoor storage, subject to Section 6.13.
- (e) Construction and farm equipment sales, subject to Section 6.13.
- (f) Container warehouse facilities, subject to Section 6.15.
- (g) Flea markets and open-air businesses, subject to Section 6.33.
- (h) Health clubs.
- (i) Incineration of any refuse, industrial, hazardous, or other wastes when conducted within an approved and enclosed incineration plant, subject to Section 6.26.

- (j) Industrial or commercial waste lagoons and ponds, subject to Section 6.24.
- (k) Junk, salvage yards, scrap waste and wholesaling, subject to Section 6.41.
- (l) Livestock auction yards and markets, subject to Section 6.30.
- (m) Major vehicle repair shops and overhauling facilities, vehicle bump and paint shops and the like, subject to Section 6.8.
- (n) Manufacturing, compounding, processing, packaging, or treatment of the uses not previously mentioned above.
- (o) Open air business, subject to Section 6.33.
- (p) Open storage of building materials, sand, gravel, stone, lumber, open storage or construction contractor's equipment and supplies, subject to Section 6.19.
- (q) Public or private waste or water treatment facilities, subject to Section 6.14.
- (r) Self-storage facilities, subject to Section 6.43.
- (s) Slaughterhouses, subject to Section 6.44.
- (t) Sludge processing and similar resource recovery operations, subject to Section 6.45.
- (u) Storage of commercial and recreational vehicles subject to Section 6.13.
- (v) Tool and die machinery shops.
- (w) Warehousing and materials distribution centers.
- (x) Wireless Communication Facilities, subject to Section 6.49.
- (y) Uses similar to the above permitted principal special land uses.

Section 4.10 Schedule of Area, Height, and Placement Regulations.

The following regulations regarding lot sizes, yards, setbacks, lot coverage, structure size, and densities apply within the zoning districts as indicated, including those “additional regulations” referred to in the following table.

No structure shall be erected, nor shall an existing structure be altered, enlarged, or rebuilt, nor shall any open space surrounding any structure be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such structure is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, lot area, occupancy, in connection with an existing or projected structure, shall again be used to qualify or justify any other structure existing or intended to exist at the same time.

Schedule of Regulations Table

Zoning District	Minimum Lot Size		Maximum Building Height Space		Minimum Yard Setback			Max. Lot Coverage (principal plus attached accessory bldg.) Percent	Footnotes
	Area	Lot width	Stories	Feet	Front (l)	Side	Rear		
LR, Lakefront Residential District	20,000 sq. feet (0.46 acre)	To be determined by Appeal Board	2 ½	35 ft.	a.	b.	c.	d.	(see g)
AR, Agricultural Residential District	1 acre	165 ft of road frontage	2 ½	35 ft.	a.	e.	25 ft.		(see f, g)
C, Commercial District	20,000 sq. ft.	80 ft.	2 ½	35 ft.*	a.	25 ft.	40 ft.	---	(see f, h)
I, Industrial District	5 acres	250 ft. on the front street	2 ½	35 ft. *	150 ft. from center of road	50 ft. **	i.	---	(see f)

43,560 sq. feet = 1 acre
 21,780 sq. feet = 0.5 acre

*Unless approved by the Sanilac Township Zoning Board as within the fire fighting facilities of the Township upon written application of the owner of the premises.

** Except where property line adjoins a railroad right-of-way, in which case no rear yard will be required.

***See all reference letters a through i on the following pages.

(References for Schedule of Regulations Table on proceeding page)

- a. One-hundred fifty (150) feet from center of all hard surface highways, and one hundred eight (108) feet in depth from the center of the highway upon all other roads, provided, however, where there are existing dwellings, within fifteen (15) feet of the sidelines of the parcel of land on which the dwelling is located having lesser front yards, the front yard may be reduced to the average of such dwellings not less than forty (40) feet in depth.
- b. **Side Yard:** Ten (10) feet in width on each side. No garage attached to the side or front of a dwelling shall obstruct or interfere with the light or ventilation of neighboring buildings, nor shall any garage or accessory building or structure be located closer to the right-of-way line of an abutting side street than twenty-five (25) feet, and in all cases shall be far enough from each line as not to obstruct in a dangerous way a view of traffic on the intersecting streets.
- c. **Rear Yard:** No less than thirty-five (35) feet in depth. The depth of a rear yard abutting upon a street shall not be less than the depth of a front yard required for a building of the same size and kind, on the adjoining lot fronting on such rear street.
- d. Detached accessory buildings' location on side or rear lot lines shall not be located closer than three (3) feet. Buildings may be erected or structurally altered to a maximum height of two and one-half (2 1/2) stories or thirty-five (35) feet except that churches (not including steeples), public and semi-public buildings may be erected to a greater height if the building is set back from each required yard line at least one (1) more foot for each foot of additional height above thirty-five (35) feet.
- e. **Side Yards:** Twenty-five (25) feet in width on each side. No garage attached to the side or front of a dwelling shall obstruct or interfere with the light or ventilation of that dwelling or dwellings, nor shall it interfere with light or ventilation of dwellings on adjoining lots, nor shall any garage or accessory building or structure be located closer to the right-of-way of an abutting street than one hundred eight (108) feet, and in all cases shall be far enough from each line as not to obstruct in a dangerous way a view of traffic on the intersecting street.
- f. Corner lot to conform with Clear View Law.
- g. **Floor Area:** Every one-family dwelling hereafter erected, altered or moved upon premises, shall contain not less than seven hundred and fifty (750) square feet of floor area, except, however, every one-family, two-story dwelling, hereafter or erected, altered or moved upon a premises shall contain not less than six hundred (600) square feet of floor area on ground floor. Every two-family dwelling shall contain not less than fifteen hundred (1,500) square feet of floor area. Multiple dwellings, if permitted, shall contain an equivalent minimum floor area per unit as required, in two-family dwellings. In no

case shall such area include area in an attached garage, open porch or other attached structure.

- h. **Commercial Floor Area:** No building hereafter erected, altered or moved upon any premises in areas designated as “C” Districts shall have less than six-hundred (600) square feet of floor area at the first floor level. (excluding dwellings)
- i. **Side Yard (I District):** There shall be two (2) side yards, each of which shall not be less than fifty (50) feet in width except where a side property line adjoins a railroad right-of-way, in which case no side yard will be required along such lot line and except where the property adjoins a L-R or A-R District in which case a side yard of at least seventy-five (75) feet in width shall be provided.

ARTICLE 5

GENERAL PROVISIONS

Section 5.1 Intent.

The intent of this Article is to provide for those regulations that generally apply regardless of the particular zoning district and to those conditional uses that may be permitted in certain zoning districts.

Section 5.2 Accessory Buildings, Structures and Uses.

(a) Detached Accessory Buildings. Except as otherwise permitted in this Zoning Ordinance, all detached accessory buildings located in a residential district are subject to the following:

<u>Districts</u>	<u>Location</u>	<u>Ground Floor Area</u> (Up to)	<u>Minimum Yard Setbacks</u>		
			<u>Side</u> (ft.)	<u>Rear</u> (ft.)	<u>Btw. Bldgs.</u> (ft.)
LR	Rear Yard ¹		3 ft. from lot line	3 ³ ft. from lot line	See footnote 2,3,4
	Side Yard	2% of the lot			
AR	Rear Yard ¹		25	20 ³	See footnote 2,3,4
	Side Yard	3% of the lot			
C	Rear Yard ¹	10% of the lot	25	40	See footnote 2
I	Rear Yard	200 sq. ft.	See footnote 2	See footnote 2	See footnote 2

1. If located on a corner lot, the detached accessory building may be located in the non-addressed front yard providing the front yard setback is comparable to the principal building on the adjacent lot.
2. No detached accessory building of greater than two hundred (200) square feet shall be located closer than ten (10) feet from a principal building, nor closer than six (6) feet from any other accessory building, regardless of whether or not the buildings are on the same or adjacent lots.
3. Except for detached private garages shall adhere to front yard setback requirements unless said garage is located in the rear yard in which event the garage may be erected three (3) feet side lot line.
4. No accessory structure shall be located closer to the center line of a right-of- way of an abutting street than one hundred and eight (108) feet on unpaved roads and one hundred and fifty (150) feet on State Highways.

- (1) No detached accessory structure shall be more than 2 ½ stories or thirty five (35) feet).

- (2) All accessory buildings shall be architecturally compatible with the principal building (i.e. building materials, roof pitch, height, etc.) if so determined by the association or the subdivision in which the structure exists. A determination of architectural compatibility can be referred to the Planning Commission at the sole discretion of the Zoning Administrator.
- (3) Habitable space is allowed within a detached accessory building subject to the special land use criteria and procedures of Section 3.5 and the following:
 - A. No more than 50% of the total floor area may be occupied as habitable space.
 - B. The space may only be occupied by an immediate family member (i.e. father, mother, daughter, son, grandparent, and grandchild).
 - C. Under no circumstance shall the space be rented or cause to be occupied by someone other than an immediate family member.
 - D. All such detached accessory buildings shall be located no less than twenty (20) feet from a rear or side property line and no less than thirty (30) feet another building.
- (4) The following detached accessory buildings are exempt from the above provisions:
 - A. One (1) shed of up to two hundred (200) square feet in area, no more than fourteen (14) feet tall located within the rear yard.
 - B. Temporary building for the incidental sale of crops or products grown on the premises.
- (5) Before a building permit can be issued, a certificate of zoning compliance shall be sought and will be issued if determined by the Zoning Administrator that all ordinance provisions have been satisfied.

(b) Attached Accessory Buildings (Residential) Except as otherwise permitted in this Zoning Ordinance, all attached accessory buildings located in a residential district (LR, AR) are subject to the following regulations:

- (1) The minimum yard setbacks shall be the same as the main structure and governed by Section 4.10, Schedule of Area, Height and Placement Requirements.
- (2) The height cannot exceed that of the existing main building.
- (3) The floor area cannot exceed forty (40) percent of the principal building.
- (4) Before a building permit can be issued, a certificate of zoning compliance shall be sought and will be issued if determined by the Zoning Administrator that all ordinance provisions have been satisfied.

(c) Decks. Decks requiring a foundation shall be subject to the following:

- (1) The total square footage, excluding steps, shall not exceed the ground floor area of the principal building.
- (2) The deck shall comply with the side and rear yard requirements of the district in which it is located.
- (3) Before a building permit can be issued, a certificate of zoning compliance shall be sought and will be issued if determined by the Zoning Administrator that all ordinance provisions have been satisfied.

(d) Private Swimming Pools. Except as otherwise permitted in this Zoning Ordinance, all private swimming pools (above or below ground) shall be subject to the following:

- (1) Only permitted in the rear or side yard.
- (2) No swimming pool shall be located within ten (10) feet of any building or property line.
- (3) No less than a twenty-five (25) foot separation is required between a pool and a private water well and seventy-five (75) feet from a public or semi-public water well.
- (4) The pool shall be three (3) feet horizontally from any sewer line and ten (10) feet from any septic field.
- (5) The pool shall be at least ten (10) feet horizontally from any point directly under any overhead electrical or telephone line.

- (6) No swimming pool shall be located in an easement.
- (7) All pools (both in ground and above ground) shall be protected by a five (5) foot wall or fence. Any gate or access to the pool shall be equipped with a lock. The fencing material shall be such so that it is not easy for children to climb. The stair or ladder, if it can be locked in an up position so that one cannot climb into the pools, can be used to secure an above ground pool.
- (8) Before a building permit can be issued, a certificate of zoning compliance shall be sought and will be issued if determined by the Zoning Administrator that all ordinance provisions have been satisfied.

Section 5.3 Essential Services.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township. The construction of buildings associated with essential services shall be subject to the provisions of Section 3.6, Site Plan Review. Otherwise, the construction, maintenance, and alteration of essential services shall be exempt from the provisions of this Ordinance.

Section 5.4 Fences, Walls and Screens.

Except as otherwise required by this Ordinance, the following regulations shall apply:

- (a) All Districts: Fences, walls and screens shall not to be located in any public right-of-way, clear zone (see Section 5.14 Visibility at Intersections) or any easement granted for the purposes of ingress or egress. These structures may be located on the property line, provided they do not interfere with underground utilities, and the applicant can provide evidence that the structure does not extend onto the adjacent property.
- (b) AR District. Within the limits of the required front yard of a lot in the AR district, no fence wall, or other screening structure shall not exceed six (6) feet in height in the rear unless at least fifty (50) percent of the surface area is open as determined by the Zoning Administrator.
- (c) Residential Districts. Within the limits of the required front yard of a lot within a residential district, no fence wall, or other screening structure shall exceed four (4) feet in height. No such fence, wall or other screening structure located within a side or rear yard shall exceed six (6) feet in height. Refer to Article 2, Definitions, for the definition of required front, side and rear yards and setbacks.
- (d) I and C Districts. Within the limits of the required front yard of a lot within the I and C districts, no fence, wall, or other screening structure shall exceed four (4) feet in height.

(e) The use of barbed wire, spikes, nails, or any other sharp pointed instrument of any kind on top or on the sides of any fence, electric current, or charge in said fences is prohibited except in conjunction with agricultural operations. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.

(f) On waterfront lots, fences that are located between the rear of the principal building and the shoreline shall be of an open-air type, permitting visibility through at least eighty (80) percent of its area.

(g) Retaining walls shall be designed and constructed in accordance with applicable building code requirements.

(h) Fenced dog runs and/or pens shall be located no less than twenty (20) feet from all property lines in all residential zoning districts.

(i) Open Storage.

(1) There shall be no outdoor storage of any industrial or commercial equipment, vehicles and/or other materials, including wastes, unless otherwise provided by this Ordinance. Any storage shall be screened from public view from a public street and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored, except in the Industrial, I District and unless specifically covered in this Ordinance. Whenever such open storage is adjacent to a residential zone, in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or wood fence of at least six (6) feet in height.

(2) Such masonry wall or wood fence shall be repaired, maintained and kept in good condition by the owners.

Section 5.5 General Exceptions.

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

(a) Essential Services. Essential services shall be permitted as authorized and regulated by law and other Ordinances of Sanilac Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.

(b) 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.

(c) Height Limit. The height limitations of this Ordinance shall not apply to chimneys, church spires, flagpoles, essential services or public monuments; provided, however, that the

Planning Commission may specify a height limit for any such structure when such structure requires special land use approval. The Planning Commission shall only give approval if the total height is not adverse to the character of the area, detrimental to the use and/or value of the surrounding properties, and not injurious to the health, safety, and welfare of Sanilac Township. In addition, any height requirement, variance, or waiver in excess of seventy (70) feet shall require mandatory approval of the Federal Aviation Administration.

Section 5.6 Home Occupation.

All home occupations, with the exception of agricultural operations, shall be in single-family residences subject to the following requirements:

- (a) A home occupation must be clearly incidental and secondary to the primary use of the dwelling unit used for dwelling purposes (up to 20% of usable floor area of the principal building).
- (b) A home occupation shall not change the character or appearance of the structure or the premises, or other visible evidence of conduct of such home occupation. There shall be no external or internal alterations not customary in residential areas or structures
- (c) A home occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibrations, glare, fumes, odor, electrical interferences, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such home occupation. Any electrical equipment processes that create visual or audible interferences with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
- (d) A home occupation shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential area.
- (e) No employees shall be permitted other than members of the immediate family residing in the dwelling unit.
- (f) A home occupation shall be conducted within the dwelling unit. There shall be no outside display of any kind, or other external or visible evidence of the conduct of a home occupation, with the exception of a sign (nameplate) as described in Article 9.
- (g) There shall be no vehicular traffic permitted for the home occupation, other than as is normally generated for a single-family dwelling unit in a residential area, both as to volume and type of vehicles.
- (h) Parking for the home occupation shall not exceed two (2) spaces. Such spaces shall be provided on the premises. Off street parking is subject to all regulations in Article 10, Off Street Parking and Loading. Parking spaces shall not be located in the required front yard.

(i) No article shall be sold or offered for sale on the premises except as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.

(j) The exterior storage of material, equipment, or refuse associated with or resulting from a home occupation, shall be prohibited.

Section 5.7 Home Based Businesses.

It is the intent of this section to establish standards for a home (family) business, which will insure compatibility with adjacent land uses and maintain the rural and agricultural character of the Township. Home based businesses are permitted in accessory structures in conformance with this Section.

(a) Home based businesses shall be a Special Land Use only in the following districts: AR, LR and subject to Section 5.7.

(b) Home based businesses shall conform to the requirements of Section 5.2, Accessory Buildings, Structures and Uses and all applicable provisions of Section 4.10, Schedule of Area, Height and Placement Regulations.

(c) Home based businesses must be operated solely within a single (1) building or accessory structure, and be located on the same parcel as the operating family's residence. The family operating the family business must reside in the residence.

(d) Home based businesses must be incidental and secondary to the principal use, therefore they shall not occupy a space within any building or structure that is greater in gross square footage than 49% of the gross square footage of the principal residential structure located on the subject property.

(e) The Township may limit the type of home based business. It may also require that the particular business be operated only for a specified period of months or years unless an additional permit is granted. The Township may impose additional conditions and regulations, as it deems necessary, to adequately protect adjoining residents and property owners, and the values of the adjoining properties.

(f) One family member and up to one (1) additional employee shall be allowed to work in the business.

(g) Home based businesses shall not be established on a vacant lot or parcel, or within any platted subdivision or site condominium.

(h) Any expansions to the building or structure approved to contain the home based business, or any additional buildings or structures proposed to be built on the subject property that will

increase or expand the home based business shall be considered an amendment to the original permit, subject to review and approval by the Zoning Administrator.

(i) Home based businesses shall not diminish the value of the land, buildings or structures, in the immediate area, or on the whole.

(j) The nature, location and size of the use shall not change the essential character of the surrounding area, and not disrupt the orderly and proper development of the AR and LR districts. The use shall also not be in conflict with, or discourage the development of the adjacent or neighboring lands or buildings.

(k) Home based businesses shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibration, dust, fumes, odor, smoke, glare, lights, or disposal of waste, than the operation of any principal permitted use, nor shall the conditional land use increase hazards from fire or other dangers to either the property or adjacent property.

(l) Outdoor storage is subject to review and approval by the Zoning Administrator. No outdoor storage shall be allowed, unless it is adequately screened to effectively block all views from the adjoining, roads and properties. Screening shall consist of evergreen plantings at least six (6) feet in height and spaced so as to form a solid screen, or it may consist of a solid fence made of new materials and attractive in design, and maintained at all times.

(m) The hours of operation of the home based business shall be specified on the application and depending on the type of use and proximity to adjacent single family homes, may be limited at the discretion of the Zoning Administrator.

(n) The use shall not increase traffic hazards or cause congestion on the public roads or streets of the area.

(o) Signs not customarily found in residential areas shall be prohibited, provided however that one non-illuminated name plate, not more than six (6) square feet in area, may be attached to the building, and which sign shall contain only the name, occupation, and address of the premises.

(p) No article shall be sold or offered for sale on the premises except as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.

(q) The Zoning Administrator shall inspect the property once every three (3) years, unless a written complaint is received, to determine if all conditions of the use permit are met. Violations of requirements or conditions of the use permit shall be subject to Section 3.11, Violations and Penalties.

(r) The Zoning Administrator shall forward any and all special land use requests for a home based business to the Planning Commission.

Section 5.8 Private Boat Houses.

(a) No front yards shall be required as set forth in the district in which it is located for any boat house constructed over the water of Lake Huron; provided that such boat house is set back from the harbor line as established by the United States Corps of Engineering and set back a minimum of five (5) feet from the side lot line, nor exceed six hundred (600) square feet in area.

Section 5.9 Open Space Preservation Option.

At the option of the owner, land zoned AR and LR may be developed for detached single-family residential subdivisions and condominiums in the fashion established under P.A. 177 of 2001, as amended. Land developed under this option must adhere to the following requirements:

(a) Minimum Open Space Required. In all developments proposed under the standards of this option, up to fifty (50%) percent of the “gross buildable area” of the subject property may be perpetually preserved as open space. “Gross buildable area” is defined as that portion of the gross site area that is buildable and specifically excluding areas that are not buildable including, but not limited to open bodies of water, streams, floodplains, wetlands and other such non-buildable areas as defined by the MDEQ.

(b) The following land areas shall not be applied toward satisfaction of the open space provision stated under Section 5.9(a) above:

- (1) Unbuildable land, including wetlands, floodplain area, open bodies of water and streams.
 - i. The area of any public road right-of-way or private road easement.
 - ii. Areas within established lots or units within the development.
 - iii. Public or private golf courses.
 - iv. Any other area that is not buildable.

(c) The following land areas may be applied toward satisfaction of the open space provision stated under Section 5.9(a) above:

- (1) Un-cleared areas of the site left in their natural condition.
- (2) Landscaped greenbelts.

- (3) Public and private parks developed with recreational amenities including but not limited to landscaping, gazebos, benches, play equipment, pathways (woodchip or paved), and wildlife enhancements.
 - (4) Storm water management facilities, including detention, retention and sedimentation basins, up to twenty-five (25%) percent of the total amount of open space required under Section 5.9(a) above.
 - (5) Buildable areas.
- (d) Open Space Standards. Open space intended to satisfy the provisions stated under Section 5.9(a) must adhere to the following standards:
- (1) Open space shall be centrally located, located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.
 - (2) Open space must be left in its natural condition, provided with recreational amenities, or landscaped. Preserved open space shall not be left primarily as lawn. This subsection shall not apply to storm water management basins.
 - (3) Open space provided along exterior public roads shall generally have a depth of at least one hundred (100) feet, and be either landscaped or left in a natural wooded condition. In either case, open space along exterior public roads shall be provided with a minimum of one (1) evergreen or canopy tree for each forty (40) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into natural groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting this frontage landscaping requirement.
 - (4) Open space must be accessible. Access can be provided via sidewalks and pathways throughout the development or where open space abuts road rights-of-way within the development.
 - (5) The Planning Commission may require connections with adjacent open space, public land or existing or planned pedestrian/bike paths.
 - (6) Views of open spaces from lots (or units) and roads within the development are encouraged. For larger developments (over one hundred (100) residential units or golf course communities), the Planning Commission may require view sheds of lakes or other areas as a condition of site plan approval. A view shed shall be composed of at least one hundred (100) lineal feet of road frontage having an unobstructed view of a lake or other landscape feature found acceptable to the Planning Commission.

- (7) Where lakes and ponds are located within or abut a development, the Planning Commission may require open space to provide lake access.
- (8) Preservation of Open Space. Open space shall be set aside by the developer through an irrevocable recorded document that is found acceptable to the Planning Commission and Township Board. The following are examples of acceptable means of conveyance:
 - A. Recorded deed restrictions.
 - B. Covenants that run perpetually with the land.
 - C. Conservation easements including, but not limited to those established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
 - D. Land Trust.
- (9) Preservation of open space as described above under Section 5.9(c), shall assure that open space will be protected from all forms of development, except as shown on an approved plat or site plan, and shall never be changed to another use. The recorded document utilized shall indicate the proposed allowable use(s) of the preserved open space. The Planning Commission and Township Board may require the inclusion of open space restrictions that prohibit or require the following:
 - A. Prohibit dumping or storing of any material or refuse.
 - B. Prohibit activity that may cause risk of soil erosion or threaten any living plant material.
 - C. Prohibit cutting or removal of live plant material, except for removal of dying or diseased vegetation or seasonal pruning and necessary maintenance.
 - D. Prohibit use of motorized off-road vehicles.
 - E. Prohibit cutting, filling or removal of vegetation from wetland areas;
 - F. Prohibit use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
 - G. Require that parties who have an ownership interest in the open space maintain the preserved open space.

- H. Require for the provision of standards for scheduled maintenance of the open space.
 - I. Require for the provision of maintenance to be undertaken by Sanilac Township, at the Township's option, in the event that the preserved open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
- (10) Continuing Obligation. The preserved open space shall remain perpetually in an undeveloped state subject only to uses approved by the township on the approved site plan or plat. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited.
- (11) Allowable Structures. Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the preserved open space, subject to the approved site plan. Accessory structures may include:
- A. Maintenance buildings;
 - B. Clubhouse;
 - C. Recreation structures (gazebos, boardwalks, docks, etc.);
 - D. Other structures as approved by the Planning Commission.

These accessory structure(s) or building(s) shall not exceed, in the aggregate, one (1%) percent of the required open space area.

- (e) Lot Size Reduction.
- (1) The minimum width and area for lots or units in single-family detached residential developments, as prescribed in the Schedule of Area, Height and Placement Regulations, under Section 4.10 of the Zoning Ordinance, may be reduced by up to fifty (50%) percent when developed using the option provided under this section.
 - (2) Every square foot of lot area reduction proposed below the minimum lot area normally permitted for the district must be preserved as open space, and may be counted toward the open space described above under Section 5.9(a).
- (f) Required yard setbacks shall not be reduced.
- (g) Land shall not be developed using this option in a manner that would necessitate the extension of public sewer or water outside of the Township's established utility district(s).

Section 5.10 Similar Permitted Principal and Special Land Uses.

Land uses which are not contained by name in a zoning district list of uses permitted by right, special land uses, or accessory uses must be referred to the Planning Commission provided that such uses are clearly similar in nature and/or compatible with the listed or existing uses in that district.

Section 5.11 Single Family Dwellings, Manufactured Housing, Prefabricated Housing.

(a) Construction Standards. Minimum construction standards for all one-family dwellings shall be pursuant to all applicable State, Federal and/or local laws, codes and ordinances. Appropriate permits must be obtained from Sanilac County prior to construction.

(b) Unit Size and Dimensions. Each dwelling unit shall have a minimum width on all elevations of twenty-four (24) feet.

(c) Sewer and Water Service. All single family dwellings shall be served by public sewer and water service, where available, or approved on-site systems in the case where public sewer and water service are not available.

(d) Compatibility Determination.

(1) In terms of construction standards, character, materials, design, appearance, aesthetics and quality, all dwellings shall be compatible, (i.e. meet equal or greater standards), as compared with existing dwellings in the area. The Zoning Administrator shall make the determination of compatibility prior to issuance of a land use permit.

A. The area of consideration. If the dwelling is to be located in a platted subdivision, planned unit development or site condominium development, it shall be compatible with the houses in the plat. If not in a platted subdivision, planned unit development or site condominium development, it shall be compatible with the dwellings within five hundred (500) feet of the property in question.

B. The square footage of floor space.

C. The length, width and height of the structure.

D. The architectural type and design, including, without limitation, exterior materials, the custom nature of the design, the roof style and the like, to the extent that the same would likely bear upon property values.

- E. The attachment of garages.
- F. Maximum lot coverage shall be in accordance with Section 4.10.

These regulations shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices, including solar energy, view, unique land contour and/or custom qualities.

- (2) The Zoning Administrator may request a review by the Planning Commission of any dwelling unit with respect to this section. The Zoning Administrator or the Planning Commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the Township at large.

Section 5.12 Storage of Vehicles, Machinery and Materials.

- (a) 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.
- (b) All travel trailers, boats, recreational vehicles, and similar vehicles owned by residents of the Township and kept on their individual lots, shall be kept in the rear or side yard, unless prohibited by association or subdivision codicils. Guests are allowed to park in driveway during course of visit.
- (c) The storage of vehicles exceeding one (1) ton rated capacity shall be permitted in the Agricultural Residential District (AG) when such vehicles are utilized for farming purposes, licensed as such, and meet the following conditions:
 - (1) The parcel of land on which it is stored shall be five (5) acres or more which is actively being farmed.
 - (2) The vehicle shall be owned and/or operated by a resident of the premises.
- (d) Likewise, no old, rusty and unsightly machinery, machines or parts of machines not suited for use upon the premises, or quantities of old and used materials, shall be kept or stored outside of a building in a Residential District unless suitably screened from view.
- (e) No semis shall be parked at any time in Residential Districts.

Section 5.13 Temporary Building and Structures.

(a) No temporary dwelling, whether of a fixed or movable nature, may be erected, altered, or moved upon or used in whole or in part for any dwelling purpose whatsoever for any time whatsoever except as permitted in the following situations:

- (1) If a permanent principal residential structure is destroyed in whole or in part by a natural or man-made event, including, but not limited to fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a mobile home, travel trailer or motor home may be occupied as an emergency temporary structure by the family so displaced during repair or replacement of the permanent dwelling for a period of up to six (6) months. The Zoning Administrator may renew the permit for the use of a temporary dwelling for such purposes for a second six (6) month period, however, in any case, the use of a temporary dwelling for such purpose shall not exceed one (1) year.

(b) Requirements and Procedures. A temporary dwelling, when permitted, shall conform to the following requirements and procedures. No permit shall be issued and no temporary dwelling occupied until requirements (1) through (4) listed below are met.

- (1) An application for a permit for the temporary use and installation of a mobile home, modular, or prefabricated dwelling unit shall be made to the Zoning Administrator. The application shall be accompanied by a plot plan showing the location of the proposed structure to verify compliance with all yard requirements of the zoning district in which it is located, unless a more restrictive provision exists herein.
- (2) The application shall be reviewed by the Planning Commission. Approval of the application may be granted upon a finding that all of the following conditions are met:
 - A. The principal residential structure has been destroyed in whole or in part by fire, explosion, or natural disaster and therefore is uninhabitable.
 - B. The temporary dwelling unit shall be connected to public sewer and water.
 - C. The temporary dwelling unit shall comply with all applicable zoning district requirements including setback, area, bulk, and other requirements, except minimum house size requirements.
- (3) The granting of a permit for an emergency temporary dwelling unit shall be for a period of up to one (1) year from the date of approval by the Planning Commission. Up to one (1) six (6) month extension may be requested in

accordance with the same provisions noted above. Any conditions of approval shall be specified in writing on the permit.

- (4) The temporary dwelling shall be removed within three (3) months of completion of the constructed, replaced, or repaired dwelling.
- (5) The Zoning Administrator shall provide a written statement setting forth the conditions of the use permit to the residents of a temporary dwelling and shall retain a copy in the files of the Zoning Administrator. Upon receiving the permit, the owner/occupant shall indicate by his/her signature that he/she has full knowledge of the terms of the permit and penalty pertaining thereto.
- (6) Any permit issued under this section shall not be transferable to any other owner or occupant.
- (7) The Zoning Administrator shall promptly notify the Township Board and Planning Commission in writing of each approval granted and all conditions attached thereto under this section.

Section 5.14 Visibility at Intersections.

On any corner lot in any district having front and side yards, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of thirty (30) inches and twelve (12) feet above the road grade in an area bounded points which are thirty (30) feet back from the corner along the street (see illustration in Article 2).

Section 5.15 Private Road Ordinance

- (a) The intent of this section is to ensure that unobstructed, safe, and continuous access to lots shall promote and protect the health, safety, and welfare of the public through police and fire protection, and ambulance service. Such access is necessary to ensure that such services can safely and quickly enter and exit private property at all times. Roadway access within Sanilac Township should meet minimum standards and specifications to permit the subsequent upgrading and dedication of such access rights-of-way to the Sanilac County Board of Road Commissioners or other municipal corporations when public dedication is desirable or required, and to minimize the number of road cuts and help maintain rural character. The procedures, standards, and specifications hereinafter set forth are determined to be the minimum procedures, standards, and specifications necessary to meet the intent of this Section.
- (b) General Access and Permit Requirements.

- (1) Every lot, unit, or parcel in Sanilac Township that is improved with a building shall:
 - A. Abut a public road or a residential private road.
 - B. Have access for ingress and egress for all vehicular traffic, including fire, police, and ambulance services and vehicles by means of such public road or residential private road.
 - (2) Lots or units not served by a public road shall not be improved with a building subsequent to the date of adoption of this Ordinance, unless a residential private road permit in accordance with this Ordinance has been issued.
 - (3) No person shall construct, alter, or extend a residential private road without compliance with this Ordinance and obtaining a permit as hereinafter provided.
 - (4) All lots or units which have been improved with a building prior to the date of adoption of this Ordinance shall comply with the provisions of this Ordinance, if the Township Board by resolution determines that such compliance is necessary to protect and promote the public health, safety, and welfare in accordance with the purposes set forth within this Ordinance.
- (c) Specifications for Residential Private Roads. All residential private roads shall meet the following minimum requirements and specifications:
- (1) A pre-application meeting with the Zoning Administrator is required.
 - (2) A complete legal description including related utility and drainage easements of the land on which the road is to be built and the names and addresses of the owners is required.
 - (3) A drawing on an aerial map showing the proposed road is required. Proposed improvements (including but not limited to roads, storm sewers, and ditches) shown in plan and profile form indicating all materials, grades, dimensions, and bearings in compliance with the standards set forth in this Ordinance.
 - (4) The roadway surface and turnaround area is required to be centered in the right-of-way.
 - (5) The connection between the right-of-way and the public road shall conform to the standards and specifications of the Sanilac County Road Commission. The applicant shall obtain a road permit issued by the Sanilac County Road Commission prior to approval of any rights-of-way by the Township Board.

- (6) The rights-of-way and road way shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the rights-of-way. Roadway drainage shall be constructed so that the runoff water shall be conveyed to existing water courses or water bodies. The discharged water shall not be cast upon the land of another property owner unless the water is following an established water course. Connection to County drains shall be approved by the Sanilac County Drain Commissioner prior to the issuance of a permit. Connection to roadside ditches within public road rights-of-way shall be approved by the Sanilac County Road Commission prior to the issuance of a permit.
- (7) The rights-of-way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
- (8) Any extension of a private road shall meet Ordinance standards and shall require Township approval.
- (9) Private roads shall be designated with the word “private.” Private roads shall be named by the applicant, subject to review and approval by the Sanilac County Road Commission. Private road names shall not conflict with any public road names. The applicant shall be responsible for the erection and maintenance of all street signs and traffic signs required by the Township, the County, and the State.
- (10) All areas disturbed by construction must be top soiled, seeded, and mulched. Steep ditch slopes may require sod, riprap, or other stabilizers to minimize soil erosion. Temporary erosion control measures must be utilized.
- (11) A fee shall be paid as established by the Township Board to defray the costs of inspection, plan review, administration, and enforcement of this Ordinance.
- (12) The application shall be signed by the applicant or agent thereof. If signed by an agent, it shall be accompanied by a duly executed and notarized Power of Attorney, and shall represent that the applicant is making the application on behalf of all persons having an interest in the rights-of-way or the abutting lots, and shall be made under penalties of perjury. Residential Private Roads shall also meet the minimum requirements and specifications as set forth in Table 1, herein.

Table 1
Minimum Requirements and Specifications for Private Residential Roads

Width of Rights-of-Way	Sixty-six (66) feet
Road Length	No minimum or maximum
Road Width	Eighteen (18) foot driving surface with adequate drainage
Road Identification	Road name and stop sign at entrance
Sub-Base	Remove all organic or unstable material and replace with a

	minimum six (6) inches of compacted sand
Driving Surface	Six (6) inches of crushed limestone or processed road gravel
For Paved Surface	Optional and at builder's direction. Twenty (20) feet.
Turnaround Area/Cul-de-Sac	Seventy-five (75) foot radius right-of-way with fifty (50) foot radius roadway surface
Ditches	Ditches shall be of width, depth, and grades to provide for adequate and positive drainage
Maintenance Agreement	Required
Engineering Certification	Required

(d) Permit Approval Procedure.

- (1) Prior to submitting an application, any potential applicant shall review zoning and other applicable regulations with the Zoning Administrator to ensure completeness of an application.
- (2) Upon receipt of an application and payment of applicable fees, the Township Clerk shall forward the application to the Zoning Administrator who shall review the application for compliance to regulations contained within this Ordinance. The Township Clerk shall also forward the application to the Fire Department serving that location and Land Division Officer for applicable review.
- (3) The Township Zoning Administrator shall require a written report and a stamped and dated letter from a State of Michigan Certified Civil Engineer indicating that the private road has been designed to conform to the standards set forth in this Ordinance.
- (4) The Township Zoning Administrator shall consider the application and all relevant information including Fire Marshall approval and Land Division Officer approval and, if the application is complete, shall grant the permit.
- (5) Upon completion of road construction and inspections, the Zoning Administrator and Fire Marshall shall make recommendation to the Township Board for final approval.

(e) Expiration of Approval of Permits. A permit shall be valid for a period of one (1) year from the date of issuance. The Township Board may extend the permit for up to six (6) months. If the required improvements have not been completed upon the expiration of the permit, then the permit shall be void and all deposits shall be forfeited to Sanilac Township.

(f) Recording of Rights-of-Way. The rights-of-way, including all agreements, shall be recorded in the office of the Register of Deeds for Sanilac County prior to the issuance of

any zoning permit. Proof of recording shall be provided to the Township Clerk before final approval is granted.

- (g) Zoning Permits. No zoning permit will be issued for any lot accessed by a residential private road subject to the provisions of this Ordinance until the Township Board has issued a final approval of the road.
- (h) Maintenance Agreement. A maintenance agreement received by the Township Attorney and approved by the Township Board shall be filed with the Township Clerk and recorded with the Sanilac County Register of Deeds for any maintenance for the residential private road. All parcels accessing the residential private road shall be part of the agreement. Proof of recording shall be provided to the Township Clerk before final approval is granted. The agreement will specifically address the liability and responsibility of the parties to the agreement to maintain the private road pursuant to the specifications provided for in this and other applicable Ordinances, including but not limited to the responsibility of removing snow from said private road and maintaining clear road width for ingress and egress of emergency vehicles.
- (i) Variances. When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance such as topographical or other physical characteristics of a parcel, or when a variation of construction standards is requested, the Township Board shall have the power to vary or modify the application of the provisions of this Ordinance so that the intent and purpose of the Ordinance shall be observed, public safety secured, and substantial justice done. The Township Board may request inspection, review, and recommendation by the Township Engineer. Cost of such inspections, review, and recommendation from Township Engineer shall be the responsibility of the applicant.
- (j) Violations. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding five hundred dollars (\$500.00) and/or by imprisonment not to exceed ninety (90) days. Any access which is used in violation of the terms of this Ordinance shall be and the same is hereby declared to be a nuisance per se, and such use may be abated, restrained, enjoined, and prohibited upon the commencement of an appropriate action in the Circuit Court.
- (k) Sanilac Township Liability. The applicant for a private road approval, all owners of the private road and lots or units thereon, all those who utilize the private road, and all persons securing a building permit to construct a building served by the private road or all agree that, by applying for and securing a permit for a building that utilizes the private road and by utilizing the private road, they shall indemnify and will save and hold the Township (as well as its officers, agents, and employees) harmless for, from, and against any and all claims, causes of action, costs, and damages for personal injury and/or property damage arising out of the use of the private road or the failure to properly construct, maintain, repair, and/or install the private road or any appurtenances thereto.

This shall run with the land and shall bind all purchasers of properties benefited by the private road.

- (1) **Termination.** The lot owners' responsibility and liability for road maintenance shall cease for those roads or portions thereof which are dedicated or conveyed for public use and have been accepted by Sanilac County for said purpose.

Section 5.16 On-site Wind Energy Systems

(a) Intent and Purpose. It is the intent and purpose of this section to establish rules and regulations for the construction, alteration, and operation of On-site Wind Energy Systems, while protecting the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities. The provisions of this section shall supplement other provisions of this ordinance regarding Special Land Uses for Wind Energy Systems. In the event of a conflict between the provisions of this section and any other section of this ordinance, the provisions of this section shall apply.

(b) Definition. An On-site Wind Energy System is an electricity generating system consisting of one or more wind turbines under common ownership or control which produces electricity primarily intended for use on the premises where the On-site Wind Energy System is located and which does not exceed 100 feet in total height. This definition includes substations, towers, cables, wires, poles and other buildings and accessories used on the production of electricity by said facility. An On-site Wind Energy System may be referred to in this ordinance as an OWES.

(c) Accessory Use by Right. An OWES shall be considered an accessory use by right in all zoning districts.

(d) No OWES may be located, constructed, maintained or operated on any parcel which does not meet all of the following requirements:

(1) Maximum Height. A maximum total height of 100 feet

(2) Setback.

A wind turbine tower may not be located closer to any property line and the nearest right of way line for any public road than One and One-half (1 ½) times the total height of the wind turbine measured from the center of the tower. All other parts of the OWES, including the guy wire anchors, may not be located closer than ten (10) feet from any property line and the nearest right of way line for any public road, or the minimum setback distance in the zoning district in which the OWES is located, whichever is greater.

(3) Sound.

Sound pressure level shall not exceed forty (40) dB(A) LAmax at the property line closest to the wind energy system.

(4) Signal Interference.

No OWES shall interfere with any existing fixed broadcast, retransmission or reception antennae for radio, television, wireless telephone or other personal communication system or emergency broadcast system unless the owner/operator provides a replacement signal to the affected party at no additional cost that will restore reception to at least the level present before the operation of the OWES. No OWES shall causes significant electromagnetic interference to any microwave communication link which is in operation at the time a certificate of zoning compliance for the OWES is issued.

(5) Visual Appearance.

All On-site Wind Energy Systems shall meet the following visual requirements:

- (A) On-Site Wind Energy Systems and accessory structures shall be painted a non-reflective non-obtrusive color. The exterior shall be maintained in good condition and the towers shall be repainted whenever rust, corrosion or peeling or flaking paint is visible.
- (B) On-site Wind Energy Systems shall not be lighted unless so required by statute, ordinance, rule, or regulation.
- (C) On-site Wind Energy Systems shall contain no letters, numbers, or symbols other than the name of the manufacturer and the name of the owner/operator unless otherwise required by this ordinance or any other statute, ordinance, rule, or regulation. Any such letters, numbers, or symbols may not exceed six inches in height. Every On-site Wind Energy System must have a sign or lettering identifying its owner/operator and containing contact information.

(6) Construction Codes, Towers, &Interconnection Standards.

On-site Wind Energy Systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site Use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected On-site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

(7) Safety.

An On-site Wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly

visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty(20) feet for a wind energy system employing a horizontal axis rotor.

(e) Site Plan. An application for a zoning compliance certificate for an OWES shall be accompanied by a site plan which shall contain all of the following in addition to any other information required by this ordinance:

(1) The dimensions and location of all boundary lines and contiguous public roads for the parcel on which the OWES will be located.

(2) The location, height, and dimensions of all existing and proposed structures, driveways, and other above ground infrastructure and the distance from all property lines and public roads.

(3) Certification that applicant has complied or will comply with all applicable federal, state, and local laws and regulations.

(4) Certification that the sound pressure level of the proposed OWES will not exceed the limits provided herein.

ARTICLE 6

SPECIAL PROVISIONS

Section 6.1 Intent.

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the Zoning District in which they are permitted to be located. This Article provides standards for both permitted and special uses which must be adhered to in addition to other standards of this ordinance. See Article 2 (Definitions) and Article 4 (Zoning District Regulations) for additional information related to the uses denoted within this Article.

Section 6.2 Adult and Child Day-Care Facilities.

- (a) Family day-care homes serving six (6) or fewer adults or children shall be considered a residential use of property and a permitted use in all residential districts. The family day-care home shall receive minor children for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Such facilities also include homes that give care to an unrelated minor child for more than four (4) weeks during a calendar year.
- (b) Adult group day-care home with greater than six (6) adults shall meet all of the State requirements.
- (c) Adult day-care centers are subject to the following conditions:
 - (1) The property is maintained in a manner that is consistent with the character of the neighborhood.
 - (2) The drop-off and pick-up area shall be of sufficient size so as to not create congestion on the site or within a public roadway.
- (d) Child group day-care homes with more than six (6) children are subject to the following:
 - (1) The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
 - (2) Compliance with the State of Michigan requirements and obtaining and maintaining appropriate licenses with the State of Michigan.

- (3) The granting of the special land use application shall not impair the health, safety, welfare, or reasonable enjoyment of adjacent or nearby residential properties.
- (e) Child day-care centers are subject to the following conditions:
 - (1) The property is maintained in a manner that is consistent with the character of the area.
 - (2) The drop-off and pick-up area shall be of sufficient size so as to not create congestion on the site or within a public roadway.
 - (3) Compliance with the State of Michigan requirements and obtaining and maintaining appropriate licenses with the State of Michigan.

Section 6.3 Adult and Child Foster Care Facilities.

(a) Intent. It is the intent of this section to establish standards for child and adult foster care facilities that will insure compatibility with adjacent land uses and maintain the character of the neighborhood.

(b) Adult Foster Care Facilities.

(1) Application of Regulations.

- A. A State licensed adult foster care family home and adult foster care small group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts.
- B. The Township may, by issuance of a special land use permit, authorize the establishment of adult foster care small group homes serving more than six (6) persons and adult foster care large group homes.
- C. The Township may, by issuance of a special use permit, authorize the establishment of an adult foster care congregate facility.

(2) Adult foster care small group homes serving between seven (7) and twelve (12) adults and adult foster care large group homes serving between thirteen (13) and twenty (20) adults, shall be considered as a special land use subject to the requirements and standards of Section 3.5 and the following additional standards:

- A. The property is maintained in a manner that is consistent with the character of the neighborhood.

- B. Compliance with the State of Michigan requirements and obtaining and maintaining appropriate licenses with the State of Michigan.
- (3) Adult foster care congregate facilities shall be considered as a special land use subject to the requirements and standards of Section 3.5 and state requirements.
- A. Compliance with the State of Michigan requirements and obtaining and maintaining appropriate licenses with the State of Michigan.
- (c) Child Foster Care Facilities.
- (1) Foster family homes serving less than four (4) children shall be considered a residential use of property and a permitted use in all residential districts. Such facilities shall provide no less than forty (40) square feet of sleeping room per child with all other requirements provided in accordance with the applicable State standards.
 - (2) Foster family group homes serving between four (4) and eight (8) children under the age of seventeen (17), no more than two (2) of which may be under the age of one (1), shall be considered as a special land use subject to the requirements and standards of Section and the following standards:
 - A. The proposed use of the residence for foster family care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
 - B. Compliance with the State of Michigan requirements and obtaining and maintaining appropriate licenses with the State of Michigan.

Section 6. 4 Adult Regulated Uses.

In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operation characteristics, particularly when several of them are concentrated near to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of this Ordinance.

- (a) Uses subject to these controls are as follows:
- (1) Adult Book and Supply Store
 - (2) Adult Cabaret
 - (3) Adult Live Stage Performing Theater
 - (4) Adult Motion Picture Theater
 - (5) Adult Physical Culture Establishment
 - (6) Body Piercing Establishment
 - (7) Burlesque Show
 - (8) Escort Agency
 - (9) Massage Parlor
 - (10) Nude Modeling Studio
 - (11) Tattoo Parlor
- (b) Building shall be setback eighty (80) feet from an existing or proposed right-of-way.
- (c) Ingress and egress points shall be located at least one hundred twenty (120) feet from the intersection of any two streets measured from the road right of way lines.
- (d) A five (5) foot high completely obscuring wall compatible with the surrounding area shall be provided where abutting residential uses.
- (e) Approval of any of the regulated uses listed in this section shall be permitted only after a finding has been made by the Planning Commission, as detailed in Article 3.5, Special Land Uses, that the following conditions exist:
- (1) If the use is a use that is listed above in this Section, it shall be located in the Industrial District.
 - (2) The use is not located within a one thousand (1,000) foot radius of one other such use except that such restriction may be waived by the Planning Commission if the following findings are made:
 - A. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
 - B. That the establishment of a regulated use, or and additional regulated use, in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
- (b) That all applicable Federal and State laws and local ordinances will be observed.
- (c) Limit on Reapplication. No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of

denial, except on the grounds of new evidence not previously available or proof of changed conditions.

Section 6.5 Airports, Airstrips, and Heliports.

- (a) Satisfy all requirements of the Federal Aviation Administration (F.A.A.) and the Michigan Department of Transportation’s Airport Division.
- (b) The plans for such facility shall be given approval by the Federal Aviation Administration prior to submittal to the Planning Commission for their review and action.
- (c) The standards for determining obstruction to air navigation as announced in the FAA Technical Order N-18, April 26, 1950 (as amended July 30, 1952) and any other amendments thereto shall be complied with. This standard shall be applied by the class of airport as determined by the F.A.A.
- (d) The area of the "clear zone" (FAA definition) shall be provided for within the land area under airstrip ownership, and in no instance shall the "clear zone" be above property zoned for single family residential use.

Section 6.6 Animal Rescues or Shelters.

All animal rescues or shelters (also known as kennels) shall conform to the Michigan Department of Agriculture, Animal Industry Division, and Regulation Number 151 for Pet Shops, Dog Pounds, and Animal Shelters. (By authority conferred on the director of agriculture by Section 2 of Act No. 287 of the Public Acts of 1969, being S287.332 of the Michigan Compiled Laws). All such uses shall also comply with the following:

- (a) The minimum lot area shall be five (5) acres.
- (b) The owners of such uses shall be subject to an annual inspection by Sanilac County Animal Control.

Section 6.7 Artisan and Farmers Markets.

- (a) The following are the types of vendors permitted at an artisan and/or farmers market:
 - (1) Farmers – raise agricultural products (i.e. fruits, vegetables, herbs, flowers or nursery crops from seed or purchased “starters”) that are personally cared for, cultivated, and harvested.

- (2) Agricultural Processors – farmers who choose to process their agricultural products for pre-packaged sale (i.e. milk, cheese, oils, vinegars, meats, poultry, eggs, honey, soap and herbal preparations).
- (3) Food Processors – sale of fresh food products which have been personally prepared (i.e. juice, baked goods, jams, etc.)
- (4) Resellers – individuals who purchase produce from local farmers and then resell directly to the customer.
- (5) Crafters – individuals who create craft objects made with their own hands and imagination from “raw” materials (i.e. wax, clay, wood, metal, leather, etc.)

(b) The hours of operation, parking, dimensional requirements, signage, lighting, etc. shall be evaluated as a part of the special land use request.

Section 6.8 Automobile Filling Stations, Repair Garages, Service Stations and Dealerships.

Automobile filling stations, repair garages, service stations, and dealerships shall comply with the following conditions:

- (a) The curb cuts for ingress to and egress from a filling or service station are not permitted at such locations as will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be not less than thirty (30) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts. No more than one (1) curb opening shall be permitted for each fifty (50) feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than ten (10) feet to any corner or exterior lot line. No driveway shall be located nearer than thirty (30) feet to any other driveway serving the site.
- (b) The minimum lot area shall be one acre, so arranged that ample space is available for motor vehicles which are required to wait.
- (c) The minimum dimension of any lot line adjacent to a public right-of-way shall be one hundred and forty (140) feet.
- (d) Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.
- (e) All activities related to automobile service and repair equipment shall be entirely enclosed within a building located not less than forty (40) feet from any street lot line, and not less than ten (10) feet from any side lot line.

- (f) Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
- (g) Unlicensed vehicles shall not be stored outside for more than thirty (30) days. Such storage shall not occur in front of the building front line.
- (h) Gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles do not park upon or overhang any public sidewalk, street or right-of-way while waiting for or receiving fuel service.
- (i) A filling or service station shall have no more than eight (8) gasoline pumps and two (2) enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles.
- (j) Where the filling or service station site abuts any residential district, the requirements for protective screening shall be provided as specified in Section 7.7.
- (k) All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
- (l) All combustible waste and rubbish, including crankcase drainings, shall be kept in metal receptacles fitted with a tight cover until removed from the premises. Sawdust shall not be kept in any gasoline service station or place of storage therein, and sawdust or other combustible material shall not be used to absorb oil, grease or gasoline.
- (m) No advertising signs may be placed on-site other than the permitted maximum wall and/or ground sign area per Article 9.
- (n) A convenience store or restaurant, with or without a drive-through (see Section 6.16) may be located within the station providing it complies with the provisions for an accessory use (see Section 5.2).

Section 6.9 Automobile Washes or Car Wash Establishments.

- (a) Coin-operated/Self-Service Establishments.
 - (1) All buildings shall have a front yard setback of not less than thirty (30) feet.
 - (2) All washing facilities shall be within an enclosed shelter.
 - (3) Vacuuming and drying areas may be located outside the building, but shall not be closer than fifteen (15) feet to any residential district.

- (4) All cars required to wait for access to the facilities shall be provided space off the street right-of-way.
 - (5) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
 - (6) A five (5) foot completely obscuring wall shall be provided where abutting a residential district.
- (b) Full Service Establishments.
- (1) All buildings shall have a front yard setback of not less than sixty (60) feet.
 - (2) All washing facilities shall be within a completely enclosed building.
 - (3) Vacuuming and drying areas may be located outside the building but shall not be closer than fifteen (15) feet to any residential district.
 - (4) All cars required to wait for access to the facilities shall be provided space off the street right-of-way.
 - (5) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
 - (6) A five (5) foot completely obscuring wall shall be provided where abutting a residential use.

Section 6.10 Bed and Breakfast Accommodations.

- (a) Bed and breakfast establishments must be located on no less than one (1) acre.
- (b) The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting or traffic.
- (c) The total number of sleeping rooms is limited to six (6) rooms. No bed and breakfast sleeping room shall be permitted that does not comply with the State Construction Code.
- (d) Bed and breakfast bedrooms shall be a minimum of one hundred and twenty (120) square feet for the first two (2) occupants and an additional thirty (30) square feet for each additional occupant.
- (e) One (1) bathroom for every three (3) sleeping rooms shall be provided, with a minimum of two (2) bathrooms.

- (f) Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping room is located.
- (g) Signs are permitted in accordance with Article 9.
- (h) One (1) off street parking space shall be provided for each bed and breakfast bedroom. The Planning Commission may increase or decrease required parking in order to meet the purposes of this section and protect the public health and safety.
- (i) All Sanilac County Environmental Health Department regulations must be complied with. Prior to beginning operation the proprietor must provide proof from the Environmental Health Department that on-site disposal facilities are adequate.
- (j) Comply with all State and County safety and fire regulations.

Section 6.11 Cemeteries.

- (a) Any building in connection with the cemetery and the premises shall be designed, constructed and landscaped according to a comprehensive and approved plan.
- (b) The use shall be in harmony with the general character of the district.
- (c) No buildings or structures, containing bodies or remains (other than subterranean graves), shall be located nearer than two hundred (200) feet to the property line.

Section 6.12 Churches and Houses of Worship.

- (a) Parking shall be provided in accordance with Article 10.

Section 6.13 Commercial and Recreational Vehicles Storage Facilities.

- (a) The minimum area shall be one (1) acre.
- (b) The storage area surface shall be constructed of gravel or paved finish surface.
- (c) All stored vehicles shall be licensed annually and kept in good repair.
- (d) Recreational vehicles and equipment, parked or stored, shall not have fixed connections to electrical, water, gas or sanitary facilities, and shall at no time be used for living or housekeeping purposes.

Section 6.14 Community Waste Treatment Facilities.

Community wastewater systems shall require a special use permit from the Township Board in accordance with the procedures and standards set forth in Article 3.5 Special Land Use Review. Community wastewater utility system shall be strictly prohibited in areas of the Township served by public sanitary sewers unless it is determined, in the sole discretion of the Township Board, the proposed project to be served by the system provides a recognizable and material benefit to the community and/or provides long-term protection of natural resources and environmental features.

In addition to the requirements established by the Township, the Federal Government, the State of Michigan and/or Sanilac County, the following site development and use requirements shall apply:

- (a) Required standards and findings set forth in Section 3.5, Special Land Use shall be met.
- (b) All operations shall be completely enclosed by a fence not less than six (6) feet high.
- (c) All operations and structures shall be surrounded on all sides by a setback of at least two hundred (200) feet in width from the nearest dwelling located within a development project served by a community wastewater system and at least two hundred (200) feet from a property line shared with an adjacent property. Landscape buffering in accordance with Section 7.7 shall be placed to minimize the appearance of the installation and to help confine the odors therein. The Township Planning Commission and Township Board shall have the authority to review the design and treatment of all buffer strips.
- (d) The point of discharge of a community wastewater utility system shall follow State & County environmental regulations.
- (e) A community wastewater utility system should be restricted to a single development project and shall not provide service to other properties and/or development projects.
- (f) The area devoted to a community wastewater utility system shall not be used to satisfy open space required by any other provisions of this Ordinance.

Section 6.15 Container Warehouse Facilities.

Container Warehouse Facilities are permitted as commercial and industrial districts, and shall be subject to the following requirements and conditions of this section:

- (1) No activity other than the storage of containers (i.e. pods) shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.

- (2) The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited inside the container units.
- (3) All batteries shall be disconnected from motor vehicles, boats, lawn mowers or similar property to be stored inside a container unit.
- (4) All storage shall be contained within a building.
- (5) The exterior design of the building is subject to Planning Commission review and approval, and must be compatible with adjacent properties and the rural character of Sanilac Township. When a building is adjacent to a zoning district that permits a residential use, or the adjacent property is currently in residential use, the Planning Commission may consider the use of a building material that is aesthetically compatible.
- (6) One (1) parking space shall be provided on-site for every peak hour employee.

Section 6.16 Drive Through Facilities.

All drive through windows for facilities including, but not limited to restaurants, banks, etc. are restricted to the side or rear elevations of all structures that provide drive through services. The following shall also apply:

- (a) A setback of at least sixty (60) feet shall be maintained from an existing or proposed right-of-way.
- (b) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets measured from the road right-of-way lines.
- (c) A five (5) foot high completely obscuring wall, fence, berm, landscaping, or combination thereof, compatible with the surrounding area shall be provided where abutting a residential use.

Section 6.17 Extracting, Removing, Filling, Depositing and Dumping Operations

(a) Intent and Purpose. It is the intent and purpose of this section to promote the underlying spirit and intent of the entire Zoning Ordinance, but at the same time allow for the extraction, removing, filling, depositing and dumping of minerals in locations where they have been naturally deposited, and to insure that activity shall be compatible with adjacent uses of land, the natural environment, and the capacities of public or private services and facilities affected by the land use, and, to insure that activities are consistent with the public health, safety and welfare of the Township.

(b) Use Restriction. Extraction, removal, filling, depositing and dumping operations shall be considered as a special land use in the Township. These operations in the Township shall be prohibited unless first authorized by the granting of a special land use permit by the Township Planning Commission in accordance with this section and Section 3.5, Special Land Uses. The following conditions shall apply to all such operations:

- (1) No hydraulic dredging.
- (2) Containment of soil and windblown fines.
- (3) No topsoil is to leave the site without an engineer's report determining the amount of topsoil on the site and the amount needed for reclamation.
- (4) Allow access to the entire property for inspection of the operations on a yearly basis.
- (5) Allow inspection by any Township representative with twenty-four (24) hours notice to determine the validity of any complaint.
- (6) No surface watercourse may be constructed or used without the permission of the Township as part of the operation without a report from the Township's Engineering Consultant demonstrating that there will be no offsite impacts.
- (7) The Township's Engineering Consultant shall recommend a bond amount for the reclamation of the site.
- (8) Provide a detailed plan and a timetable for the reclamation/restoration of the site.
- (9) File a site plan per the requirements of Section 3.6, Site Plan Review.
- (10) Operations shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday and on Saturday between the hours of 7:00 a.m. and 12 p.m. Operations shall not be permitted on Sunday and major holidays (Federal and State), except by special permit from the Zoning Board of Appeals. Major holidays are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. (Source: United States Code, Title 5, Section 6103).
- (11) Provide a letter to the Township with specific date for the start and completion of the operations once mining operations have commenced.
- (12) There shall be not more than one (1) entrance way from a public paved road to said lot for each six hundred sixty (660) feet of front lot line. Said entrance shall be located not less than five hundred (500) feet from an intersection of two (2) or more public roads.

- (13) Stockpiles of stripped topsoil shall be seeded with grass or other plant materials and shall be prevented from eroding onto other properties.
- (14) 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, watered or chemically treated so as to limit the nuisance caused by windborne dust on adjoining lots and public roads.
- (15) Each operator shall be held responsible for all public roads, upon which trucks haul materials from the quarries, to keep these roads in a driveable condition at least equal to that which existed prior to the beginning of quarrying operations; and to keep the roads dust free and to clean up any and all spillage of material and dirt, rock, mud and any other debris carried onto the roads by these trucks or other equipment.
- (16) Any noise, odors, smoke, fumes, or dust generated on said lot by any digging, excavating, loading or processing operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
- (17) Such activities shall not be conducted as to cause the pollution by any material of any surface or sub-surface watercourse or water body outside the lines of the lot on which such use shall be located, or of any existing body of water located within the premises.
- (18) Such activities shall not be conducted as to cause or threaten to cause the erosion by water of any land outside the lot or of any land on the lot so that earth materials are carried outside of the lines of the lot. Such activities shall not be conducted as to alter the drainage pattern of surface or sub-surface waters on adjacent property. In the event that such activities shall cease to be conducted, it shall be the continuing responsibility of the owner(s) and the operator(s) thereof to assure that no erosion or alteration of drainage patterns shall take place after the date of the cessation of operation as specified in this paragraph.
- (19) All fixed equipment and machinery shall be located at least one hundred (160) feet from any lot line and five hundred (500) feet from any zoning district that permits residential dwellings or that is currently used in a residential manner. In the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to a residential classification 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 (160) feet from any lot line adjacent to the residential district. A fence of not less than six (6) feet in height shall be erected around the periphery of the area being excavated. Fences shall be adequate to prevent trespass.

- (20) All areas within a quarry shall be rehabilitated progressively as they are worked out, so as to be non-hazardous. Further these areas shall be inconspicuously blended with the general surrounding ground form, so as to appear natural.
- (21) The applicant shall submit a plan for the use of the property during extracting, removing, filling, depositing and dumping operations at the time of application for the permit. The Planning Commission shall review and approve the plan. The plan shall provide the following information:
- A. Boundary lines of the property; dimensions and bearings of the property lines, correlated with the legal description;
 - B. Aerial photo, showing property and adjacent areas, location and outline of wooded areas, streams, marshes, and other natural features;
 - C. Existing site improvements including, but not limited to buildings, drives, well, and drain fields;
 - D. Existing topography at contour intervals of five (5) feet;
 - E. Extent of future operations thereof;
 - F. Location and nature of structures and stationary equipment to be located on the site during such operations;
 - G. Location and description of soil types;
 - H. An estimate of the kind and amount of material to be withdrawn from or added to the site and the expected termination date of such operations;
 - I. Description of all operations to be conducted on the premises, including, but not limited to, digging, sorting and washing operations, and the type, size and nature of equipment to be used with each operation;
 - J. Location and width of drives, sight distances; lane widening on public roads at intersections of same with drives;
 - K. Tree areas and other natural features to be retained;
 - L. Description of pollution and erosion control measures;
 - M. Certified statement by a qualified engineer, with supporting data and analyses, concerning expected impact on the water table and water supply wells in the vicinity of the site; and

- N. Map showing truck routes to and from the site.
- (22) The applicant shall file a plan for restoring the site to a safe, attractive and usable condition. The plan shall be filed at the time of application for the special land use permit. The Planning Commission shall review and approve the plan. The restoration plan shall provide the following information:
- A. Boundary lines of the property, dimensions and bearings of the property lines, correlated with the legal description;
 - B. Location and extent of all natural features to be retained during such operations;
 - C. Contour lines at intervals of five (5) feet of the proposed, restored surface, clearly showing connection to existing undisturbed contour lines;
 - D. Schedule and areas of progressive rehabilitation;
 - E. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area;
 - F. Sketch plan of the proposed use of the site when restored; and
 - G. Description of methods and materials to be used in restoring the site.
- (23) The applicant shall provide a bond in the name of the Township, in the form and amount acceptable to the Township Planning Commission, to guarantee restoration of the site and certification of conformance by the Township Engineer.
- (24) The applicant shall provide a bond when required by the Township Board, to maintain and replace public roads traversed by trucks associated with the mining operation.
- (25) The Township Planning Commission shall not approve a special land use permit for any such operation until the Commission has received the plans required in this Section, and until the required bond has been provided.
- (26) The applicant shall provide a date for completing the operation, such date to be based upon the estimated volume of material to be extracted and/or added and an average annual extraction/filling rate. The special use permit shall expire on that date. Any extension of operations beyond that date shall require a new special land use permit, which shall be applied for and processed as provided in this Ordinance.

- (27) Travel routes for trucks entering and leaving the pit shall be shown on a map of the Township at the time of application for the special use permit. Such routes except arterial streets or their equivalents shall not pass through residential areas.
- (28) Only equipment owned or leased by the operator and used in the operations of the facility shall be stored overnight or for longer periods anywhere on the premises. Storage of any other equipment on the premises shall be prohibited.
- (29) Potable water supply and sanitary sewage disposal systems shall be approved by the County Health Department before a special use permit is issued.

(c) Exemption. Usual and customary land balancing by cutting and filling, in preparation for immediately planned and approved development in accordance with this and all other applicable ordinances and law, shall be exempted from the provisions of this Section. The following are examples of such exemptions:

- (1) For the regrading, moving, or leveling of earth or rock materials by a property owner solely upon his property. If more than one (1) acre of land is disturbed, a soil erosion permit may be required from the County.
- (2) The filling of land where it is low or is in need of fill to make the land buildable as long as the fill used does not contain any refuse and is in an area of less than two (2) acres in size and as long as it does not affect the drainage of adjoining properties.
- (3) For the excavation and removal of soil from an industrial and/or commercial site if the soil to be removed is the result of construction of a building, structure, or facility for which a Site Plan and Building Permit has been approved by the Township.
- (4) For the installation of public utilities or public roads.

(d) Application. An application shall be filed with the Zoning Administrator and shall include the following:

- (1) Site plan prepared in accordance with Section 3.6.
- (2) Vertical aerial photograph, enlarged to a scale of one (1) inch equals two hundred (200) feet, from original photograph shown at a negative scale no smaller than one (1) inch equals six hundred sixty (660) feet. The date of the aerial photograph shall be certified, and shall have been flown at such time when the foliage shall be off of on-site trees, provided, if there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The vertical photograph shall cover:

- A. All land anticipated to be mined in the application, together with adjoining land owned by the applicant.
 - B. All contiguous land, which is or has been used by the owner or leasehold applicant for mineral extraction and processing and storage, and all contiguous (land) in which the applicant or any affiliate has a current interest.
 - C. All lands within one-half (1/2) mile of the proposed mining area.
 - D. All private and public roads from which access to the property may be immediately gained.
 - E. Boundary of the entire planned extracting, filling, removing, filling, depositing and dumping area by courses and distance.
 - F. Site topography and natural features including location of watercourses within the planned mining area.
 - G. Means of vehicular access to the proposed operation.
- (3) Duration of proposed operation, and location, timing, and any other relevant details with respect to the phasing and progression of work on the site;
- (4) Land use study/drawing showing the existing land uses with specification of type of use, e.g., single-family residential, multiple-family residential, retail, office, etc., and density of individual units in areas shown, including:
- A. Property within a radius of one (1) mile around the site; and
 - B. The property fronting on all vehicular routes within the Township contemplated to be utilized by trucks that will enter and leave the site.
- (5) Geological/hydrological/engineering survey prepared by appropriate and qualified experts, indicating:
- A. Level of water table throughout the proposed mining areas;
 - B. Opinion as to each and every effect on the water table and private wells and property owners within the reasonably anticipated area of impact during and subsequent to the operation;
 - C. All qualitative and quantitative aspects of surface water, ground water, and water shed anticipated to be impacted during and subsequent to the

operation to the geographical extent reasonably expected to be affected;
and,

D. Opinion whether the exposure of subterranean waters and the impoundment of surface waters, where permitted, will establish a suitable water level at the level or levels proposed as part of the operation, and whether the same will not interfere with the existing subterranean water or cause any harm or impairment to the general public,

(6) Description of the vehicles, machinery and equipment proposed for use on the property, specifying with respect to each, and the anticipated noise and vibration levels.

(e) Review Procedure.

(1) The Township Clerk shall retain the original application for the file, and forward the copies to the members of the Planning Commission, The Township's Engineering and Planning consultants, the Sanilac County Department of Public Services and soil erosion control authority.

(2) The Township Engineer and the Township Planner shall each file a report with the Zoning Administrator, together with a recommendation on the need for additional experts. The Zoning Administrator shall retain the original of these reports for the file, and forward copies to the Planning Commission.

(3) The Zoning Administrator shall request a report from Sanilac County regarding traffic safety relevant to the application and any road improvements deemed appropriate to protect the public health, safety and welfare.

(4) After receiving all reports, including any additional reports of experts recommended by the Township Engineer and/or Planner, if deemed appropriate the Planning Commission shall consider the application in accordance with the procedures set forth in Section 3.5, Special Land Uses.

(5) Reasonable conditions may be required with the approval of the application for the special land use, to insure that public or private services and facilities affected by proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall be reasonable and shall be in compliance with applicable law.

(f) Requirements and Standards. The determination on applications submitted under this section shall be based upon the following requirements and standards, as determined in

the discretion of the Planning Commission, and if the application is approved, the applicant shall maintain such standards and requirements as a condition to continued operation and use:

- (1) Demonstration by the applicant that the proposed special land use shall not result in a probable impairment, pollution, or destruction of the air, water, natural resources, and public trust therein.
- (2) Demonstration by the applicant that the proposed special land use shall not result in a probable impairment to the water table or private wells of property owners within the reasonably anticipated area of impact during and subsequent to the operation.
- (3) Demonstration by the applicant that the proposed special land use shall not create a probable impairment of and/or unreasonable alteration in the course, quantity, and quality of surface water, ground water, and/or the watershed anticipated to be impacted by the operation.
- (4) Taking into consideration the duration and size of the operation, viewed within the context of the surrounding land uses in existence, or reasonably anticipated to be in existence during the operation, the proposed special land use shall not be incompatible with such surrounding uses, based upon an application of generally accepted planning standards and principles.
- (5) The proposed special land use shall not unreasonably burden the capacity of public or private services and facilities.
- (6) The proposed special land use shall have immediate and direct access to a paved public road having a planned right-of-way not less than one hundred twenty (120) feet and having necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.
- (7) The proposed special land use shall not unreasonably impact upon surrounding property and/or property along haul routes, in terms of noise, dust, air, water, odor, light, and/or vibration, and further, shall not unreasonably impact upon persons perceiving the operation in terms of aesthetics.
- (8) All activities conducted in connection with the operation shall occur at least one hundred sixty (160) feet from the nearest property line, provided, all processing and stockpiling shall be conducted at least two hundred sixty (260) feet from the center of the nearest street and two hundred (200) feet from the nearest property line and three hundred (300) feet from a zoning district which permits residential uses or land is in residential use.

- (9) The hours of operation shall not reasonably interfere with usual and customary uses of land within the surrounding area anticipated to be impacted. Hours of operation are 7:00 a.m. to 6:00 p.m. Monday through Friday and on Saturday between the hours of 7:00 a.m. and 12:00 p.m. Operations shall not be permitted on Sunday and major holidays (Federal and State), except by special permit from the Zoning Board of Appeals. Major holidays are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. For further information refer to the United State Code, Title 5, Section 6103.
 - (10) Taking into consideration that the Township is conditionally authorizing this special land use in residential districts and areas used for residential purposes, and that this special land use, is to some extent, inharmonious with child rearing and other residentially-related activities, and as an attempt to legislate a balance of interests between the mineral mine user and the owners and/or the occupants of residential property, the maximum duration of the proposed special land use, if conducted in or immediately adjacent to a residential zoning district, shall be ten (10) years.
 - (11) The site shall be secured with fencing and screened from all adjacent public highways and residentially used parcels in a manner which meets the maximum requirements of this Ordinance.
 - (12) The total area (or areas) being mined, and which has (or have) not been reclaimed, shall at no time exceed the lesser of seventy-five (75) acres and forty (40%) percent of the entire parcel approved as a special land use.
 - (13) The activities of the proposed special land use shall not result in a demand for local services and/or facilities that are or become unavailable, including, without limitation, road and/or drainage facilities, maintenance and repair.
 - (14) The proposed transportation route or routes within the Township shall be as direct and minimal in detrimental impact as reasonably possible, as determined at the discretion of the Planning Commission at the time of application, and thereafter.
- (g) Reclamation. Reclamation of the site shall be in accordance with a reclamation plan approved by the Planning Commission as part of the application review process. There shall be no final slopes having a grade in excess of a minimum ratio of one (1) foot vertical to five (5) feet horizontal, and, for permanent water areas, for a distance of not less than ten (10) feet nor more than fifty (50) feet, the submerged slopes shall be graded from the water's edge at a grade not in excess of a minimum ratio of one (1) foot vertical to seven (7) feet horizontal; the entire site shall be planted with sufficient vegetation so as to sustain short and long term growth, in order to avoid erosion and washout, and, to the extent necessary to achieve this objective, suitable soils shall be placed on the property; and, all structures, machinery, equipment and improvements shall be removed from the site, unless, following approval of the Planning Commission the same are deemed

consistent with the zoning district in which the site is situated. The Planning Commission or Township Board shall have the right to impose performance bonds to insure that the reclamation and restoration plans as submitted are implemented.

Section 6.18 Funeral Homes and Mortuaries.

The purpose of regulating a funeral home or mortuary is to assure adequate off-street parking and staging room for cars lined up for the funeral procession plus compatibility in the area. A funeral home is permitted subject to the following conditions:

- (a) The funeral home shall be a licensed facility by the State of Michigan.
- (b) A funeral home may contain a dwelling unit for the owner.
- (c) Signage shall meet the requirements of Article 9.
- (d) The lot area shall be adequate to accommodate an off-street assembly area for a funeral procession in addition to any required off-street parking area.
- (e) The site shall be 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 for the site shall be directly onto said major thoroughfare, or a marginal access service drive thereof.
- (f) Points of ingress and egress for the site shall be so laid out as to minimize possible conflicts between traffic on adjacent major thoroughfares, and funeral processions or visitors entering or leaving the site.
- (g) No building shall be located closer than fifty (50) feet to the outer perimeter (property line) of the district when said property line abuts any residential district.

Section 6.19 General, Building and Landscape Contractor's Offices and Yards.

A contractor's office building shall be of permanent construction. Temporary construction trailers shall not be permitted to be occupied as the office of the contractor. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage.

- (a) Storage shall not be located within the required front yard. Stored materials shall not be located in any required parking or loading space(s). Storage of any kind shall not interfere with ingress and egress of fire and emergency vehicles and apparatus.

(c) Open storage of building materials, sand, gravel, stone, lumber, open storage or construction contractor's equipment and supplies, provided such are enclosed within an obscuring wall on those sides abutting any residential district and on any front yard abutting a public thoroughfare. Storage shall be screened from the view of a public street and adjacent properties in accordance with the requirements of Section 7.

(d) The location and size of areas for storage, nature of items to be stored therein, and details of the enclosure, including a description of materials, height, and typical elevation of the enclosure, shall be provided as part of the information submitted under Article 3.6, Site Plan Review.

(e) The loading and unloading of equipment shall be conducted entirely within the site and shall not be permitted within a public right-of-way.

Section 6.20 General Hospitals and Mental Health Facilities.

(a) All such hospitals shall be developed only on sites of at least five (5) acres in area.

(b) The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least fifty (50) feet for front, rear and side yards for all (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet.

(c) All ingress and egress to the off-street parking area for guests, employees, staff or other users of the facility, shall be directly from a major thoroughfare.

Section 6.21 Golf Courses.

Golf courses and country clubs, including accessory uses including, but not limited to: clubhouses, driving ranges, pro shops, maintenance buildings, tennis courts, swimming pools, restaurants, caretaker residence, and other similar facilities, shall be subject to the following conditions:

(a) Minimum site area shall be forty (40) acres.

(b) The location of structures, including, but not limited to the club house and accessory buildings, and their operations shall be reviewed by the Planning Commission to insure minimum disruption of the adjacent properties, and as much distance as is practicable shall be provided between golf course structures and activities and abutting residential properties. In no case shall any structure be located any closer than one hundred (100) feet from adjacent residentially zoned or used property.

(c) All storage, service and maintenance areas when visible from adjoining residentially zoned land or land presently used for residential purposes shall be screened from view according to Section 7.7.

(d) All proposed outdoor lighting and sound systems shall be reviewed by the Planning Commission to ensure that they do not have an impact on adjacent land uses. In no case shall such speakers or lights be directed towards land currently zoned or used for residential purposes.

(e) The caretaker's residence must meet the minimum requirements of the district that the golf course is located in.

Section 6.22 Gun Clubs, Firing and Archery Ranges.

(a) Enclosed within a building:

- (1) A minimum lot area of not less than ten (10) acres shall be maintained, unless the Planning Commission permits a smaller area.
- (2) The structure for the completely enclosed firing and archery range shall be bulletproof.
- (3) This structure shall be not less than five hundred (500) feet from any residential use or district, or highway right-of-way.
- (4) Adequate parking is maintained.
- (5) A license for such a range be obtained from the Township Board.
- (6) Adequate public liability and property damage insurance for injuries arising from the operation of the range shall be maintained.
- (7) An annual fee as determined by the Township Board shall be paid to the Township for range inspection by the Police Department.
- (8) There shall be continuous supervision by a responsible person when such range is in operation.

(b) Outdoor:

- (1) A minimum lot area of not less than forty (40) acres shall be maintained, unless the Planning Commission permits a smaller area.
- (2) The firing point shall be at least one-quarter (1/4) mile from the nearest residential use in any direction from the firing point.

- (3) The shooters shall fire away from any traveled highways.
- (4) Shooters shall fire into a thirty (30) foot high hill or suitable backstop to be approved by the Zoning Administrator and Sheriff's Department.
- (5) A six (6) foot chain link fence shall be provided and maintained to prevent persons from moving into the area and firing line.
- (6) A license for such range shall be obtained from the Township Board.
- (7) Adequate public liability and property damage insurance for injuries arising from the operation of the range shall be maintained.
- (8) An annual fee as determined by the Township Board shall be paid to the Township for range inspection by the Sheriff's Department.
- (9) There shall be continuous supervision by a responsible person when such range is in operation.
- (10) Shooters shall fire from a structure constructed to standards not less than those required as minimum safety standards by the National Rifle Association.
- (11) Shooting on the range shall be limited to the hours between sunrise and sunset but not prior to 6:00 a.m. nor later than 8:00 p.m.

Section 6.23 Housing for the Elderly and Nursing Homes/Convalescent Centers.

- (a) Housing for the elderly shall comply with all Federal, State and County regulations and licensing requirements.
- (b) Nursing homes and convalescent centers shall comply with all Federal, State and County regulations and licensing requirements.

Section 6.24 Industrial or Commercial Waste Lagoon Ponds.

- (a) In no instance shall a waste lagoon pond be closer than five hundred (500) feet to an existing or proposed street right-of-way or abutting residential district.
- (b) An eight (8) foot wall or fence shall be erected around the entire site and control gates shall be installed. In addition, an earth embankment in the form of a berm with a minimum height of eight (8) feet may be required at the discretion of the Planning Commission.

(c) All such ponds shall also comply with all applicable Federal, State and County regulations.

Section 6.25 Industrial Park Standards.

(a) The minimum parcel size for the Industrial Park as a whole shall be twenty (20) acres while the minimum lot size within an Industrial Park shall be five (5) acres.

(b) Outside Storage.

(1) The outside storage of materials, supplies, vehicles, equipment or similar items is allowed only when such storage is specifically shown on the site plan as approved by the Planning Commission.

(2) Outside storage shall be limited to the rear yard area.

(c) Off-Street Parking.

(1) No parking area or driveway shall be closer than twenty (20) feet to the adjacent property line. However, if the parcel in question abuts a residentially used or zoned parcel, then no parking area or driveway shall be closer than fifty (50) feet to the adjacent property line.

(d) Internal Roadway. The internal roadway shall not be closer than one hundred (100) feet to an adjacent property line.

Section 6.26 Incineration of Any Refuse, Industrial, Hazardous or Other Waste.

Incineration of any refuse, industrial, hazardous or other waste shall comply with all State regulations and licensing requirements.

Section 6.27 Intensive Livestock Operations.

New livestock production facilities must follow and be in conformance with all Generally Accepted Agricultural and Management Practices (GAAMPS) for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.

(a) Contact the Michigan Department of Agriculture (MDA), Right to Farm Program, Lansing Michigan.

(b) Provide the Township proof of MDA review and verification for conformance to appropriate GAAMPS for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.

Section 6.28 Kennels (Commercial).

Commercial kennels include any establishment wherein or whereon three (3) or more dogs, cats or other domestic animals are confined and kept for sale, boarding, breeding or training purposes, for remuneration. The purpose of regulating kennels is to maintain adequate health standards, and to protect the general public:

- (a) Also see Section 6.6, Animal Rescues or Shelters.
- (b) All yard space used for pen areas shall be fenced with woven wire or other approved fence material except barbed wire, which shall not be acceptable as sole fence material, and said fence shall not be less than five (5) feet in height. Such fence shall be maintained in good condition.
- (c) Adequate sanitary facilities shall be provided for the cleaning of the kennels, and the burning of any waste or refuse shall be prohibited.
- (d) The number of animals permitted will be determined as part of the special land use approval.

Section 6.29 Kennels (Private).

Private kennels include any building and/or land used for the temporary or permanent boarding, breeding, training or care of dogs or cats or other domestic animals belonging to the owner for the purposes of show, hunting or as pets, and subject to the following:

- (a) The boarding, breeding, training or care of such animals shall be incidental to the principal use of the premises and shall not be for purposes of remuneration or sale.
- (b) Adequate sanitary facilities shall be provided for the cleaning of the kennels, and the burning of any waste or refuse shall be prohibited.
- (c) All dogs, cats, or other domestic animals shall be licensed per county regulations.

Section 6.30 Livestock Auction Yards/Markets.

Those who wish to operate a livestock auction market must first obtain bonding and a livestock dealer/broker license from the Animal Industry Division, Michigan Department of Agriculture, Lansing, Michigan. The following must be provided:

- (a) Copy/proof of required bonding.
- (b) Copy of the livestock dealer/broker license.
- (c) License must be kept current on a yearly basis.
- (d) All such facilities shall be located on a paved primary arterial road.

Section 6.31 Manufactured Housing Park Development Standards.

(a) General Site Development Standards.

- (1) No manufactured housing park shall be constructed within the limits of Sanilac Township unless the owner and/or operator hold a valid construction permit issued by the Michigan Department of Labor and Economic Growth in accordance with the provisions of Public Act 96 of 1987, as amended, and a copy of said permit is given to the Township.
- (2) A permit and Certificate of Occupancy shall be obtained from the County Building Department for each manufactured home connected to the Township water, sanitary sewer, and electrical, and the placement of the home. Skirting shall be installed within thirty (30) days after the Certificate of Occupancy is issued, weather permitting.
- (3) A permit shall be obtained from the County Building Department for construction of a canopy, awning, sunroom, carport, or other accessory or year-round enclosure detached or attached to a manufactured home.
- (4) Fees for the all of the above-mentioned permits and Professional Reviews shall be set by the Township Board.
- (5) Each road access point to a manufactured housing park from a Country or State highway shall have prior written approval of the Sanilac County Department of Public Services having jurisdiction within the Township.
- (6) It shall be the duty of the Building Inspector or assistant to personally inspect all of the development, construction, or installation of the facilities in the mobile home park for which a State permit has been issued. The Township Building Inspector is hereby granted the power and authority to enter upon the premises of

any manufactured housing park at any reasonable time for the purpose herein set forth and for the purpose of enforcing any provisions of this Ordinance.

- (7) It shall be the duty of the owner and operator of each manufactured housing park to enforce the following regulations:
- A. The keeping of all domestic pets shall be in compliance with Township Ordinances.
 - B. The operation, maintenance and supervision of the manufactured housing park shall be by a responsible person who shall be available at all times in case of emergencies.
 - C. It shall be the duty of each manufactured housing park owner and operator to report to the Sanilac County Health Inspector and Township Supervisor, the existence of any known unsanitary conditions prevailing within the boundaries of the manufactured housing park.
 - D. It shall be the further duty of the manufactured housing park owner or operator, in order to safeguard against the hazards of a fire, to prohibit the parking of any manufactured home or trailer, not possessing two (2) exits, within any manufactured housing park. One such exit may be of the emergency type, provided that it is capable of being easily operated by small children, and provided approval has been granted by the Township or State Fire Marshall.
- (8) School officials of the affected districts shall be notified of the proposed development.

(b) Lot and Stand Conditions.

- (1) The manufactured housing park shall be developed with sites averaging 5,500 square feet per manufactured home unit. The 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required under Public Act 96 of 1987, as amended.
- (2) For irregular shaped manufactured home lots the access point to the lot must be of sufficient width to accommodate the required on site parking and must be at least twenty (20) feet.
- (3) No manufactured home shall be located closer than fifty (50) feet to the right-of-way of a public thoroughfare, nor closer than eighty (80) feet to a railroad right-

of-way, nor closer than ten (10) feet to any dedicated easement or road right-of-way within a manufactured housing park.

- (4) The manufactured home foundation shall be of concrete piers, slabs or runners to be designed and constructed in conformance with the standards established in Public Act 96 of 1987, as amended.
- (5) All manufactured homes shall be anchored with only those systems which are approved by Public Act 96 of 1987, as amended.
- (6) If provided, patios and bases of storage sheds shall be constructed of four (4) inch thick concrete.

(c) Accessory Structures and Enclosures.

- (1) Storage Areas - No storage of any personal property except licensed operable motor vehicles shall be stored outside or under any manufactured home. Storage sheds may be utilized for any such storage but need not be supplied by the owner of the manufactured home development.
- (2) Canopies and awnings may be attached to any manufactured home and said accessory structures shall conform to all area, height, and placement regulations applicable to the manufactured home itself, except it may occupy a portion of the side yard provided it is located no closer than ten (10) feet to another manufactured home.
- (3) Canopies and awnings may be enclosed with screens for summer recreation or sunroom purposes, or they may be enclosed with glass for climatic reasons, but no enclosure shall be used for permanent living purposes.
- (4) If any permanent living area is added to a manufactured home, such addition shall conform in every way to the placement regulations of the principal structure.
- (5) Manufactured homes shall be skirted and must meet the standards of Public Act 96 of 1987, as amended.
- (6) There shall be no storage underneath any manufactured home of any item except for the hitch and wheels and tires of that manufactured home, and each manufactured home lot should be maintained in the manner that it was originally constructed.

(d) Roads, Parking and Walks.

- (1) Streets shall be provided on the site where necessary to furnish principal trafficways for convenient access to the manufactured home site, and other important facilities on the property. The street system shall provide convenient circulation

by means of minor streets and properly located collector and arterial streets. Closed ends of dead-end streets shall be provided with a turn around capability.

- (2) The roads shall be of adequate widths to accommodate the contemplated traffic load but shall not be less than twenty-one (21) feet in width.
 - (3) Curbing shall be required, provided however, the Planning Commission may approve plans without curbs, where such plans show other adequate means for the control of surface drainage. Protection of the edges of the pavement and protection to the roadway shoulder shall be provided to prevent erosion along the shoulder and berm of the roadway.
 - (4) All roads and parking areas shall be constructed of concrete, blacktop, or other similar hard surface material in conformance with standards set in Public Act 96 of 1987, as amended.
 - (5) Hard-surfaced off-street parking spaces shall be provided on manufactured home site in sufficient number to meet the needs of the occupants of the property and their guests, without interference with normal movement of traffic. Such facilities shall be provided as required by Public Act 96 of 1987, as amended.
 - (6) For the protection of the park residents and the easy passage of fire apparatus there shall be no parking on any road in the manufactured housing park unless they meet the standards established in Public Act 96 of 1987, as amended.
 - (7) The manufactured housing park primary walk system, if provided, including walks along main drives and secondary streets shall meet requirements of Public Act 96 of 1987, as amended.
 - (8) Recreational Vehicle Storage - The storage or parking of recreational vehicles, motor homes, boats, snowmobiles, or other vehicles or items ordinarily towed, driven or used for a special purpose, if storage or parking of such is permitted in the manufactured housing park, shall be in accordance herewith. The storage of the vehicles or items in the manufactured housing development is specifically prohibited except in the storage area. The storage area shall be screened by solid-type fence five (5) feet in height around its perimeter or by some other similar screening device.
- (e) Utilities and Trash Disposal.
- (1) Fire hydrants of a size and with a pressure approved by the Port Sanilac Fire Department shall be placed along each street within the manufactured housing park within ten (10) feet of a roadway and at intervals not exceeding five hundred (500) feet so that no mobile home shall be more than two hundred fifty (250) feet from a hydrant.

- (2) Running water from a public or a State-tested and approved water supply shall be piped to each manufactured home and shall be adequately protected from frost.
 - (3) Plumbing fixtures shall be connected into a public sanitary sewer or Township approved facilities.
 - (4) All electric lines, from supply poles and leading to each manufactured home stand, shall be underground and shall conform to Public Act 96 of 1987, as amended.
 - (5) Street lights, sufficient in number and intensity to permit the safe movement of vehicles and pedestrians at night, shall be in conformance with Public Act 96 of 1987, as amended.
 - (6) Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health and shall be approved by the State Health Department and the Township of Sanilac. Manufactured housing parks shall provide for removal of rubbish as required in Public Act 96 of 1987, as amended.
- (f) Recreation and Open Space.
- (1) The front yard and the side yard adjacent to a public thoroughfare shall be landscaped and the entire manufacturing housing park shall be maintained in a clean, presentable condition at all times.
 - (2) A greenbelt planting strip not less than ten (10) feet in width shall be placed or located along the perimeter of the manufactured housing park. Such a greenbelt shall be so constructed as not to cause or constitute a traffic hazard and plantings shall be at least twenty (20) feet back from an intersection.
 - (3) Open space shall be in conformance with Public Act 96 of 1987, as amended.
 - (4) Manufactured home lot line fences, when provided, shall be uniform in height thirty six (36) inches in height and shall be constructed in such a manner as to provide firemen access to all sides of each manufactured home and shall be provided with two (2) gates.
 - (5) Models may be placed on lots in the manufactured housing park, if they are installed in accordance with Public Act 96 of 1987, as amended, and a temporary Certificate of Occupancy is issued. These models are to be used primarily for sales in the park and shall not be occupied as living units. Also, they shall not have any bright or flashing lights on the units.

Section 6.32 Motels and Hotels.

- (a) No guest shall rent a unit at a motel or hotel for more than thirty (30) consecutive days within any calendar year.
- (b) Each unit shall contain not less than two hundred and fifty (250) square feet of floor area.
- (c) A minimum fifty (50) foot front yard setback shall be maintained.

Section 6.33 Outdoor Display and Sales.

(a) General Standards.

- (1) An outdoor display shall be considered as an accessory use to the principal use conducted on the premises.
- (2) The exterior of the premises shall be kept clean, orderly and maintained.
- (3) The Township shall not be held liable or responsible for any type of damage, theft or personal injury that may occur as a result of an outdoor display.
- (4) In the administration of these provisions, the Zoning Administrator shall be permitted to refer a request to the Planning Commission for review and approval where site conditions may create difficulty in adherence to the standards contained herein.
- (5) See Section 6.35 for the outdoor display and sale of vehicles.

(c) Standards Within C District.

- (1) An outdoor display may be located within any required yard but shall not be located within any public road right-of-way.
- (2) An outdoor display shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of this Zoning Ordinance.

(d) Building Materials, Nursery Stock and Garden Supplies.

- (1) Outdoor sales areas shall not be located within the required front setback, except for sales of living nursery stock. Ornamental displays associated with the sale of nursery stock shall be permitted; however, in no case shall the outdoor storage or sale of bulk materials, including, but not limited to topsoil, mulch or gravel, whether packaged or not, be permitted within the front yard setback.

- (2) Outdoor sale and display areas that abut residentially zoned or used property shall be screened in accordance with Section 7.7.

Section 6.34 Outdoor Recreational Facilities.

(a) Active Recreation. All active outdoor recreational facilities for adults or children, including, but not limited to paint ball, 3-D archery, motor cross and other similar uses are subject to the following:

- (1) No less than one (1) acre of land are required to accommodate any active outdoor recreational facility (except motor cross) with no less than a twenty (20) foot open space along all parcel perimeters. Motor cross facilities shall require no less than five (5) acres, one hundred fifty (150) feet of frontage and no less than one hundred (100) feet of open space along all parcel perimeters.

(b) Passive Recreation. All passive outdoor recreational facilities for adults or children, including, but not limited to amusement parks, carnivals, miniature golf courses, drive-in theaters and other similar uses except public parks are subject to the following:

- (1) Children's amusement parks must be fenced on all sides with a four (4) foot wall or fence.
- (2) Drive-in theaters shall have a solid fence around the site and all lighting shall be shielded from adjacent parcels.

Section 6.35 Outdoor Sales of Automobiles or Vehicles.

Outdoor sales of new and used automobiles, boats, mobile homes, lawn care and construction machinery and other vehicles, shall be subject to the following requirements:

- (a) Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.
- (b) All activities related to vehicle washing, service and repair equipment shall be entirely enclosed within a building.
- (c) Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
- (d) Inoperative vehicles or discarded or salvaged materials shall not be stored outside.

- (e) Vehicle sales shall not be permitted on the premises of any automobile service station, automotive wash or automobile or vehicle repair garage.
- (f)) No banners or flags are permitted except as permitted in Article 9.
- (g) A landscaped greenbelt measuring a minimum of ten (10) feet in width shall be provided. No vehicles or merchandise shall be displayed within the required greenbelt.
- (h) There shall be no broadcast of continuous music and/or announcements over any loudspeaker or public address system.
- (i) The automobile sales agency must be located on a site having frontage of no less than one hundred and fifty (150) feet and area of no less than thirty-five thousand (35,000) square feet.

Section 6.36 Ponds.

- (a) A pond shall not be created, built, or used until a plan is submitted, and a permit shall have been obtained from Zoning Administrator and a permit fee and any inspection fees shall have been paid in an amount as set by the Township Board of Trustees.
- (b) No pond shall be located closer than twenty (20) feet from the side and rear lot lines, nor closer than one hundred fifty (150) feet from the front right-of-way line, nor closer than fifty (50) feet from the principal structure, nor closer than one hundred (100) feet from any septic tank and/or septic field.
- (c) Material excavated from the pond site shall be disposed of on the site with the proper grading to allow no alteration in the runoff to adjoining lots or parcels.
- (d) No pond shall be located closer than fifty (50) feet from any telephone, electrical or other utility line.
- (e) A pond shall be constructed in such a manner that no overflow, spillage, or seepage shall encroach on adjacent lots or parcels.
- (f) The side slopes of the pond shall not be greater than one (1) foot vertical to four (4) feet horizontal to a water depth of five (5) feet.
- (g) The pond shall have a minimum depth of ten (10) feet in the middle of the pond.
- (h) The plan shall be a scale drawing that must provide sufficient information and details concerning the following:
 - (1) The size and dimensions of the proposed pond including at least one cross section of the pond.

- (2) The proposed location of the pond and its relationship to all existing dwellings within eight hundred (800) feet, existing or proposed building on the subject parcel, existing septic system and drainfield on the subject parcel and adjacent parcels, utility lines including gas, electric, telephone and cable, property line of the subject parcel with verification by a mortgage survey, and dimensions from all property lines and the street right-of-way.
- (3) Proposed site grading and finished elevations shall be illustrated on the site plan in sufficient detail to determine the direction of storm water runoff and the drainage system to receive the runoff.
- (4) Material to be excavated shall be used on the subject parcel and graded to conform to the natural landscape.

Section 6.37 Regulation of Animals.

- (a) Class I Animals may be maintained in any zoning classification district, subject to specific restrictions herein.
- (b) Class II Animals may be maintained in the AR district only. While horses and equine type animals are considered Class II, commercial riding stables are regulated under Section 6.38, herein.
- (c) The following stocking densities are suggested by the Michigan State University Extension Service. These stocking densities are suggested without knowing anything about the agricultural management practice of any individual, adjacent land uses, soils, or agricultural productivity. For those individuals living on parcels of ten (10) acres or less in close proximity to their neighbors, these stocking densities are meant to be *suggestions for good neighbor practices*.

**SUGGESTED STOCKING DENSITIES FOR
CLASS II ANIMALS ON PARCELS OF
10 ACRES OR LESS IN THE AGRICULTURE DISTRICTS**

Animal	Number of Animals	Area
Beef Cattle	1	1.5 acres
*Beef Cattle with Calf	1	1.5 acres
Dairy Cow	1	1.5 acres
Pigs	1	1.5 acres
Sheep, Goats, Alpaca	1	1.5 acres
Llama	1	1.5 acres
Horses/Equine Type Animals	1	1.5 acres

* One (1) beef cattle with calf is considered one (1) animal until the calf is fully grown.

- (1) There should be adequate fencing, or other restraining devices for the purpose of maintaining animals within the restricted areas provided for in this ordinance.
- (2) Structures housing Class II animals should be located at least, at least fifty (50) feet to any adjacent lot line. The Michigan Department of Agriculture, Right to Farm Program may advise that a greater set back be met if a voluntary site plan for a manure management plan is filed.
- (3) The refuse and wastes resulting from the maintenance of animals should be controlled upon the premises in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- (4) All feed and other substances and materials on the premises for the maintenance of animals should be stored in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.
- (5) It is highly recommended that property owner's in the AR who plan to raise Class II livestock contact the Michigan Department of Agriculture, Right to Farm Program for advice on how to write and implement a site plan for manure management. Every property owner who raises livestock should be aware of their rights and responsibilities contained in the Michigan Right to Farm Act.

(d) Class III Animals may be maintained in the AR District only. The following stocking densities are suggested by the Michigan State University Extension Service. These stocking densities are suggested without knowing anything about the agricultural management practice of any individual, adjacent land uses, soils or agricultural productivity. For those individuals living

on parcels of ten (10) acres or less in close proximity to their neighbors, these stocking densities are meant to be suggestions for good neighbor practices.

**SUGGESTED STOCKING DENSITIES FOR
CLASS III ANIMALS ON PARCELS OF
10 ACRES OR LESS IN THE AR, AGRICULTURAL RESIDENTIAL DISTRICT**

Animal	Number of Animals	Area
Geese, Ducks, Turkeys	125	1 acre
Chickens (Broiler Hens, Layers)	250	1 acre
Rabbits	250	1 acre

- (1) There should be adequate fencing, or other restraining devices, for the purpose of maintaining animals within the restricted areas provided for in this ordinance.
- (2) Structures housing Class III animals should be located, at least, no nearer than fifty (50) feet to any adjacent lot line. The Michigan Department of Agriculture, Right to Farm Program may advise that a greater set back be met if a voluntary site plan for a manure management plan is filed.
- (3) The refuse and wastes resulting from the maintenance of animals should be controlled upon the premises in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- (4) All feed and other substances and materials on the premises for the maintenance of animals should be stored in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.
- (5) It is highly recommended that property owner's in the AR District who plan to keep/raise Class III livestock contact the Michigan Department of Agriculture, Right to Farm Program for advice on how to write and implement a site plan for manure management. Every property owner who raises livestock should be aware of their rights and responsibilities contained in the Michigan Right to Farm Act.

(f) Conformance to Law. In reference to the above provisions, the following may apply: All federal, state and local laws and regulations to include, but not limited to the Michigan Right to Farm Act, all adopted Generally Accepted Agricultural Management Practices and all Michigan Department of Agriculture rules and regulations. All violations of the Michigan Right to Farm Act are investigated by and can be reported to the Michigan Department of Agriculture.

Section 6.38 Riding Stables, Commercial

- (a) A minimum lot area shall be provided of not less than ten (10) acres, with a minimum lot width of not less than four hundred and ninety five (495) feet.

- (b) A commercial stable shall provide an area of not less than two (2) acres for each horse stabled and used as a part of such commercial stable use, but shall not be less than (a) above.

- (c) All buildings, corrals, and runways for housing or keeping of such animals shall not be less than one hundred fifty (150) feet from any adjacent property line, provided, however, such yard space may be used for pasture in connection with a riding stable.

- (d) All yard space used for pasture or riding areas shall be fenced with woven wire or other approved fence material except barbed wire, which shall not be acceptable as sole fence material, and said fence shall not be less than five (5) feet in height. Such fence shall be maintained in good condition.

Any permit after being issued for such uses shall terminate immediately when the lot area requirements herein set forth are decreased in any manner.

Section 6.39 Roadside Produce Stands and Markets.

Because roadside stands and markets are seasonal in character and utilized on a temporary basis, roadside markets that sell produce that has been purchased for resale shall be permitted by the Zoning Administrator subject to the following requirements:

- (a) The sale of products shall not take place in the dedicated right-of-way of any thoroughfare within the Township, and assurances shall be made to the Township that off-street parking and adequate ingress and egress has been provided.

- (b) Upon discontinuance of the temporary use, any temporary structures shall be removed from the roadside.

- (c) All requirements of a temporary permit shall be met.

Section 6.40 Rooming and Boarding Houses.

- (a) The portion of the owner-occupied, single-family dwelling or accessory building used as a rooming or boarding house shall not exceed a total of one thousand (1,000) square feet in area, with or without separate kitchen facilities for not more than six (6) individuals other than family, for an extended period of time, for compensation.

Section 6.41 Salvage Yards.

- (a) The area of the storage yard shall not exceed one-half (1/2) the area of the building utilized for dismantling.
- (b) The storage yard shall be completely enclosed with a wall, fence, berm, landscaping or combination thereof at least six (6) feet high, and must obscure all items stored and/or outside machinery (cranes and wreckers).
- (c) Nothing shall be stored within four (4) feet of the fence.
- (d) An office sales outlet area which can be entered from the outside shall be provided, and include a sales area free of normal parts storage. Storage may be located behind a service counter. This office may be of modular construction, but must have a foundation.
- (e) Operating hours shall be limited to 7 AM to 7 PM, Monday through Saturday.
- (f) Normal sanitary facilities and a lunch room area shall be provided for the employees.
- (g) Screening by berm, shrubs, or fencing (walls) shall be provided wherever nearby property within one thousand (1,000) feet would normally look into the storage yard.
- (h) Metal crushers may be operated during regular business hours, but must meet Township performance standards.
- (i) A permanent performance bond or deposit in addition to other bonds including, but not limited to construction or landscape bonds, equivalent to the cost of the fencing and \$0.10/square foot of yard space is required as a performance bond since this type of operation could become a nuisance (yearly evidence of the bond shall be evidenced to the Clerk).
- (j) All dismantling operations will be done within a totally enclosed building. Individual parts may be removed from vehicles in the front, side or rear yard.
- (k) There shall be no incineration of refuse.
- (l) There shall be no parking, storage or standing of inoperative vehicles in the front yard.
- (m) Storage of vehicles shall be on inflated tires, supports, or stands and not set on the ground.
- (n) Vehicular storage shall be in neat, organized rows with accessible aisles, and vehicles shall be uniformly perpendicular or parallel with access aisles.
- (o) Vehicles shall be stored no more than one (1) level high unless in racks, and no higher than the screening fence.

- (p) If screening slats are used in a chain link fence, they must be wooden rather than metal.
- (q) Any other specific requirements to assure the requested usage will not produce a detrimental effect on the surrounding area and the Township as a whole may be required.
- (r) Utility information shall detail the method of storm water retention or detention, and information shall be provided to indicate the retention of liquids that may seep onto the ground.
- (s) The surrounding owners of real estate, within fifteen (1500) feet of the perimeter of the parcel of land upon which such erection is intended must be notified of public hearing.

Section 6.42 Seasonal and Transient Display of Products or Materials Intended for Sale.

The sale of seasonal items including, but not limited to Christmas trees, flowers and plants, pumpkins and other such seasonal items, and the sale of any other merchandise by persons other than the owner or occupant of the premises, shall require a permit from the Zoning Administrator subject to the following standards and conditions:

- (a) Transient or seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of Section 7.7 and Article 10 or create a traffic or safety hazard.
- (b) All such sales shall be conducted in a manner so as not to create a nuisance to neighboring properties through adequate on-site parking and ingress and egress to the site.
- (c) Upon discontinuance of the seasonal use, any temporary structures shall be removed.
- (d) Signs shall conform to the provisions of the district in which the seasonal use is located.

Section 6.43 Self-Storage Facilities.

- (a) Requirements and Conditions. Self Storage Facilities are permitted as a special land use and shall be subject to the following requirements and conditions of this section:
 - (1) No activity other than the rental of storage units and the rental of outside storage space for operable and licensed recreational vehicles, boats and watercraft shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.
 - (2) Only the sale of incidental supplies and similar material related to the self-storage business shall be allowed from the facilities office.

- (3) The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited inside the storage units. Fuel stored in motor vehicle tanks of cars, boats or other motorized devices may be subject to separate regulation by the proprietor.
- (4) All batteries shall be disconnected from motor vehicles, boats, lawn mowers or similar property to be stored inside a storage unit.
- (5) Other than the storage of recreational vehicles, boats and watercraft, all storage shall be contained within a building.
- (6) The exterior design of the storage units is subject to Planning Commission review and approval, and must be compatible with adjacent properties and the rural character of Sanilac Township. When a building is adjacent to a zoning district that permits a residential use, or the adjacent property is currently in residential use, the Planning Commission may consider the use of a building material that is aesthetically compatible.
- (7) A residence for a caretaker or watchman is permissible and is subject to reasonable conditions that may be imposed by the Planning Commission as well as the following:
 - A. The caretaker or watchman's residence must have at least the minimum square footage of living space to meet the zoning ordinance's requirements for a single-family residence, not including the office space for the self storage facility.
 - B. Exterior design of the caretaker or watchman's residence is subject to the review and approval of the Planning Commission.
 - C. The caretaker or watchman's residence is subject to all area and setback requirements of the district that it is located in.

(b) Waiver. Where the Planning Commission determines that compliance with all of the above standards is unreasonable, the standards shall be applied to the maximum extent possible. In such a situation, the Planning Commission may accept suitable alternatives that substantially achieve the purpose of this Section, provided that the applicant demonstrates that one of the following apply:

- (1) That architectural or structural integrity and quality are not undermined.
- (2) That any deviations from the above standards will still provide for a harmonious development and serve to minimize any possible impacts to adjacent properties and residences.

Section 6.44 Slaughterhouses.

- (a) The physical plant structure, pens, stockyard or cages shall in no instance be closer than two thousand (2,000) feet to any adjacent residential district.
- (b) A minimum six (6) foot high chain link fence shall be provided around the entire site to assure that individuals will not unknowingly trespass on the property, particularly the stockyard area.

Section 6.45 Sludge Processing and Similar Resource Recovery Operations.

- (a) The facility shall be one thousand (1,000) feet from the perimeter of the parcel.
- (b) Sludge processing and similar resource recovery operations shall not include hazardous materials.
- (c) A complete Environmental Impact Report prepared pursuant to the specifications of the Michigan Environmental Protection Act, being Act 127 of 1970, shall be prepared.
- (d) Any residue resulting from the operation shall be removed from the site or disposed of in an approved disposal site.
- (e) Any stocks shall meet the height requirements of the U.S. Environmental Protection Agency guidelines for Good Engineering Practice (EPA 450/2-78 046).
- (f) A market analysis report indicating the economic feasibility of the proposed use shall be submitted.
- (g) A site operational plan describing the methodology of transfer of material from vehicles to the operation, methods of mitigating spills and accidents, staffing expectations, hours of operation, and methods for closing and removal of the buildings, structures, and facilities should the operation cease for a period exceeding six (6) months.
- (h) There shall be no unlicensed or non-manifested carriers on the site at any time.
- (i) All facilities for any rail tank cars or other rail container cars shall be provided with storage facilities under the storage rails to assure that any spillage shall be contained until removal to the approved storage area. Said storage shall be at least one and one-half (1-1/2) times the volume of the amount to be stored.
- (j) Security methods including fencing for the operation shall be submitted with the required site plan.
- (k) Fire and explosive hazard control shall be outlined and submitted with the required site plan.

(l) Methods of controlling and avoiding any spillage of liquids or materials into the storm sewer system or off the property shall be outlined for all operational areas, including access.

(m) The township may require a bond to cover clean up of site if abandoned.

Section 6.46 Transient and Temporary Amusement Establishments.

(a) The purpose of this Section is to ensure the safety and general welfare of the public, it being necessary to limit the number, size and place of various transient and temporary amusement enterprises including, but not limited to carnivals, fairs, circuses, outdoor socials, benefits and other-fund raising affairs.

(b) The Township Board may permit transient and temporary amusements to be set up in any District.

(c) Transient and temporary amusement establishments may be permitted:

(1) When engaged in by schools, churches, fraternal societies, and similar non-profit organizations as an accessory use for the sole purpose of raising money for the financial support of such institutions in pursuit of their natural functions.

(2) When such use and occupancy is temporary and/or seasonal only.

(3) When such use and occupancy is not detrimental to adjacent surrounding property.

(4) When such use and occupancy is not disturbing to the public peace and tranquility.

(5) When such use and occupancy will not create undue traffic hazard and congestion.

(d) Permits for such uses may be granted for periods not to exceed eight (8) days consecutively, and may be renewable for not more than eight (8) days.

Section 6.47 Travel Trailer Parks and Campgrounds.

(a) Each specific camp site shall be identified by a number, shall be graded so that surface water will run off and not pond, shall be of sufficient size to allow for the parking of the recreational vehicle or recreational trailer and motor vehicle used for towing, with a separate space for picnic table and privacy between sites. Sites may be pull-through type or back-in type with space for motor vehicle located in front or at the side of the recreational vehicle.

- (b) The minimum size for travel trailer parks and campgrounds shall be twenty (20) acres.
- (c) Rustic campgrounds shall provide either a facility with toilets or porta johns.

Section 6.48 Veterinary Hospitals or Clinics.

(a) Front, side and rear setbacks for veterinary hospitals or clinics serving Class II or Class III animals are as follows:

- (1) Front Yard: No less than 25 feet, unless specific district require more.
- (2) Side Yards: Each side twenty (20) feet, unless specific district requires more.
- (3) Rear Yard: Thirty five (35) feet unless the specific district requires more.

Section 6.49 Wireless Communication Facilities.

(a) In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a principal permitted use, subject to site plan and the conditions set forth in paragraph (3) below, and if approved, constructed and maintained in accordance with he standards and conditions of this Section.

- (1) Attached wireless communication facilities within AR, C, I districts where the existing structure is not, in the determination of the Planning Commission, proposed to be either materially altered or materially changed in appearance.
- (2) Colocation of an attached wireless communication facility which has been pre-approved for such colocation as part of an earlier approval by the Planning Commission.
- (3) Attached wireless communication facilities consisting of a utility pole located within a public right-of-way, where the existing pole is not proposed to be modified in a manner which, in the determination of the Planning Commission, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
- (4) Monopole wireless communication support structures in the AR, C, and I districts.
- (5) All wireless communication support structures established within a public right-of-way having an existing width of more than two hundred four (204) feet.

- (6) All wireless communication facilities which are located attached or sited on property which is owned, leased, or controlled by the Sanilac Township Board.

(b) If it is demonstrated to the satisfaction of the Planning Commission by an applicant that a wireless communication facility may not reasonably be established as principal permitted use under paragraph (1) above and is required to be established outside of a district identified in paragraph (1) in order to operate a wireless communication service, then wireless communication facilities may be permitted elsewhere in the Township by special land use approval only subject to the requirements set forth in paragraph (3), and subject further to the special land use approval procedures of Section 3.6 and if approved, constructed and maintained in accordance with the standards and conditions of this Section, and also subject to the following criteria and standards:

- (1) At the time of the submittal, the applicant shall demonstrate that a location within an allowable district cannot reasonably meet the coverage and/or capacity needs of the applicant.
- (2) Wireless communication facilities shall be of a design including, but not limited to a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the Planning Commission, and shall comply with the colocation requirements of paragraph (c)(14).
- (3) In AR district, site locations shall be permitted on a priority basis upon the following sites, subject to application of all other standards contained within this Section:
 - A. Municipally owned sites.
 - B. Other governmentally owned sites.
 - C. Religious or other institutional sites.
 - D. Public parks and other large permanent open space areas when compatible.
 - E. Public or private school sites.
 - F. Other sites.

(c) General Requirements. All applications for wireless communication facilities shall be reviewed, in accordance with the following standards and conditions, and if approved shall be constructed and maintained in accordance with such standards and conditions. In addition, if a facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission at its discretion.

- (1) All applications for the required permit to place construct or modify any part or component of a wireless communication facility shall include the following:
 - A. A site plan prepared in accordance with Section 3.6, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
 - B. A disclosure of what is proposed, demonstrating the need for the proposed wireless communication support structure to be located as proposed based upon the presence of one or more of the following factors:
 - i. Proximity to an interstate highway or major thoroughfare.
 - ii. Areas of population concentration.
 - iii. Concentration of commercial, industrial and/or other business centers.
 - iv. Areas where signal interference has occurred due to buildings, masses of trees or other obstructions.
 - v. Topography of the proposed facility location in relation to other facilities within which the proposed facility is to operate.
 - vi. Other specifically identified reason(s) creating need for the facility.
 - C. The reason or purpose for the placement, construction or modification with specific reference to the provider's coverage, capacity and/or quality needs goals and objectives.
 - D. The existing form of technology being used and any changes proposed to that technology.
 - E. As applicable, the planned or proposed and existing service area of the facility and the attached wireless communication facility, and wireless communication support structure height and type, and signal power expressed in ERP upon which the service area has been planned.

- F. The nature and extent of the applicant/provider's ownership or lease interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
- G. The identity and address of all owners and other persons with a real property interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
- H. A map showing existing and known proposed wireless communication facilities within Sanilac Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. The map shall also show existing buildings and/or other structures of the same approximate height within a one-half (½) mile radius of the proposed site which could accommodate a feasible colocation of the applicant's proposed attached wireless communication facility.
- I. If and to the extent the information in question is on file with the Township, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.
- J. For each location identified in the applicant/provider's survey maps and drawings, the application shall include the following information, if known, with the applicant/provider expected to exercise reasonable due diligence in attempting to obtain information through lawful means prior to application:
 - i. The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
 - ii. Whether property owner approvals exist or have been requested and obtained.
 - iii. Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility, or if

not, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing wireless communication services.

- K. A certification by a State of Michigan licensed and registered professional engineer regarding the manner in which the proposed structure will fall. The certification will be utilized, along with other criteria including, but not limited to applicable regulations for the district in question, in determining appropriate setbacks to be required for the structure and other facilities.
 - L. A description of the security to be posted at the time of receiving a building permit for the wireless telecommunication support structure to ensure removal of the structure when it has been abandoned or is no longer needed as provided in paragraph (c)(16) above. The security shall, at the election of the applicant, be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township Attorney and recordable at the office of the Sanilac County Register of Deeds, a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this Section, with the further provision that the applicant and owner shall be responsible for payment of any costs and attorney's fees incurred by the Township in securing approval.
 - M. The site plan shall include a landscape plan where the wireless communication support structure is being placed at a location which is not otherwise part of another site plan with landscaping requirements. The purpose of landscaping is to provide screening for the wireless communication support structure base, accessory buildings and enclosures. In all cases there shall be fencing of at least six (6) feet in height, which is required for the protection of the tower.
 - N. Evidence of site plan approval from the Federal Aviation Administration, if required.
 - O. The name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- (2) The wireless communication support structure shall not be injurious to the neighborhood or otherwise detrimental to the public safety and welfare. The wireless communication support structure shall be located and designed to be harmonious with the surrounding areas, and to be aesthetically and architecturally

compatible with the natural environment, as well as the environment as altered by development.

- (3) The maximum height of all new or modified attached wireless communication facilities and wireless communication support structures shall be two-hundred fifty (250) feet, or such lower maximum heights as approved and/or allowed by the Federal Aviation Administration under CFR 14 Part 77. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- (4) The setback of a monopole wireless communication support structure from any lot line shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the monopole is located. The setback of all other wireless communication support structures from any lot line shall be no less than the height of the structure, unless it can be demonstrated and certified by a registered professional engineer, to the satisfaction of the Township Engineer, that the wireless communication support structure has a shorter fall-zone distance.
- (5) Where the wireless communication support structure abuts a parcel of land zoned for other than residential purposes, the minimum setback of the wireless communication support structure and accessory structures shall be in accordance with the required setbacks for the main or principal buildings as provided in the schedule of regulations for the zoning district in which the wireless communication support structure is located. See paragraph (c)(1)(J).
- (6) There shall be an unobstructed access to the wireless communication support structure for operation, maintenance, repair and inspection purposes, which may be provided through an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic circulation within the site; utilities needed to service the wireless communication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbances to the natural landscape; and the type of equipment which will need to access the site.
- (7) The division of property for the purposes of locating a wireless communication support structure is prohibited unless all zoning requirements and conditions are met.
- (8) The Zoning Board of Appeals may grant variances only for (1) the setback requirements of a wireless communication support structure, provided that the proposed location will reduce its visual impact on the surrounding area; (2) the

maximum height requirement; and (3) the colocation requirements of subparagraph (c)(14).

- (9) Where a wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building, provided that an accessory building conforms to all district requirements for accessory buildings, including yard setbacks and building height.
- (10) The Planning Commission shall, with respect to the color of the wireless communication support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
- (11) Wireless communication support structures shall be constructed in accordance with all applicable building codes and shall include the submission of a professional soils report from a geotechnical engineer licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
- (12) A maintenance plan, and any applicable maintenance agreement, shall be presented as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
- (13) If a provider fails or refuses to permit colocation on a facility owned or otherwise controlled by it, where colocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of Sanilac Township. The provisions of this subsection are designed by carry out and encourage conformity with the policy of the Township.
- (14) Any proposed commercial wireless communication support structures shall be designed, structurally, electrically and in all respects, to accommodate both the applicant's attached wireless communication facility and comparable attached wireless communication facilities for additional users. Wireless communication support structures must be designed to allow for future rearrangement of attached wireless communication facilities upon the wireless communication support

structure and to accept attached wireless communication facilities mounted at varying heights.

(15) A proposal for a new wireless communication support structure shall not be approved unless and until it can be documented by the applicant that the communications equipment planned for the proposed wireless communication support structure cannot be feasibly colocated and accommodated on an existing or approved wireless communication support structure or other existing structure due to one or more of the following reasons:

A. The planned equipment would exceed the structural capacity of the existing or approved wireless communication support structure or building, as documented by a qualified and licensed professional engineer, and the existing or approved wireless communication support structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment.

B. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the wireless communication support structure or other existing structure as documented by a qualified and licensed professional engineer and the interference cannot be prevented by any other means.

C. Existing or approved wireless communication support structures and buildings within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional engineer.

D. Other unforeseen reasons that make it infeasible to locate the planned communications equipment upon an existing wireless communication support structure or building.

(16) Colocation shall be deemed to be “feasible” for the purposes of this Section where all of the following are met:

A. The wireless communication provider entity under consideration for colocation will undertake to pay market rent or other market compensation for colocation.

B. The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

- C. The colocation being considered is technologically reasonable, e.g., the colocation will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennae, and the like.
 - D. The height of the structure necessary for colocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained within this subsection.
- (17) If a party who owns or otherwise controls a wireless telecommunication support structure shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- (18) If a party who owns or otherwise controls a wireless telecommunication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this Section of the Zoning Ordinance and, consequently, such party shall take responsibility for the violation and be subject to any and all penalties applicable to a violation of the Zoning Ordinance, and shall also be prohibited from receiving approval for a new wireless communication support structure with Sanilac Township for a period of five (5) years from the date of the failure or refusal to permit the colocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.
- (19) Review of an application for colocation, and review of an application for a permit for use of a facility permitted under subparagraph (a)(2), above, shall be expedited by Sanilac Township.
- (20) When a wireless communications facility has not been used for one hundred eighty (180) days or more, or six (6) months after new technology is available which permits the operation of a wireless communication facility without the requirement of a wireless communication support structure, the entire wireless communications facility, or that portion of the wireless communications facility made obsolete by the new technology, shall be removed by the users and/or owners of the wireless communications facility. For the purposes of this Section, the removal of antennae or other equipment from the facility, or the cessation of

operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse. The situation(s) in which removal of a wireless communications facility is required may be applied and limited to a portion of the facility.

(d) Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communications facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the wireless communications facility.

(e) If the required removal of the wireless communications facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days' written notice, the Township may remove or secure the removal of the facility, or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the wireless communications facility.

(f) Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

SECTION 6.50 WIND ENERGY CONVERSION FACILITIES

(a) Intent and Purpose.

It is the intent and purpose of this section to establish rules and regulations for the construction, alteration and operation of wind energy conversion facilities, while protecting the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities. The provisions of this section shall supplement other provisions of this ordinance regarding Special Land Uses for Wind Energy Conversion Facilities. In the event of a conflict between the provisions of this section and any other section of this ordinance the provisions of this section shall apply.

(b) Definitions. The following definitions are applicable to Sections 6.50 and 6.51.

- **Ambient:** Ambient is defined as the sound pressure level exceeded 90% of the time or L90.
- **Anemometer Tower:** An instrument that measures the speed of wind.
- **ANSI:** American National Standards Institute.
- **Commercial Wind Energy Conversion System:** A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.

- dB(A): The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
- Decommission: To remove or retire from active service.
- Hub Height: The distance from the ground level to the center of the turbine hub or horizontal rotor shaft of a WECF turbine
- IEC: International Electrotechnical Commission: The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
- ISO: International Organization for Standardization: ISO is a network of the national standards institutes of 162 countries.
- Non-participating parcel: A parcel of real estate that is not under lease, license or other property agreement with the owner/operator of a wind energy conversion facility (WECF) or temporary metrological tower (TMT).
- Occupied Structure: A structure including, but not limited to, a home, office, church, school, hospital or place of business intended for human occupation and not unoccupied on a permanent basis on the date a permit for a WECF or TMT is issued. This definition shall not include agricultural buildings and shall not include manufacturing or other places of business where the noise limits established in this ordinance are regularly exceeded by the normal operations of those places excluding sound generated by a WECF or TMT.
- Participating parcel: A parcel of real estate which is under lease, license or other agreement with the owner or operator of a wind energy conversion facility (WECF) or temporary metrological tower (TMT). A participating parcel may consist of parcels owned by different owners. For purposes of establishing setback requirements, a participating parcel shall be under lease, license or other property agreement with the owner/operator of a WECF or TMT for the full duration of any such agreement in effect on an adjoining parcel on which a WECF or TMT is constructed.
- Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.
- Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

- **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- **Temporary Meteorological Towers:** A structure used by the owner/operator of a proposed WECF for the purpose of gathering meteorological data to determine the feasibility of locating, constructing or erecting a WECF. A temporary meteorological tower may be referred to in this ordinance as a TMT.
- **Total Height:** The total height of a WECF or TMT shall be the distance from ground level to the center of the hub plus the distance from the center of the hub to the top of the rotor at its highest point.
- **Wind Energy Conversion Facility:**

An electricity generating facility consisting of one or more wind turbines under common ownership or control meeting either of the following requirements:

 - exceeds 100 feet in total height; or
 - produces electricity not primarily intended for use on the premises where the wind energy conversion facility is located.

This definition includes substations, towers, cables, wires, poles and other building and accessories used in the production of electricity by said facility. A wind energy conversion facility may be referred to in this ordinance as a WECF.
- **Wind Turbine:** A wind turbine is a device that converts kinetic energy from the wind into electrical power.

(c) Prohibited Activity.

No WECF shall be located, constructed, erected, or altered in Sanilac Township until the owner/operator thereof shall have obtained a Special Land Use Permit as provided herein and thereafter no WECF shall be altered or operated except in complete compliance with the provisions of this ordinance.

(d) Special Use.

Wind Energy Conversion Facilities shall only be allowed as a Special Land Use in the Agricultural Residential, Commercial and Industrial Districts, excluding the Exclusion Zone as provided herein.

(e) Exclusion Zone.

No WECF shall be allowed east of Ridge Road in Sanilac Township.

(f) Any application for a Special Land Use for a WECF shall include the following:

- (1) The application fee as determined by the Township Board.
- (2) An additional fee as determined by the Township Board. This fee shall be held in a segregated account, separate from any other funds held by the township and shall be used to pay all reasonable costs and expenses associated with the applicant's special land use permit application, site plan review and approval process, which costs can include, but are not limited to, attorney fees, engineering fees, consultant fees, fees

for reports and studies, and extraordinary zoning administration fees and extraordinary Township planner fees. If the Zoning Administrator determines at any time during the zoning review process that the funds remaining in said account will not be sufficient to pay the anticipated expenses as provided herein, the Zoning Administrator may require the applicant to deposit additional funds in an amount deemed sufficient to pay said additional expenses. The Zoning Administrator shall mail written notice of the additional amount required to be deposited by first class mail to the address contained in the application. If the additional funds are not deposited within fourteen (14) days of the date of the mailing, the Zoning Administrator may suspend the zoning review and approval process until the additional funds are deposited. Any funds not used for the purposes provided herein shall be returned to the applicant.

- (3) Applicant Identification: The complete name and address of the applicant, the complete name and address of the owner/operator if different than the applicant and the date the application is submitted. If the name or address of the applicant or owner/operator changes at any time before or after the issuance of a Special Use Permit, written notice of said change shall be filed with the Zoning Administrator.
- (4) Project Description: A general description of the proposed project including the legal description of the property or properties on which the project would be located and an anticipated construction schedule.
- (5) Environmental Impact: Copy of the Environmental Impact Analysis Report as required herein.
- (6) Insurance: Proof of the applicant's liability insurance.
- (7) Sound Modeling Study: The applicant shall provide a predictive sound modeling study of all turbine noise for a WECF to verify that the requirements of this ordinance can be met. The sound modeling must follow International Standard, ISO 9613-2 "Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation." The sound modeling study shall use the maximum apparent wind turbine sound power levels as determined by measurement according to IEC 61400 – Part 11, or as determined by analytical calculations according to the manufacturer, plus 2 dB to each frequency band. The sound power source shall be modeled at hub height. Modeling shall include topographical information and assume hard ground (G=0) for all large areas of pavement and water, and mixed ground (G=0.5) for all other land. The sound modeling study shall include a map with all proposed wind turbine locations, all noise sensitive facilities, and all participating and non-participating parcels. The sound study map shall be overlaid with sound contour lines extending out to the 45 dBA sound contour line, at 5 dBA intervals from the center of the proposed turbine.
- (8) Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact Analysis Report as required herein.

- (9) Shadow Flicker: Copy of the Shadow Flicker Analysis Report as required herein.
 - (10) Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
 - (11) Decommissioning: Copy of the Decommissioning Plan as required herein.
 - (12) Complaint Resolution: Copy of the proposed complaint resolution process as required herein.
 - (13) Fire suppression plan: Copy of the Fire Suppression Plan.
 - (14) Site Plan: The applicant shall submit a site plan in full compliance with Section 3.6 of this ordinance for each turbine and other wind appurtenances. Additional requirements for a WECF site plan are as follows:
 - A. The names of all owners and the property tax identification number of all participating parcels;
 - B. Project area boundaries;
 - C. The condition of the participating parcel prior to any construction showing the location of all occupied structures, structures over 400 square feet that are not occupied, surface contours, trees in excess of 20 feet in height, ponds, lakes, streams, ditches, roads, driveways, utility easements, and overhead utility wires;
 - D. All items listed in the preceding provision that will be added or eliminated as the result of the proposed project;
 - E. The location of the proposed WECF and all cables, wires, poles, access roads and accessory structures;
 - F. All signage, lettering, numbering and lighting;
 - G. An accurate depiction of the WECF showing the type of construction, appearance and color;
 - H. Specifications showing the size, overall height, hub height and rotor diameter of the proposed WECF;
 - I. Additional detail(s) and information as requested by the Planning Commission.
- (g) Standards and Requirements. All WECFs shall meet the following standards and requirements:
- (1) **Setbacks.** Every WECF shall meet the following setback requirements measured from the center of the base of the tower:
 - A. 1,320 feet from any occupied structure;
 - B. 1,320 feet or 4.0 times the total height, whichever is greater, from the property line of any non-participating parcel;

C. 1.5 times the overall height from any public road or above ground power distribution or communication lines.

(2) **Safety and Security Requirements.**

A. No structure in a WECF shall be climbable on its exterior;

B. All doorways and access points in a WECF shall be secured and locked to prevent unauthorized entry;

C. A sign shall be placed at the base of every point of access in a WECF warning of high voltage. Said signs shall have six (6) inch letters with $\frac{3}{4}$ inch stroke;

D. All wind turbines shall be equipped with manual and automatic controls to limit the speed of the rotor blades to the maximum speed designated by the manufacturer;

E. All wind turbines shall maintain a minimum blade clearance of 50 feet from ground level.

F. All guy wires and anchors must be clearly visible to a height of six (6) feet above ground level.

(3) **Signal Interferences.**

A. No WECF shall interfere with any existing fixed broadcast, retransmission or reception antennae for radio, television, wireless telephone or other personal communication system or emergency broadcast system unless the owner/operator provides a replacement signal to the effected party at no additional cost that will restore reception to at least the level present before the operation of the WECF.

B. No WECF shall cause significant electromagnetic interference to any microwave communication link which is in operation at the time a permit for the WECF is issued.

(4) **Sound Pressure Level:**

- The audible sound from a WECF may not exceed 45 dBA Lmax or the ambient sound pressure plus 5dBA, whichever is greater, for any hour, measured 50' outside any occupied structure which was located on any participating parcel at the time a permit for the WECF was issued, measured in accordance with the methodology as hereafter provided

A. The audible sound from a WECF may not exceed 40 dBA Lmax or the ambient sound pressure plus 5dBA, whichever is greater, for any hour measured outside and immediately adjacent to any property line on any non-participating parcel at the time a permit for a WECF is issued, measured in accordance with the methodology as hereafter provided;

B. If any WECF produces a steady pure tone, the standards set forth in subparagraphs A and B shall be reduced by 5 dBA. A pure tone is defined to

exist if the 1/3 octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two contiguous 1/3 octave bands by 5 dBA for center frequencies of 500 Hz and above, by 8 dBA for center frequencies between 100 and 160 Hz and 400 Hz or by 15 dBA for center frequencies less than or equal to 125 Hz;

- C. The ambient noise level, absent any and all wind turbine noise, shall be expressed in terms of the highest whole number sound pressure level in dBA which is exceeded for more than five minutes per hour. Ambient noise level measurements shall be performed outside of a structure when wind velocities are sufficient to allow wind turbine operations but do not exceed 30 mph;
- D. Any noise level falling between two whole decibels shall be the lower of the two;

(5) Post Construction Sound Survey

- A. The applicant, subsequent owner or operator of a WECF shall complete a post construction sound survey within 12 months of the commencement of the operation of the project. The applicant, subsequent owner or operator shall be able to determine compliance with the sound level limits set forth above. The measurements and the reporting of the data shall be conducted as described herein. The survey shall address noise complaints on file with the Township and may require additional measurement locations as deemed necessary by the Zoning Administrator. Should the sound survey indicate a non-compliant measurement, the owner of the WECF shall obtain compliance through mitigation or other measures.
 - 1. A calibration check shall be performed and recorded before and after each measurement period.
 - 2. The measurement period shall be two hours minimum and shall be continuously observed by a trained attendant.
 - 3. Compliance will be demonstrated when the Lmax Sound Level of each two-hour measurement interval is less than or equal to the Lmax sound level limits set forth herein. Representative intervals are defined as:
 - a. Periods complying with the general method for routine measurements of ANSI S12.18. Measurements shall be made either downwind as defined in ANSI S12.18, or if the atmospheric conditions are such that the direction of the wind vector is within an angle of ± 45 degrees of the annual prevailing wind direction.
 - b. Periods where the concurrent turbine hub-elevation wind speeds are sufficient to generate within 1 dB of the maximum continuous rated sound power from the nearest wind turbine to the measurement location.
 - c. Periods where ground level gusts are equal to or less than 7 m/s (15.66 mph).

B. Measurement Locations

1. The specific measurement locations shall be chosen by the applicant, subsequent owner or operator's measurement personnel and approved by the Zoning Administrator prior to the post construction sound survey.
2. The measurement shall be performed at occupied structures for participating parcels and at parcel boundary lines for non-participating parcels. The locations shall be in close proximity to one or multiple wind turbines and/or locations which have modeled sound levels closest to limits herein. A 3:1 ratio (wind turbines to measurement locations) will be used to determine the number of measurement locations, with a minimum of eight measurement locations. The measurement locations shall include, but are not limited to, the following:
 - a. A minimum of four measurements of different non-participating parcels. The measurement location shall be at the parcel boundary line nearest the closest wind turbine of the WECF.
 - b. A minimum of two measurements of different participating parcels. The measurement location shall be at the occupied structure, measured 50 feet from the façade nearest the closest wind turbine of the WECF.
 - c. Any measurement location determined necessary by the applicant, subsequent owner or operator's measurement personnel and Zoning Administrator. If both parties agree, a measurement location deemed unnecessary may be omitted from the required locations.
3. The microphone shall be positioned at a height of 5 feet \pm 1 foot above the ground, and oriented in accordance with the characteristics of the microphone so that the frequency response is as flat as possible.
4. To the greatest extent possible, measurement locations should be located away from potential contaminating sources of noise such as major highways, industrial facilities and urban areas.
5. To the greatest extent possible, measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than 2 feet in height for a 50-foot radius around the sound monitoring equipment.
6. To the greatest extent possible, measurement locations should be at least 50 feet from any known sound source
7. Meteorological measurements of the surface wind speed and direction shall be collected using anemometers at a height of 6.6 foot \pm 0.7 foot above the ground, near each noise measurement location. Care should be taken to avoid noise measurement contamination from the anemometer operation.

- C. Data measurement reports complying in form and substance as those for post-construction sound surveys shall be submitted to the Zoning Administrator within 45 days of completion.
1. A narrative description of the sound from the WECF for the compliance measurement period result.
 2. A narrative description of the sound measurements collected.
 3. A map showing the wind turbine locations, noise measurement locations, and all Noise Sensitive Facilities.
 4. The dates, days of the week and hours of the day when measurements were made.
 5. The wind direction and speed, temperature, precipitation, and sky condition for each measurement interval. Meteorological measurements of the wind speed and direction will be reported at both the surface height, and at hub level (to be provided by the WECF from the closest wind turbine), based on five second integration intervals. Both the average and maximum wind speeds for each measurement interval shall be reported.
 6. The wind energy output for each measurement interval for the closest wind turbine.
 7. Identification of all measurement equipment by make, model and serial number.
 8. All meteorological, sound, windscreen and audio instrumentation specifications and calibrations.
 9. All A-weighted equivalent sound levels for each measurement interval.
 10. All 1/3 octave band linear equivalent sound levels for each measurement interval and identification of tonal periods.
 11. All attendant's notes and observations.
 12. All concurrent time stamped turbine operational data including the date, time and duration of any noise reduction operation or other interruptions in operations if present.
 13. All periods removed from the data due to temperatures above or below manufacturer specifications, wind speeds above ANSI S12.18 limits.
 14. All corrections for transient background and continuous background sound according to ANSI S12.9 Part 3. All methodology, data, field notes, and calculations shall be included. Audio recordings may be submitted for identification of intrusive noise events. Audio collection shall occur through the same microphone/sound meter as the measurement data. Audio

recordings shall be time stamped (hh:mm:ss), at an adequate quality for identifying events, and in mp3 format.

15. All other information determined necessary by the Planning Commission.

D. Measurement of the Sound from Routine Operation. As an ongoing condition of any special use permit for a WECF, the Zoning Administrator may require measurements of the sound from routine operation of the completed system. Such measurements may be required to determine compliance with this ordinance and the special use permit, to investigate a community complaint or for validation of the calculated sound levels presented to the Zoning Administrator in support of the special use permit. The measurements and the reporting of the data shall be conducted as described below. Should the measurements indicate a non-compliant measurement, the owner and the operator of the WECF shall obtain compliance through mitigation or other measures.

1. Measurement locations shall be as determined by the Zoning Administrator beforehand.
2. The measurement locations shall include, but are not limited to, the following representative locations:
 - a. For participating parcels, a minimum of one measurement location at occupied structure of the complainant, measured 50 feet from the façade nearest the closest wind turbine of the WECF.
 - b. For non-participating parcels, a minimum of one measurement location at the parcel boundary line of the complainant nearest the closest wind turbine of the WECF.
 - c. Any measurement location determined necessary by the Zoning Administrator.
3. The microphone shall be positioned at a height of 5 feet \pm 1 foot above the ground, and oriented in accordance with the characteristics of the microphone so that the frequency response is as flat as possible.
4. To the greatest extent possible, measurement locations should be located away from potential contaminating sources of noise such as major highways, industrial facilities and urban areas.
5. To the greatest extent possible, measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than 2 feet in height for a 50-foot radius around the sound monitoring equipment.
6. To the greatest extent possible, measurement locations should be at least 50 feet from any known sound source.

7. Meteorological measurements of the surface wind speed and direction shall be collected using anemometers at a height of 6.6 foot \pm 0.7 foot above the ground, near each noise measurement location. Care should be taken to avoid noise measurement contamination from the anemometer operation.
 8. Data measurement reports complying in form and substance as those for post-construction sound surveys shall be submitted to the Planning Commission within 45 days of completion.
- E. General Sound Survey Methodology. The following methodology shall apply to all sound surveys directed by the provisions of this ordinance:
1. All sound studies shall be completed by an independent third party. Fees for such studies shall be paid for from the escrow funds deposited with the application for special use approval or, in case of studies conducted after the post-construction sound survey, by the owner or operator in advance.
 2. Measurement Personnel. Measurements shall be supervised by personnel who are independent of the WECF, well qualified by training and experience in measurement and evaluation of environmental sound and are board certified members of the Institute of Noise Control Engineering (INCE).
 3. Measurement Instrumentation. Measurement devices shall comply with the following requirements:
 - a. A sound level meter or alternative sound level measurement system used shall meet all of the Type 1 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4.
 - b. An integrating sound level meter (or measurement system) shall also meet the Class 1 performance requirements for integrating/averaging in the International Electrotechnical Commission Sound Level Meters, IEC Publication 61672-1.
 - c. A filter for determining the existence of tonal sounds shall meet all of the Class 1 performance requirements of American National Standard Specification for Octave- Band and Fractional Octave-Band Analog and Digital Filters, ANSI S1.11.
 - d. An acoustical calibrator shall be used of a type recommended by the manufacturer of the sound level meter and that meets the Type 1 performance requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40.
 - e. A microphone windscreen shall be used of a type that meets or exceeds the recommendations of manufacturer of the sound level meter.
 - f. The sound level meter shall have been calibrated by a laboratory within 24 months of the measurement, and the microphone's response shall be traceable to the National Bureau of Standards.

- g. The sound level meter shall be used with the fast meter response and sampling frequency of one sample per second.
- h. Anemometer(s) used for surface wind speeds shall have a minimum manufacturer specified accuracy of ± 1 mph providing data in five second integrations.
- i. Compass used for surface wind direction shall have a minimum manufacturer specified accuracy of $\pm 3^\circ$ providing data in five second integrations.
- j. Thermometer used for surface temperature shall have a minimum manufacturer specified accuracy of $\pm 2^\circ\text{C}$ providing data in five second integrations.
- k. A digital recording device used to store the time waveform of the sound pressure levels shall comply with the requirements of ANSI/ASA S1.13.

(6) **Visual Appearance.** All WECFs shall meet the following visual requirements:

- A. The maximum total height of a wind turbine shall be 499 feet;
- B. Wind turbines shall be mounted on tubular towers with solid exteriors;
- C. Wind turbines and accessory structures shall be painted a non-reflective non-obtrusive color. The exterior shall be maintained in good condition and the towers shall be repainted whenever rust, corrosion or peeling or flaking paint becomes visible;
- D. WECFs shall not be lighted unless so required by statute, ordinance, rule or regulation. If lighting is required, an FAA approved radar activated obstruction control lighting system must be installed;
- E. WECFs shall contain no letters, numbers or symbols other than the name of the manufacturer and the name of the owner/operator unless otherwise required by this ordinance or any other statute, ordinance, rule or regulation. Any such letters, numbers or symbols may not exceed six inches in height. Every WECF must have a sign or lettering identifying its owner/operator and containing contact information;
- F. Electrical collection and transmission lines, transformers and conductors may be placed overhead adjacent to public roads or along easements otherwise dedicated to the transmission of electric power. All such lines, transformers and conductors shall comply with any Avian Power Line Interaction Committee (APLIC) guidelines to prevent avian mortality. All such lines at any other location shall be placed underground at a minimum depth of 48 inches below grade.

(7) **Construction Codes, Towers, and Interconnection Standards.** WECFs shall comply with all applicable state construction and electrical codes, local building permit requirements, Federal Aviation Administration requirements, the Michigan

Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et. seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et. seq.), Michigan Public Service Commission regulations, Federal Energy Regulatory Commission Interconnection Standards, and local jurisdiction airport overlay zone regulations. Any required lighting shall not exceed Federal Aviation Administration minimum standards and, to the extent possible, shall be shielded to reduce glare and visibility from the ground.

(8) **Environmental Impact.**

- A. The applicant shall have an independent qualified professional approved by the Zoning Administrator prepare a report identifying and assessing any potential impacts on the natural environment, including wetlands and other fragile ecosystems, historical and cultural sites, and antiquities and containing a plan setting forth measures to be taken to eliminate, minimize or mitigate any adverse impacts identified. The report and plan shall be submitted to the Township along with the Special Land Use Application. If approved, any plan shall become a requirement of the Special Land Use permit.
- B. The owner/operator shall comply with the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1914, MCL 324.101 et. Seq.)
- C. The applicant shall forthwith repair any damage to any public roads, drains and infrastructure caused by the construction, maintenance or operation of any WECEF.

(9) **Shadow Flicker.** The applicant shall prepare a shadow flicker modeling report showing the potential shadow flicker created by each proposed wind turbine on all occupied structures. The report shall identify the location of each occupied structure affected by shadow flicker, the expected duration of the shadow flicker at each location throughout the course of the year, the anticipated effect of shadow flicker on the occupants at each location and a plan to eliminate or mitigate the effects of shadow flicker at each location. The report and plan shall be submitted to the Planning Commission along with the Special Land Use Application. If approved, any plan shall become a requirement of the Special Land Use Permit. All turbines are to be equipped with a shadow detection system. Shadow Flicker on non-participating parcels shall not be allowed.

(10) **Avian and Wildlife Impact.**

- A. The applicant shall have an independent qualified professional approved by the Zoning Administrator prepare a report identifying and assessing any potential impacts of the Proposed WECEF on wildlife. The report shall:
 - 1. identify areas requiring special scrutiny including wildlife refuges, areas containing high concentrations of birds, bat hibernacula, wooded ridge tops that attract wildlife, sites frequented by endangered species, significant bird

migration pathways, and areas that have landscape features known to attract large number of raptors;

2. identify the types of wildlife present in significant numbers in any area effected by the WECF project and the anticipated impact of the project on said wildlife;
3. identify any threatened or endangered species in any area effected by the WECF project and the anticipated impact of the project on each threatened or endangered species;
4. propose a plan to eliminate or mitigate the impact of the WECF project on wildlife, threatened species and endangered species.

The report and plan shall be submitted to the Planning commission along with the Special Land Use Application. If approved, any plan shall become a requirement of the Special Land Use Permit.

- B. Not less than 12 nor more than 24 months after the WECF begins commercial operation the applicant shall have an independent qualified professional approved by the Zoning Administrator conduct a post construction wildlife mortality study and prepare a report thereon and submit it to the Township within 30 days after its preparation. If the report reveals a significant impact on any wildlife or any impact on a threatened or endangered species, the report shall include a plan to eliminate or mitigate said impact. If approved, any plan shall become an additional requirement of the Special Land Use Permit.

(11) **Decommissioning.**

- A. The applicant shall prepare a decommissioning plan which shall include:
 1. the anticipated life of the project;
 2. the estimated decommissioning costs net of salvage; value in current dollars.
 3. the method of insuring that funds will be available for decommissioning and restoration;
 4. the manner in which the project will be decommissioned and the site restored.

A copy of the plan shall be submitted to the Township along with the Special Land Use Application.

- B. The owner/operator of a WECF shall post a bond issued by a surety approved by the Township naming the owner/operator as the principal and the Township as the obligee to ensure the decommissioning of the project is in accordance with the requirements of this ordinance. The bond shall be in an amount equal to 15% of the total WECF project cost. The bond shall remain in effect until the entire WECF project is decommissioned as provided herein.

- C. The owner/operator shall notify the Zoning Administrator in writing any time the WECF has not been used for the production of electricity for 30 consecutive days and shall notify the Zoning Administrator in writing when the production of electricity resumes.
 - D. Within sixty days of any one of the following events the owner/operator of a WECF shall deconstruct and remove the WECF including all foundations to a level four feet below grade and restore all property occupied by the WECF to the condition it was in immediately prior to construction:
 - 1. The owner/operator of the WECF violates any provision of this ordinance or any conditions contained in the Special Use Permit and said violation is not cured within 30 days of the issuance of a citation or the date of mailing written notice of said violation to the address of the owner/operator on file with the Zoning Administrator;
 - 2. The WECF is not used for the production of electricity for 12 consecutive months.
- (12) **Complaint Resolution.** The applicant shall develop a written plan to resolve complaints from persons residing in an area affected by the construction and operation of the WECF. A copy of the resolution plan shall be submitted to the Township along with the Special Land Use Application. The plan may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. Prior to commencing construction the owner/operator shall provide all residents living in the area effected by the construction and operation of the WECF with contact information, including a telephone number and where a representative can be contacted during normal business hours to file a complaint. A report of all complaints and actions taken to resolve them shall be filed with the Township on an annual basis. This process shall not preclude the Township from taking any action allowed by law on the subject of any complaint.
- (13) **Annual Inspections.** No later than September 30th of each year, the owner/operator shall file with the Township a certification prepared by an authorized representative of the manufacturer of the WECF or a professional engineer certifying that each WECF has been inspected in the 30 days preceding the certification, that it is being operated and maintained in accordance with the manufacturer's specifications, industry standards, the requirements imposed by statute, ordinance, rule or regulation. Additional inspections may be required by the Township.
- (14) **Revocation of Permit.** A permit issued pursuant to this section may be revoked upon violation of any provision of this ordinance. If a violation is alleged, the Township shall send written notice of said violation to the owner/operator of the WECF at the address on file with the Township. Said notice shall set forth the nature of the violation and shall notify the owner/operator that it has 30 days to correct the violation. If the violation is not corrected within the 30day time period, the revocation of the permit shall be placed on the agenda of a Township board meeting. The Township shall give the owner/operator at least seven days written notice of the

time and place of said meeting. The owner/operator may attend and present such information as it deems appropriate regarding the revocation. The Township shall determine if a violation exists and shall determine a timetable for either correcting the violation or revoking the permit.

SECTION 6.51

ANEMOMETER TOWERS AND TEMPORARY METEOROLOGICAL TOWERS

- (a) **Intent and Purpose.** It is the intent and purpose of this section to establish rules and regulations for the construction, alteration and operation of Anemometer Towers and Temporary Meteorological Towers, while protecting the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities. The provisions of this section shall supplement other provisions of this ordinance regarding Special Land Uses for Anemometer Towers and Temporary Meteorological Towers. In the event of a conflict between the provisions of this section and any other section of this ordinance the provisions of this section shall apply.
- (b) **Definitions.** The definitions set forth in Section 6.50(b) are incorporated by reference.
- (c) **Prohibited Activity.** No Anemometer Tower or TMT in excess of 65 feet in total height shall be located, constructed, erected, or altered in Sanilac Township until the owner/operator thereof has obtained a Special Land Use Permit as provided herein and thereafter no Anemometer Tower or TMT shall be altered or operated except in complete compliance with the provisions of this ordinance.
- (d) **Special Use.** Anemometer Towers and Temporary Meteorological Towers shall only be allowed as a Special Land Use in the Agricultural Residential, Commercial, and Industrial Districts excluding the Exclusion Zone as provided herein.
- (e) No Anemometer Tower or Temporary Meteorological Tower shall be allowed east of Ridge Road in Sanilac Township.
- (f) Any application for a Special Land Use for an Anemometer Tower or TMT shall include the following:
 - (1) The application fee as determined by the Township Board.
 - (2) An additional fee as determined by the Township Board. This fee shall be held in a segregated account, separate from any other funds held by the township and shall be used to pay all reasonable costs and expenses associated with the applicant's special land use permit application, site plan review and approval process, which costs can include, but are not limited to, attorney fees, engineering fees, consultant fees, fees for reports and studies, and extraordinary zoning administration fees and extraordinary Township planner fees. If the Zoning Administrator determines at any time during the zoning review process that the funds remaining in said account will not be sufficient to pay the anticipated expenses as provided herein, the Zoning Administrator may require the applicant to deposit additional funds in an amount

deemed sufficient to pay said additional expenses. The Zoning Administrator shall mail written notice of the additional amount required to be deposited by first class mail to the address contained in the application. If the additional funds are not deposited within fourteen (14) days of the date of the mailing, the Zoning Administrator may suspend the zoning review and approval process until the additional funds are deposited. Any funds not used for the purposes provided herein shall be returned to the applicant.

- (3) Applicant Identification: The complete name and address of the applicant, the complete name and address of the owner/operator if different than the applicant and the date the application is submitted. If the name or address of the applicant or owner/operator changes at any time before or after the issuance of a Special Use Permit, written notice of said change shall be filed with the Zoning Administrator.
- (4) Project Description: A general description of the proposed project including the legal description of the property or properties on which the project would be located and an anticipated construction schedule.
- (5) Environmental Impact: Copy of the Environmental Impact Analysis Report as required herein.
- (6) Insurance: Proof of the applicant's liability insurance.
- (7) Site Plan: The applicant shall submit a site plan in full compliance with Section 3.6 of this ordinance for each Anemometer Tower or TMT .Additional requirements for an Anemometer Tower or TMT are as follows:
 - A. The names of all owners and the property tax identification number of all participating parcels;
 - B. Project area boundaries;
 - C. The condition of the participating parcel prior to any construction showing the location of all occupied structures, structures over 400 square feet that are not occupied, surface contours, trees in excess of 20 feet in height, ponds, lakes, streams, ditches, roads, driveways, utility easements, and overhead utility wires;
 - D. All items listed in the preceding provision that will be added or eliminated as the result of the proposed project;
 - E. The location of the proposed Anemometer Tower or TMT and all cables, wires, poles, access roads and accessory structures;
 - F. All signage, lettering, numbering and lighting;
 - G. An accurate depiction of the Anemometer Tower or TMT showing the type of construction, appearance and color;
 - H. Specifications showing the size and overall height of the proposed Anemometer Tower or TMT;

I. Additional detail(s) and information as requested by the Planning Commission.

(g) Standards and Requirements. Every Anemometer Tower and TMT shall meet the following standards and requirements:

(1) **Setbacks.** Every Anemometer Tower and TMT shall meet the following setback requirements measured from the center of the base of the tower:

- A. A distance equal to the total height of the Anemometer Tower or TMT from any non-participating parcel.
- B. A distance equal to 1.2 times the total height of the Anemometer Tower or TMT from any public road or above ground power distribution or communication lines.

(2) **Safety and Security Requirements**

- A. A sign shall be placed at the base of every Anemometer Tower or TMT points of access warning of high voltage. Said signs shall have six (6) inch letters with $\frac{3}{4}$ inch stroke.
- B. All guy wires and anchors must be clearly visible to a height of six (6) feet above ground level.

(3) **Signal Interferences.**

- A. No Anemometer Tower or TMT shall interfere with any existing fixed broadcast, retransmission or reception antennae for radio, television, wireless telephone or other personal communication system or emergency broadcast system unless the owner/operator provides a replacement signal to the affected party at no additional cost that will restore reception to at least the level present before the operation of the Anemometer Tower or TMT.
- B. No Anemometer Tower or TMT shall cause significant electromagnetic interference to any microwave communication link which is in operation at the time a permit for the Anemometer Tower or TMT is issued.

(4) **Visual Appearance.**

- A. Anemometer Towers and TMTs and accessory structures shall be painted a non-reflective non-obtrusive color. The exterior shall be maintained in good condition and the towers shall be repainted whenever rust, corrosion or peeling or flaking paint becomes visible;
- B. Anemometer Towers and TMTs shall not be lighted unless so required by statute, ordinance, rule or regulation.
- C. Anemometer Towers and TMTs shall contain no letters, numbers or symbols other than the name of the manufacturer and the name of the owner/operator unless otherwise required by this ordinance or any other statute, ordinance, rule or regulation. Any such letters, numbers or symbols may not exceed six inches in

height. Every Anemometer Tower and TMT must have a sign or lettering identifying its owner/operator and containing contact information;

(5) **Construction Codes, Towers, and Interconnection Standards.** Anemometer Towers and TMTs shall comply with all applicable state construction and electrical codes, local building permit requirements, Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), Michigan Public Service Commission regulations, Federal Energy Regulatory Commission Interconnection Standards, and local jurisdiction airport overlay zone regulations. Any required lighting shall not exceed Federal Aviation Administration standards and, to the extent possible, shall be shielded to reduce glare and visibility from the ground.

(6) **Environmental Impact.**

A. The applicant shall have an independent qualified professional approved by the Zoning Administrator prepare a report identifying and assessing any potential impacts on the natural environment, including wetlands and other fragile ecosystems, historical and cultural sites, and antiquities and containing a plan setting forth measures to be taken to eliminate, minimize or mitigate any adverse impacts identified. The report and plan shall be submitted to the Township along with the Special Land Use Application. If approved, any plan shall become a requirement of the Special Land Use permit.

B. The owner/operator shall comply with the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1914, MCL 324.101 et. Seq.)

C. The applicant shall forthwith repair any damage to any public roads, drains and infrastructure caused by the construction, maintenance or operation of any Anemometer Towers or TMTs.

(7) **Decommissioning.**

A. The applicant shall prepare a decommissioning plan which shall include:

(i). the anticipated life of the project;

(ii). the estimated decommissioning costs net of salvage; value in current dollars.

(iii). the method of insuring that funds will be available for decommissioning and restoration;

(iv). the manner in which the project will be decommissioned and the site restored.

A copy of the plan shall be submitted to the Township along with the Special Land Use Application.

B. The owner/operator of an Anemometer Tower or TMT shall post a bond issued by a surety approved by the Township naming the owner/operator as the

principal and the Township as the obligee to ensure the decommissioning of the project is in accordance with the requirements of this ordinance. The bond shall be in an amount equal to 15% of the total Anemometer Tower or TMT project cost. The bond shall remain in effect until the entire Anemometer Tower or TMT project is decommissioned as provided herein.

- C. The owner/operator shall notify the Zoning Administrator in writing any time the Anemometer Tower or TMT has not been used for the purpose for which it was originally intended for 30 consecutive days and shall notify the Zoning Administrator in writing when the use of the Anemometer Tower or TMT for the purpose for which it was originally intended resumes.
- D. Within sixty days of any one of the following events the owner/operator of an Anemometer Tower or TMT shall deconstruct and remove the Anemometer Tower or TMT including all foundations to a level four feet below grade and restore all property occupied by the Anemometer Tower or TMT to the condition it was in immediately prior to construction:
 - (i). The owner/operator of the Anemometer Tower or TMT violates any provision of this ordinance or any conditions contained in the Special Use Permit and said violation is not cured within 30 days of the issuance of a citation or the date of mailing written notice of said violation to the address of the owner/operator on file with the Zoning Administrator;
 - (ii). The Anemometer Tower or TMT is not used for the purpose for which it was originally intended for 12 consecutive months.

(8) **Complaint Resolution.** The applicant shall develop a written plan to resolve complaints from persons residing in an area affected by the construction and operation of the Anemometer Tower or TMT. A copy of the resolution plan shall be submitted to the Township along with the Special Land Use Application. The plan may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. Prior to commencing construction, the owner/operator shall provide all residents living in the area effected by the construction and operation of the Anemometer Tower or TMT with contact information, including a telephone number and where a representative can be contacted during normal business hours to file a complaint. A report of all complaints and actions taken to resolve them shall be filed with the Township on an annual basis. This process shall not preclude the Township from taking any action allowed by law on the subject of any complaint.

(9) **Annual Inspections.** No later than September 30th of each year, the owner/operator shall file with the Township a certification prepared by an authorized representative of the manufacturer of the Anemometer Tower or TMT or a professional engineer certifying that each Anemometer Tower or TMT has been inspected in the 30 days preceding the certification, that it is being operated and maintained in accordance with the manufacturer's specifications, industry standards, the requirements imposed by statute, ordinance, rule or regulation. Additional inspections may be required by the Township.

- (10) **Revocation of Permit.** A permit issued pursuant to this section may be revoked upon violation of any provision of this ordinance. If a violation is alleged, the Township shall send written notice of said violation to the owner/operator of the Anemometer Tower or TMT at the address on file with the Township. Said notice shall set forth the nature of the violation and shall notify the owner/operator that it has 30 days to correct the violation. If the violation is not corrected within the 30-day time period, the revocation of the permit shall be placed on the agenda of a Township board meeting. The Township shall give the owner/operator at least seven days written notice of the time and place of said meeting. The owner/operator may attend and present such information as it deems appropriate regarding the revocation. The Township shall determine if a violation exists and shall determine a timetable for either correcting the violation or revoking the permit.

Section 6.52 Solar Energy System

- (a) **Intent and Purpose.** It is the intent and purpose of this section to establish rules and regulations for the construction, alteration, and operating of solar energy systems while protecting the health, welfare, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities. The provisions of this section shall supplement other provisions of this ordinance regarding special land uses for solar energy facilities. In the event of a conflict between the provisions of this section and any other section of this ordinance the provisions of this section shall apply.
- (b) **Definitions.** The following definitions are applicable to Section 6.52:
- **Building Integrated Photovoltaics (BIPV):** A personal scale or Utility Scale Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles but excluding Roof or Building Mounted Solar Energy Systems.
 - **Ground Mounted Solar Energy System (GMSES):** A Personal Scale or Utility Scale Solar Energy System that is not attached or mounted on any roof or exterior wall of any principal or accessory building, but excluding a BIPV.
 - **Personal Scale Solar Energy system (PSSSES):** A Solar system used primarily for the production of energy for consumption on the premises where the system is located and not for the sale of energy to be consumed off the site where the system is located except for the sale of surplus electrical energy back to the grid.
 - **Roof or Building Mounted Solar Energy System (Roof or Building System):** A personal Scale or Utility Scale Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building.

- Solar Energy System: Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy including, but not limited to, the collection and transfer of heat created by solar energy to any other medium by any means.
- Utility Scale Solar Energy System (USSES): A Solar Energy System the principal design, purpose, or use of which is to provide energy for consumption off the site where the system is located or the sale of generated electricity to any person or entity.

(c) **Prohibited Activity**

No Solar Energy System shall be located, constructed, erected, or altered in Sanilac Township until the Owner/Operator shall have obtained a land use permit or a special land use permit, as the case may be and thereafter no solar Energy System shall be operated except in complete compliance with the provisions contained herein.

(d) **General Requirements**

All Solar Energy Systems are subject to the following general requirements:

- (1) All Solar Energy Systems must conform to the provisions of this Ordinance, all county, state and federal regulations and requirements and all applicable industry standards;
- (2) Solar Energy Systems shall be located and constructed in a manner which does not cause glare onto any other property or roadway at any time;
- (3) If any Solar Energy System does not operate as designed and intended for a period of 12 consecutive months, it shall be completely removed and the site restored to its original condition or, in the case of a USSES, in accordance with the decommissioning plan.

(e) **Personal Scale Solar Energy Systems (PSSES)**

- (1) PSSESs shall be a Permitted Land Use in all zoning districts subject to the following requirements based on the type of system.
 - A. Roof or Building Mounted Personal Scale Solar Energy systems (Roof or Building Mounted Systems)
 - (i) No part of a roof mounted system shall extend closer than three feet from any peak, valley, edge or eave nor shall it extend more than two feet from the surface of the roof;

- (ii) No part of a wall mounted system shall extend beyond the wall on which it is mounted and shall not extend away from the wall on which it is mounted.
- B. **Ground Mounted Systems**

- (i) A Ground Mounted Solar System shall not exceed 20 feet in height above the ground at its maximum tilt;
- (ii) In Agricultural Residential, Commercial and Industrial Districts, Ground Mounted Solar Systems shall be located in the rear yard or side yard. In the Lakefront Residential District, Ground Mounted Solar Systems shall be located between the principal building on the lot and the road.

The minimum setback from the property line shall be:

Agricultural Residential District – 20 feet from rear property line, 25 feet from side property line

Commercial District – 40 feet from rear property line, 25 feet from side property line

Industrial District – 40 feet from rear property line, 25 feet from side property line

Lakefront Residential – from the center line of a right of way of an abutting street shall be 108 feet on unpaved roads and 150 feet on State Highways and 3' from the side property line.

- (iii) All power transmission or other lines, wires, or conduits shall be located underground. If batteries are used as part of the system, they must be contained in a secured container.

(f) **Utility Scale Solar Energy Systems**

(1) **Special Use**

Utility Scale Solar Energy Systems shall be allowed as a special land use in the agricultural/residential, commercial, and industrial districts.

(2) **Application**

In addition to the requirements for an application for a special land use provided in Section 3.5 of this ordinance an application for a special land use for a Utility Scale Solar Energy System shall include all of the following:

- (A) proof of ownership of the property on which the system will be located;
- (B) a copy of any lease or other agreement with the electric utility company for the purchase of electricity produced by the facility. The agreement may only be

- contingent on the successful construction of the system;
- (C) a copy of any operations agreement;
- (D) the name and contact information of the proposed operator;
- (E) inspection protocol, emergency procedures, and general safety documentation for the system;
- (F) a description of how and where the system will be connected to the power grid;
- (G) a copy of a decommissioning plan as required herein;
- (H) a copy of the screening plan as required herein;
- (I) the location, size, and height of all system components.

(3) Minimum Parcel Size

No Utility Scale Solar Energy System shall be located on a parcel of land less than 5 acres in size.

(4) Maximum Height

No solar panels shall exceed 20 feet in height above the ground at maximum tilt.

(5) Screening

When a Utility Scale Solar Energy System is adjacent to a residentially zoned or used lot, side and rear yard screening may be required as determined by the Planning Commission to address specific site needs at the time of the site plan review.

If lighting is desired, it shall be of a fully shielded and downcast type where light does not spill onto the adjacent parcel or the night sky.

(6) Setbacks

All Utility Scale Solar Energy Systems shall be set back at least 25 feet from the nearest property line. The setback from the center line of a right of way on an abutting street shall be 108 feet on paved or unpaved local roads and 150 feet on state highways or primary roads.

(7) Decommissioning Plan

The applicant shall prepare a decommissioning plan which shall include:

- (A) the anticipated life of the project;
- (B) the estimated decommissioning costs, net of salvage value, in current dollars;
- (C) the manner in which the project will be decommissioned and removed and the site restored;
- (D) the method of insuring that funds will be available for decommissioning, removal, and site restoration.

(8) Decommissioning, Removal and Restoration Security

The owner/operator of a Utility Scale Solar Energy System shall provide security to the township to insure the complete decommissioning and removal of the system and

the restoration of the site. The security shall be provided in one of the following methods:

- (A) a cash bond posted with the Township;
- (B) an irrevocable letter of credit in favor of the township from a bank or other financial institution approved by the Township;
- (C) a surety bond issued in favor of the Township issued by a surety approved by the Township;

Any method of providing security shall remain in effect until the system is decommissioned and removed and the site restored. The amount of the security shall not be less than the estimated cost of decommissioning, removal and restoration, and shall include a reasonable inflation factor. The security shall be provided after approval of a special use permit but before the issuance of a special use permit. If the owner/operator fails to decommission and remove the system and restore the site within the time limits set forth herein, the Township may use funds provided as security to decommission and remove they system and restore the site and refund any unused funds to the owner/operator.

Section 8. Severability

Should any portion of this ordinance be found invalid for any reason such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 9. Repealer

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 10. Effective Date

This Ordinance shall be published and take effect seven days after publication as provided by law.

ARTICLE 7

ENVIRONMENTAL PROTECTION AND DESIGN PROVISIONS

Section 7.1 Intent.

Environmental protection and design standards are established in order to preserve the short and long-term environmental health, safety, and quality of the Township. No parcel, lot, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards. No use, otherwise allowed, shall be permitted within any district that does not conform to the following standards of use, occupancy, and operation, and to any County, State, and Federal regulations.

Section 7.2 Airborn Emissions.

(a) Smoke.

- (1) A person shall not cause or permit to be discharged into the atmosphere from a single source of emission, visible air contaminant of a density darker than No. 1.0 of the Ringlemann Chart or not more than twenty (20%) percent opacity except:
 - A. A visible air contaminant of a density not darker than No. 2 of the Ringlemann Chart or not more than forty (40%) percent opacity may be emitted for not more than three (3) minutes in any sixty (60) minute period but this emission shall not be permitted on more than three (3) occasions during any twenty-four (24) hour period.
 - B. Where the presence of uncombined water vapor is the only reason for failure of an emission to meet the requirements of this rule.
- (2) The density of an air contaminant emission shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.
- (3) Darkness of a visible emission of an air contaminant shall be graded by using the Ringlemann Chart or by means of a device or technique which results in a measurement of equal or better accuracy.

- (4) Opacity of a visible emission of an air contaminant shall be graded by observers trained by and certified by the Department of Environmental Quality (DEQ).

(b) Dust, Dirt and Fly Ash.

- (1) No person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas borne or airborne solids shall not exceed those allowed by state regulations.
- (2) Method of Measurement. For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50%) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. test code for the dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Zoning Administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

(c) Air Contaminants, Water Vapors and Odors.

- (1) Air Contaminants and Water Vapors. A person shall not cause or permit the emission of an air contaminant or water vapor in quantities that cause, alone or in reaction with other air contaminants, either of the following:
- A. Injurious effects to human health or safety, animal life, plant life of significant economic value, or property.
 - B. Unreasonable interference with the comfortable enjoyment of life and property.
- (2) Odors. Odorous emissions shall be classified according to the following scale:

0	A concentration of an odorant which produces no sensation.
1	Concentration which is just barely detectable.
2	A distinct and definite odor whose characteristic is clearly detectable.
3	An odor strong enough to cause a person to attempt to avoid it completely.
4	An odor so strong as to be overpowering and intolerable for any length of time.

An odor which has an odor intensity of two (2) or more but does not cause a reasonable person to believe that the odor unreasonably interferes with the comfortable enjoyment of life and property does not constitute a violation of this Section. A person in violation of this Section is subject to enforcement activities pursuant to this Ordinance.

(d) Gases. The escape of or emission of any gas which is injurious, a nuisance, destructive or explosive shall be unlawful and may be summarily caused to be abated.

(e) Wind Borne Pollutants. It shall be unlawful for any person to operate or maintain, or cause to be operated or maintained, on any premise, open area, right-of-way, storage pile of materials, or vehicle, or construction, alteration, demolition, or wrecking operation or any other enterprise that involves any handling, transportation, or disposition of any material or substance likely to be scattered by the wind, or susceptible to being wind-borne, without taking precautions or measures that will eliminate the escape of air contaminants. No person shall maintain or conduct, or cause to be maintained or conducted any parking lot, or automobile and/or truck sales lot, or cause or permit the use of any roadway under his control unless such lot or roadway is maintained in such a manner as to eliminate the escape of air contaminants.

Section 7.3 Building Grades.

(a) Any building requiring yard space shall be located at such an elevation that a finished grade shall be maintained to cause the flow of surface water to run away from the walls of the building. All grades shall be established and maintained so that surface water run-off damage does not occur to adjoining properties prior to, during, and after construction.

(b) When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the Zoning Administrator shall use the existing established finished grade or the minimum established (natural) grade, in determining the proper grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing codes and to preclude excessive quantities of run-off of surface water to flow onto the adjacent property.

(c) Final grades shall be approved by the Zoning Administrator who may require a grading plan that has been duly completed and certified by a registered engineer or land surveyor.

Section 7.4 Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.

No use shall:

(a) Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance.

(b) Cause, creates, or contributes to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

Section 7.5 Fire and Explosive Hazard.

Any activity involving the use or storage of flammable or explosive materials shall comply with federal and state rules and regulations. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the State's Rules and Regulations as established by Public Act No. 207 in 1941, as amended.

Section 7.6 Glare and Exterior Lighting.

(a) Glare from any process (including, but not limited to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.

(b) The design and/or screening of the development shall insure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property. Vehicle access drives are the only exclusion to this provision.

(c) Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses. This provision is not intended to apply to public street lighting.

(d) Any operation, which produces intense glare, shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines.

(e) Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or hazard to operators of motor vehicles, pedestrians, and neighboring land uses.

(f) On-site lighting, i.e. pole or wall mounted lights, etc. shall conform to the following regulations:

- (1) It is the goal of the Township to minimize lighting levels to reduce off-site impacts, prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses, and to promote "dark skies" in keeping with the rural character of Sanilac Township.

- (2) When site plan review is required, all lighting, including signage and ornamental lighting, shall be shown on site plans in sufficient detail with appropriate photometric studies to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objectives of these specific actions are to minimize undesirable on-site effects.
- (3) For all non-residential uses, full cutoff shades are required for light sources so as to direct the light onto the site and away from adjoining properties. The light source shall be recessed into the fixture so as not to be visible from off site. Building and pole mounted fixtures shall be parallel to the ground. Wall-pak type lighting shall be prohibited.
- (4) Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels when measured at five (5) feet above grade do not exceed 0.1 foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 0.3 foot-candles along property lines.
- (5) Where lighting is required, maximum light levels shall not exceed twenty-five (25) foot-candles directly beneath a light fixture. Lighting levels shall not exceed three (3) foot-candles as measured directly between two (2) fixtures. The Planning Commission may allow for an increased level of lighting above maximum permissible levels when determined that the applicant has demonstrated that such lighting is necessary for safety and security purposes.
- (6) For the purposes of this section, all lighting measurements shall be taken at five (5) feet above ground level.
- (7) For parking lots of less than one hundred (100) parking spaces, lighting fixtures shall not exceed a height of sixteen (16) feet measured from the ground level to the centerline of the light source. For parking lots of more than one hundred (100) spaces, lighting fixtures shall not exceed a height of eighteen (18) feet measured from the ground level to the centerline of the light source. The Planning Commission may allow for an increased height when determined that the applicant has demonstrated that the additional height is necessary for safety and security purposes.
- (8) Signs shall be illuminated only in accordance with the regulations set forth in this ordinance. In addition, signs within residential districts shall not be illuminated.

Section 7.7 Landscaping and Screening.

(a) The purpose of this section is to:

- (1) Protect and preserve the appearance, character, and value of the community.

- (2) Minimise noise, air, and visual pollution.
- (3) Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas.
- (4) Require buffering of residential areas from more intense land uses and public road rights-of-way.
- (5) Prevent soil erosion and soil depletion and promote sub-surface water retention.
- (6) Encourage an appropriate mixture of plant material, including, but not limited to evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design.
- (7) Encourage the integration of existing woodlands in landscape plans.

(b) Application of Requirements. These requirements shall apply to all uses for which site plan review is required under Section 3.6 of this Ordinance, condominium and site condominium review as required under Section 3.7 of this Ordinance, and subdivision plat review as required under the Subdivision Control Ordinance. No site plan, condominium/site condominium plan, or subdivision plat shall be approved unless a landscape plan is provided which meets the requirements set forth herein.

(c) Landscape Plan Requirements. A separate detailed landscape plan shall be required to be submitted to the Township as part of the site plan review or tentative preliminary plat review. The landscape plan shall demonstrate that all requirements of this section are met and shall include, but not necessarily be limited to, the following items:

- (1) Location, spacing, size, root type and descriptions for each plant type.
- (2) Typical straight cross section including slope, height, and width of berms.
- (3) Typical construction details to resolve specific site conditions, including, but not limited to landscape walls and tree wells used to preserve existing trees or maintain natural grades.
- (4) Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
- (5) Identification of existing trees and vegetative cover to be preserved.
- (6) Identification of grass and other ground cover and method of planting.

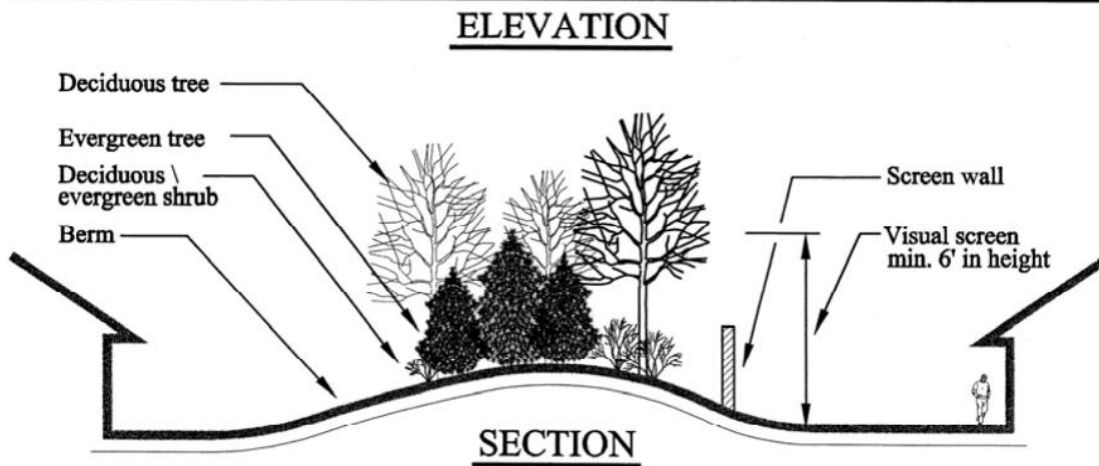
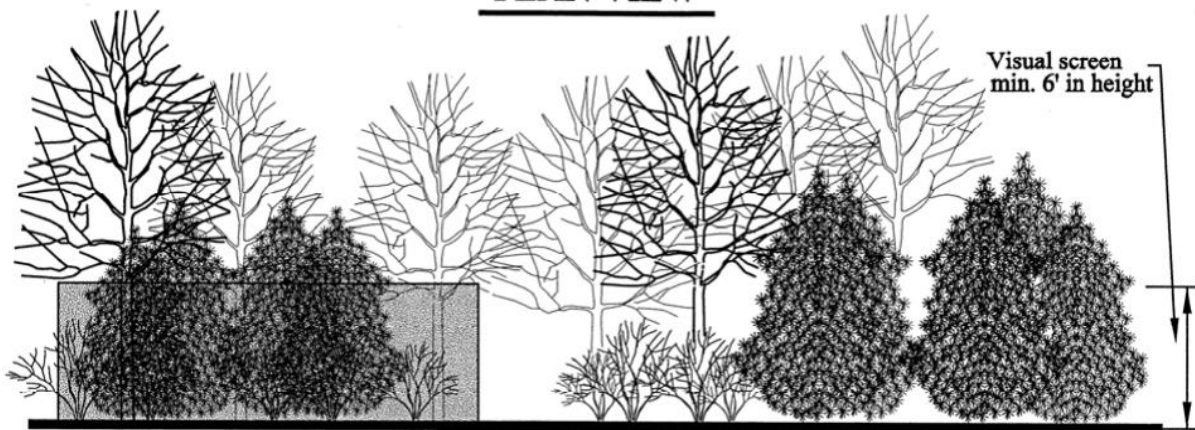
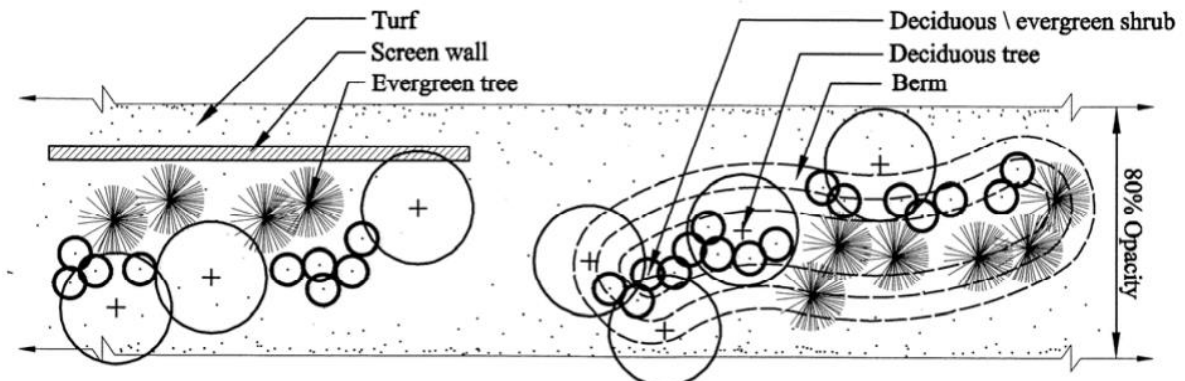
- (7) Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Ordinance.

(d) Screening Between Land Uses.

- (1) Upon any improvement for which a site plan is required, a landscape buffer shall be constructed to create a visual screen at least six (6) feet in height along all adjoining boundaries between either a conflicting non-residential or conflicting residential land use and residentially zoned or used property **(See Exhibit #1).** A landscape buffer may consist of earthen berms and/or living materials so as to maintain a minimum opacity of at least eighty (80%) percent. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen.
- (2) Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence shall be required by the Township. Such wall or fence shall be a minimum of six (6) feet in height as measured on the side of the proposed wall having the higher grade (see Section 5.4, Fences, Walls and Screens).

A required wall shall be located on the lot line except where underground utilities interfere and except in instances where this Zoning Ordinance requires conformity with front yard setback requirements. Upon review of the landscape plan, the Township may approve an alternate location of a wall. The Township shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels having simulated face brick, stone or wood.

Exhibit #1: Screening Between Land Uses



- Screening options
- * Landscape buffer
- * Earth berm
- * Wall
- * Combination of the above

(e) Parking Lot Landscaping.

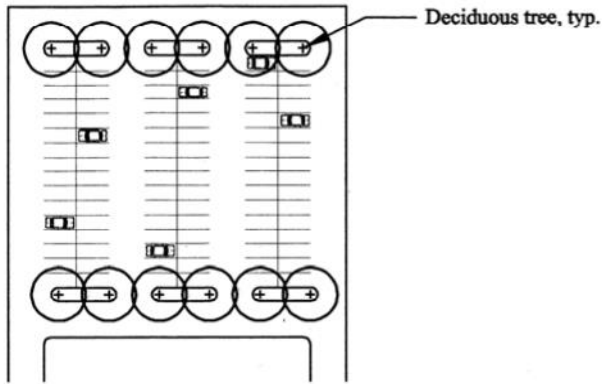
(1) Required Landscaping Within Parking Lots. Separate landscape areas shall be provided within parking lots in accordance with the following requirements and **Exhibit #2:**

- A. There shall be a minimum of one (1) tree for every eight (8) parking spaces, provided that a landscape island shall be provided for no more than sixteen (16) continuous spaces.
- B. Landscaping shall be arranged in curbed islands within the parking lot which shall not be less than fifty (50) square feet in area.
- C. A minimum distance of three (3) feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five (5) feet from the backside of the curb and the proposed landscape plantings shall be provided.
- D. Each interior parking lot island shall be no less than ten (10) feet wide.
- E. The Township, at its discretion, may approve alternative landscape plantings at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot or detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing.

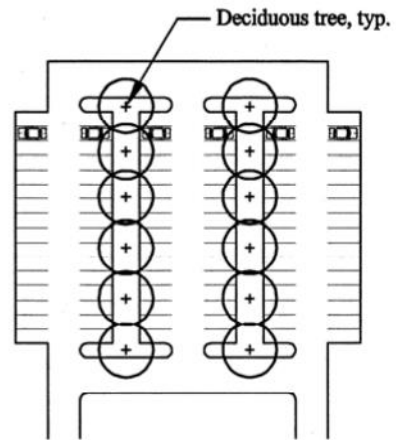
(2) Required Landscaping at the Perimeter of Parking Lots. Separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements and **Exhibit #3:**

- A. Parking lots which are considered to be a conflicting land use as defined by this Section shall meet the screening requirements set forth in subsection (e) above.
- B. Parking lots shall be screened from view with a solid wall at least three (3) feet in height along the perimeter of those sides which are visible from a public road. The Township, at its discretion, may approve alternative landscape plantings in lieu of a wall.

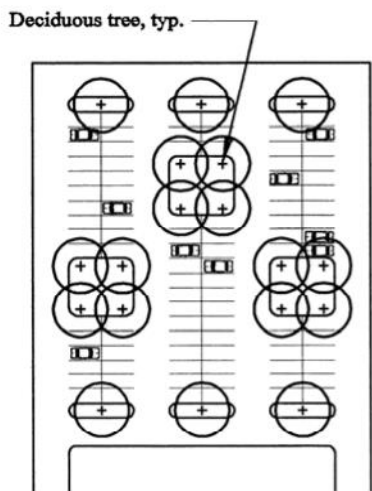
Exhibit #2: Design Options for Landscaping Within Parking Lots



TREES IN END ISLANDS



LANDSCAPE MEDIAN



LANDSCAPE ISLANDS

(f) Greenbelts. A greenbelt shall be provided, the depth of which shall be the applicable zoning district's required yard setback dimension as measured around the entire perimeter of the development, and be landscaped as follows and as depicted in **Exhibit #4**:

- (1) The greenbelt shall be landscaped with a minimum of one (1) tree for every thirty (30) lineal feet, or fraction thereof, of the entire parcel perimeter. Non-ornamental deciduous trees within a greenbelt shall be a minimum caliper of two and one-half (2 1/2) inches or greater. Evergreen trees within a greenbelt shall be a minimum height of six (6) feet.
- (2) If ornamental deciduous trees are substituted for either non-ornamental deciduous trees or evergreen trees, they shall be provided at a minimum of one (1) tree for every twenty (20) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Ornamental deciduous trees within a greenbelt shall be a minimum caliper of two (2) inches or greater.
- (3) Existing trees may be counted towards the greenbelt planting requirements provided they are located within the perimeter setback area as defined above. However, mitigation/replacement trees may not be used to satisfy the greenbelt planting requirements.
- (4) In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and other natural landscape materials.
- (5) Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.
- (6) The only circumstance under which the greenbelt depth can be modified is as follows:
 - A. An existing lot is less than the minimum lot width requirements of the ordinance and thus results in a restricted building site. Under these circumstances the Planning Commission may consider a reduced front yard greenbelt which in no case shall be less than 50% of the required front yard setback.
 - B. When no more than 20% of the required parking is provided between the building and the front property line, the Planning Commission may consider a reduced front yard greenbelt which in no case shall be less than ten (10) feet.
 - C. When a parcel abuts a non-residentially zoned or used lot, the side and rear greenbelts may be reduced to no less than ten (10) feet.

Exhibit #3: Design Option for Landscaping at the Perimeter of Parking Lots

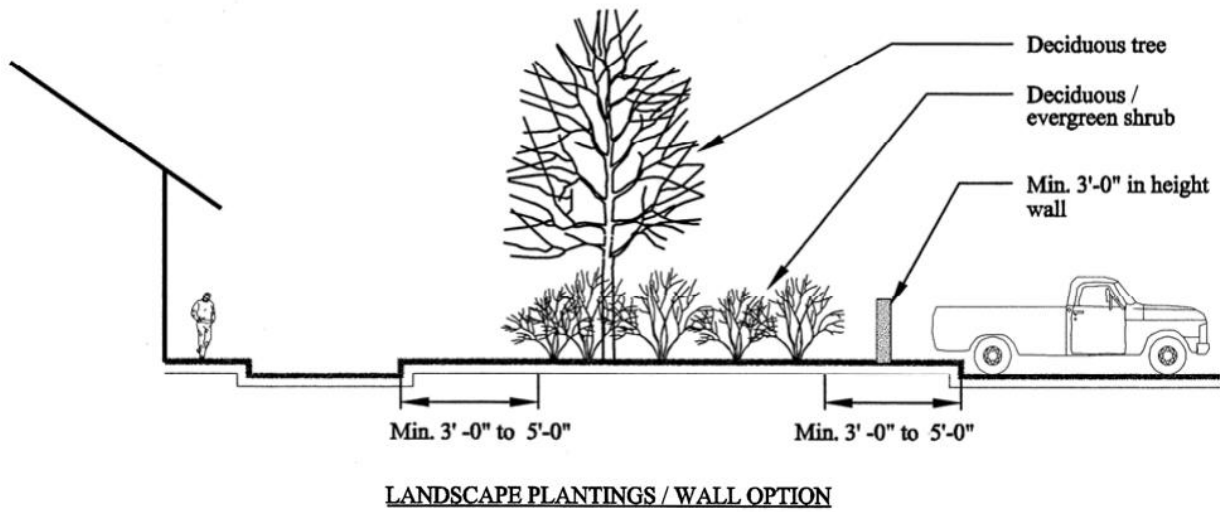
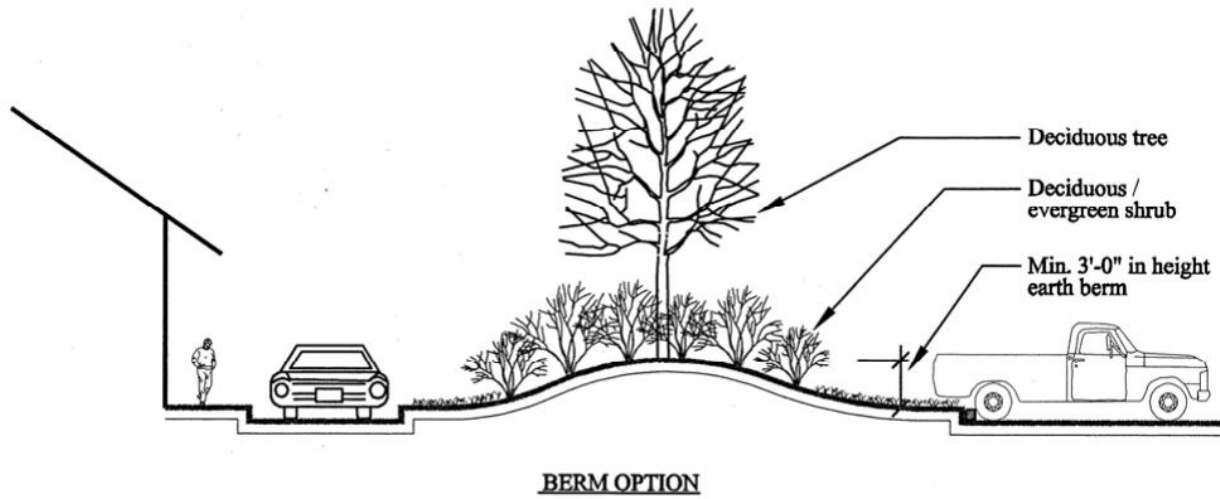
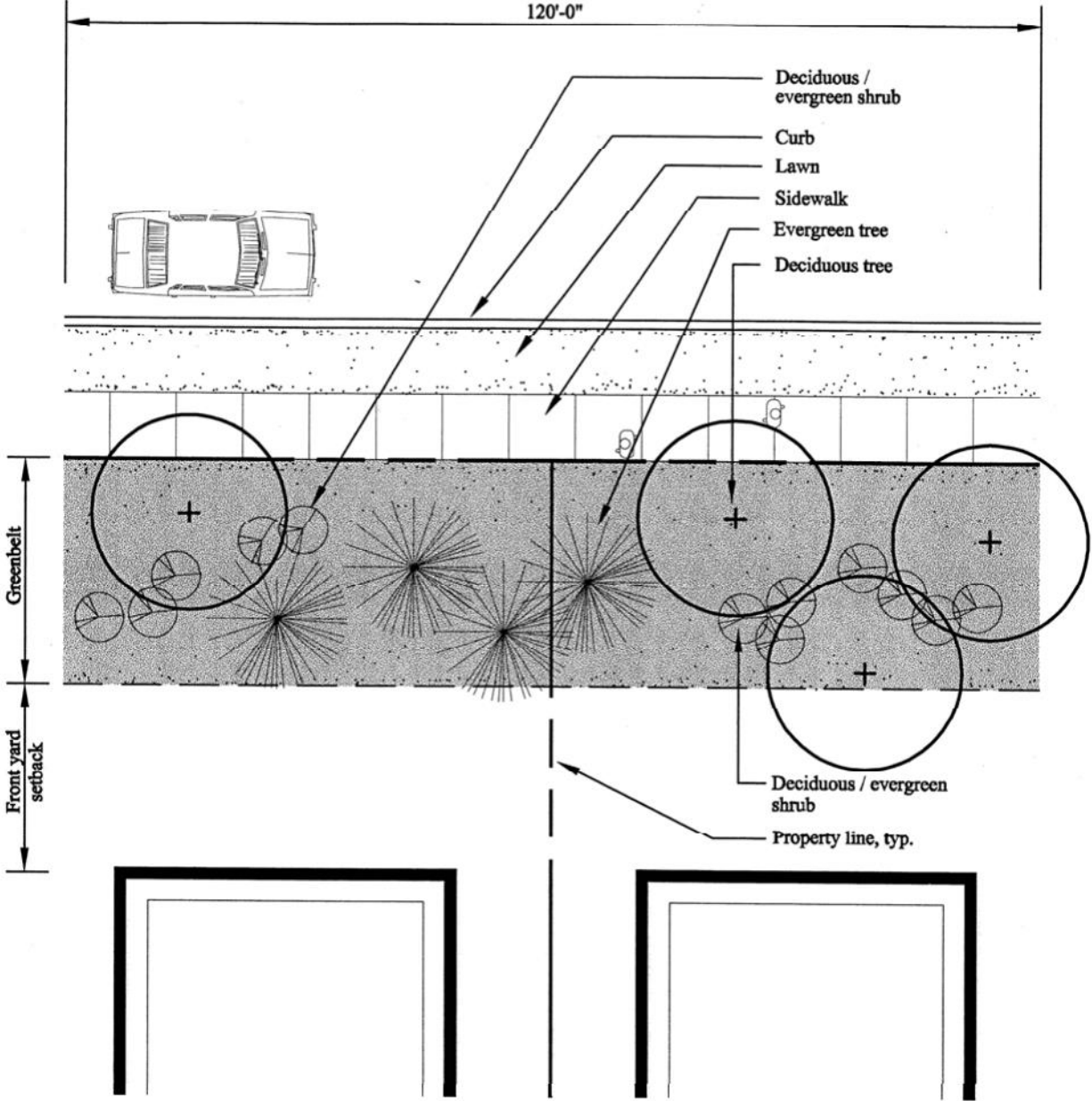


Exhibit #4: Perimeter Greenbelt



(g) Site Landscaping. In addition to any landscape greenbelt and/or parking lot landscaping required by this section, ten (10%) percent of the site area, excluding existing public rights-of-way, shall be landscaped. Such site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas and gardens and building foundation planting beds. Site area landscaping shall be provided to screen potentially objectionable site features including, but not limited to, transformer pads, air-conditioning units, and loading areas.

(h) Stormwater Retention/Detention Basins. All such ponds shall be designed as an integral part of the overall site plan and considered a natural landscape feature having an irregular shape. The following standards shall be considered minimum landscaping requirements for the zones within a retention/detention pond/basin:

(1) Retention/Detention Pond/Basin Zones.

- A. Pond Zone (depths from 0 to 3 feet). Plants in this zone are entirely or partially submerged, utilize nutrients from storm water runoff, and provide habitat for wildlife including, but not limited to waterfowl and aquatic insects.
- B. Edge Zone (permanent water elevation to high water mark). Plants in this zone can withstand periods of inundation and drought and function to stabilize the side slopes of the basin, utilize nutrients, provide habitat for waterfowl, reduce water temperatures, and conceal drawdown in typical mowed ponds.
- C. Upland Zone (high water mark to 100-year floor elevation and beyond). Plants in this zone can withstand periods of inundation and drought and function to stabilize side slopes, provide habitat for waterfowl, songbirds and other wildlife, consist of low maintenance species, and are selected based on soil condition and light, and function as little or no inundation of storm water may occur.

(2) Minimum Planting Standards by Zone.

- A. Pond Zone. Plants shall be a combination of submerged, emergent and wetland edge plantings, generally plugs and bare-root stock, and consisting of no less than four (4) plant species or a suitable seed mix. No less than 25% of the outer fifteen (15) foot perimeter of the zone shall be landscaped as noted.
- B. Edge Zone. Plants shall be a combination of wetland edge or sedge meadow seed mixes. No less than 50% of the zone shall be landscaped as noted.

C. Upland Zone. Plants shall be a combination of sedge meadow or prairie seed mixes. As measured along the pond perimeter (i.e. top of bank elevation), no less than one (1) deciduous or evergreen tree and five (5) shrubs shall be planted for every fifty (50) lineal feet of pond perimeter. The required trees shall be planted in a random pattern or in groups, and their placement of not limited to the top of the pond bank.

(i) Subdivision and Site Condominium Landscaping. Landscaping for single-family residential subdivisions and site condominiums shall be provided in accordance with the following requirements:

- (1) Street Trees. The frontage of all internal public or private streets shall be landscaped in accordance with the greenbelt requirements of subsection (f). Such street trees shall meet the minimum size and spacing requirements set forth in subsection (l).
- (2) Screening Between Land Uses. Where a subdivision or site condominium contain uses which are defined as conflicting land uses by this Ordinance, the screening requirements set forth in subsection (d) shall be met.
- (3) Screening From Public Roads. Where a subdivision or site condominium abuts a public road right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in subsection (d) shall be met.
- (4) Front Yard Landscaping. No less than 50% of all front yards shall contain pervious materials including, but not limited to sod (not seed), ground cover, hedges, trees, etc.
- (5) Wetland and Watercourse Buffers. No less than a twenty-five (25) foot buffer shall be maintained upland from the ordinary high water mark of a wetland and/or watercourse. No structures or exotic invasive plants may be placed within the buffer. The area shall also be maintained in its natural state, free of turf grass and the use of native plantings is encouraged.
- (6) Water Supply. All landscaped common areas shall be provided with a readily available and acceptable water supply, or at least one (1) outlet within one hundred (100) feet of all planted material to be maintained. Adequate provisions may also be accomplished by installation of an irrigation system or outside hose bibs of sufficient quantity and location to provide water for the landscape common areas.
- (7) Other Site Improvements. A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement which would be enhanced through the addition of landscaping. Where applicable, all

such areas shall be sodded or hydro-seeded to minimize weeds and invasive species.

(j) Screening of Trash Containers.

- (1) Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of material which is compatible with the architectural materials used in the site development.
- (2) Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the buildings they serve.
- (3) Containers and enclosures shall be located away from public view insofar as possible.
- (4) Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
- (5) Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of six (6) 30-gallon cans or more. Aprons shall be provided for loading of bins with a capacity of 1.5 cubic yards or more.
- (6) For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
- (7) Screening and gates shall be of a durable construction.

(k) Landscape Elements. The following minimum standards shall apply:

- (1) Quality. Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to southeast Michigan, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
- (2) Size. In determining conformance with the planting requirements of this Ordinance, all plant material shall be measured in accordance with the current American Standard for Nursery Stock, ANSI Z60.1.
- (3) Composition. A mixture of plant material, including, but not limited to evergreen deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.

- (4) Installation, Maintenance, and Completion. All landscaping required by this section shall be planted prior to obtaining a certificate of occupancy, unless the time of year prevents planting to commence. In the latter case, cash, a letter of credit, and/or a certified check shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.

If a project is constructed in phases, the landscape may also be constructed in phases. The Township shall determine the extent and timing of landscaping within each phase based on (a) the necessity to buffer the proposed development from adjacent uses; (b) anticipated commencement on subsequent phases; and (c) building heights and physical characteristics of the site including, but not limited to the topography or existing vegetation.

The owner of property required to be landscaped by this section shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

Minor revisions and deviations from the approved landscape plan may be permitted if approved by the Zoning Administrator. In reviewing such changes, the Zoning Administrator shall ensure that the changes do not constitute a wholesale change of the landscape plan and shall ensure that the revisions to the landscape plan are consistent with the spirit and intent of this article and the previously approved site plan.

- (5) Berms. A berm shall consist of a minimum height of five (5) to six (6) feet with a side slope no steeper than 3:1 (three (3) foot horizontal to one (1) foot vertical). The top of all berms shall have a level horizontal area of at least four (4) feet in width.

The berm shall be graded in a manner that will blend with existing topography, shall be graded smooth, and shall be appropriately sodded, seeded and mulched, or planted. Included, as part of the berm shall be deciduous shade trees, small deciduous ornamental trees and/or evergreen trees planted along the berm area.

- (6) Existing Trees. The preservation and incorporation of existing trees is encouraged.

(1) Minimum Size and Spacing Requirements. Where landscaping is required the following schedule sets forth minimum size and spacing requirements for representative landscape materials. All plantings shall be located no less than half of the recommended on-center spacing from all on- and off-site structures:

SIZE AND SPACING REQUIREMENTS

	Minimum Size Allowable				Recommended On-Center Spacing			
	Height		Caliper		(in feet)			
TREES	6'	3'-4'	2"	2.5"	30	25	15	10
Evergreen Trees:								
Fir	•						•	
Spruce	•						•	
Pine	•						•	
Hemlock	•						•	
Douglas Fir	•						•	
Narrow Evergreen Trees:								
Red Cedar		•						•
Arborvitae		•						•
Juniper (selected varieties)		•						•
Large Deciduous Trees:								
Oak				•	•			
Maple				•	•			
Beech				•	•			
Linden				•		•		
Ginko (male only)				•	•			
Honeylocust (seedless, thornless)				•	•			
Birch				•		•		
Sycamore				•	•			
Small Deciduous Trees (ornamental)								
Flowering Dogwood (disease resistant)			•				•	
Flowering Cherry, Plum, Pear			•			•		
Hawthorn			•				•	
Redbud			•			•		
Magnolia			•				•	
Flowering Crabapple			•				•	
Mountain Ash			•				•	
Hornbeam			•			•		

SIZE AND SPACING REQUIREMENTS (con't.)

	Minimum Size Allowable					Recommended On-Center Spacing				
	Height		Spread			(in feet)				
SHRUBS	6'	3'-4'	24"-36"	18"-24"		10	6	5	4	3
Large Evergreen Shrubs:										
Pyramidal Yew		•				•				
Hicks Yew				•					•	
Spreading Yew			•					•		
Alberta Spruce		•							•	
Chinese Juniper Varieties			•				•			
Sabina Juniper				•				•		
Mugho Pine				•			•			
Small Evergreen Shrubs:										
Brown's Ward's Sebio Yews				•						•
Horizontal Juniper Varieties				•			•			
Boxwood				•					•	*
Euonymus Spreading varieties				•				•		
Large Deciduous Shrubs:										
Lilac			•			•				
Sumac			•				•			
Pyracantha				•				•		
Weigela		•							•	
Flowering Quince			•				•			
Cotoneaster (Peking and Spreading)			•					•		
Dogwood (Red Osier & Grey)			•				•			
Viburnum varieties			•				•			
Small Deciduous Shrubs:										
Spiraea (except Japanese)				•					•	
Fragrant Sumac				•						
Japanese Quince				•						•
Cotoneaster (Rockspray, Cranberry)				•						•
Potentilla				•						•

Section 7.8 Radioactive Materials.

Use and storage of radioactive materials and wastes, including electromagnetic radiation, but not limited to x-ray machine operation shall comply with all State and Federal requirements.

Section 7.9 Safety.

Existing hazards or potential hazards and nuisances, including, but not limited to construction sites, auto wrecking yards, junk yards, land fills, sanitary land fills, demolition sites, unused basements, sand, gravel, and stone pits or stone piles are to be enclosed by suitable fencing or barriers, as determined by the Zoning Administrator, so as not to endanger public health, safety and welfare. Abandoned wells and cistern are to be capped or filled in to the satisfaction of the Zoning Administrator.

Section 7.10 Stormwater Management.

All developments and earth changes subject to review under the requirements of this section shall be designed, constructed, and maintained to prevent flooding and protect water quality. The particular facilities and measures required on-site shall reflect the natural features, wetlands, and watercourses on the site; the potential for on-site and off-site flooding, water pollution, and erosion; and the size of the site. Storm water management shall comply with the following standards:

- (a) The design of storm sewers, detention/retention facilities, and other storm water management facilities shall comply with the standards of the Sanilac County Drain Commission.
- (b) Storm water management conveyance, storage and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to storm water runoff and soil erosion from the proposed development.
- (c) The use of swales and vegetated buffer strips are encouraged in cases where the Planning Commission deems to be safe and otherwise appropriate as a method of storm water conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
- (d) Alterations to natural drainage patterns shall not create additional flooding or water pollution for adjacent upstream or downstream property owners.
- (e) Discharge of runoff from any site, which may contain oil, grease, toxic chemicals, or other polluting materials, is prohibited. If a property owner desires to propose measures to reduce and trap pollutants, the owner must meet the requirements of Sanilac County Drain Commission and the Township, based upon professionally accepted principles; such a proposal shall be submitted and reviewed by the Township Engineer, with consultation of appropriate experts.

(f) Drainage systems shall be designed to protect public health and safety and to be visually attractive, taking into consideration viable alternatives.

(g) On-Site Stormwater Detention/Retention. For the purpose of controlling drainage to off-site properties and drainage ways, all properties with the exception of single-family residences and agricultural operations, which are developed under this zoning ordinance, whether new or improved shall provide for on-site detention/retention storage of storm water in accordance with the current Sanilac County Drain Commission standards.

Section 7.11 Use, Storage and Handling of Hazardous Substances, Storage and Disposal of Solid, Liquid and Sanitary Wastes.

(a) It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the Township through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.

(b) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall obtain the appropriate permits or approval from the Department of Environmental Quality (DEQ), Michigan Fire Marshal Division, Sanilac County, or other designated enforcing agencies.

(c) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores, or generates hazardous substances shall complete and file a Hazardous Chemicals Survey to the Township in conjunction with the following: HAZARDOUS SUBSTANCE REPORTING FORM or MATERIAL SAFETY DATA SHEET (MSDS).

(1) Upon submission of a site plan.

(2) Upon any changes of use or occupancy of a structure or premise.

(3) Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.

(d) All business and facilities which use, store, or generate hazardous substances shall comply with all Federal, State, and County standards.

(e) All site plans for business or facilities which use, store or generate hazardous substances shall comply with County, State, and Federal regulations for those substances.

ARTICLE 8

PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Section 8.1 Intent.

The Planned Unit Development (PUD) District is intended to permit flexibility in the application of zoning standards and requirements where it can be demonstrated that the intent set forth in Section 8.1 and criteria set forth in Section 8.2 can be achieved through the use of PUD regulations. This Article is also intended to ensure the use of land in a manner that encourages the preservation of rural character and large areas of open space, protects valuable natural resources of the Township as identified in documents including, but not limited to the Township Master Plan, enhances ecological functions, and permits development that is enhanced by the inclusion of open space and active and/or passive recreation planned as an accessory part of the development.

Specifically, the PUD District regulations set forth herein are intended to achieve the following purposes:

- (a) Encourage innovation in land use and excellence in design, layout, and type of structures constructed through the flexible application of land development regulations;
- (b) Achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities;
- (c) Encourage the provision of open space for active and passive use;
- (d) Emphasize a planning approach which identifies and integrates natural resources and features in the overall site design concept;
- (e) Provide adequate housing, employment and shopping opportunities particularly suited to the needs of the residents of the Township;
- (f) Incorporate design elements that unify the site through landscaping, lighting, coordinated signage, and pedestrian walks and pathways.
- (g) Encourage the use, reuse and improvement of existing sites and buildings when developed in a compatible manner with surrounding uses.

Section 8.2 General Provisions.

- (a) Where Permitted. A PUD may be applied for in any zoning district.

(b) Process. Approval of a PUD application shall be a two (2) step process. The first step shall be a preliminary review as set forth in Section 8.6 (c). The final step, as set forth in Section 8.6 (h-1), shall include a rezoning by way of amendment of this Ordinance upon the recommendation of the Planning Commission and approval of the Township Board.

(c) Qualifications of Subject Parcel for Consideration as a PUD. The applicant for a PUD must demonstrate through the submission of both written documentation and site development plans that all of the following criteria are met:

- (1) The minimum area for an exclusively residential development is 10 acres.
- (2) The minimum area for an exclusively non-residential or a complimentary mix of residential and non-residential uses shall be 5 acres.
- (3) The intent of Section 8.1 is met.
- (4) Approval of the PUD will result in one (1) or more of the following:
 - A. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations; or
 - B. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 - C. A non-conforming use shall, to a material extent, be rendered more conforming to and compatible with the zoning district in which it is situated.
- (5) The proposed type and, or density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads, and utilities.
- (6) The proposed PUD shall be consistent with the public health, safety, and welfare of the Township.
- (7) The proposed PUD shall minimize any negative environmental impact on the subject site or surrounding land.
- (8) The proposed PUD shall minimize any negative economic impact upon surrounding properties.
- (9) The proposed PUD shall be consistent with the Goals and Policies of the Sanilac Township Master Plan.

- (10) The proposed PUD shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing, or having legal authority for completing, the project in conformity with this Ordinance, provided that such responsibility shall not include individual principal buildings and facilities on the site of such buildings which serve only such buildings and have no relation or impact upon other portions of the development. This provision shall not prohibit a transfer of ownership and/or control, upon due notice to the Clerk.
- (11) Where a project is proposed for construction in phases, a final PUD plan shall be submitted for each phase prior to commencement of construction of that phase.
- (12) The proposed PUD shall meet all design standards as set forth in Sections 8.2 through 8.5.

Section 8.3 Design Considerations and Site Development Capabilities.

(a) Design Considerations. A proposed PUD shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.

- (1) Perimeter setbacks.
- (2) Street drainage and utility design with respect to location, availability, ownership, and compatibility.
- (3) Underground installation of utilities.
- (4) Insulation of separate pedestrian ways apart from vehicular streets and ways.
- (5) Achievement of integrated and harmonious development with respect to signs, lighting, landscaping, and construction materials.
- (6) Noise reduction and visual screening mechanisms from adjoining residential uses.
- (7) Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.
- (8) Off-street parking, loading, refuse, and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties and uses.
- (9) Screening and buffering with respect to dimensions and character.

- (10) Yard areas and other open space.
- (11) Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre and the height of buildings and other structures.
- (12) The preservation of natural resources and natural features.

(b) Site Development Capability. In establishing the development capability of the site, the applicant shall submit a site analysis and supportive documentation which will illustrate the following:

- (1) Visual impacts, including but not limited to ridgeline protection areas and protection of scenic views.
- (2) Erosion prevention and control, including but not limited to protection of natural drainage channels and compliance with an approved storm water drainage management plan.
- (3) Preservation of significant native trees and other native site vegetation, including protection of natural area buffer zones.
- (4) Conservation of water, including but not limited to preservation of existing native vegetation, reduction in amounts of irrigated areas and similar considerations.
- (5) Stream corridor and wetland protection and buffering.
- (6) Site topography, including but not limited to such characteristics as steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines and scenic topographic feature
- (7) Floodplains and floodways.
- (8) Wildlife movement corridors.
- (9) Natural area buffer zones as delineated below.
- (10) The practical needs of approved construction activity in terms of ingress and egress to the developed project and necessary staging and operational areas.
- (11) Hydrology and groundwater flow.

Section 8.4 Project Densities and Intensities.

(a) Residential Density.

- (1) The total number of dwelling units in a PUD project shall not exceed the number

of dwelling units permitted in the underlying zoning district. However, a variable density credit of up to fifteen percent (15%) may be allowed at the discretion of the Planning Commission and Township Board, based upon a demonstration by the applicant of design excellence in the PUD. Projects qualifying for a density credit shall include no less than two (2) of the following elements:

- A. A high level of clustered development, where at least twenty percent (20%) of the PUD is common usable open space.
 - B. Providing perimeter transition areas or greenbelts around all sides of the development that are at least one hundred (100) feet in depth.
 - C. The proposed plan is designed to enhance surface water quality and ground water quality.
 - D. Provisions and design that preserve natural features.
 - E. Donation or contribution of land or amenities that represent significant community benefit.
 - F. Other similar elements as determined by the Planning Commission and Township Board.
- (2) The applicant shall be required to submit a conventional zoning layout using the underlying zoning classification and demonstrating a practical project for the subject parcel applying all Township regulations.
- (3) In the case where the applicant proceeds in phases and develops only a portion of the total proposed development at one time, each phase shall consist of land use(s) planned and developed in such a way so that the average density of all completed phases shall not exceed on a cumulative basis, the maximum average density allowed for the entire development. This may be accomplished through the utilization of conservation easements, or other lawful means, which would allow more dense development in an earlier phase, while ensuring appropriate overall density.

(b) Mixed Use Project Density. For PUD projects which contain a residential component, the Township shall make a determination as to appropriate residential density based upon existing and planned residential densities in the surrounding area, the availability of utilities and service and the natural features and resource of the subject parcel.

(c) Non Residential Component. A PUD with a gross area of ten (10) acres or more may incorporate a non-residential component into an exclusively residential development (based upon the existing zoning), provided that all of the following are met:

- (1) The non-residential component shall be located on a lot of sufficient size to

contain all such structures, parking, and landscape buffering. The total area occupied by the non-residential land uses may not exceed five percent (5%) of the gross area of the development, or five (5) acres, whichever is less.

- (2) All non-residential uses shall be compatible with the residential area.
- (3) The Planning Commission finds that the architectural design of the structures is compatible with the balance of the development.
- (4) All non-residential structures are connected to a pedestrian access system servicing the project.
- (5) All parking and loading areas serving the non-residential uses shall be to the rear or side of the structure and fully screened from view of any public roadway, except that the Planning Commission may allow up to twenty five percent (25%) of the minimum number of required parking spaces in the front yard. Where the parking lot is visible from residential units or open space, it shall be planted with a landscape buffer consisting of evergreen trees spaced no more than ten (10) feet on center.

Section 8.5 Design Standards.

(a) Open Space Preservation.

- (1) When completed, the PUD shall have significant areas, but not less than 20% of total land area, devoted to open space, which shall remain in a natural state and/or be restricted for use for active and/or passive outdoor recreational purposes. Priority shall be on preserving the most important natural features on the site, as identified by a site analysis. The amount of open space, including the area and percentage of the site, shall be specified on the site plan. In accordance with P.A. 177 of 2001, for planned unit developments within the AR and LR zoning districts, a minimum of fifty (50) percent of land shall remain in an undeveloped state as defined in Section 2.2 of this Ordinance.
- (2) In addition to preservation of the most important natural features, additional open space shall be, where possible, located and designed to achieve the following: provide areas for active recreation, provide areas for informal recreation and pathways that connect into adjacent open space, parks, bike paths or pedestrian paths, provide natural greenbelts along roadways to preserve the rural character as viewed from the roads, and to preserve a buffer from adjacent land uses where appropriate.

Non-residential and/or mixed use projects shall contribute to the enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window

shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or focal feature or amenity that, in the judgment of the Township adequately enhances such community and public spaces. When possible, any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

(3) Areas Not Considered Open Space. The following land areas are not considered as open space for the purposes of this Article:

- A. The area within a public street right-of-way or private road access easements or other easements that include roads, drives or overhead utility lines.
- B. The area located below the ordinary high water mark of an inland lake, river or stream, or any pond with standing water year round.
- C. The area within any manmade storm water detention or retention pond.
- D. The required yard (setbacks) area around buildings which are not located on an individual lot or condominium site.

(4) Maintenance.

- A. No PUD shall be approved by the Township Board until documents pertaining to maintenance and preservation of common natural open space areas, common landscaped areas and common recreational facilities located within the development plan, have been reviewed by the Township Attorney and approved by the Township Supervisor.
- B. For non-residential portions of a PUD, the maintenance and preservation shall pertain to all landscaped areas and recreational facilities not enclosed within a building. For residential portions, maintenance shall apply to the open space, landscaped areas, and recreational facilities owned by or used in common by the residents.
- C. The Township shall be identified as having the right to enforce the conditions, covenants and restrictions placed on the open space, unless otherwise directed by the Township Board or Township Attorney, with the documentation utilized for such purpose to be in a form approved by the Township Attorney. Any costs associated with Township enforcement can be assessed to the property owner.

(b) Buffering from Adjacent Property. There shall be a perimeter setback and buffering, of up to one hundred (100) feet, taking into consideration the use or uses in and adjacent to the development. The setback distance shall be determined in the sole discretion of the Township

Board, considering the recommendations of the Planning Commission, and need not be uniform at all points on the perimeter of the development. The Township Board may reduce the perimeter setback and buffering in cases where the density of the proposed use is compatible with adjacent uses and/or natural features including, but not limited to woodlands and topographical features provide adequate buffering to protect adjacent uses.

If natural features, including, but not limited to woodlands and topographical features do not provide adequate buffering from adjacent property, the perimeter setback shall include noise reduction and visual screening mechanisms including, but not limited to landscaping, berms and/or decorative walls.

(c) Vehicular and Pedestrian Circulation.

- (1) Vehicular circulation shall be designed in a manner which provides safe and convenient access to all portions of the site, promotes safety, contributes to coherence of site design, and adapts to site topography.
- (2) Physical design techniques, known as traffic calming are encouraged. These techniques are intended to which alter driver behavior to reduce speed and cut-through traffic, improve vehicular safety, and improve conditions for non-motorized traffic.
- (3) Walkways shall be provided in a manner which promotes pedestrian safety and circulation. Walkways shall be separated from vehicular traffic except where roadway crossings are necessary. The plan shall provide pedestrian/bicycle access to, between or through all open space areas, and to appropriate off-site amenities, and located in accordance with the environmental inventory of the site. Informal trails may be constructed of gravel, wood chip or other similar material, but the Township Board may require construction of a pathway of up to eight (8) feet in width and constructed of concrete or asphalt through portions of the development or along any public right-of-way abutting the development.
- (4) If applicable, locations for school bus stops shall also be provided on the site plan.

(d) Utilities. There shall be underground installation of utilities, including electricity and telephone, as found necessary by the Township.

(e) Storm water Drainage/Erosion Control. All storm water drainage and erosion control plans shall meet the standards according the Sanilac County Drain Commission for design and construction and shall, to the maximum extent feasible, utilize non-structural control techniques, including but not limited to:

- (1) Limitation of land disturbance and grading;
- (2) Maintenance of vegetated buffers and natural vegetation;
- (3) Minimization of impervious surfaces;

- (4) Use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined swales; and
- (5) Use of infiltration devices.

Section 8.6 Application and Processing Procedures.

(a) Effects. The granting of a PUD application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this Ordinance. An approval granted under this Article including all aspects of the final PUD plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.

(b) Pre-Application Conference. Prior to the submission of an application for PUD, the applicant shall meet with the Township Clerk, and such consultants or staff as deemed appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the PUD, and the following information:

- (1) A legal description of the property in question;
- (2) The total number of acres to be included in the project;
- (3) A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units;
- (4) The approximate number of acres to be occupied and/or devoted to or by each type of use;
- (5) Departures from the regulations of the Ordinance which may be requested;
- (6) The number of acres to be preserved as open space or recreation space; and
- (7) All known natural resources and natural features.

The applicant shall present the sketch plan or a modified sketch plan to the Planning Commission for information purposes. This shall be done prior to submitting the preliminary PUD plan.

(c) Preliminary PUD Plan Application - Submission and Content. Following the above conference or conferences, copies of the application for preliminary PUD plan shall be submitted. The submission shall be made to the Township Clerk. The plan shall be accompanied by an application form and fee as determined by the Township Board. The preliminary PUD plan shall contain the following information unless specifically waived by the Township Clerk:

- (1) Date, north arrow, and scale which shall not be more than 1" = 100'.

- (2) Locational sketch of site in relation to surrounding area.
- (3) Legal description of property including common street address and tax identification number.
- (4) Size of parcel.
- (5) All lot or property lines with dimensions.
- (6) General location of all buildings within one hundred (100) feet of the property lines.
- (7) General location and size of all existing structures on the site.
- (8) General location and size of all proposed structures on the site. The general size of all buildings shall be within five thousand (5,000) square feet or five percent (5%), whatever is smaller of whatever is constructed.
- (9) General location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces and typical dimensions.
- (10) General size and location of all areas devoted to green space.
- (11) Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
- (12) All areas within the 100-year floodplain, wetland areas or bodies of water.
- (13) Existing topographical contours at a minimum of two (2) foot intervals and/or spot elevations which illustrate drainage patterns.
- (14) A narrative describing:
 - A. The nature of the project, projected phases and timetable.
 - B. The proposed density, number, and types of dwelling units if a residential PUD.
 - C. A statement describing how the proposed project meets the objectives of the PUD.
 - D. A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
 - E. Proof of ownership or legal interest in property.

(15) All information contained in Section 3.6.

(d) Public Hearing - Planning Commission. Prior to setting the public hearing, the applicant shall submit all required and requested information to the Township. And provide for notice in accordance with MCL 125.3103, *et seq.*

(e) Planning Commission Review and Recommendation – Preliminary PUD Plan. The Planning Commission shall review the preliminary PUD plan according to the provisions of Sections 8.2 through 8.5 herein. Following the public hearing, the Planning Commission shall recommend to the Township Board either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards.

- (1) Approval of the preliminary PUD plan will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.
- (2) In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
- (3) The proposed development shall be compatible with the Master Plan of the Township and shall be consistent with the intent and spirit of this Article.
- (4) The PUD shall not change the essential character of the surrounding area.
- (5) The proposed PUD shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Township Clerk.

(f) Township Board Review and Determination – Preliminary PUD Plan. After receiving the recommendation of the Planning Commission, the Township Board shall approve, deny, or approve with conditions the preliminary PUD plan in accordance with the standards for approval and conditions for a PUD as contained herein.

(g) Effect of Approval - Preliminary PUD Plan. Approval of the preliminary PUD plan that is required to accompany a PUD application does not constitute final PUD plan or rezoning approval, but only bestows the right on the applicant to proceed to the final site plan stage. The application for final PUD consideration shall be submitted within twelve (12) months of receiving preliminary PUD approval or the application shall be considered null and void.

(h) Contents of the Final PUD Plan. Following preliminary PUD plan approval, copies of

the application for final PUD plan shall be submitted. The submission shall be made to the Township Clerk. The plan shall be accompanied by an application form and fee as determined by the Township Board. The final PUD plan shall contain the same information required for the preliminary PUD plan along with the following information and any information specifically requested by the Planning Commission in its review of the preliminary PUD plan:

- (1) Location and size of all water, sanitary sewer, and storm sewer lines serving the development.
- (2) Proposed grading plan.
- (3) Proposed landscaping including type, number and size of trees and shrubs.
- (4) Location of signs and exterior lighting.
- (5) Location of sidewalk, foot paths, or other pedestrian walkways.
- (6) Distance of all buildings from lot lines, right-of-ways, and other principal buildings.
- (7) Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.
- (8) Proposed phases of project and projected timetable.
- (9) All information contained in Section 3.6.

(i) Planning Commission Review and Recommendation – Final PUD Plan and Rezoning. After receiving approval of the preliminary PUD plan from the Township Board, the Planning Commission shall review the final PUD plan and rezoning application and shall recommend to the Township Board either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed PUD still meets the intent of the PUD district along with all development standards outlined in Section 8.2 through 8.5.

(j) Public Hearing – Township Board. The Township Board shall hold a public hearing and give notice in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, M.C.L. 125.3503, *et. seq.*

(k) Township Board Review and Determination – Final PUD Plan and Rezoning. After receiving the recommendation of the Planning Commission and considering the comments from the public hearing, the Township Board shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.

(l) Effect of Approval – Final PUD Plan and Rezoning. The final PUD plan, the narrative and all conditions imposed, if any, shall constitute the land use authorization for the property.

All uses not specifically specified in the final PUD plan are disallowed and not permitted on the property notwithstanding that the property is zoned PUD. All improvements and uses shall be in conformity with this zoning amendment to PUD. The applicant shall record an affidavit with the Sanilac County Register of Deeds, which shall contain the following:

- (1) Date of approval of the final PUD plan by the Township Board.
- (2) Legal description of the property.
- (3) Legal description of the required green space along with a plan stating how this green space is to be maintained.
- (4) A statement that the property will be developed in accordance with the approved final PUD plan and any conditions imposed by the Township Board or Planning Commission unless an amendment thereto is duly approved by the Township upon the request and/or approval of the applicant or applicant's transferee's and/or assigns. This statement shall also include the duration of approval and action for non-compliance.

Section 8.7 Conditions.

(a) Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law. Conditions may be included which are deemed necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserving natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

(b) Conditions imposed shall meet the following requirements: be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this Ordinance, and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

(c) Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the Township Board and the landowner. The Township shall maintain a record of conditions which are changed.

Section 8.8 Phasing and Commencement of Construction.

(a) Phasing. Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Township Board after recommendation from the Planning Commission.

(b) Commencement and Completion of Construction. Construction shall be commenced within one (1) year following final plan approval of a PUD and shall proceed substantially in conformance with the schedule set forth by the applicant, as approved by the Township. If construction is not commenced within such time, any approval of a PUD plan shall expire and be null and void, provided, an extension for a specified period may be granted by the Township Board upon good cause shown if such request is made to the Township Board prior to the expiration of the initial period. Moreover, in the event a PUD plan has expired, the Township Board, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

Section 8.9 Performance Guarantees.

The Planning Commission may require a performance bond in order to ensure completion of the required improvements.

Section 8.10 Modifications to an Approved PUD Plan.

(a) Minor Modifications. Minor changes to a final PUD plan may be approved by mutual agreement of the applicants or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Township regulations or state law. Minor changes include all matters that were approved by the Planning Commission in the final PUD plan that were not part of the preliminary PUD plan, that the location of structures, roads, parking areas, signs, lighting, and driveways may be moved provided that are in the same general location as approved in the preliminary site development plan as determined by the Planning Commission, and building size that does not exceed five thousand (5,000) square feet or five (5) percent of the gross floor area, whichever is smaller. Reduction in project scope shall also be considered a minor change.

(b) Major Modification. A major change to an approved PUD shall comply with the original approval procedures for a PUD. Major changes include but are not limited to increase in density or number of dwelling units, increase in land area or building size, except as noted above or addition of other uses not authorized by the original PUD approval.

ARTICLE 9

SIGNS

Section 9.1 Intent.

The intent of this Ordinance is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety and welfare. While this Article recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the Township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists.

To achieve its intended purpose, this Article has the following objectives:

- (a) To prevent the placement of signs in a manner that will conceal or obscure signs or adjacent businesses;
- (b) To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products;
- (c) To keep signs within a reasonable scale with respect to the buildings they identify;
- (d) To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets;
- (e) To promote a quality manner of display which enhances the character of the Township;
- (f) To prevent the proliferation of temporary signs which might promote visual blight.
- (g) To eliminate the potential for any adverse affects on the neighboring properties.

Section 9.2 General Conditions.

- (a) Location. All signs must advertise a business or service on the premises upon which the sign is located and to which the sign is accessory, unless otherwise specified herein.
- (b) Illumination.
 - (1) No sign shall be illuminated by other than electrical means.

- (2) The light from illuminated signs shall be directed and shielded in a manner that will not interfere with vehicular traffic or the enjoyment and use of adjacent properties.
- (3) No sign may be erected which flashes, rotates, has moving parts or messages generated by discrete lighting elements.
- (4) Internal illumination shall be permitted under the following circumstances:
 - A. Individual back-lit letters which are silhouetted against softly illuminated walls.
 - B. Individual letters with translucent faces, containing soft lighting elements inside each letter.
 - C. Metal-faced box signs with cut-out letters and soft-glow fluorescent tubes.
- (5) Only indirectly illuminated signs shall be allowed in any residential district.
- (6) Gas-filled light types (fluorescent) shall be allowed for indirect illumination and when placed in such a manner that the tubes are not exposed to view from any point along the roadway or sidewalk.

(c) Safety.

- (1) All signs shall be erected and maintained in compliance with all applicable building code, and other applicable ordinances governing construction within the Township. In the event of conflict between this Article and other laws, the most restrictive shall govern.
- (2) All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk.
- (3) No sign shall be erected, relocated or maintained so as to obstruct fire fighting or prevent free access to any door, window or fire escape.

(d) Signs Prohibited in All Districts.

- (1) Roof signs.
- (2) Signs containing flashing, intermittent or moving lights, digital/ electronic signs, signs with moving or revolving parts, or reflecting parts which may distract drivers. This prohibition does not extend to those signs that give the time or temperature, provided that no other animated messages are displayed. Exceptions to this restriction may be permitted by the Planning Commission based upon good

justification, for example, the historical significance of signage. Digital/electronic signs may be considered for the display of gas prices at automobile filling stations and on menuboards through the special land use process in accordance with Section 3.5.

- (3) Signs affixed to trees, rocks, shrubs or similar natural features, except, signs denoting a site of historic significance.
 - (4) Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices, and signs which make use of words including, but not limited to “Stop”, “Look”, “Danger”, or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.
 - (5) Temporary signs mounted upon trucks, vans, or other wheeled devices, except for political signs. Signs permanently painted on, or, otherwise permanently displayed upon a vehicle, licensed and operating on the public streets and highways, identifying the owner's occupation or livelihood, shall be permitted.
 - (6) Signs other than those erected by a public agency which are located within or overhang the public right-of-way or on public property, unless otherwise specified herein.
 - (7) Any sign or sign structure which constitutes a hazard to public health and safety due to inadequate maintenance.
 - (8) Any sign unlawfully installed, erected or maintained.
- (e) Signs Permitted in All Districts.
- (1) Nameplates containing only a residents name and address, and not exceeding two (2) square feet in size.
 - (2) Be permitted on all lots regardless of zoning, provided such sign is located and placed with the permission of the owner or lawful occupant of the lot or parcel where such sign is located, and provided that such sign does not violate any other provision of this ordinance. No more than two (2) political/election signs may be erected on a lot within the Township for each candidate and/or ballot proposal and all such signs shall be removed within five (5) days following the election.
 - (3) On-premise directional signs which indicate the direction of pedestrian or vehicular traffic flow on private property. Directional signs shall not exceed two (2) square feet in size, shall contain no advertising, and may be illuminated.
 - (4) Street numbers.

- (5) Historical markers.
- (6) Signs in the interior of a building, with the exception of window signs.
- (7) Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, including, but not limited to directional signs, regulatory signs, and information signs.
- (8) Names of buildings, dates of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure.
- (9) Temporary on premise farm product signs in only the AR district.
 - A. Not to exceed thirty-two (32) square feet.
 - B. Not to exceed ninety (90) days in any one (1) year period.

Section 9.3 Permitted Ground Signs.

(a) General Requirements.

- (1) One (1) ground sign shall be permitted per premise which has frontage on only one (1) public road.
- (2) Two (2) ground signs shall be permitted per premise which has frontage on two (2) public roads. One (1) sign shall not exceed the area requirements set forth herein. The second sign shall not exceed fifty (50%) percent of the area requirements set forth herein.
- (3) A ground sign shall not be located within the right-of-way and a setback distance equal to the height of the sign from all other property boundaries.

(b) Specific Requirements. Ground signs shall be permitted by district in accordance with the following requirements.

District	Height (max.)	Sign Message Area (max.)	Sign Structure Area (max.)
1. C, I Districts	Eight (8) feet	Thirty-six (36) square feet per side.	1.5 times the sign message area as calculated per side.
2. LR, AR Districts	Six (6) feet	Nine (9) square feet per side.	1.5 times the sign message area as calculated per side.

(c) Ground Signs Requiring Special Land Use Approval. The Planning Commission may consider a sign that is greater than the maximum height and area requirements or less than the minimum setback requirements as a special land use. In review of a special land use, the Planning Commission shall consider the standards set forth in Section 3.5 and the following:

- (1) The standards set forth in Sections 9.2 and 9.8;
- (2) The size, shape, and topography of the property;
- (3) The relationship of the sign to neighboring properties and signs;
- (4) The relationship to and visibility from the public street where the property is located.

Section 9.4 Permitted Wall Signs.

(a) General Requirements.

- (1) No wall sign shall be erected to extend above the top of the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached. Signs erected on the vertical portion of the mansard roof are considered to be wall signs.
- (2) All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts, or expansion screws, and in accordance with the Building Code. In no case shall any wall sign be secured with wire, straps of wood or nails.
- (3) For buildings with distinct and separate uses, separate wall signs shall be permitted for each such use. However, the total allowable square footage shall not exceed the maximum allowable square footage specified for each district.

(b) Specific Requirements. Wall signs shall be permitted by the district in accordance with the following requirements.

District	Sign Message Area (max.)
1. C, and I Districts	One sign not to exceed fifty (36) square feet.
2. LR, and AR Districts	One sign not to exceed twenty (20) square feet.

(c) Wall Signs Requiring Special Land Use Approval. The Planning Commission may consider a sign that is greater than the maximum area requirement as a special land use. In review of a special land use, the Planning Commission shall consider the standards set forth in Section 3.5 and the following:

- (1) The standards set forth in Sections 9.2 and 9.8;
- (2) The size, shape, and topography of the property;
- (3) The relationship of the sign to neighboring properties and signs; and
- (4) The relationship to and visibility from the public street where the property is located.

Section 9.5 Permitted Temporary Signs.

The following temporary signs shall be permitted in accordance with the regulations herein.

(a) Garage Sales, Rummage Sales, Estate Sale and Similar Activities.

- (1) One (1) non-illuminated sign used for advertising a garage sale, rummage sale, estate sale or similar activity shall be allowed for a period not to exceed seven (7) consecutive days and shall not exceed two (2) per year.
- (2) Up to three (3) additional non-illuminated off-premises signs may be erected provided they are not erected on utility poles and they comply with the timeframe provisions of subsection (1) above.
- (3) Each sign shall be no more than six (6) square feet in area and four (4) feet tall.
- (4) No signs shall be located within the right-of-way.

- (5) All such signs shall be removed within twenty-four (24) hours after the end of the sale.

(b) Portable Signs.

Portable sidewalk signs are only permitted within the C, Commercial District. Portable signs are permitted for ground floor commercial uses to identify the store/business, indicate that it is open, its hours of operation, to show restaurant menus and daily specials, to advertise sales and special deals or service. Additionally, the following provisions shall apply:

- (1) No more than one (1) portable sidewalk sign shall be permitted per business that is located on the ground floor.
- (2) The sign shall be removed when weather conditions create potentially hazardous conditions.
- (3) The maximum area of a portable sidewalk sign is six (6) square feet per side with no dimension greater than four (4) feet (not counted towards total sign area), with a maximum of two (2) faces per sign.
- (4) The sign shall be located directly in front of the building it represents. The sign shall also be located on the building side of the sidewalk in such a manner that it is not in the pedestrian clear path of travel area.
- (5) The sign shall not unreasonably interfere with the view, access to, or use of adjacent properties.
- (6) The sign should be of durable materials that complement the materials of the building such as overlay plywood painted with enamel paint, stainless or other weather resistant steel, laminate plastic, slate chalkboard, or marker board. The lettering may be permanent or temporary.
- (7) Paper signs, wind-activated items (such as balloons, windsocks, and pinwheels), and non-rigid changeable areas shall not be used as or attached to a sign.
- (8) The sign shall have no sharp edges or corners. All surfaces shall be smooth and be free of protruding tacks, nails and wires. All parts, portions, and materials of a sign shall be kept in good repair. The display surface shall be kept clean, neatly painted, and free from rust, corrosion, and graffiti. No glass, breakable materials, or attached illumination shall be allowed.
- (9) No sign shall be permitted referring to off-premise locations.
- (10) The primary colors of such signs shall be compatible with the colors of the buildings within the area.

- (11) Sidewalk signs shall be removed daily at the close of business hours.
- (12) Sidewalk signs within the road right-of-way shall require approval by the applicable agency.

(c) Promotional Banners.

- (1) In all districts, the Zoning Administrator may allow a new business, as part of its start-up phase, to use a one (1) time only temporary sign for up to a forty-five (45) day period. All temporary signs permitted under this provision shall otherwise comply with all requirements pertaining to height and area for the zoning district in which the sign is located.
- (2) Permission to display a promotional banner or sign for civic or charitable activity may be authorized by the Zoning Administrator. Appropriate conditions can be placed on the granting of the permit including, but not limited to duration, size, location, etc.
- (3) Within the C and I Districts, one (1) promotional banner is permitted per premises for a duration not to exceed two (2) weeks and no more than four (4) times per year. Only those businesses with direct pedestrian access from the public right of way shall be permitted to have a promotional banner. The temporary promotional banner shall not exceed twenty (20) square feet in area. Neither the height nor the width of a temporary promotional banner shall exceed ten (10) feet. Temporary promotional banners shall not be located in a public right-of-way, must be affixed to the principal building of the business and shall be located and designed to avoid interference with or distraction to vehicular and pedestrian traffic.
- (4) All promotional banners which are not properly maintained shall be removed at the order of the Zoning Administrator.
- (5) All other promotional banners (i.e. streamers, flags, etc.) are strictly prohibited.

(d) Real Estate Signs (on-site).

- (1) In all zoning districts one (1) non-illuminated ground sign shall be permitted to advertise individual lots, land or buildings for rent, lease or sale (including weekend open house signs), provided that such signs are located on the property intended to be rented, leased or sold. Corner lots are permitted to have two (2) signs. Such signs shall not exceed an area of six (6) square feet and a height of four (4) feet in residential districts (LR,AR), and an area of thirty-two (32) square feet and a height of twelve (12) feet in the Commercial (C) and (I) Industrial districts.
- (2) In all zoning districts one (1) non-illuminated ground sign shall be permitted listing persons or firms connected with construction work being performed.

Corner lots are permitted to have two (2) signs. Such signs shall not exceed thirty-two (32) square feet in area and a height of twelve (12) feet.

- (3) For all residential projects involving the sale of individual lots and/or dwelling units, one (1) non-illuminated freestanding sign shall be permitted per each entrance to the project advertising the sale of such lots and/or dwelling units (including weekend open house signs). Such signs shall not exceed thirty-two (32) square feet in area and a height of twelve (12) feet.
 - (4) For all residential projects involving the rental or leasing of dwelling units, one (1) non-illuminated freestanding sign shall be permitted per each entrance to the project advertising the rental or leasing of such units (including weekend open house signs). Such signs shall not exceed thirty-two (32) square feet in area and a height of twelve (12) feet.
 - (5) All signs advertising the rental, lease or sale of a property or dwelling unit shall be removed within 48 hours after the property is no longer available for rent or lease, closing on the sale or completion of construction work.
 - (6) All weekend open house signs may be posted no more than 24 hours before the open house and shall be removed within 4 hours following the open house.
 - (7) All signs located within the right-of-way shall receive a permit from applicable agency.
 - (8) All permitted real estate signs shall otherwise comply with all other standards for freestanding signs set forth in this Article.
- (e) Weekend Open House Real Estate Signs (off-site).
- (1) For a residential dwelling within an established neighborhood in Sanilac Township, no more than two (2) freestanding signs shall be permitted.
 - (2) For a new development in Sanilac Township with multiple dwellings being listed for sale, no more than three (3) freestanding signs shall be permitted. However, additional freestanding signs may be permitted by the Zoning Administrator when circumstances exist that are unique to the property and not self-created. Approval for the additional signs shall be for up to six (6) months at which time another permit would have to be sought.
 - (3) Such signs shall not exceed an area of six (6) square feet and a height of four (4) feet.
 - (4) All signs located within the right-of-way shall require approval by the applicable agency.

- (5) All such signs may be posted no more than 24 hours before the open house and shall be removed within 4 hours following the open house.
- (6) All permitted weekend open house real estate signs shall otherwise comply with all other standards for freestanding signs set forth in this Article.

Section 9.6 Permitted Billboards.

(a) Where Permitted. Billboards shall be permitted only adjacent to M-25 and M-46, subject to the standards contained herein, and the Highway Advertising Act of 1972, as amended.

(b) Spacing.

- (1) Not more than three (3) billboards may be located per linear mile of highway regardless of the fact that such billboards may be located on different sides of the highway. The linear mile measurement shall not be limited to the boundaries of Sanilac Township where the particular highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one (1) face visible to traffic proceeding from any given direction on a highway shall be considered as one (1) billboard. Additionally, billboard structures having tandem billboard faces (i.e., two (2) parallel billboard faces facing the same direction and side by side to one (1) another) or stacked billboard faces (i.e., two (2) billboard faces facing the same direction with one (1) face being directly above the other) shall be considered as one (1) billboard. Otherwise, billboard structures having more than one (1) billboard face shall be considered as two (2) billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection (2) below.
- (2) No billboard shall be located within 1,000 feet of another billboard abutting either side of the same highway.
- (3) No billboard shall be located within three hundred (300) feet of a residential zoning district and/or existing residence. If the billboard is illuminated, this required distance shall instead be five hundred (500) feet.
- (4) No billboard shall be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way and thirty-five (35) foot from the side of the rear property line.

(c) Height. The height of a billboard shall not exceed thirty (30) feet above the level of the road upon which the billboard faces or to which the message upon the billboard is directed. In the event that the billboard is situated upon two (2) roads having different levels, the height of the billboard shall be measured from the higher road.

(d) Surface Area. The surface display area of any side of a billboard may not exceed three hundred (300) square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed three hundred (300) square feet.

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

(f) Construction and Maintenance.

- (1) No billboard shall be on top of, cantilevered or otherwise suspended above the roof any building.
- (2) A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.

Section 9.7 Miscellaneous Permitted Signs.

(a) Signs for Outdoor Sales of Automobiles or Vehicles. No advertising signs may be placed on-site other than the permitted maximum wall and/or ground signs as per this article. The prohibited signs include banners, flags and digital/electronic signs.

(b) Signs for Automobile Filling Stations, Automobile Repair Garage, Automobile Service Stations, Automobile Washes, and Automobile Dealerships. No advertising signs may be placed on-site other than the permitted maximum wall and/or ground signs as per this article. The prohibited signs include banners and flags, and digital/electronic signs for the display of gas prices may be permitted under the following circumstances:

The Planning Commission may consider a digital/electronic sign for automobile filling stations as a special land use. In review of the special land use, the Commission shall consider the standards as set forth in Section 3.5 and the following:

- (1) The digital/electronic sign shall be exclusively for the display of gas prices.
- (2) The sign message and background shall each be a single contrasting color.
- (3) The foot-candles shall comply with the requirements of Section 7.6.
- (4) The size of the electronic/digital sign message area shall not exceed 50% of the total sign surface area.

(c) Menuboard Signs for Drive-In and Drive-Through Businesses.

- (1) The Planning Commission, in its sole discretion, may approve up to two (2) menuboards upon determination that it is integral to the nature of the business.
- (2) Each menuboard shall not exceed seven (7) feet in height.
- (3) One (1) menuboard (in stacking lane) shall not exceed sixteen (16) square feet and the other (at the speaker) shall not exceed thirty-two (32) square feet in area.
- (4) The area of the menuboard is exclusive of the structures framing.
- (5) All menuboards shall be single sided.
- (6) No menuboard may be located within the required front yard and between twenty (20) and forty (40) feet from any parcel perimeter.
- (7) Only up to four (4) square feet of the menuboard shall include digital/electronic signage.
- (8) The Planning Commission may consider a modified sign area, subject to the following:
 - A. Only one (1) of the menuboards may be increased in area.
 - B. The menuboard is completely screened from the roadway.
 - C. Under no circumstances shall the menuboard exceed forty-eight (48) square feet in area.

(d) Changeable Copy Signs. Manual changeable copy signs shall be permitted when incorporated into a permitted wall or ground sign provided that the area devoted to changeable copy does not exceed twenty (20%) percent of the permissible sign area.

- (1) Lettering used on manual changeable copy signs directed to local or collector streets shall not exceed three (3) inches in height.
- (2) Lettering used on manual changeable copy signs directed to secondary or major arterial streets shall not exceed least six (6) inches in height.
- (3) Lettering used on manual changeable copy signs directed to pedestrians shall be at least two (2) inches in height.

(e) Off-premise Directional Signs. Off-premise directional signs directing vehicular traffic to a church, governmental building, public parks and recreational facilities, public hospitals or

educational institution may be permitted in all districts subject to the review of the Planning Commission and the following standards:

- (1) No more than two (2) signs per use shall be permitted.
- (2) The size of an off-premise directional sign shall not exceed two (2) square feet in size.
- (3) The height of an off-premise directional sign shall be no less than three (3) feet nor exceed six (6) feet. However, variations in height may be granted by the Planning Commission to accommodate vehicular visibility to avoid obstruction to visibility.
- (4) Illumination shall not be permitted.
- (5) Permission of the property owner where the proposed sign is to be located must be provided.

(f) Historic Markers. If a structure within the Township has been designated a State Historical Site or listed in the National Register of Historic Places, then a marker designating that fact, obtained from the appropriate state or federal agency, shall be permitted in addition to any other sign or signs which may lawfully be placed on the structure or the property on which the structure is located.

Anyone wishing to place a historic marker on a structure or property shall complete and file a sign permit application with the Zoning Administrator. No fee shall be charged for a historic marker application. The Zoning Administrator shall review and approve all such applications, but always reserves the right to send the request to the Planning Commission for their consideration.

(g) Interior Window Signs.

- (1) Window sign means any sign, excluding the posting of hours of operation and/or street and building address, which is painted or mounted onto a window pane, or which is hung directly inside the window with the purpose or effect of identifying any premises from the sidewalk or street.
- (2) Window signs shall not exceed more than thirty (30%) percent of each window area in which they are displayed.
- (3) Non-temporary signs hung inside windows shall be made of clear materials, including, but not limited to transparent plastic, with lettering painted or attached to them, with all hours of operation, credit card and address signs being exempt.
- (4) Window signs do not require sign permits, nor count in the calculation of total building signage permitted.

(5) Permanent and/or illuminated window signs require a permit and application.

(h) Mural Signs. When a mural or graphic includes identification of an establishment or specific services, goods or products, or a representation of the types of services, goods or products provided on the site, the mural area will count towards the total permitted wall sign area.

Murals are subject to special land approval and the following standards:

- (1) No mural may be placed on any building or structure that includes non-conforming signs.
- (2) Only one (1) wall, facade, or surface of a building or structure may be used for a mural.
- (3) A wall, facade, or surface that is used for a mural pertaining to the business on which it is located shall be counted as one (1) sign. A mural will count towards the total wall signage allowed for the business; however, the Planning Commission in its sole discretion may permit murals of larger size. Larger murals shall be permitted when determined to demonstrate at least (1) one of the following:
 - A. Accentuates the historic features of the building.
 - B. Masks an unattractive building facade.
 - C. Creates an aesthetically pleasing amenity.
 - D. Superior in aesthetics to an attached wall sign.
- (4) The owner of record of the building or structure on which the proposed mural is to be placed shall, in writing, consent to the placement of said mural on the property, and shall agree to restore the wall, facade or surface upon which the mural is placed to its prior existing condition if and at such time the mural is not maintained by the applicant. The permit application shall include a statement detailing the applicant's plans for the maintenance of the mural.
- (5) In the review of the special land use the Planning Commission shall grant approval only if the following criteria are met:
 - A. The placing of the proposed mural at the location selected by the applicant would not constitute a significant traffic safety hazard.
 - B. Neither the mural, nor the placement of the mural, would endanger the public health, safety, or general welfare.

- C. Neither the mural, nor the placement of the mural, would be injurious to the use and enjoyment of other property in the immediate vicinity of the proposed location.

Section 9.8 Permits Required.

(a) It shall be unlawful to display, erect, relocate, or alter any sign without obtaining a sign permit, except where otherwise noted within the Ordinance.

(b) A permit shall be issued by the Zoning Administrator only if the proposed sign meets all requirements of the Ordinance, provided if an alteration of an existing sign is limited to the information communicated on the sign without increasing its size, structural modification of the sign shall not be required.

(c) When a sign permit has been issued by the Township, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the Zoning Administrator. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Township.

(d) The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his authorized agent, or a sign contractor. Such applications shall be made in writing on forms furnished by the Township and shall be signed by the applicant.

(e) The application for a sign permit shall be accompanied by the following plans and other information;

- (1) The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
- (2) The location by street address of the proposed sign structure.
- (3) Complete information as required on application forms including a site plan and elevation drawings of the proposed sign, caption of the proposed sign, and such other data as are pertinent to the application.
- (4) Plans indicating the scope and structural detail of the work to be done, including details of all connections, guylines, supports and footings, and materials to be use.

(f) An electrical permit from Sanilac County is required for all electrical signs.

ARTICLE 10

OFF-STREET PARKING AND LOADING

Section 10.1 Intent and Purpose.

The purpose of this section is to ensure the provision of off-street parking facilities that are sufficient in number, adequately sized and properly designed to meet the range of parking needs and demands that are associated with land uses now in place in the Township or with land uses allowed by this Ordinance.

Section 10.2 General Provisions.

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

(b) Existing Off-Street Parking at Effective Date of Ordinance. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this Ordinance.

Off-street parking may be permitted within the required side or rear yard setbacks of lots abutting non-residentially zoned or used parcels, provided a minimum ten (10) foot setback is maintained between off-street parking and the side and rear lot lines of all adjoining properties.

(c) Screening. Off-street parking and loading which abuts residentially zoned or used property shall be screened in accordance with Section 7.7, Landscaping and Screening.

(d) Units and Methods of Measurement. For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

- (1) Floor Area. Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that floor area's within the principal building used for parking, incidental service and storage, housing of mechanical equipment, heating systems and similar uses need not be included.

- (2) Employees. For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

- (e) Location of Parking.
 - (1) One and Two Family Dwellings. The off-street parking facilities required for one- and two-family dwellings shall consist of a parking strip, driveway, garage or combination thereof and shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this Article.

 - (2) Multiple-Family Residential. The off-street parking facilities for multiple-family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as set forth in this Article. In no event shall any parking space be located nearer than ten (10) feet to any main building.

 - (3) Other Land Uses. The off-street parking facilities required for all other uses shall be located on the lot or within three hundred (300) feet of the permitted uses 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 to the building to be served.

Section 10.3 Off-Street Parking Requirements.

- (a) Amount of Required Off-street Parking Spaces. The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the Schedule set forth in Section 10.4. Parking requirements listed in Section 10.4 shall not include off-street stacking spaces for drive-through facilities set forth in Section 10.7.

- (b) Similar Uses and Requirements. When a use is not specifically mentioned, the requirements of off-street parking for a similar use shall apply.

- (c) Flexibility in Application. The Planning Commission recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards set forth in Section 10.4 may result in development with inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space, which could be left as open space.

The Planning Commission may permit deviations from the requirements of Section 10.4 and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.

The Planning Commission may attach conditions to the approval of a deviation from the requirement of Section 10.4 that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may further impose conditions, which ensure that adequate reserve area is set aside for future parking, is needed.

Section 10.4 Table of Off-Street Parking Requirements.

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following table:

<u>Use</u>	<u>Per Each Unit of Measure as Follows</u>	
(a) Residential Uses.		
(1) Single- Family Dwellings	2	Per each dwelling unit.
(2) Multiple-Family Dwellings	2 ½	Per each dwelling unit.
(3) Senior Citizen Housing and Senior Assisted Living	1 1 1	Per each dwelling unit, plus Per each ten (10) dwelling units Per each employee.
		Should units revert to general occupancy, then two and one-half (2-1/2) spaces per unit shall be provided. If ancillary commercial uses are provided, parking shall meet the standards of Items 3 or 4 below.
<p>The above minimum parking requirements for 1, 2, and 3 or more bedroom units includes one-half (1/2) space per unit for visitor parking. This shall be exclusive of any community center, swimming pool, recreation facility, or community building parking. Parking facilities for recreation areas, community centers, swimming pools, or community buildings shall be provided separately on the basis of one (1) parking space for each five (5) dwelling units in the development, and shall be located within two hundred (200) feet of the facility. Each parking space in any garage may be counted for required parking on the basis of one (1) space for each area of at least ten (10) by twenty (20) feet.</p>		
(4) Manufactured Housing Parks	2 1 1	Per each mobile home, plus Per each employee of the mobile park, plus For every 5 mobile home sites.

Use

Per Each Unit of Measure as Follows

(b) General Commercial Uses.

(1)	Retail Stores, except as otherwise specified herein	1	Per each 100 sq. ft. of floor area.
(2)	Supermarkets, Drugstores or other self-serve retail establishments	1	Per 150 sq. ft. of floor area.
(3)	Convenience Stores	1	Per 100 sq. ft. of floor area.
(4)	Furniture, Appliances, Hardware, Household Equipment Sales, Plumbers Showroom, Decorator, Electrician or other similar uses	1 1	Per each 400 sq. ft. of floor area, plus Per each employee.
(5)	Self Serve Laundry and Dry Cleaning	1	Per each two (2) washing machines or dry cleaning machines.
(6)	Motels and Hotels	1 1	Per each guest bedroom, plus Per employee, plus spaces required for accessory uses, including, but not limited to restaurants or cocktail lounges.
(7)	Bed and Breakfast, rooming or Boarding houses.	1 2	Per each guest room, plus Per permanent resident family.
(8)	Funeral Homes/Mortuary Establishments	4 1 1	Per each parlor or Per each 50 sq. ft. of parlor space, whichever is greater, plus Per each fleet vehicle.
(10)	Fast Food Restaurants	1 1	Per each 125 sq. ft. of floor area, plus Per each employee.
(11)	Sit-Down Restaurants (no outdoor seating)	1 1	Per each three (3) seats, based on maximum seating capacity, plus Per each employee. In no instance shall less than ten (10) spaces be provided.
(12)	Sit-Down Restaurants (indoor and outdoor seating)	1 1 1 1	Per each three (3) indoor seats, based on Maximum seating capacity, plus Per each employee, plus Per each three (3) outdoor seats or Per each 25 square feet designated for outdoor seating.
(13)	Restaurants (no seating)	1 1	Per each 100 sq. ft. of total building area, plus Per employee. In no instance shall less than ten (10) spaces be provided.

Use

Per Each Unit of Measure as Follows

(14) Seasonal Outdoor Dining	1 1 1 1	Per each three (3) outdoor seats, or Per 25 square feet designated for outdoor seating, plus Per three (3) of shelf space for stand up eating, plus, Per employee.
(15) Bars, Cocktail Lounges and Taverns	1 1	Per each three (3) persons allowed within the (other than fast food restaurants) maximum occupancy load as established by fire and/or building codes, plus Per each employee.
(16) Commercial Greenhouses and Nurseries	1	Per each 800 sq. ft. of lot area used for said business provided for herein.
(17) Wholesale Stores, Machinery Sales, or other similar uses	1 1	Per each 1,000 sq. ft. of floor area, plus Per each employee.
(18) Dance Halls, Assembly Halls, and similar Rental facilities.	1	Per each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
(c) Automotive Uses.		
(1) Auto Dealerships/Service Stations	1 1 1	Per each 200 sq. ft. of showroom floor area, plus Per each employee, plus Per each service stall.
(2) Automotive Repair Facilities	2 1 1	Per each service stall, plus Per each employee, plus Per each service vehicle.
(3) Auto Service Stations without Convenience Stores	1 2 1	Per each pump unit, plus Per each service stall, plus Per each employee.
(4) Auto Service Stations with Convenience Stores	1 2 1 1	Per each pump unit, plus Per each service stall, plus Per each employee, plus Per each 100 sq. ft. of floor area devoted to retail sales and customer service.
(5) Auto Washes (self-serve)	1 1 1	Per each wash stall, plus Per each vacuum station, plus Per each employee.

<u>Use</u>	<u>Per Each Unit of Measure as Follows</u>	
(6) Auto Washes (automatic)	1	Per 200 sq. ft. of floor area of customer waiting and service areas, plus
	1	Per each vacuum station, plus
	1	Per each employee.
(7) Filling Stations, Repair Garages or other similar uses	2	Per each stall or service area, plus
	1	Per each employee.
(d) Office and Service Uses.		
(1) Medical and Dental Offices and other similar uses	1	Per each 100 sq. ft. of floor area in waiting rooms, plus
	1	Per each examining room, dental chair or similar.
(2) Business and Professional Offices	1	Per each 200 sq. ft. of floor area.
(3) Financial Institutions	1	Per each 100 sq. ft. of floor area
(4) Barber and Beauty Shops	3	Per chair.
(e) Industrial Uses.		
(1) Industrial, Manufacturing and Establishments	1	Per each employee, or
	1	Per each 800 sq. ft. of floor area (whichever is greater).
(2) Warehouses and Storage Buildings	1	Per each employee, or
	1	Per each 2,000 sq. ft. of floor area (whichever is greater).
(3) Self Storage Establishments	1	Per every 150 storage units or fraction thereof shall be located adjacent to the office; a minimum of 3 spaces shall be provided.
(4) Contractors Office/Establishments	1	Per each employee, plus
	1	Per each vehicle stored on the premises.
(5) Auto Wrecking and Salvage Yards	1	Per each employee, plus
	1	Per operating vehicle on the premises, plus
	2	Per each acre of land.

Section 10.5 Off-Street Parking Lot Design and Construction.

The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance and such construction shall be completed and approved by the Zoning Administrator before use of the property as a parking lot and before a Certificate of Occupancy is issued. Unless incorporated in a site plan prepared and approved in accordance with Section 3.6, Site Plan Review, plans for the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than fifty (50) feet equals one (1) inch and indicating existing and proposed grades, drainage, pipe sizes, parking of all dimensions, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used and the layout of the proposed parking lot. Two (2) sets of plans must be submitted.

- (a) Illumination. All illumination for all such parking lots shall meet the standards set forth in Section 7.6, Glare and Exterior Lighting.

- (b) Ingress/Egress. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles.

- (c) Wheel Stops. Where necessary to prevent encroaching upon pedestrian walkway or damaging required landscaping/screening, wheel stops shall be provided. No portion of a parking space and/or maneuvering aisle shall obstruct or encroach upon a public sidewalk.

- (d) Construction Standards. Wherever the off-street parking is required, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.
 - (1) No parking lot shall be constructed unless and until a permit is issued by the Zoning Administrator. Applications for a permit shall be submitted in such form as may be determined by the Zoning Administrator and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.

 - (2) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width		Parking Space Width	Parking Space Length *
	One-way	Two-way		
0 - Parallel	12 ft	20 ft	10 ft	23 ft
30 - 53	12 ft	20 ft	10 ft	20 ft
54 - 74	15 ft	24 ft	10 ft	20 ft
75 - 90	24 ft	24 ft	10 ft	20 ft

* The parking space length may be decreased when abutting a sidewalk which provides an additional two (2) feet for vehicle overhang.

All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

- (3) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot lying in an area zoned for other than single-family residential uses shall not be across land zoned for single-family residential use.

- (4) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be located in accordance with the Sanilac County Road Commission standards.
- (5) The off-street parking area shall be provided with a continuous and obscuring wall, fence, or berm in accordance with Section 7.7.

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

- (6) The Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section, and only where other methods of screening are more conducive or applicable.

Section 10.6 Off-Street Loading Requirements.

On the same premises with every building or part thereof, erected and occupied for any uses involving the receipt or distribution of trucks and/or delivery vehicles, material or

merchandise, adequate space for loading and unloading shall be provided in accordance with the following:

(a) Such loading and unloading space, unless completely and adequately provided for within a building, shall be an area ten (10) feet by fifty (50) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule.

Gross Floor Area of Building (sq. ft.)	Required Loading & Unloading Spaces
0-2,000	None
2,000-20,000	One (1) space
20,000 - 100,000	One (1) space plus one (1) space for each 20,000 sq ft in excess of 20,000 sq ft
100,000 - 500,000	Five (5) spaces plus one (1) space for each 40,000 sq ft in excess of 100,000 sq ft
500,000+	Fifteen (15) spaces plus one (1) space for each 80,000 sq ft in excess of 500,000 sq ft

(b) Double Count. Off-street loading space areas shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.

Section 10.7 Off-Street Stacking Space for Drive-Through Facilities.

All businesses which provide drive-through facilities for serving customers within their automobile shall provide adequate off-street stacking space and lanes which meets the following requirements:

(a) Each stacking space shall be computed on the basis of ten (10) feet in width and twenty (20) feet in length. Each stacking lane shall be a minimum of twelve (12) feet in width.

(b) Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner, which promotes pedestrian and vehicular safety.

(c) For all drive-through facilities which have a single stacking lane, an escape lane shall be provided which allows other vehicles to pass those waiting to be serviced.

(d) The number of stacking spaces per service lane shall be provided for the following uses. When a use is not specifically mentioned, the requirements for off-street stacking space for the similar use shall apply.

Section 10.8 Outdoor Storage of Recreational Vehicles.

In all Residential Districts, a recreational vehicle may be parked or stored subject to the following conditions:

- (a) Storage or parking shall not be permitted on vacant lots or parcels, except as approved by the Zoning Administrator.
- (b) Unless within a completely enclosed building, a recreational vehicle shall be parked or stored in one of the following manners.
 - (1) Within the side or rear yard, but no closer than ten (10) feet from any side or rear lot line.
- (c) No recreational vehicle shall be used for living, sleeping, or housekeeping purposes on any premises.
- (d) No recreational vehicle shall be stored on a public street or right-of-way or private road easement.
- (e) A recreational vehicle stored outside shall be in a condition for the safe and effective performance of its intended function.

Section 10.9 Requirements for Barrier Free/Accessible Parking Spaces

(a) Where parking is provided the following number of barrier free/accessible parking spaces will be provided.

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

VAN SPACES: For every fraction of eight (8) accessible parking spaces, at least one (1) shall be a van-accessible parking space.

(b) Barrier Free/Accessible Parking Spaces–Width/Length. Accessible parking spaces are required to be a minimum width of ninety-six (96) inches with an adjacent access aisle of a minimum of sixty (60) inches in width. Total length to be twenty (20) feet at passenger loading zones, and be parallel to the vehicle pull up space. Van-accessible parking spaces require a minimum clear height of ninety-eight (98) inches, as well as an access aisle with a minimum width of ninety-six (96) inches for clearance of operation of van-mounted wheelchair lifting devices and vans with raised roofs.

(c) For other requirements on Barrier Free Design refer to the most recent Michigan Building Code.

ARTICLE 11

NON-CONFORMING LOTS, USES AND STRUCTURES

Section 11.1 Intent.

Certain existing lots, structures, and uses of lots and structures were lawful before this Ordinance was adopted, but have become non-conformities under the terms of this Ordinance and its amendments. It is the intent of this Ordinance to permit such non-conformities to remain until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to gradually upgrade such non-conformities to conforming status. Non-conformities shall not be enlarged, expanded, or extended, except as provided herein, and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Non-conformities are declared by this Ordinance to be incompatible with the structures and uses permitted in the various Districts.

Section 11.2 Non-Conforming Lots.

In any district in which residential dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a residential 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 lots shall conform to the regulations for the district in which such lot is located.

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 purpose of this Ordinance, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this Ordinance.

Section 11.3 Non-Conforming Uses of Land.

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of the Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such non-conforming uses shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- (b) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- (c) If such non-conforming use of land ceases operation with the intent of abandonment for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by the Ordinance for the district in which such land is located.

Section 11.4 Non-Conforming Structures.

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such structure may be enlarged or altered in a way which increases its non-conformity.
- (b) Should such structure be destroyed by any means to an extent of more than fifty (50%) percent of replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance.
- (c) Should such structure be 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.

Section 11.5 Non-Conforming Uses of Structures and Land.

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject of the following provisions:

- (a) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (b) Any non-conforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or

amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

(c) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations pertaining to the uses permitted in the district in which such structure is located, and the non-conforming use may not thereafter be resumed. Section 11.4 of this article shall apply to any non-conformity relating to the structure(s).

(d) When a nonconforming use of a structure, or structures and premises in combination, is abandoned for six (6) consecutive months or for any eighteen (18) months during any three (3) year period, whichever occurs first, the structure or structures and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be exempt from this provision only so long as seasonal uses shall continue.

(e) Where non-conforming use status applies to a structure and premises in combination, removal, or destruction of the structure shall eliminate the non-conforming status of the land.

(f) If no structural alterations are made, any non-conforming use of structure, or structure and premises, may be changed to another non-conforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

Section 11.6 Repairs and Maintenance.

On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty (50%) percent of the replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

A nonconforming structure, nonconforming portion of a structure, or a structure containing a nonconforming use which is physically unsafe or unlawful due to lack of repairs and maintenance, as determined by the Zoning Administrator may be restored to a safe condition. Where enlargement or structural alternation is necessary to allow compliance with health and safety laws or ordinances, the cost of such work shall not exceed twenty-five (25%) percent of the structure's fair market value, as determined by the Assessor at the time such work is done.

Section 11.7 Uses Allowed As Special Approval Uses, Not Non-Conforming Uses.

Any use for which special approval is permitted as provided in this Ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

Section 11.8 Change of Tenancy or Ownership.

There may be a change of tenancy, ownership, or management of any existing non-conforming uses of land, structures, and premises provided there is no change in the nature or character of such non-conforming uses except in conformity with the provisions of this Ordinance.

Section 11.9 Completion of Pending Construction

The adoption of the Ordinance shall not limit the construction of any building or structure for which a permit had been obtained prior to its adoption and upon which work had been commenced and carried on within thirty (30) days of obtaining of such permit, even though such building or structure does not conform to the provisions of this Ordinance.

ARTICLE 12
ZONING BOARD OF APPEALS

Section 12.1 Creation.

There is hereby established a Zoning Board of Appeals, hereinafter called the "ZBA", which shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006, as amended from time to time, and in such a way that the objectives of this Ordinance shall be observed, the public safety and welfare secured, and substantial justice done.

Section 12.2 Membership and Terms.

(a) Number of Members. The ZBA shall consist of not fewer than three (3) members. They shall be appointed by the Township Board and shall be composed of the following three (3) members whose terms shall be as stated:

- (1) One (1) member shall be a member of the Planning Commission and one (1) may be a member of the Township Board. The member of the Township Board that serves on the ZBA shall not serve as chairperson of the ZBA.
- (2) The remaining regular and any alternate members of the ZBA shall be appointed by the Township Board from among the electors residing in the unincorporated area of the Township at large. The members selected shall be representative of the population distribution and of the various interests present in the Township.

(b) Terms of Office. The term of office of each member shall staggered 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, whichever is shorter. All vacancies for unexpired terms shall be filled for the remainder of the term.

(c) Employees/Contractors as Members. An employee or contractor of the Township Board shall not serve as a member or an employee of the ZBA.

(d) Removal of Members/Conflict of Interest.

- (1) The Township Board shall provide for the removal of a member of the ZBA for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing.

- (2) A member of the ZBA shall disqualify herself or himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify herself or himself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(e) Alternate Members. The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the ZBA. An alternate member may be called by the chairman of the ZBA to serve as a member of the ZBA in the absence of a regular member, if the regular member will be unable to attend one (1) or more meetings or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the ZBA.

Section 12.3 Meetings.

All meetings of the ZBA shall be held at the call of the Chairman and at such times as such ZBA may determine. All hearings conducted by said the ZBA shall be open to the public. The Chairman, or in his absence, the Vice Chairman, may administer oaths and compel the attendance of witnesses. The ZBA shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicate such fact; and shall also keep records of its hearings and other official action. The ZBA shall maintain a record of its proceedings which shall be filed in the Office of the Township Clerk and shall be a public record. 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. The ZBA shall not conduct business unless a majority of the members of the ZBA are present.

Section 12.4 Appeal.

An appeal may be taken to the ZBA by any person, firm or corporation, or any officer, department, board, or bureau affected by a decision of the Zoning Administrator. Such appeal shall be **in writing** and taken within such time as shall be prescribed by the ZBA, by general rule, by filing with the Township Clerk, the Zoning Administrator and the Board of Appeals a notice of appeal, specifying the grounds thereof. The Township Clerk and/or 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 after the 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 the ZBA or by a court of record on application, on notice to the Zoning Administrator and for due cause shown.

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.

A fee shall be paid at the time the notice of appeal is filed to the Township Clerk to the credit of the general revenue fund of the Township. The fees to be charged for appeals shall be set by resolution of the Township Board.

Section 12.5 Jurisdiction.

The ZBA shall have the following powers and it shall be its duty:

(a) To hear and decide on all matters referred to it upon which it is required to pass under this Ordinance.

(b) Interpret the Ordinance text and map and all matters relating thereto whenever a question arises in the administration of this Ordinance as to the meaning and intent of any provision or part of this Ordinance. Any interpretations shall be in a manner as to carry out the intent and purpose of this Ordinance and zoning map, and commonly accepted rules of construction for ordinances and laws in general.

(c) To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Administrator the enforcement of this Ordinance.

(d) Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or undo hardships within the meaning of this Ordinance, the ZBA shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Ordinance with such spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Ordinance shall be granted other than in accordance with Section 12.8.

(e) 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, comfort, morals, or welfare of the inhabitants of the Township. The concurring vote of a majority of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.

Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change the Zoning Ordinance or the Zoning Map, or to rezone, such power and authority being reserved to the Township Board of Sanilac Township in the manner hereinafter provided by law.

Section 12.6 Exercising Powers

In exercising the above powers, the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may take 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. However, in the event that the Planning Commission representative has already voted on a matter which is now being appealed to the Board, that member shall abstain from voting at the ZBA.

Section 12.7 Notice

Following receipt of a written request concerning a request for a variance, the ZBA shall fix a reasonable time for the hearing of the request and give notice as provided below:

- (a) The local unit of government shall publish notice of the request in a newspaper of general circulation in the local unit of government.

- (b) Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.

- (c) The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
 - (1) Describe the nature of the request.

 - (2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

 - (3) State when and where the request will be considered.

- (4) Indicate when and where written comments will be received concerning the request.

(d) Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than fifteen (15) days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery 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 of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

Section 12.8 Variances

The ZBA shall have the power to authorize upon appeal, specific variances for use and non-use variance (dimensional) standards.

(a) *Use Variances.* Variances of uses allowed by district shall be permitted when an applicant can demonstrate that an unnecessary hardship exists that prevents use of the land in accordance with ordinance requirements. Use variances shall require the affirmative vote of two (2) members of the ZBA. Furthermore, any variance granted shall meet each of the following standards:

- (1) The property cannot be used for a conforming use in the zoning district where it is located.
- (2) The plight of the property is due to unique circumstances and not general neighborhood conditions.
- (3) The use to be authorized by the variance will not alter the essential character of the area.
- (4) That the alleged hardship has not been created by any person presently having an interest in the property.

(b) *Non-Use Variances.* Variances from lot area and width regulations, building height, and bulk regulations, yard width and depth regulations, off-street parking, loading space and landscaping standards, and similar requirements shall be permitted only if a practical difficulty in complying with the ordinance can be demonstrated by the applicant. Furthermore, any variance shall meet each of the following standards:

- (1) That the restrictions of this Zoning Ordinance unreasonably prevent the owner from using the property for a permitted purpose.
- (2) That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners.
- (3) That the plight of the landowner is due to the unique circumstances of the property.
- (4) That the alleged practical difficulty has not been created by any person presently having an interest in the property.
- (5) The variance will not be contrary to the public interest and will not be contrary to the spirit and intent of this Section.
- (6) The variance will not cause any adverse effect to property in the vicinity or in the zoning district of the Township.
- (7) The variance will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved.
- (8) The variance will be designed to eliminate any possible nuisance emanating there from which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.

In exercising the above powers, the ZBA 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 12.9 Voiding of and Reapplication for Variances

The following provisions shall apply:

- (a) Each variance granted under the provisions of the Ordinance shall become null and void unless:
 - (1) The construction authorized by such variance or permit has been commenced within three hundred and sixty-five (365) days after the granting of such variance.
 - (2) The occupancy of land or buildings authorized by such variance has taken place within three hundred and sixty-five (365) days after granting of such variance.

(b) No application for a variance which has been denied wholly or in part by the ZBA shall be resubmitted for a period of three hundred and sixty-five (365) days from such denial except on grounds of new evidence or proof of changed conditions found by the ZBA to be valid.

Section 12.10 Appeals to Circuit Court

(a) The decision of the ZBA rendered pursuant to this Article shall be final. However, a person having an interest affected by the decision may appeal to the Circuit Court. Appeal shall be filed with the Circuit Court within thirty (30) days of the ZBA decision

ARTICLE 13

REPEAL OF EXISTING ZONING ORDINANCE

Section 13.1 Repeal

The existing zoning regulations of Sanilac Township being the Sanilac Township of Ordinance is hereby repealed. The adoption of this Ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of the aforementioned Ordinance, as amended, if the use so in violation is in violation of the provisions of this Ordinance.

EXHIBIT A

SANILAC TOWNSHIP
ORDINANCE NO. 2019-01

PROHIBITION OF MARIHUANA ESTABLISHMENTS ORDINANCE

An Ordinance pursuant to Public Act 246 of 1945, MCL 41.181, et seq. to prohibit marihuana establishments to the fullest extent possible pursuant to section 6 of the Michigan Regulation and Taxation of Marihuana Act and all other applicable Michigan laws.

THE TOWNSHP BOARD OF SANILAC TOWNSHIP, SANILAC COUNTY, MICHIGAN ORDAINS:

Section 1 Title

This ordinance shall be known as the “Prohibition of Marihuana Establishments Ordinance” (hereinafter referred to as “Ordinance”).

Section 2. Purpose

Sanilac Township finds that it is necessary and reasonable to prohibit marihuana establishments within its boundaries to protect the health, safety, and welfare of the persons and property within the township. Furthermore, marihuana establishments, which include, but are not limited to, the activities of growing marihuana, operating a marihuana safety compliance facility, processing marihuana, and selling marihuana are currently illegal under federal law.

Section 3. Regulation

Marihuana establishments(s), as defined by the Michigan Regulation and Taxation of Marihuana Act including, but not limited to, a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department of licensing and regulatory affairs of the State of Michigan are prohibited to fullest extent possible pursuant to section 6 of the Michigan Regulation and Taxation of Marihuana Act and all other applicable Michigan laws within the boundaries of Sanilac Township.

Section 4. Severability

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases, and clauses are hereby declared severable, and if any of them are adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected by such determination.

Section 5. Repealer

All ordinances inconsistent with this Ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

EXHIBIT A


Section 6. Effective Date

This Ordinance shall become effective on the day after publication as required by law following adoption by the Township Board.

Approved this 11th day of July, 2019.

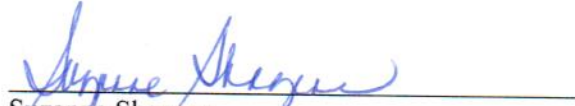


Dan Kelly, Supervisor




Suzanne Shagena, Township Clerk

I, Suzanne Shagena, Clerk of the Township of Sanilac, Sanilac County, Michigan, do hereby certify that Ordinance No. 2019-01 was published in the Sanilac County News on the 17th Day of July, 2019.



Suzanne Shagena
Sanilac Township Clerk

I, Suzanne Shagena, Clerk of the Township of Sanilac, Sanilac County, Michigan, do hereby certify that Ordinance No. 2019-01, was filed with the Sanilac County Clerk on the 3rd day of July, 2019.



Suzanne Shagena
Sanilac Township Clerk

Section 3.10 Violations and Penalties (Amendment Draft)

**SANILAC TOWNSHIP
NOTICE OF ADOPTION OF ZONING ORDINANCE AMENDMENT
OF ARTICLE 3 - SECTION 3.10 VIOLATIONS AND PENALTIES**

On January 13, 2022, the Township of Sanilac (the “Township”) adopted amendments to the Zoning Ordinance, Article 3, Section 3.10 Violations and Penalties. The following summary of the amendments to Article 3, Section 3.10 Ordinance is being published pursuant to Public Act 78 of the Michigan Public Acts of 1989. A true copy of the ordinance amendments, including any exhibits, is available to inspect or obtain at the Township Hall, 20 N. Ridge Street, Port Sanilac, Michigan 48469. This ordinance amendment shall take effect 30 days after publication.

Section 3.10: Unless otherwise expressly provided, whoever (including, but not limited to owner, tenant, occupant, or person) violates any of the provisions of this Zoning Ordinance shall upon notification by the zoning administrator bring any and all such violations into compliance, and pay all fees, fines, and court costs involved. In addition to all other remedies, including the penalties provided in this Section of the Ordinance, the Township may commence and prosecute appropriate actions or proceedings in a court of competent jurisdiction, to restrain or prevent any noncompliance with or violation of any of the provisions of this Ordinance, or to correct, remedy or abate such noncompliance or violation. Buildings erected, altered, razed or converted, or uses carried on in violation of any provision of this Ordinance or in violation of any regulations made under the authority of Act 184 of the Michigan Public Acts of 1943, as amended, are hereby declared to be a nuisance per se, and the court shall order such nuisance abated.

CERTIFICATION OF CLERK

The Clerk of Sanilac Township hereby certifies that Amendments to Sanilac Township Zoning Ordinance, Article 3, Section 3.10 Violations and Penalties, was duly adopted by the Sanilac Township Board at a meeting held on the 13th day of January, 2022.

SUZANNE SHAGENA, Clerk
Sanilac Township
20 N. Ridge Street
Port Sanilac, MI 48469
(810) 622-8178

Sanilac Township

Zoning Ordinance Amendments

(Approved/Adopted by the Township Board October 8, 2020)

(Effective Date: These amendments shall take effect 30 days after publication)

- Article 4 Section 4.8.1 Permitted Land Uses (Commercial District)
(v) Agricultural/Residential Zoning (AR)
- Article 4 Section 4.9.1 Permitted Land Uses (Industrial District)
(o) Agricultural/Residential Zoning (AR)
- Article 4 Section 4.10 Schedule of Area, Height, and Placement Regulations (Schedule of Regulations Table): Agricultural/Residential District (AR); establish a Minimum Rear Yard Setback of 25 feet.
- Article 5 Section 5.2 Accessory Buildings, Structures and Uses.
(a) Detached Accessory Buildings. Except as otherwise permitted in this Zoning Ordinance, all detached accessory buildings located in a residential district, are subject to the following:
(See Article 5, Section 5.2, pages 5-1 to 5-4 of the Township Zoning Ordinance)