

Emmett Township Zoning Ordinance Book

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Emmett Township, St. Clair County, Michigan



Emmett Township, St. Clair County - Zoning Ordinance

Table of Contents

Preamble - Effective Date

Article 1: Title, Purpose, Scope, Interpretation, Vested Right, and Severability Clause

- Section 1.01 Title
- Section 1.02 Repeal of Ordinance
- Section 1.03 Purpose
- Section 1.04 Scope
- Section 1.05 Interpretation
- Section 1.06 Vested Right
- Section 1.07 Severance Clause

Article 2: Interpretations and Definitions

- Section 2.01 Interpretations
- Section 2.02 Definitions
- Section 2.03 Illustrations

Article 3: Zoning Districts

- Section 3.01 Kinds of Districts
- Section 3.02 District Boundaries
- Section 3.03 Official Zoning Map
- Section 3.04 District Boundaries Interpreted
- Section 3.05 Zoning of Vacated Areas
- Section 3.06 District Requirements

Article 4: Agricultural District (AG)

- Section 4.01 Purpose
- Section 4.02 Permitted Uses
- Section 4.03 Uses Permitted Subject to Special Conditions
- Section 4.04 Area and Bulk Requirements

Article 5: Residential District (R)

- Section 5.01 Purpose
- Section 5.02 Permitted Uses
- Section 5.03 Uses Permitted Subject to Special Conditions
- Section 5.04 Area and Bulk Requirements

Article 6: Rural Estates District (RE)

- Section 6.01 Purpose
- Section 6.02 Uses Permitted
- Section 6.03 Uses Permitted Subject to Special Conditions
- Section 6.04 Area and Bulk Requirements

Article 7: Village Residential District (VR)

- Section 7.01 Purpose
- Section 7.02 Uses Permitted
- Section 7.03 Uses Permitted Subject to Special Conditions
- Section 7.04 Area and Bulk Requirements

Article 8: Mobile Home/Manufactured Home Park District (MHP)

- Section 8.01 Purpose
- Section 8.02 Uses Permitted
- Section 8.03 Uses Permitted Subject to Special Conditions
- Section 8.04 General Site Regulations
- Section 8.05 Area and Bulk Requirements

Article 9: Local Commercial District (C)

- Section 9.01 Purpose
- Section 9.02 Permitted Uses
- Section 9.03 Special Land Uses
- Section 9.04 General Conditions
- Section 9.05 Area and Bulk Requirements

Article 10: Light Industrial District (I)

- Section 10.01 Purpose
- Section 10.02 Uses Permitted
- Section 10.03 Uses Permitted Subject to Special Conditions
- Section 10.04 General Conditions
- Section 10.05 Required Conditions
- Section 10.06 Area and Bulk Requirements

Article 11: Schedule of Regulations

Article 12: Special Land Use Conditions, Review, and Approval

- Section 12.01 Purpose
- Section 12.02 Review and Approval Authority
- Section 12.03 Data Required
- Section 12.04 Public Hearing Requirements
- Section 12.05 Standards for Review and Approval
- Section 12.06 Site Development Standards
- Section 12.07 Official Actions
- Section 12.08 Special Review Procedure for Adult Entertainment Facilities
- Section 12.09 Appeals
- Section 12.10 Issuance of a Building Permit
- Section 12.11 Reapplication
- Section 12.12 Site Plan Amendments in Conjunction with a Special Land Use
- Section 12.13 Validity and Revocation of Special Land Use Permits
- Section 12.14 Fees

Article 13: Site Plan Review Procedures

- Section 13.01 Purpose
- Section 13.02 Approval of Site Plan Required
- Section 13.03 Data Required
- Section 13.04 Standards for Review and Approval
- Section 13.05 Official Actions
- Section 13.06 Site Plan Amendments
- Section 13.07 Review of Condominium Projects
- Section 13.08 Review of Wireless Telecommunication Uses
- Section 13.09 Review of Radio and Television Towers
- Section 13.10 Performance Guarantees
- Section 13.11 Validity and Revocation of Site Plan Approval
- Section 13.12 Fees

Article 14: Off-Street Parking and Loading Requirements

- Section 14.01 Off-Street Parking Requirements
- Section 14.02 Off-Street Parking Space Layout, Standards, Construction & Maintenance
- Section 14.03 Off-Street Loading and Unloading Parking Layouts Graphic

Article 15: General Provisions

- Section 15.01 Conflicting Regulations
- Section 15.02 Scope
- Section 15.03 Building Regulations
- Section 15.04 Accessory Buildings and Solar Collectors
- Section 15.05 Residential Entranceway Structures
- Section 15.06 Home Based Businesses
- Section 15.07 Corner Clearance
- Section 15.08 Fences
- Section 15.09 Screening Walls and Screening Trash Storage Areas
- Section 15.10 Landscaping & Planting Screen Illustrations
- Section 15.11 Exterior Lighting
- Section 15.12 Soil Removal; Excavation; Filling
- Section 15.13 Ponds
- Section 15.14 Road and Access Requirements
- Section 15.15 Private Roads
- Section 15.16 Sanitary Landfills
- Section 15.17 Blight

Article 16: General Exceptions

- Section 16.01 Application
- Section 16.02 Essential Services
- Section 16.03 Voting Place
- Section 16.04 Height Limit
- Section 16.05 Yard Regulations
- Section 16.06 Projections into Yards
- Section 16.07 Access through Yards

Article 17: Signs and Outdoor Advertising Regulations

- Section 17.01 Purpose
- Section 17.02 Signs in Residential Districts
- Section 17.03 Signs in Commercial or Industrial Districts
- Section 17.04 Moving or Revolving Signs
- Section 17.05 Signs Not to Constitute a Traffic Hazard
- Section 17.06 Portable or Movable Signs
- Section 17.07 Outdoor Advertising Structures and Billboards
- Section 17.08 Existing Nonconforming Signs

Article 18: Nonconformities

- Section 18.01 Purpose
- Section 18.02 Nonconforming Lots
- Section 18.03 Nonconforming Structures
- Section 18.04 Nonconforming Uses
- Section 18.05 General Conditions

Article 19: Zoning Board of Appeals

- Section 19.01 Purpose
- Section 19.02 Creation and Membership
- Section 19.03 Administration
- Section 19.04 Jurisdiction and Authorized Appeals
- Section 19.05 Prohibited Appeals
- Section 19.06 Appeal Procedure
- Section 19.07 Final Decisions and Rehearing
- Section 19.08 Fees

Article 20: Administration and Enforcement

- Section 20.01 Enforcement
- Section 20.02 Duties of Chief Enforcement Officer
- Section 20.03 Plot Plan
- Section 20.04 Permits
- Section 20.05 Certificates
- Section 20.06 Final Inspection
- Section 20.07 Fees

Article 21: Enforcement, Penalties, and Other Remedies

- Section 21.01 Violations
- Section 21.02 Public Nuisance Per Se
- Section 21.03 Fines, Imprisonment
- Section 21.04 Each Day a Separate Offense
- Section 21.05 Rights and Remedies are Cumulative

Zoning Ordinance Emmett Township, Michigan

Preamble

An Ordinance enacted by the Township under the Township Zoning Act, Public Act 184 of 1943, as amended, to establish zoning districts governing the unincorporated portions of Emmett Township, St. Clair County, Michigan, within which the proper use of land and natural resources may be encouraged and regulated, and within which districts provision may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches, that may be erected or altered after the effective date of this Ordinance; to designate the use of certain state licensed residential facilities; to provide for the acquisition by purchase, condemnation, or otherwise of nonconforming property; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances or regulations; to provide penalties for violations; to provide for the collection of fees costs, and expenses related to the administration and enforcement of this Ordinance; to provide for petitions, public hearings, and to provide for appeals. The continued administration of this Ordinance shall be done pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Effective Date

The Emmett Township Zoning Ordinance was passed on September 27, 2001 and become effective on October 10, 2001.

Article 1
Title, Purpose, Scope, Interpretation,
Vested Right, and Severability Clause

Section 1.01 Title

This Ordinance shall be known as the "Emmett Township Zoning Ordinance."

Section 1.02 Repeal of Ordinance

The Emmett Township Zoning Ordinance, dated June 1, 1982, as amended, is hereby repealed effective coincident with the effective date of this Ordinance.

Section 1.03 Purpose

The primary purpose of this Ordinance shall be:

To promote the use and conservation of the lands and resources of the Township in conformity with their character and adaptability;

To ensure that use of the land shall be situated in appropriate locations and relationships;

To create safe and desirable conditions for living, economic progress, recreation, and other activities in the Township;

To limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities;

To facilitate the provision of adequate systems of transportation, fire protection, energy, waste disposal, water supplies, education, recreation, and other public service and facility requirements;

To promote public health, safety, and welfare.

Section 1.04 Scope

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

Section 1.05 Interpretation

The interpretation and application of the provisions of this Ordinance shall be held to be minimum requirements necessary for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. This Ordinance is not intended to repeal, abrogate, annul, or in any way impair or interfere with any existing provision of law or ordinance or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of structures or premises except as specifically provided by Section 1.02; provided, however, that where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

Section 1.06 Vested Right

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

Section 1.07 Severance Clause

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

Article 2 Interpretations and Definitions

Section 2.01 Interpretations

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

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, (and the plural number shall include the singular) unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.
10. The terms his and her shall be used interchangeably and shall be considered to have the same meaning.

Section 2.02 Definitions.

Accessory: Refer to definition of accessory use.

Accessory Building: A building or portion of a building subordinate to a main building on the same lot occupied by, or denoted exclusively to, an accessory use.

Accessory Structure: A detached structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Accessory Use: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces) located on the same zoning lot and under the same ownership as the principal use to which it is related. An accessory use includes, but is not limited to, the following:

1. Residential accommodations for servants and/or caretakers.
2. Swimming pools for the use of the occupants of a residence, or their guests.
3. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
4. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
5. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
6. Accessory off-street parking spaces, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
7. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
8. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
9. Satellite dishes or television or radio antennae for the use of occupants of a residence, or place of business.
10. Uses clearly incidental to a main use such as, but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

Acreage: Any tract or parcel of land that has not been subdivided or plotted.

Addition: An extension or increase in floor area or height of a building or structure.

Adult: A person having arrived at the legal age of adulthood defined by the laws of the state of Michigan.

Adult Entertainment Uses: Uses that exclude minors by virtue of age and further defined below. Any use of land, whether vacant or combined with structures or vehicles thereon, by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas." Adult entertainment uses shall include, but not be limited to, the following:

1. **An Adult Book Store** is a use which has a display containing books, magazines, periodicals, newspapers, slides, pictures, cassettes, videotapes, videodiscs, motion picture films, or other printed, recorded, or electronic material which has as a significant portion of its content or exhibit matter or actions depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" or an establishment with a substantial segment or section devoted to the sale or display of such material. Retail establishments which display, sell, distribute, provide, or rent such material within an enclosed area not greater than five (5) percent of the total usable retail space, which is limited to persons eighteen (18) years of age or older, shall not be included in this definition. "Usable Retail Space" is defined as that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. The portion of the floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from the computation of "Usable Retail Space."
2. **An Adult Cabaret** is a nightclub, theater, or other establishment which features live performances by one or more topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, wait staff, or other persons, where a significant portion of such performances show, depict, or describe "Specified Sexual Activities" or "Specified Anatomical Areas."
3. **An Adult Mini-Motion Picture Theater** is an enclosed building with a capacity for less than fifty (50) persons used for presenting motion picture films, video cassettes or tapes, cable television, or other visual display depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas."
4. **An Adult Model Studio** is any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar educational institution.
5. **An Adult Motel** is a motel wherein matter, actions, or other displays are presented which contain a significant portion depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
6. **An Adult Motion Picture Arcade** is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, video machines, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas."

7. **An Adult Motion Picture Theater** is an enclosed building with a capacity of fifty (50) or more persons used for presenting motion picture films, videotapes or cassettes, cable television, or other visual display depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
8. **An Adult Novelty Business** is any establishment that offers for sale devices that stimulate human genitals or devices designed for sexual stimulation.
9. **An Adult Personal Service Establishment** is any business, agency, or service which arranges, solicits, or provides for the benefit of its customers or clients, escorts, dates, models, unlicensed therapists, companions, or entertainers, either on or off the premises, for the purpose of engaging in "Specified Sexual Activities" or "Specified Acts of Violence," or displaying "Specified Anatomical Areas" as defined herein. These establishments include, but are not limited to: escort services, exotic rubs, modeling, tattoo parlors, body painting studios, wrestling studios, baths, and theatrical performances.
10. **An Adult Physical Culture Establishment** is any establishment, club, or business by whatever name designated, which provides, offers, or advertises, or is equipped or arranged so as to provide as part of its services, either on or off the premises, massages, body rubs, physical stimulation, baths, tattoos, or other similar treatment by any person. The following uses shall not be included within the definition of an adult physical culture establishment:
 - a. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed or certified physical or massage 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 martial or performing arts or in organized athletic activities;
 - d. Hospitals, nursing homes, medical clinics, or medical offices; and,
 - e. Barbershops or beauty parlors, health spas and/or salons that offer massage to the scalp, face, the neck, or shoulders only.
11. **An Adult Sexual Encounter Center** is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas."
12. **A Restricted Adult Business** is any of the defined adult entertainment uses, which are not customarily open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

Adult Foster Care Facility: A governmental or nongovernmental 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. Adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential centers for persons released from or assigned to a correctional facility.

1. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for 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 Large Group Home:** An adult foster care facility with approved capacity to receive at least seven (7) but not more than sixteen (16) adults to be 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 for compensation.
3. **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity to receive six (6) 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 for compensation.

Agricultural Equipment Sales and Service: An establishment for the repair or sale of equipment or machinery directly associated with the operation of a farm.

Agricultural Storage Facilities: A building or structure or part of a building or structure used for the storage of agricultural products to be later sold or distributed for use by other than the person producing the products. This definition shall include commercial grain elevator facilities but shall not include on-site storage facilities for individual farming operations.

Alterations: Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Alternative Tower Structure: Clock towers, bell steeples, light poles, electric power transmission towers, and other similar mounting structures that support and/or camouflage the presence of wireless telecommunication facilities.

AM Array: An AM Array consisting of one or more tower units and supporting ground systems which functions as one AM Broadcasting antenna shall be consider as one tower. Setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM Array. Additional tower units may be added within the perimeter of the AM array.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.

Apartments: A suite of rooms or a room in a multiple-family building arranged and intended for a place or residence of a single-family or a group of individuals living together as a single housekeeping unit.

Arcade: Arcade shall mean any place of business or establishment whose principal use is amusement devices and which contains six (6) or more mechanical amusement devices. Mechanical amusement devices include any machine, which, upon the insertion of any coin, slug, token, plate or disc, or which, for a fee paid to the operator or owner, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, skillball, mechanical grab machines, television display devices or machines and all games, operations or transactions similar thereto whether operated principally by mechanical means or electrical means or a combination thereof, under whatever name they may be indicated or called.

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

Automobile Repair: The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

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

Basement and Cellar:

1. A basement is that portion of a building partly below the average grade and so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
2. A cellar is that portion of a building partly below the average grade and so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling, with a ceiling height of less than 6.5 feet.

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.

Block: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the Township.

Boarding House: A dwelling where meals, or lodging and meals, are provided for compensation and where one (1) or more rooms are occupied by persons by pre-arrangement for definite periods of not less than one (1) month. A boarding house is to be distinguished from a hotel, motel, bed and breakfast establishment, or a convalescent, nursing, or group home.

Building: A structure erected on or moved to a site, a premanufactured or pre-cut structure, above or below ground, having a roof or walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels, or property of any kind. For purposes of this Ordinance, building shall also be defined to include swimming pools.

Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat or dome roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs.

Building Inspector: The Building Official of the Township of Emmett and any of his or her aides.

Building Line: A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

Building Materials: The term “building materials” shall include, but shall not be limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structures.

Cabin: Any structure or tent which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary dwelling, but not including what are commonly designated as hotels, lodging houses, or tourist homes.

Certificate of Occupancy: A document issued by Emmett Township allowing the occupancy or use of a building and/or land and certifying that the structure or use has been constructed and will be used in compliance with all the applicable codes and ordinances. For purposes of this Ordinance, a Certificate of Occupancy and Zoning Certificate shall be considered as one in the same.

Child Care Center: A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child, including a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The term includes any facility referred to as day care center, day nursery, nursery school, drop-in center, and parent cooperative preschool.

The definition of a child care center does not include a Sunday school, vacation bible school, or religious instructional class operated by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not-to-exceed four (4) weeks during a twelve (12) month period.

Clinic: An establishment where human or animal patients are admitted for examinations and treatment by a physician(s), dentist(s), veterinarian(s), or similar professional(s).

Club: Any facility established to provide recreational or social activities for the exclusive use of its members, their families, and guests.

Co-Location: the use of a wireless telecommunication tower by more than one wireless telecommunication provider.

Congregate Care Facility: Refer to definition of Housing for the Elderly.

Convalescent Homes: A facility that provides, on a regular basis, personal care, including dressing and eating and health related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing center provides.

Corral: A pen or enclosure for confining animals or livestock, but not a grazing area.

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

Cul-de-sac: A street terminating at one end, with a turning radius.

Day Care Center: Refer to definition of Child Care Center.

Deck: Refer to definition of Patio.

Direct Access: Access not requiring trespass over adjacent property or rights-of-way.

Display: As used in connection with Adult Entertainment Use, the word display shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, video cassettes, or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.

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

Drive-In: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

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

Dwelling: A structure or portion thereof which is used exclusively for human habitation.

1. **Dwelling, Attached:** A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.
2. **Dwelling, Detached:** A dwelling that is not attached to any other dwelling by any means.
3. **Dwelling, Multiple-Family:** A building containing three (3) or more dwelling units designed for residential use where each unit may have access to common hallways, stairs, and elevators, or in a low-rise building, where each unit may have individual access to a street or common courtyard. Any multiple family dwelling in which units are available for rental periods of less than one (1) week shall be considered either a hotel or motel as defined herein.
4. **Dwelling, Semi-Detached:** A one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot. The semi-detached dwelling is part of a two-family structure with the dwelling units side-by-side as opposed to one on top of the other.
5. **Dwelling, Single-Family:** A building containing not more than one dwelling unit designed for residential use, complying with the following standards:
 - a. It complies with the minimum square footage requirements of this ordinance for the zone in which it is located.
 - b. A minimum width across any front, side or rear elevation of 23 feet 6 inches and complies with the Township Building Code, minimum height of 7'8" for all habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Township Building Code, then and in that event such federal or state standard or regulation shall apply.
 - c. It is firmly attached to a permanent foundation constructed on site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable Building Code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
 - d. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
 - e. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the St. Clair County Health Department.

- f. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10 percent of the square footage of the dwelling or 100 square feet, whichever shall be less.
- g. The dwelling is aesthetically similar in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively, with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Inspector upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Inspector's decision. Any determination of similarity shall be based upon the standards set forth in this definition of "dwelling", as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 660 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 50 percent (50%) of the lots situated within said area; or, where said area is not so developed, by character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard designed home.

- h. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- i. The dwelling complies with all pertinent building and fire codes. In case of a factory-built, all construction and all plumbing, electrical, apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof, snow load and strength requirements.
- j. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks.

- k. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township Building Code provisions and requirements.
- 6. **Dwelling, Townhouse:** A one-family dwelling in a row of two (2) but no more than four (4) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.
- 7. **Dwelling, Two-Family:** A structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit: A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

- 1. **Dwelling Unit, Efficiency:** A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.
- 2. **Dwelling Unit, Manufactured:** A dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located. Refer to definitions of Manufactured Home and Mobile Home.
- 3. **Dwelling Unit, Site Built:** A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

Earth Berm: A mound of earth of a minimum 18 inches in height, planted with ground cover, grass, trees, or other landscaping material intended to minimize the view of parking areas and reduce noise and dust from adjacent uses and passersby.

Easement: A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or Township departments or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, telephone exchange and/or repeater buildings, electric substations and substation buildings, gas regulator stations and regulator buildings, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or Township departments or commissions for the public health, safety, or general welfare. Wireless telecommunications facilities and antennae are not included in this definition.

Establishment: Any business or enterprise that utilizes any building, structure, premises, parcel, place, or area.

Excavation: Premises from which any rock, gravel, sand, topsoil, or earth in excess of fifty (50) cubic yards on 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.

Exotic Animals: For the purposes of this Ordinance, exotic animals shall be considered to be all animals not indigenous to Michigan.

Family: A single individual doing his own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking, and living together upon the premises or a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bonds distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

Family Day Care Home: A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption, including a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

Farm: A discernible tract of land exclusively used for the carrying on of any bona fide agricultural activity or the raising of livestock or small animals including a residence with out-buildings and providing a source of income to the occupant thereof, whether tenant, hired or owner-occupied. Commercial enterprises for the keeping, breeding or both, of fur bearing animals, inclusive of commercial dog kennels and riding or boarding stables, stone quarries or gravel or stone pits or commercial activities for the slaughtering of animals shall not be considered a farm hereunder.

Farm Buildings: Any structure or building, other than a dwelling, used or built on a farm.

Farm Operation: A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to, marketed produce at roadside stands or farm markets; related noise, odors, dust and fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

Farm Product: Those plants and animals useful to human beings and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur.

Feedlot: Any facility or enclosed area where farm animals are fed and maintained for more than four (4) hours out of twenty-four (24) hours at a density greater than four (4) heads per acre for cattle and horses, ten (10) heads per acre for smaller animals, or more than thirty (30) fowls per acre.

Fence: A wall composed of posts carrying boards, rails, pickets, or wire, or to iron structures consisting of a vertical or horizontal bars or of open work.

Fence, Decorative: An open or semi-open fence, ornamental in nature, not intended to provide a permanent barrier to passage or for screening. Decorative fencing does not include chain link fencing.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The "floor area" of a building shall not include the basement floor area except when more than one-half ($\frac{1}{2}$) of the basement height is above grade.

"Floor-area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet, ten (10) inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area."

Floor Area, Ground: The horizontal area of the first floor of a building other than a cellar or basement measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of attached garages, breezeways, and unenclosed porches.

Floor Area, Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor Area, Usable: That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Front Building Face Area: The facade of the building facing the front line calculated as its width multiplied by the building height.

Frontage: All property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and right-of-way, water-way, end of a dead-end street, or township boundary measured along the street line.

Garage, Private and Public: Any building for the storage of self-propelled vehicles or trailer coaches where no storage or servicing for hire is conducted, is a private garage. A public garage is one that is not a private garage.

Gasoline Filling Station: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories, but not including any automotive service repair.

Gasoline Service Station: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

Governmental Agency: Any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district, or governmental unit.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building, measured at a distance of four (4) feet from the building.

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

Greenhouse: See definition of Nursery.

Group Day Care Home: A private home in which seven (7) but not more than twelve (12) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption including a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

Health Care Facility: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis and treatment of disease, pain, injury, deformity or physical condition allowing overnight stay, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, chronic disease hospital.

Home for the Aged: A supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility, that provides room, board, and supervised personal care to twenty-one (21) or more unrelated, nontransient, individuals sixty (60) years of age or older. Home for the aged includes a supervised personal care facility for twenty (20) or fewer individuals sixty (60) years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home.

Home Based Business: A use conducted entirely within a residential dwelling unit which is clearly incidental and secondary to the use of the dwelling as a dwelling and does not change the character in any way.

Hotel: See definition of Motel.

Household: A household includes all persons who occupy a house, an apartment, a group of rooms, or a single room occupied as separate living quarters.

Housing for the Elderly: A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons sixty-two (62) years of age or older, or couples where either spouse is sixty-two (62) years of age or older. This does not include a foster care home, home for the aged, nursing home, or convalescent home.

Industrial Park: A planned industrial development on a tract of land containing an internal road network suitable for trucks and employee traffic and adequate utilities, including a sufficient water supply, sanitary and storm sewers, and electric and natural gas lines.

Junk: The term “junk” shall include, but shall not be limited to, parts of motor vehicles, unused household appliances, inoperative machinery, remnants of wood, metal, or any other materials or other cast-off material, scrap metal or any other used material of any kind and trash, rubbish, or refuse of any kind.

Junk Motor Vehicle: The term “junk motor vehicle” shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan or is inoperative.

Junk Yard: The storage or keeping of junk, including scrap metals or other scrap materials or items commonly known as junk, or the dismantling, demolition, or abandonment of more than one automobile or other vehicle, or machinery or parts thereof, excluding tires.

Kennel: The keeping of four (4) or more dogs or cats at least four (4) months old by a commercial establishment. For purposes of this Ordinance, a kennel shall not be considered a home occupation.

Livestock: Domestic animals, such as cattle, horses, sheep, hogs, or goats raised and/or boarded for home use or for profit. Poultry Livestock are domestic animals such as chicken, geese, or quail kept for home use or profit.

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

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

1. **Lot, Corner:** A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.
2. **Lot, Double Frontage:** Any lot, excluding a corner lot, which fronts on two (2) streets that do not intersect.
3. **Lot, Flag:** A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

4. **Lot, Interior:** Any lot other than a corner lot.
5. **Lot, Through:** Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.
6. **Lot, Zoning:** A single tract of land, located within a single block which, at the time of filing for a building permit, is designated by its owner or developed as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

Lot Area: The total horizontal area within the lot lines of the lot.

Lot Coverage: The part or percent of the lot occupied by buildings including accessory buildings.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot Lines: The lines bounding a lot as defined herein:

1. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot or double frontage lot it is those lines separating said lot from either street.
2. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined two (2) or more lots as contained on any recorded plat into a single building site, or combined two (2) or more lots contained on any recorded plat in the records of the Township Assessor or Treasurer, said combination of lots shall be deemed to be a single lot of record for the purposes of this Ordinance.

Lot Width: The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

Main Use: Refer to definition of principal use.

Major Thoroughfare: A street that is intended to serve as a large volume trafficway for both the immediate area and the region beyond.

Manufactured Home: A factory built, single-family structure that meets the National Manufactured Home Construction and Safety Standards Act, commonly known as the HUD (United States Department of Housing and Urban Development) Code. This definition shall also apply to BOCA modular homes.

Manufactured Home Park: A parcel of land that has been planned and improved for the placement of manufactured and/or mobile homes for residential use.

Marginal Access Drive: A street that is parallel to and adjacent to a primary street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the primary street and so that the flow of traffic on the primary street is not impeded by direct driveway access from a large number of abutting properties.

Master Plan: The Master Plan indicating the physical development of the township, as adopted by the Planning Commission, including any unit or part of such plan and any amendment to such plan or parts thereof.

Mezzanine: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

Mini-Warehouse: A facility consisting of a building or a group of buildings in a controlled-access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares. The use of the premises shall be limited to storage only, and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials are expressly prohibited.

Mobile Home: A detached residential dwelling unit with a body width greater than eight (8) feet, of not less than thirty-five (35) feet in length, and designed for transportation, after fabrication, on streets or highways, on its own wheels, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks, or other temporary or permanent foundations, connections to utilities, and the like. For the purposes of this Ordinance, a mobile home shall be considered a manufactured home. However, a travel trailer, motorized home, or any other type of recreational vehicle shall not be considered a mobile home.

Mobile Home Park: Refer to definition of Manufactured Home Park.

Modular Home: Refer to definition of Manufactured Home.

Motel: A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom and closet space which provide for overnight lodging and are offered to the public for compensation and cater primarily to the public traveling by motor vehicle.

Motor Home: Any house trailer, trailer home, trailer coach, or similar vehicle used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways, and duly licensable as such, so designed, constructed, or added to by means of accessories in such manner, and will permit the occupancy thereof once stationed as a dwelling or sleeping place for one (1) or more persons.

Motor Home Park: A licensed park being designed specifically to permit the parking of travel trailers. Also may be commonly referred to as a travel trailer park or RV park.

Nonconforming Lot: Any lot, outlot, or parcel of land lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not meet the land area or dimensional requirements of this Ordinance.

Nonconforming Structure: Any structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto which does not conform to the dimensional requirements of this Ordinance in the district in which it is located.

Nonconforming Use: Any use which lawfully occupied a structure or land and structure in combination, at the effective date of this Ordinance, or amendments thereto, which does not conform to the use requirements of the district in which it is located.

Nuisance: Any condition that is or may become injurious to health or public safety or that prevents or hinders control of disease.

Nuisance Factors: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to:

- 1) sound; 2) dust; 3) smoke; 4) odor; 5) glare; 6) fumes; 7) flashes; 8) vibration; 9) shock waves; 10) heat; 11) electronic or atomic radiation; 12) objectionable effluent; 13) sound of congregation of people, particularly at night; 14) passenger traffic; 15) invasion of nonabutting street frontage by traffic; and, 16) junk.

Nursery: A building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail from such building or lot to the general public.

Nursery School: Refer to definition of Child Care Center.

Nursing Home: A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care

and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

Occupied: The word “occupied” includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

Offensive: Any work in connection with an adult entertainment use in which the representations appear, taken as a whole, appeals to the prurient interest and patently depicts or portrays the sexually explicit material in a manner which, taken as a whole, lacks serious literary, artistic, political, or scientific value. In other instances, the term offensive shall mean any annoying, unpleasant, or obnoxious thing or practice, cause, or source of annoyance (see also Nuisance Factors).

Office: A place, such as a building, room, or suite, in which services, clerical work, professional duties or the like are carried out.

Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

Open Air Business Use: An open air business use, as used herein, shall be deemed to include any of the following businesses when said business is not conducted from a wholly enclosed building:

1. Bicycle, trailer, motor vehicle, boats, or home equipment sale or rental services.
2. Outdoor display and sale of storage buildings, swimming pools and similar uses.
3. Sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park, or similar recreation uses.

Open Front Store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair or gasoline service stations.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Parking Space: An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Pasture: A grazing area exclusive of front and side yards and that portion of the rear yard extending fifty (50) feet from the rear of the dwelling unit.

Patio: An uncovered courtyard or platform extending horizontally out from the main building or structure.

Pen: A fenced enclosure for animals, but not a grazing area.

Person: Any individual, person, firm, corporation or other legal entity.

Pond: A natural or manmade body of water used to provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying and irrigation, and other related uses for the personal use of the property owner and/or tenants.

Porch: A covered projection on a building or structure containing a floor, which may be either totally enclosed or open 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.

Poultry: See definition under Livestock.

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

Private Road: A privately owned and maintained road easement used for ingress and egress to serve more than one (1) parcel of abutting property not part of a subdivision created under State Act 288, P.A. 1967, as amended, that complies with Section 15.14 and Section 15.15

Public Building: Buildings that are financed largely by public funding and are available for public use, as distinguished from buildings that are government financed, but are intended for private use; e.g., public housing.

Public Facility: Any facility other than a recreation area which is maintained by public funds, including, but not limited to, libraries, museums, administrative offices, and fire and police stations. This definition does not include schools, community hospitals or any facility involving outdoor storage.

Public Utility: A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

Quarries: A use wherein excavations are undertaken primarily for the purpose of commercial soil, gravel, or mineral removal. See excavation.

Radio Tower: See definition of Tower. Also see definition of AM Array.

Recovery Halfway House: A facility licensed by the Michigan Department of Public Health to provide substance abuse treatment and support services, in addition to room and board, to recovering alcoholics and drug abusers.

Recreation Animals: For the purposes of this Ordinance, horses, mules, donkeys, goats, sheep, cattle, cows, swine, chickens, turkeys or other similar domestic animals and fowl shall be considered domesticated pets/recreation animals.

Recreation Facility, Private: Any recreation facility which is privately owned and operated on a for profit basis. This definition shall include, but not necessarily be limited to, privately owned golf courses, riding stables, race courses, bowling alleys, private clubs and lodges.

Recreation Facility, Public: Any recreation facility that is publicly owned and maintained and available to the general public, with or without a fee.

Recreational Vehicle: A vehicle which moves one (1) or more persons over the ground, water, ice, or snow, and which is either self-propelled or connects to a vehicle which is self-propelled. This definition of "recreational vehicle" includes, but is not limited to, snowmobiles, camping vehicles, motorcycles, mini-bikes, go-carts, boats, and iceboats.

Rehabilitation Halfway House: A facility licensed by the Michigan Department of Corrections or the Federal Bureau of Prisons which provides supervision and rehabilitation support services in addition to room and board to criminal offenders.

Residential District: As referenced within this Zoning Ordinance, a residential district shall be defined as the Single-Family Residential District and the Multiple-Family Residential District.

Residential Entranceway Structure: A building or structure placed at the principle opening(s) that afford entry into a residential development used to identify the project or to regulate access into the development. Such structures shall include, but not limited to, objects of art, gates, guardhouses, signs, fencing, and similar barriers and structures.

Restaurant:

1. **Standard Restaurant:** A standard restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state and whose design or principal method of operation includes one (1) or both of the following characteristics:
 - a. Customers, normally provided with an individual menu, are served their foods, desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
 - b. A cafeteria type of operation where foods, desserts, or beverages generally are consumed within the restaurant building.

2. **Carry-Out Restaurant:** A carry-out restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state and whose design or method of operation includes both of the following characteristics:
 - a. Foods, desserts, or beverages are usually served in paper, plastic, or other disposable containers.
 - b. The consumption of foods, desserts, or beverages within the restaurant building or within a motor vehicle parked upon the premises is prohibited. Food is intended primarily to be consumed off the premises.

3. **Fast-Food Restaurant:** A fast-food restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises and whose design or principal method of operation includes both of the following characteristics:
 - a. Foods, desserts, or beverages are usually served in paper, plastic, or other disposable containers.
 - b. The consumption of foods, desserts, or beverages within a motor vehicle parked upon the premises is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

4. **Drive-in Restaurant:** A drive-in restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state and whose design, method of operation, includes one (1) or both of the following characteristics:
 - a. Foods, desserts, or beverages are served directly to the customer in a motor vehicle, either by a carhop or by other means that eliminate the need for the customer to exit the motor vehicle.
 - b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is permitted.

Roads: Refer to definition of Streets.

Roadside Stand: A structure used solely by the owner, manager, or tenant of the land on which it is located for the sale of produce grown on said land. This does not allow the sale of produce or other commodities on state or county road right-of-way.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom equal to at least seventy (70) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, stairways, hallways, and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Self-Storage Facility: Refer to definition of Mini-Warehouse.

Service Area: An outdoor area used, in connection with a nonresidential use, for loading and unloading operations and for the receipt and temporary storage of goods, materials, and equipment.

Setback: The distance required to obtain minimum front, side, or rear yard open space provisions of this Ordinance.

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

Significant Portion: As used in connection with Adult Entertainment Use, the phrase "significant portion" shall mean and include:

1. Any one (1) or more portions of the display having continuous duration in excess of five (5) minutes; and/or
2. The aggregate of portions of the display having a duration equal to ten (10) percent or more of the display.
3. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten (10) percent or more of the display.

Special Land Use: Any use of land listed as a Use Permitted Subject to Special Conditions which, due to its potential effect on adjacent lands, in particular, and the overall community in general, requires approval according to the standards as provided in this Ordinance.

Specified Acts of Violence: The graphic depiction, whether real or simulated, of human or animal decapitation, dismemberment, physical torture, stabbing, shooting, strangulation, drowning, electrocution, aggravated assault (whether accomplished by human contact, instruments, or weapons), rape, disfigurement, mutilation, burning, or disembowelment.

Specified Anatomical Areas:

1. Less than completely and opaquely covered: a) human genitals, pubic region, b) buttock, and c) female breast below a point immediately above the top of the areola; and,
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement or cellar shall not be counted as a story.

Streets: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. For purposes of this Ordinance, streets shall be defined to also include the term roads. Streets are further classified by the functions they perform.

1. **Local (Minor) Streets:** Streets primarily designed to provide access to immediately adjacent properties. Through movement may be possible but is not encouraged by operational controls; it may be impossible in the case of cul-de-sacs. Part of the street width is usually allocated to vehicle parking without restrictions, although special snow emergency parking prohibitions may be necessary. Each abutting property may have a driveway connection to the street.
2. **Collector (Secondary) Streets:** Streets primarily designed to provide access to abutting land parcels and also enable moderate quantities of traffic to move expeditiously between local streets and the major street network.
3. **Major (Primary) Streets:** Streets primarily designed for the efficient movement of through traffic at speeds which are as high as can be reasonably allowed in view of safety considerations and the amount of access also being provided. Capacity is obtained by provision of wide street cross sections and high capacity controls at intersections, or by elimination of intersections by grade separation. Speed results from provision of good horizontal and vertical alignments and removal of potential safety hazards, especially access friction.

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Television Tower: See definition of Tower.

Temporary Use: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, or similar communication purposes, including self supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Travel Trailer: See Motor Home.

Usable Floor Area: Refer to "Floor Area, Usable."

Use: The principal purpose for which land or a building is arranged, designed, or intended or for which land or a building is or may be occupied.

Variance: Permission to depart from the literal requirements of the Zoning Ordinance.

Wall: An artificially constructed upright barrier of any material or combination of materials erected to enclose, divide, screen, or protect areas of land.

Wall, Obscuring: A wall that creates a visual barrier.

Wild Animal: An animal not bred or raised by humans.

Wireless Telecommunication Facility: A facility consisting of all structures and equipment involved in transmitting and/or receiving telecommunication signals from mobile communication sources and transmitting those signals to a central switching computer which connects the mobile unit to the land-based telephone system. These facilities include but are not limited to: private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are AM/FM radio towers, television towers, satellite dishes, and federally licensed amateur radio facilities.

Wireless Telecommunication Tower: A structure intended to support equipment used to transmit and/or receive telecommunication signals including, but not limited to, monopoles, freestanding lattice structures and guyed lattice structures.

Wireless Telecommunication Antenna: The device through which wireless telecommunication signals, as authorized by the Federal Communications Commission, are transmitted or received. Not included are AM/FM radio antenna, television antenna, satellite dishes, and licensed amateur radio facilities.

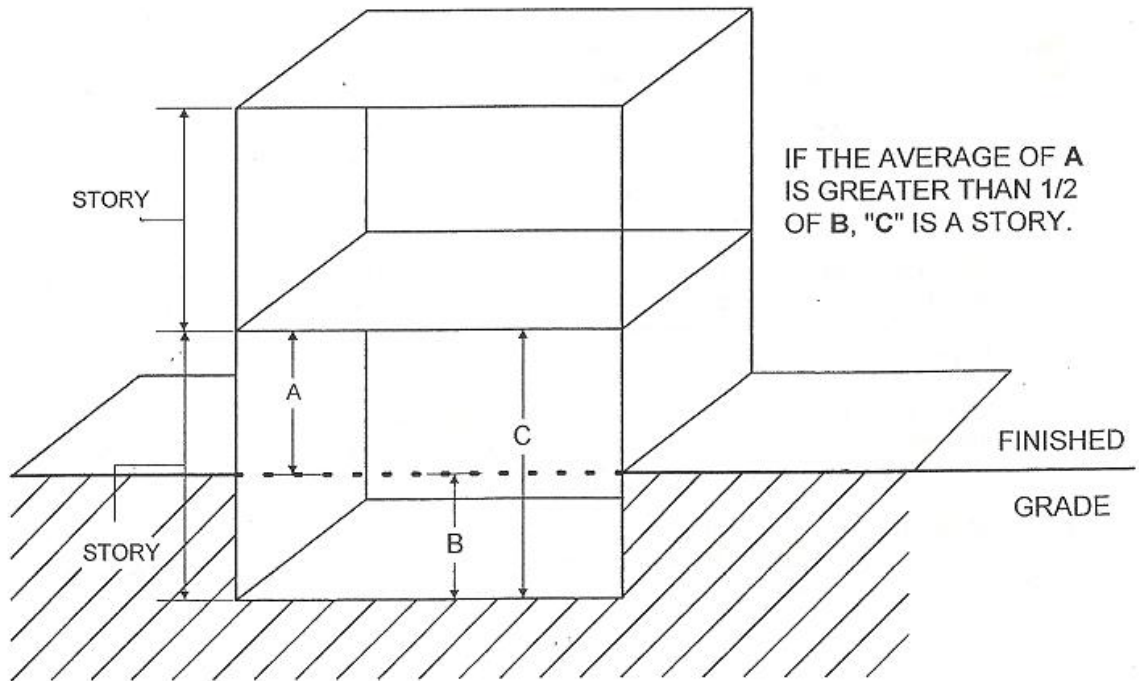
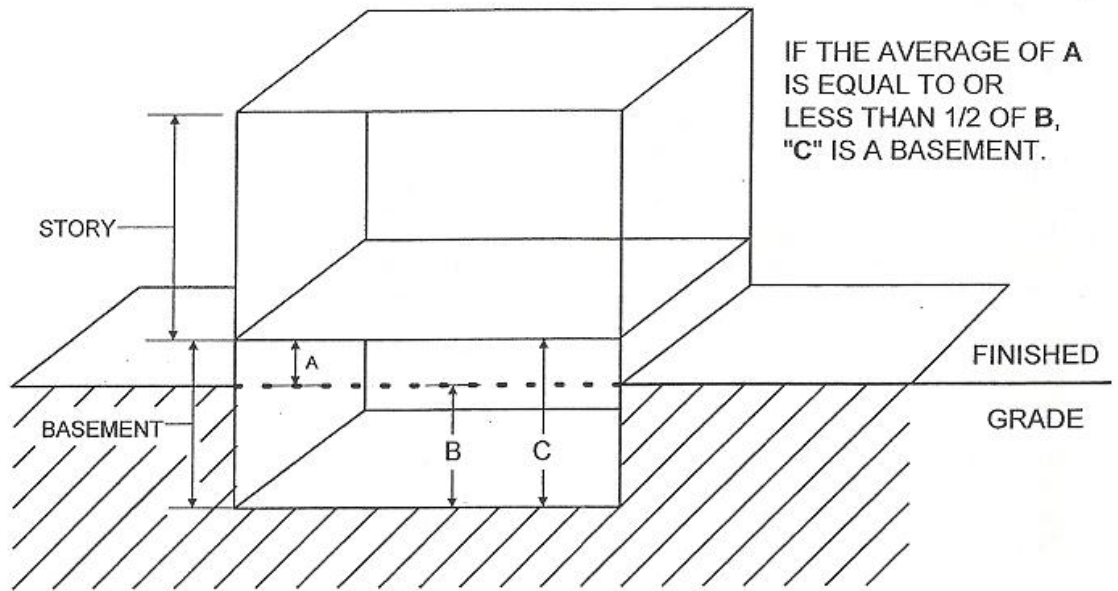
Wireless Telecommunication Equipment Shelter: The structure in which the electronic receiving and transmitting equipment for a wireless telecommunications is housed.

Yards: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

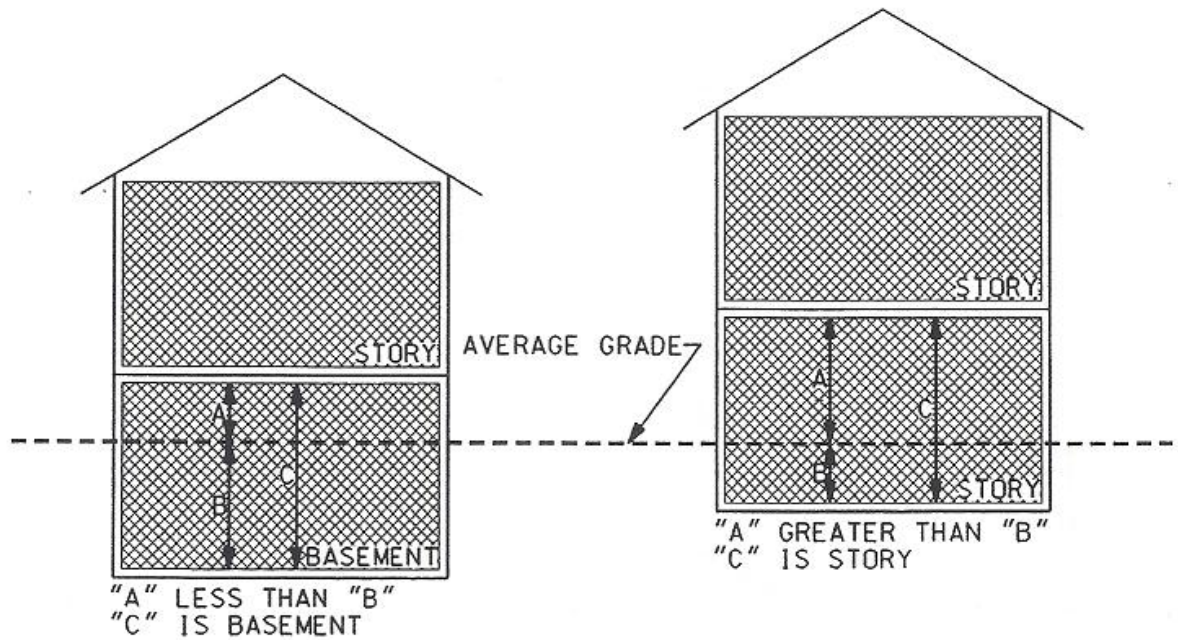
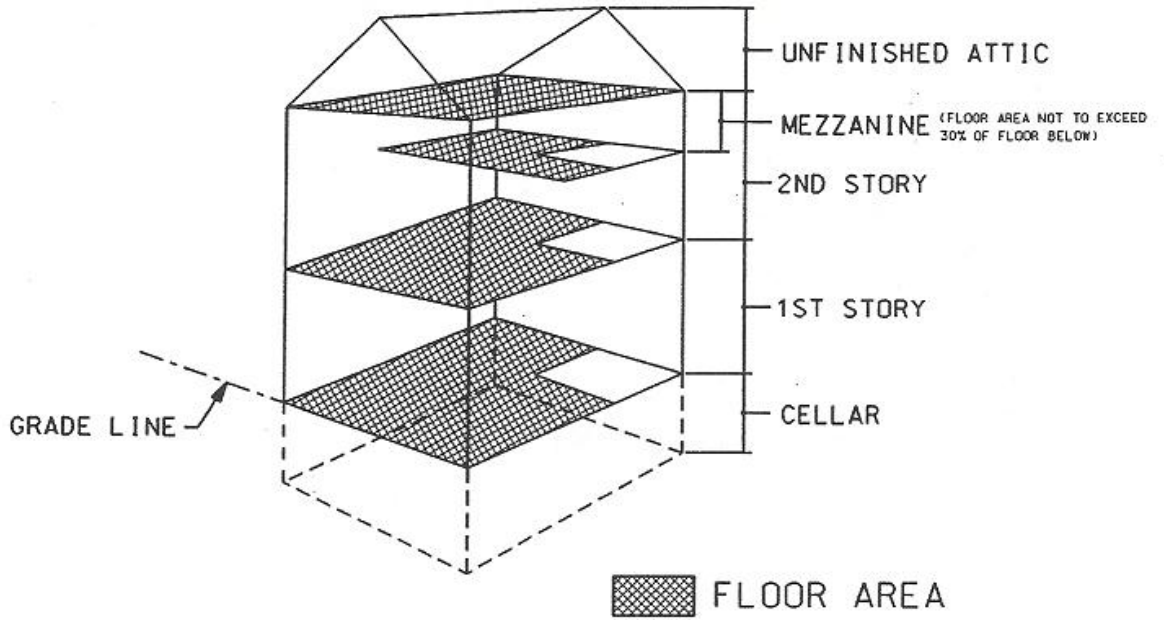
1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. In the case of corner lots, front yard shall be deemed to exist along each street frontage.
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard shall be opposite the front lot line used as the street address.
3. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Zoning District: A zoning district is a portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which, are contained, yards, open spaces, lot area, and other requirements are established by this Ordinance.

Basement and Story Definitions

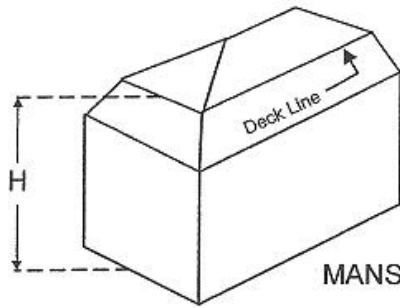


Basic Structural Terms

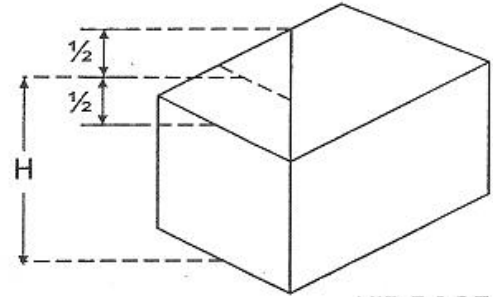


Building Height Requirements

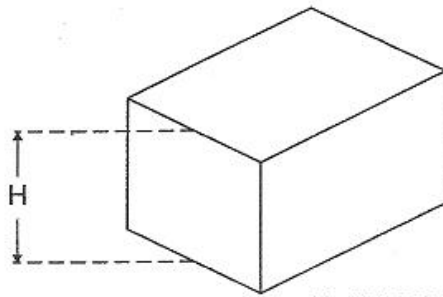
H = HEIGHT OF BUILDING FOR PRINCIPAL STRUCTURES



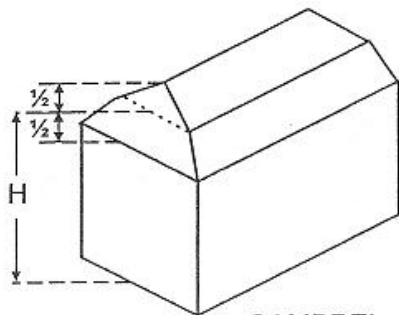
MANSARD ROOF



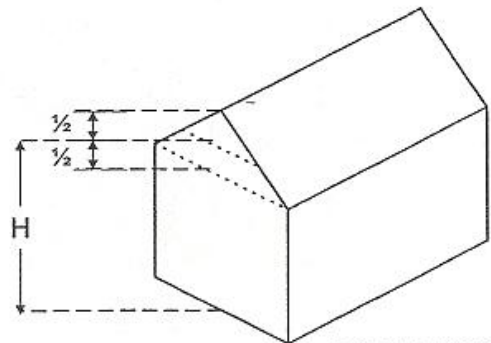
HIP ROOF



FLAT ROOF

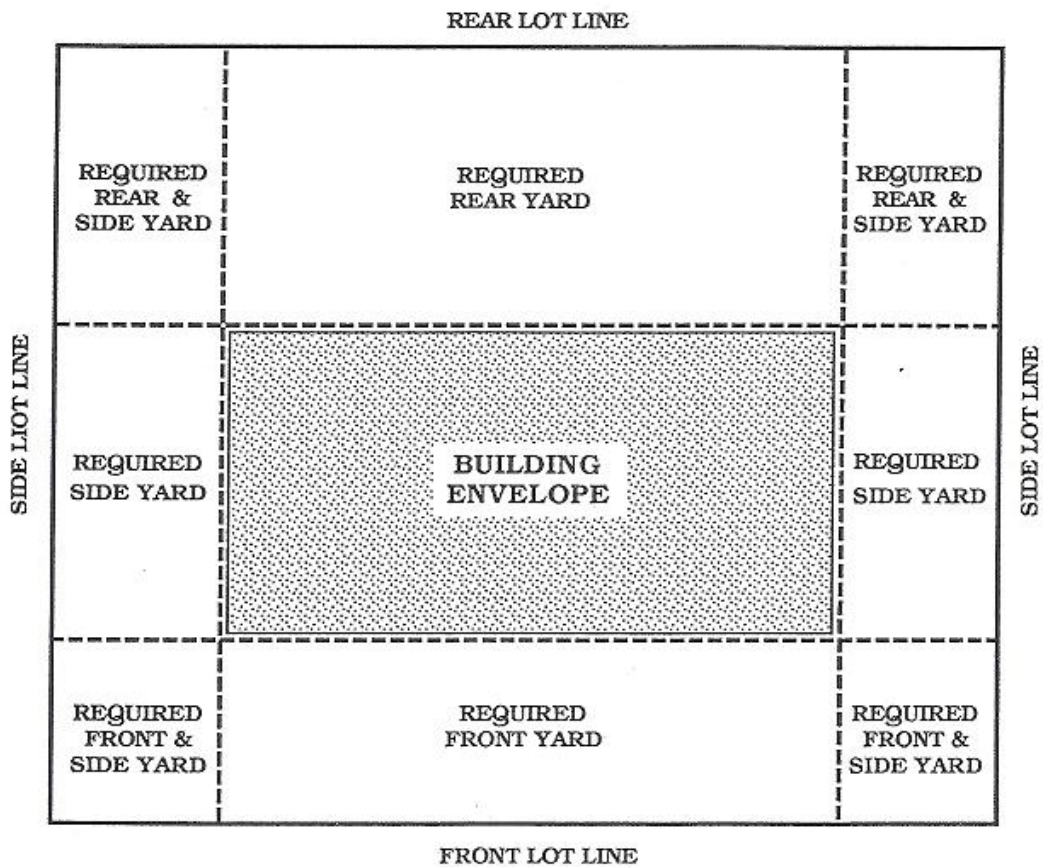


GAMBREL ROOF

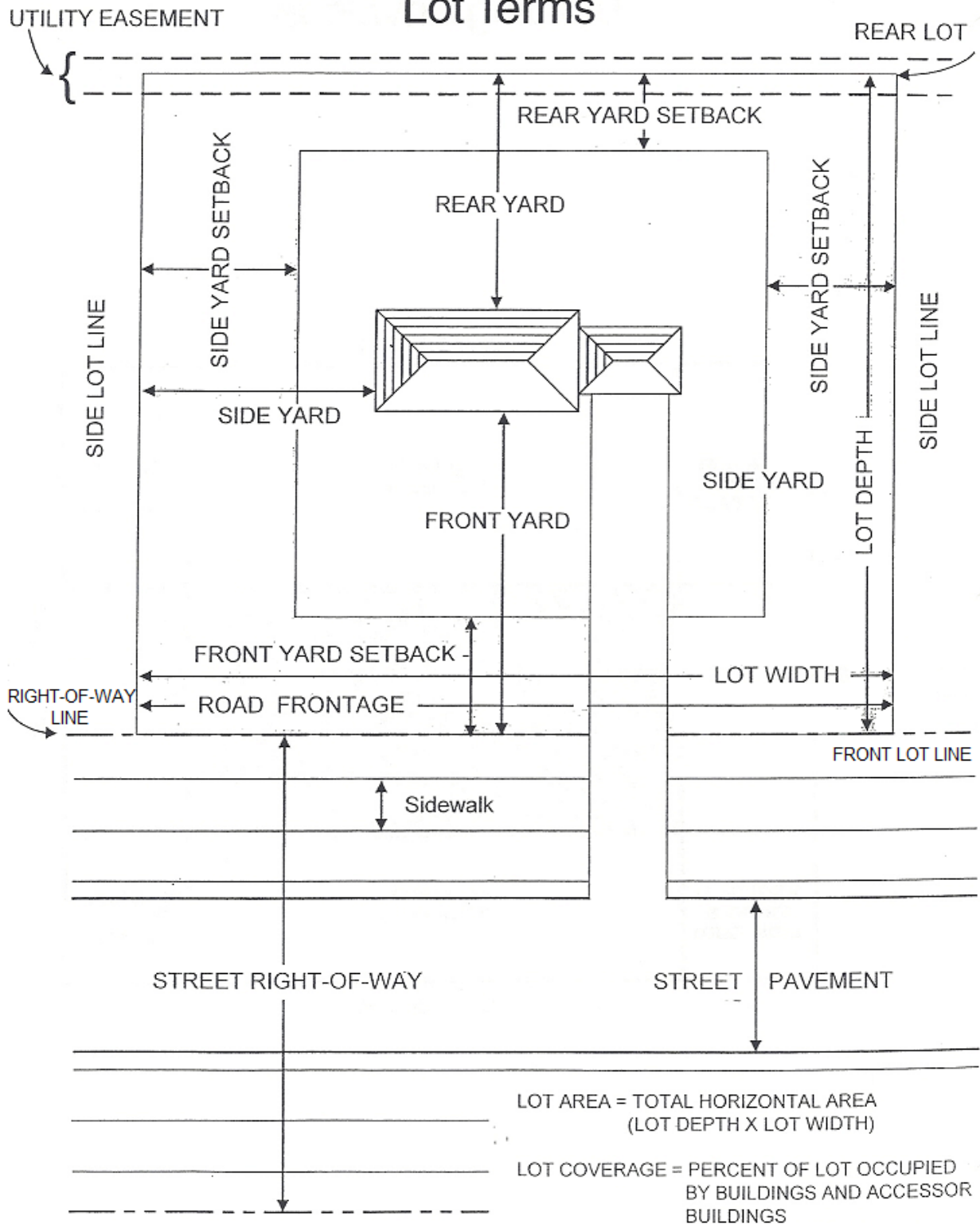


GABLE ROOF

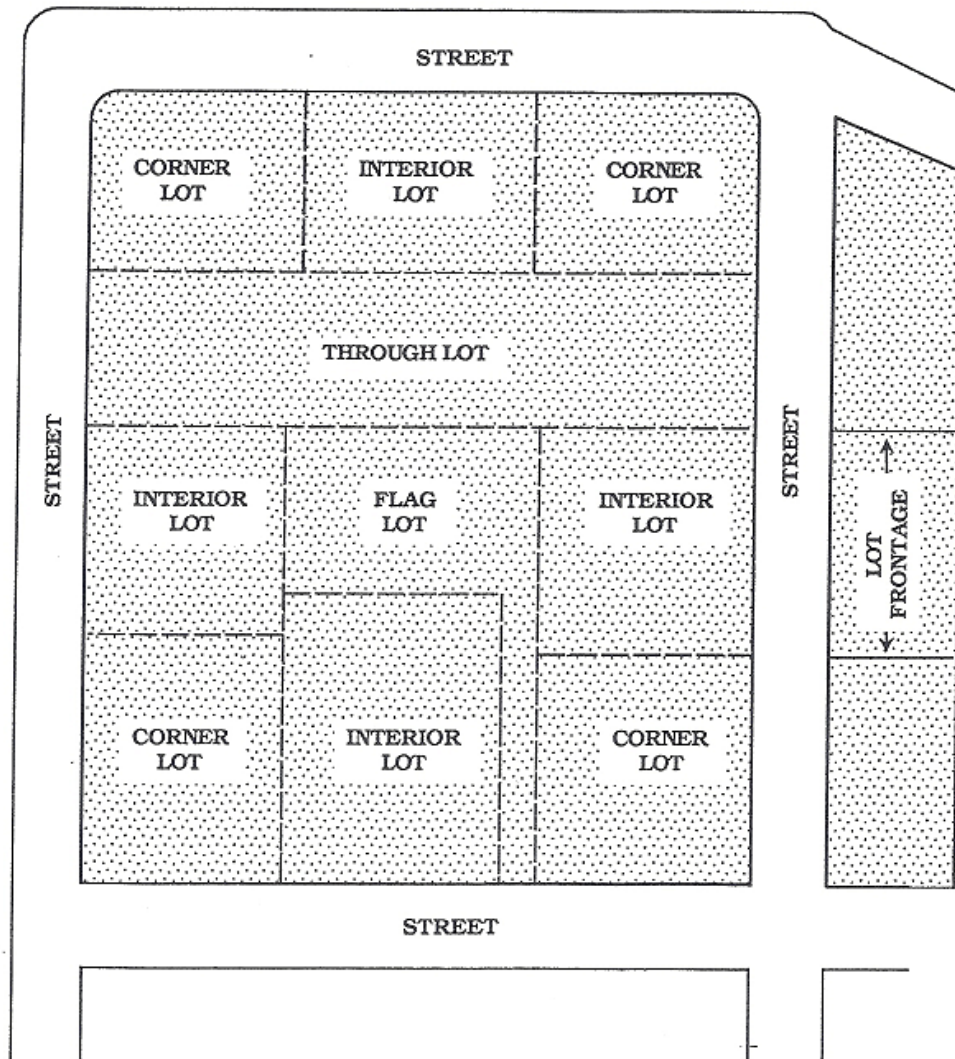
Building Envelope



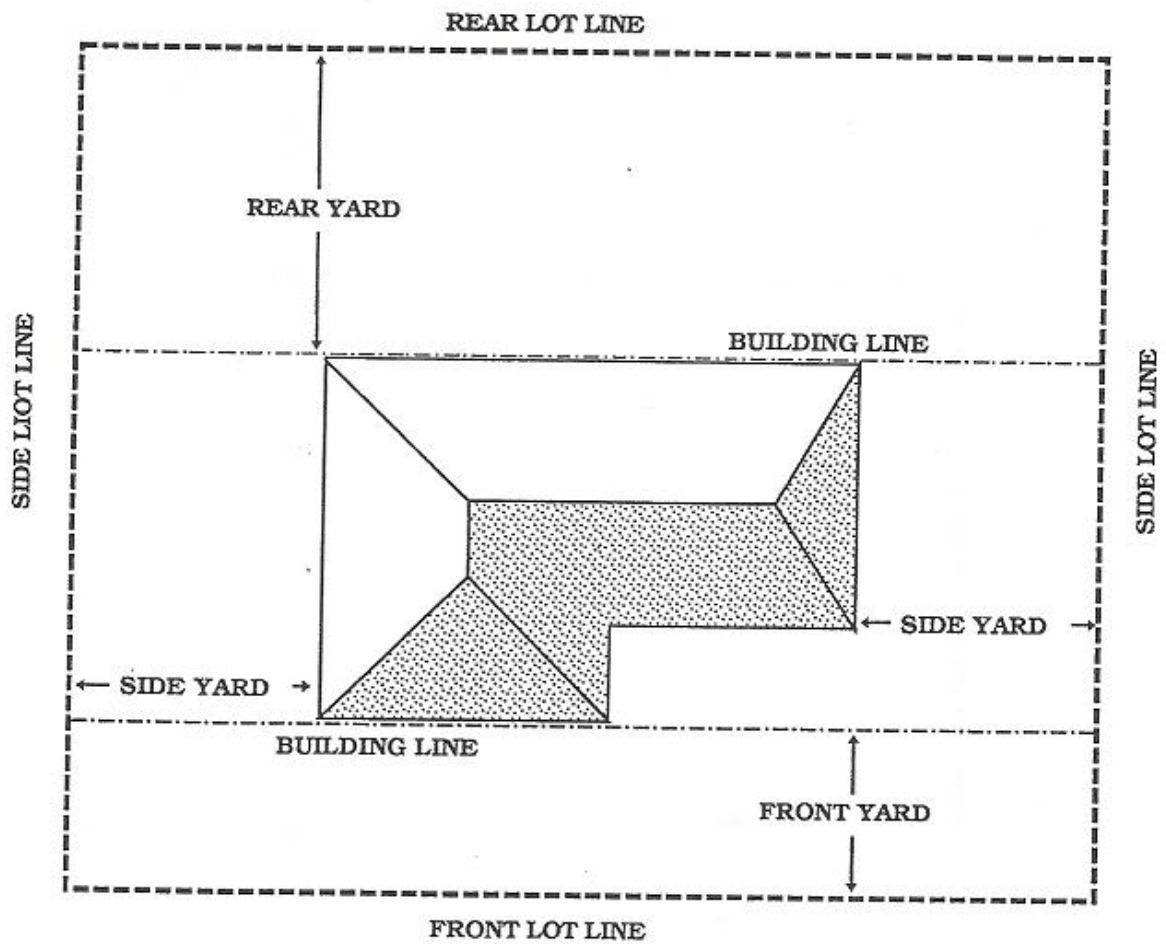
Lot Terms



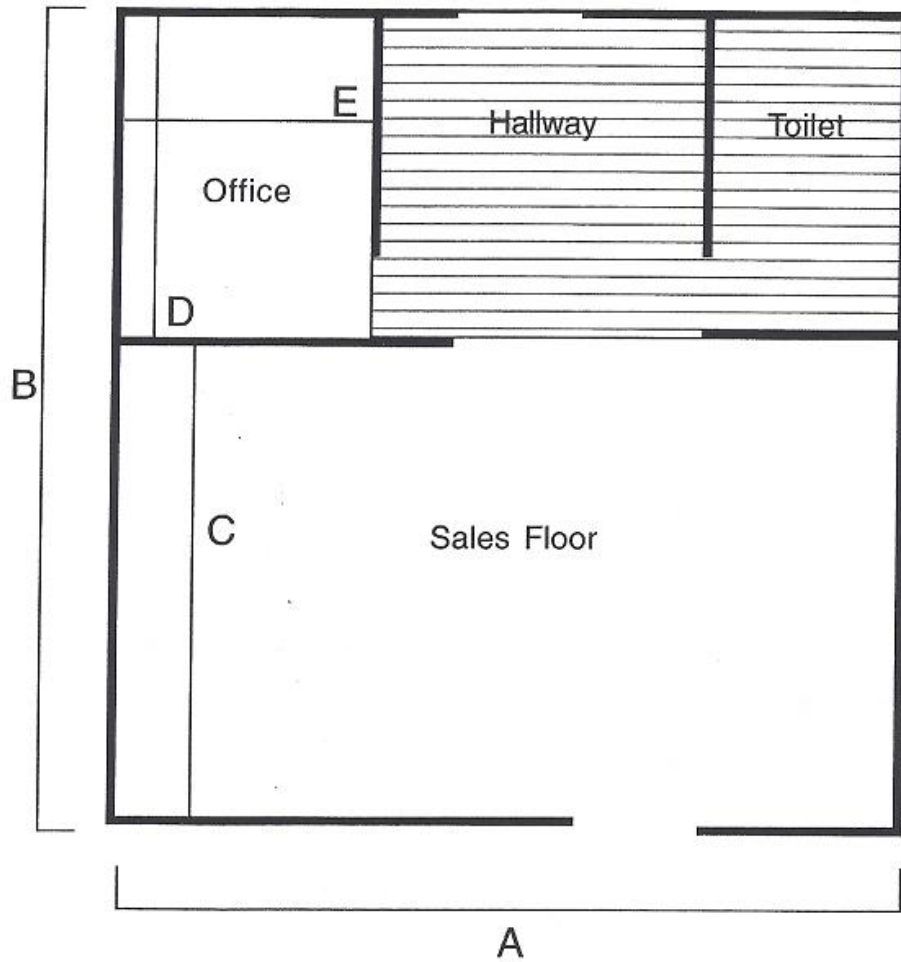
Definition of Types of Lots



Definition of Yard



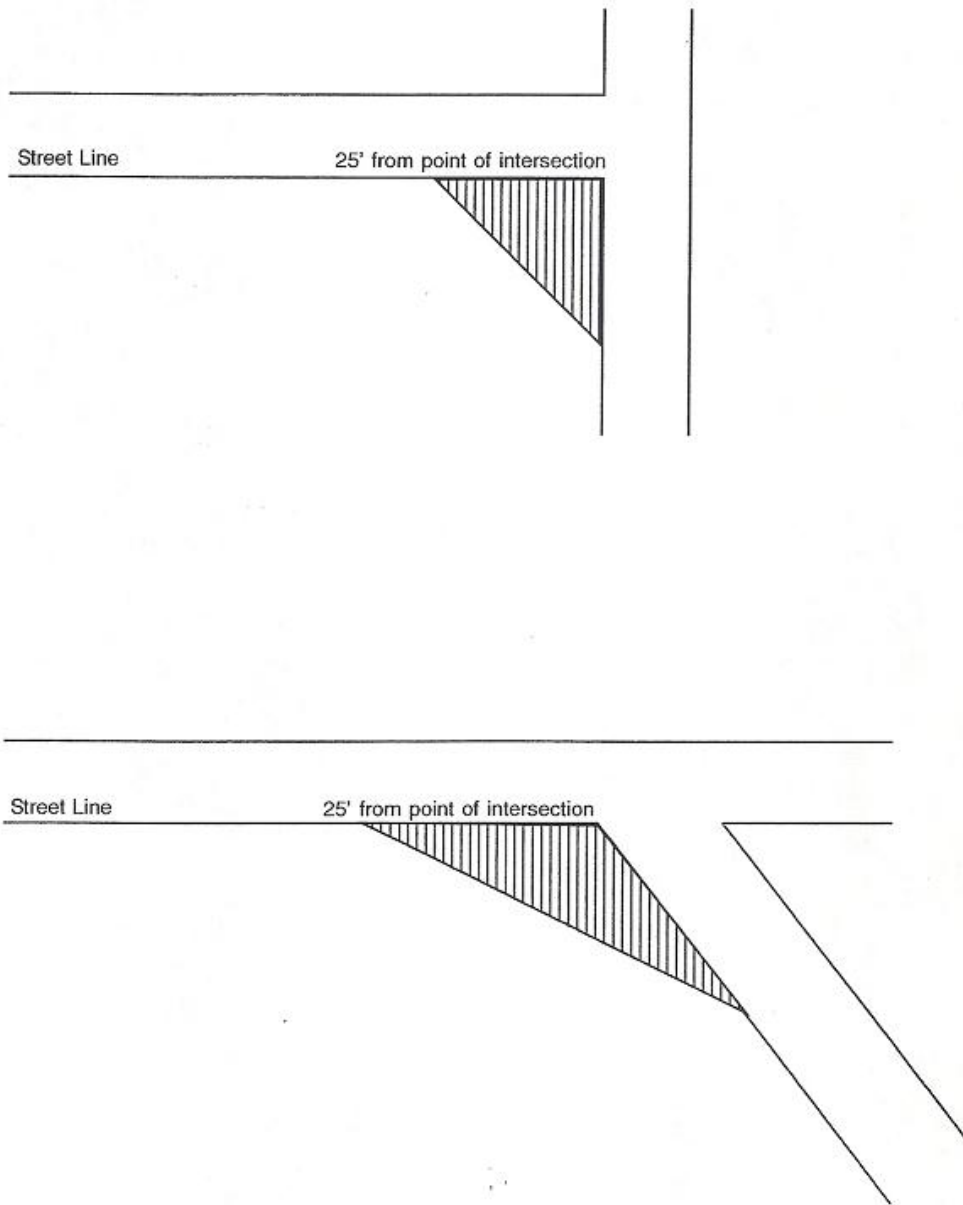
Usable Floor Area



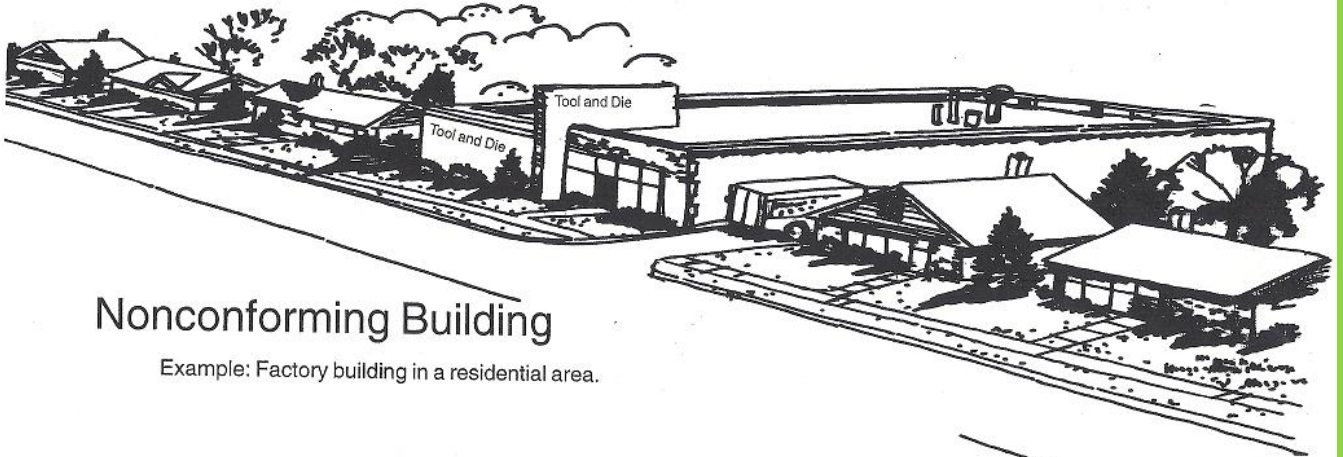
$A \times B$ = Total Floor Area

$A \times C$ and $D \times E$ = Usable Floor Area (Area open to the public and shall be used to compute usable floor area calculations for parking.)

Illustration of Corner Clearance

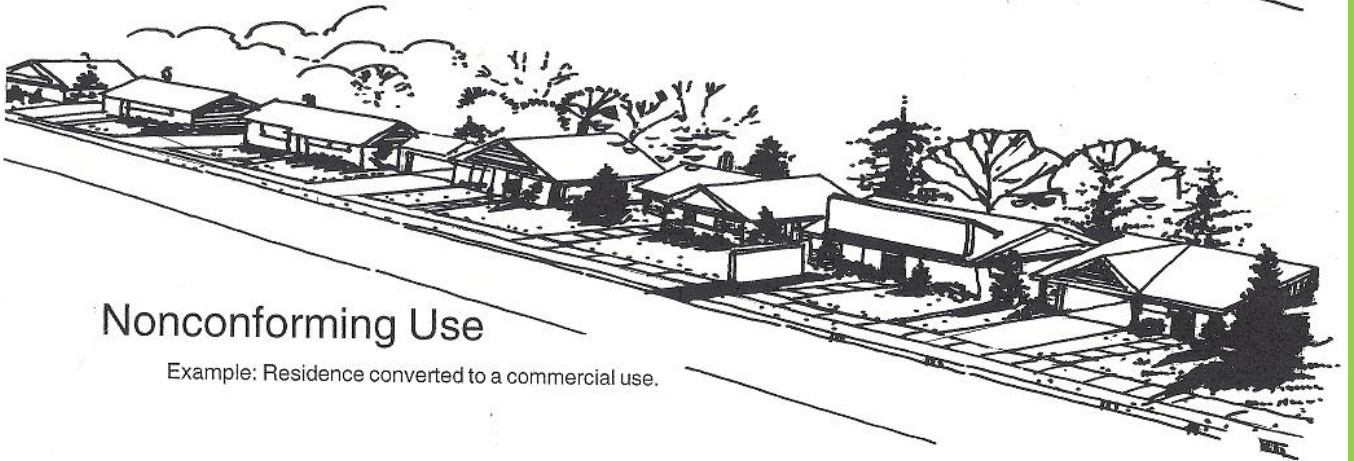


Emmett Township Zoning Ordinance
*Note: Graphics are for illustration purposes only.



Nonconforming Building

Example: Factory building in a residential area.



Nonconforming Use

Example: Residence converted to a commercial use.

Article 3 Zoning Districts

Section 3.01 Kinds of Districts

To accomplish the purpose set forth in the Preamble, Emmett Township is hereby divided into the following zoning districts:

AG, Agricultural District
R, Residential District
RE, Rural Estates District
VR, Village Residential District
MHP, Mobile Home Park District
C, Local Commercial District
I, Light Industrial District

Section 3.02 District Boundaries

The boundaries of these districts are hereby established as shown on the "Emmett Township Zoning Map" which accompanies this Ordinance. The Emmett Township Zoning Map along with all notations, references, and other explanatory information shall accompany and be made a part of this Ordinance.

Section 3.03 Official Zoning Map

Regardless of the existence of purported copies of the Zoning Map which may be published, a true and current copy of the Zoning Map shall be maintained by the office of the Township Clerk and made available for public inspection. The Township Clerk's copy shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, or structure in the Township.

Section 3.04 District Boundaries Interpreted

When uncertainty exists with respect to the boundary lines of the various districts as shown on the Zoning Map, the boundaries shall be determined by the Board of Appeals according to the following rules:

1. Boundaries indicated as approximately following the centerlines of roads, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following recorded lot lines or the line bounding a parcel shall be construed as following such lot or parcel lines.
3. Boundaries indicated as approximately following a municipal boundary line shall be construed as following such municipal boundary line.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.

5. Boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as following a shoreline shall be construed as following such shoreline, and in the event of a change in shoreline shall be construed as following the shoreline existing at the time the interpretation is made.
7. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 6 above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
8. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections 1 through 7 above, the Board of Appeals shall interpret the district boundaries.
9. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns that, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

Section 3.05 Zoning of Vacated Areas

Whenever any road, alley, or other public way within Emmett Township is vacated, such road, alley, or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

Section 3.06 District Requirements

All structures and uses in any district shall be subject to the provisions of Article 15, General Provisions.

Article 4
AG, Agricultural District
Minimum Lot Area: 5 Acres
Minimum Lot Width: 320 Feet

Section 4.01 Purpose

This district is composed of those areas of the Township whose principal use is and ought to be farming and related natural resource based uses. The regulations of this district are designed to conserve, stabilize, enhance and develop farming and related resource utilization activities, to minimize conflicting uses of parcels, lots, buildings and structures detrimental to or incompatible with these activities, and to prohibit uses of parcels, lots, buildings and structures which require streets, drainage and other public facilities and services of a different type and quantity than those normally required by these activities. The district, in preserving areas for agricultural uses, is also designed to prevent proliferation of residential subdivision and urban sprawl.

Section 4.02 Permitted Uses

No building or structure or part thereof shall be erected, altered, or used and no land shall be used except for one or more of the following:

1. Farms of five (5) acres or more but less than ten (10) acres, including the raising or growing of forages and sod crops; grains and feed crops; dairy and dairy products; fruits; plants, trees, shrubs and nursery stock; vegetables; and similar bona fide agricultural enterprises or use of land and structure.

The keeping or raising for sale or personal use of livestock, poultry, and other fur-bearing animals, provided said use shall meet the following requirements:

- (a) On lots between five acres or more but less than ten acres, no more than one hundred (100) poultry animals and/or three livestock animals shall be permitted¹; and,
 - (b) Shall be located in the rear yard; and,
 - (c) Any areas designated for breeding shall have an obscuring wall or fence on all sides at least six (6) feet in height; and
 - (d) Shall be located not less than fifty (50) feet from any adjacent property line.
2. Farms of ten (10) acres or more, including the raising or growing of forages and sod crops; grains and feed crops; dairy and dairy products; fruits; plants, trees, shrubs and nursery stock; vegetables; and similar bona fide agricultural enterprises or use of land and structure.

¹ For lots of less than five acres that existed prior to the adoption of this ordinance, no livestock animals shall be permitted and no more than fifty poultry animals shall be permitted.

The keeping or raising for sale or personal use of livestock, poultry, and other fur-bearing animals, provided said use shall meet the following requirements:

- (a) Shall be located in the rear yard; and,
 - (b) Any areas designated for breeding shall have an obscuring wall or fence on all sides at least six (6) feet in height; and,
 - (c) Shall be located not less than fifty (50) feet from any adjacent property line.
3. Truck gardening, involving the growing of fruits and vegetables that are intended to be distributed and sold to consumers as fresh produce.
 4. Facilities for the centralized bulk collection, storage, and distribution of agriculture products to wholesale and retail markets.
 5. Facilities for the storage and sale of seed, fertilizer, and other products essential to agricultural production.
 6. Facilities for the research and testing of agricultural products and techniques.
 7. Riding stables or the raising or keeping of fur-bearing animals, horses, ponies, and other animals, whether for profit or pleasure.
 8. Single-family detached dwellings.
 9. Home based businesses.
 10. Adult foster care small group home and family day care homes.
 11. Township buildings and uses.
 12. Cemeteries.
 13. Greenhouses and plant nurseries.
 14. Veterinary clinics with or without outdoor runs.
 15. Public government and utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.
 16. Publicly owned and operated municipal buildings, libraries, parks, parkways, and recreational facilities.
 17. Public, parochial, and private elementary, intermediate and/or secondary schools, and institutions of higher learning, offering courses in general education.

- 18. Accessory buildings and uses customarily incidental to any of the above permitted uses including one (1) temporary building for the sale of nursery stock or other agricultural products raised on the premises.

Section 4.03 Uses Permitted Subject to Special Conditions

The following Special Land Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Michigan Zoning Enabling Act, as amended, Article 12, Special Land Use Conditions, and Article 13, Site Plan Review Procedures of this Ordinance.

- 1. Two-family dwellings.
- 3. Multiple-family residential developments.
- 4. Elderly Housing developments.
- 5. Clubs and fraternal organizations.
- 6. Campgrounds and recreational vehicle parks.
- 7. Child care centers, nursery schools, and group day care.
- 8. Adult foster care large group home.
- 9. Bed and breakfasts.
- 10. Golf courses and golf driving ranges.
- 11. Places of worship.
- 12. Sale and service of agricultural machinery.
- 13. Open storage areas.
- 14. Auction sales establishments.
- 15. Contractor yards.
- 16. Composting and/or recycling facilities.
- 17. Landing fields.
- 18. Shooting and archery ranges, including gun clubs, rifle, skeet, trap, and pistol ranges.
- 19. Wireless telecommunication towers.
- 20. Soil Removal; Excavation; Filling; Quarries.

21. A small meat processing business for the processing of deer meat, provided the deer is already gutted and adequate provision is demonstrated for the disposal of the deer carcass, and subject to home base businesses, refer to Section 15.06.
22. Uses similar to any Permitted Uses and uses similar to any Uses Permitted Subject to Special Conditions.

Section 4.04 Area and Bulk Requirements

See Article 11, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

Article 5
R, Residential District
Minimum Lot Area: 5 Acres
Minimum Lot Width: 320 Feet

Section 5.01 Purpose

The Residential District (R) is established to preserve the character of residential neighborhoods as desired by the Township residents while permitting the continuing development of one- and two-family dwellings, and to provide under required conditions for multiple-family dwellings in appropriate locations. This district shall be free of other uses and buildings except those that are compatible with and convenient to residential uses. It is the intent of this Ordinance to discourage any land use which would generate large amounts of traffic in inappropriate locations or otherwise create a nuisance that would threaten the health, safety or general welfare of the residents of the Residential District (R).

Section 5.02 Permitted Uses

No building or structure, or part thereof, shall be erected, altered, or used, and no land shall be used, except for one or more of the following:

1. Single-family detached dwellings.
2. Cemeteries.
3. Home based businesses.
4. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, or gas regulator stations (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.
5. Adult foster care small group home and family day care homes.
6. Accessory buildings and uses customarily incidental to any of the above permitted uses.

Section 5.03 Uses Permitted Subject to Special Conditions

The following Special Land Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Michigan Zoning Enabling Act, as amended, Article 12, Special Land Use Conditions, and Article 13, Site Plan Review Procedures of this Ordinance.

1. Child care centers, nursery schools, and group day care home.
2. Public, parochial, and private elementary, intermediate and/or high schools, and institutions of higher learning, offering courses in general education.
3. Places of worship.

4. Golf courses and golf driving ranges.
5. Adult foster care large group home.
6. Two-family dwellings.
7. Multiple-family residential developments.
8. Bed and breakfasts.
9. Wireless telecommunication towers.
10. Publicly owned and operated municipal buildings, libraries, parks, parkways, and recreational facilities.
11. Uses similar to any Permitted Uses and uses similar to any Uses Permitted Subject to Special Conditions.

Section 5.04 Area and Bulk Requirements

See Article 11, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

Article 6
RE, Rural Estates District
Minimum Lot Area: 2.5 Acres
Minimum Lot Width: 165 Feet

Section 6.01 Purpose

The intent of the Rural Estates District is to provide open land area for orderly suburban residential growth; permit residential activities of a suburban character in areas that are presently without public water and sewerage facilities and are likely to remain without such services in the near future; and, protect and stabilize the essential characteristics of these areas in order to promote and encourage suitable environments for moderate density, family life.

Section 6.02 Permitted Uses

No building or structure, or part thereof, shall be erected, altered, or used, and no land shall be used, except for one or more of the following:

1. Single-family detached dwellings.
2. Two-family dwellings.
3. Home based businesses.
4. Adult foster care small group home and family day care homes.
5. Cemeteries.
6. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, or gas regulator stations (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.
7. Publicly owned and operated municipal buildings, libraries, parks, parkways, and recreational facilities.
8. Public, parochial, and private elementary, intermediate and/or high schools, and institutions of higher learning, offering courses in general education.
9. Accessory buildings and uses customarily incidental to any of the above permitted uses.

Section 6.03 Uses Permitted Subject to Special Conditions

The following Special Land Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Michigan Zoning Enabling Act, as amended, Article 12, Special Land Use Conditions, and Article 13, Site Plan Review Procedures of this Ordinance.

1. Golf courses and golf driving ranges.

2. Places of worship.
3. Adult foster care large group home.
4. Child care centers, nursery schools, and group day care home.
5. Bed and breakfasts.
6. Wireless telecommunication towers.
7. Uses similar to any Permitted Uses and uses similar to any Uses Permitted Subject to Special Conditions.

Section 6.04 Area and Bulk Requirements

See Article 11, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

Article 7
VR, Village Residential District
Minimum Lot Area: 2 Acres (No Public Utilities)
10,890 Square Feet Single-Family with Public Sewer and Water
5,445 Square Feet Multi-Family with Public Sewer and Water

Section 7.01 Purpose

The Village Residential District is established as a district in which the principal use of land is for single-family dwellings. The specific intent is to encourage the construction of, and the continued use of the land for single-family dwellings; prohibit business, commercial, or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district; and, discourage any land use which would generate traffic on minor or local roads other than normal traffic to serve the residences on those roads.

Further, to promote a variety of housing types and choices, this district permits multiple-family developments which, because of its character or size, would not create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.

Section 7.02 Permitted Uses

No building or land shall be used and no building shall be erected except for one (1) or more of the following:

1. Single-family detached dwellings.
2. Two-family dwellings.
3. Home based businesses.
4. Adult foster care small group homes and family day care homes.
5. Cemeteries.
6. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, or gas regulator stations (but not including service or storage yards) when operating requirements necessitate location of such facilities within the district. Further, no building and/or structure shall be located in any required yard.
7. Publicly owned and operated municipal buildings, libraries, parks, parkways, and recreation facilities.
8. Public, parochial, and private elementary, intermediate and/or secondary schools offering courses in general education.
9. Accessory buildings and uses, customarily incidental to any of the above permitted uses.

Section 7.03 Uses Permitted Subject to Special Conditions

The following Special Land Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Michigan Zoning Enabling Act, as amended, Article 12, Special Land Use Conditions, and Article 13, Site Plan Review Procedures of this Ordinance.

1. Places of worship.
2. Child care centers, nursery schools, and group day care homes.
3. Elderly housing developments.
4. Clubs and fraternal organizations.
5. Adult foster care large group homes.
6. Bed and breakfasts.
7. Multiple-family residential developments, including townhouse dwellings.
8. Wireless telecommunication towers.
9. Uses similar to any Permitted Uses and uses similar to any Uses Permitted Subject to Special Conditions.

Section 7.04 Area and Bulk Requirements

See Article 11, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and providing minimum yard setback requirements.

Article 8

Mobile Home/Manufacturer Home Park District (MHP)

Section 8.01 Purpose

It is the purpose of the Mobile Home Park District to provide for the development of Mobile Home Parks in appropriate locations and in accordance with the regulations established by the Michigan Mobile Home Commission (MMHC).

Section 8.02 Permitted Uses

No structure, or part thereof, shall be erected, altered, or used and no land shall be used except for one (1) or more of the following:

1. Mobile home park developments subject to all minimum requirements and standards as established in the Mobile Home Commission Act, Act 96 of 1987 as amended, and all rules promulgated pursuant to Act 96, as may be amended.
2. Clubhouse, swimming pool, and recreation facilities for the use of park residents.
3. Adult foster care small group homes and family day care homes.
4. Accessory uses and structures, such as managers offices, laundry facilities, tool or storage sheds, and other services for the residents of the park.
5. The park may display mobile homes and accessories for sale, provided the accessories are contained within a mobile home or an approved permanent structure. Such sales are to permit the development of the park and are not intended to be a retail operation. Such sales shall cease with the total development of the park.
6. Only one (1) mobile home, either occupied or for sale shall be allowed on each individual lot, within the park.
7. Accessory buildings and uses customarily incidental to any of the above Permitted Uses.

Section 8.03 Uses Permitted Subject to Special Conditions

The following Special Land Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Michigan Zoning Enabling Act, as amended, Article 12, Special Land Use Conditions, and Article 13, Site Plan Review Procedures of this Ordinance.

1. Adult foster care large group homes.
2. Day care centers, nursery schools, and group day care homes.
3. Home based businesses.
4. Wireless telecommunication towers.

5. Accessory buildings, structures, and uses customarily incidental to the above Special Land Uses.

Section 8.04 General Site Regulations

1. **Lot Size.** The mobile home park shall be developed with sites averaging five thousand (5,000) square feet per mobile home unit. The five thousand square feet for any one site may be reduced by twenty (20) percent, provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below five thousand (5,000) 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 R 125.1046, and R 125.1941 and R 125.1944, Rules 941 and 944, of the Michigan Administrative Code.
2. **Maximum Heights.** The maximum height of service buildings and permitted office structures shall be two (2) stories or twenty-five (25) feet.
3. **Access to Public Road.** A mobile home park shall have direct access to a major public road by access roads, which shall be hard-surfaced.
4. **Paving.** All internal roads and parking facilities shall be in compliance with AASHTO specifications referenced in Rule 922 of the Mobile Home Commission rules.
5. **Sidewalks.** Concrete walks, not less than three (3) feet wide and four (4) inches thick, shall be installed in the mobile home park from the public entrance to all mobile home lots and to all required service facilities such as, but not limited to, central laundry, central parking and central recreation and park areas.
6. **Plumbing, Electrical, and TV.** All electrical and telephone wiring shall be underground. The installation of all plumbing and electrical services to mobile home sites shall be in compliance with all applicable standards of the Mobile Home Commission.
7. **Floor Space.** There shall be not less than seven hundred twenty (720) square feet of floor space within each mobile home. The floor area of any porch, sun deck or other structure above the roof or outside the floor or walls of the mobile home shall not be counted as part of the seven hundred twenty (720) square foot minimum.
8. **Screening and Greenbelt.** When the mobile home park adjoins a site zoned or a site improved and used for single-family residential use, there shall be installed on the park site along the boundary line of such residential site screening or a greenbelt as required in Article 21 of this Ordinance.
9. **Storage and Skirting.** There shall be no storage of any kind under a mobile home. Each such home shall be skirted within ninety (90) days after being placed on the lot.

10. **Fences.** All fences (other than the perimeter screening requirements) shall be uniform in height and shall be constructed and installed in such a manner as not to interfere with free access by firemen to all sides of a mobile home, and shall not exceed thirty-six (36) inches in height. Barbed wire shall not be used in any such fence. Two (2) access gates shall be provided to all fenced areas pursuant to the requirements of the Mobile Home Commission.
11. **Storage.** No personal property shall be stored outside or under any mobile home. Storage sheds may be used to store property, but need not be supplied by the owner of the mobile home development. Any storage sheds placed on individual mobile home sites shall be maintained in good condition and kept painted. Storage sheds shall be placed in side or rear yard areas.
12. **Site Plan.** In accordance with Sections 11, 12, and 13 of the Mobile Home Commission Act, Public Act 96 of 1987, as amended, a person desiring to develop a mobile home park shall submit a preliminary plan to the Township Planning Commission for review and approval. The preliminary plan shall include the location, general design and a general description of the project. The preliminary plan does not need to include detailed construction plans.
13. **Parking.** A minimum of two (2) parking spaces shall be provided for each mobile home site. A minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking. Such parking shall be located convenient to the area served. If boats, boat trailers and utility trailers are permitted to be parked in the mobile home park, adequate parking spaces shall be provided in a central or collective parking area.
14. **Smoke Alarms.** Smoke alarms and fire extinguishers shall be installed in each mobile home unit pursuant to the requirements of Rule 703 of the Mobile Home Commission.
15. **Water Supply and Sanitary System.** Each mobile home occupied as a dwelling unit on a lot shall be connected with a water supply and sewage disposal system approved by the Michigan Department of Health.
16. **Fuel Tanks.** Individual fuel oil, liquid petroleum and other fuel tanks shall not be permitted. This does not preclude the use of central fuel systems.

Section 8.05 Area and Bulk Requirements

See Article 11, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and providing minimum yard setback requirements.

Article 9 Local Commercial District (C)

Section 9.01 Purpose

The Local Commercial District is designed to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas. The District is also intended to encourage the planned clustering of commercial activities necessary to serve a limited population density and geographic area.

Section 9.02 Permitted Uses

No structure or part thereof shall be erected, altered, or used and no land shall be used except for one (1) or more of the following:

1. Generally recognized retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions, or hardware.
2. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty parlors or barber shops, and self-service laundries and dry cleaners.
3. Office-type business related to executive, administrative, or professional occupations including medical, veterinary and dental facilities, financial institutions, public utility buildings (not including storage yards), and government buildings.
4. Standard restaurants.
5. Hotels and motels
6. Private clubs, lodge halls, rental halls with or without catering facilities
7. Funeral homes
8. Commercial recreation facilities such as a health clubs, bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, and the like
9. Plant material nurseries and other open-air business uses other than motor vehicle and heavy equipment dealers.
10. Automobile maintenance facilities providing tires (but not recapping), batteries, mufflers, undercoating, auto glass, reupholstering, wheel balancing, shock absorbers, wheel alignments, and minor motor tune-ups only such as oil changes.
11. Office-workshop for a general contractor, electrician, plumber, decorator, upholster, printer or home appliance repair.

12. Business schools or private schools operated for profit, examples of private schools permitted herein include, but are not limited to, the following: dance schools, music and voice schools, and art studios.
13. Other uses similar to the above uses.
14. Accessory structures and uses customarily incidental to the above permitted uses.

Section 9.03 Uses Permitted Subject to Special Conditions

The following Special Land Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Zoning Act, as amended, Article 12, Special Land Use Conditions, and Article 13, Site Plan Review Procedures of this Ordinance.

1. Automobile service facilities (convenience store with gasoline sales).
2. Places of Worship.
3. Child care centers and nursery schools.
4. Adult foster care large group homes.
5. Drive-ins and drive-thrus, fast-food and carry-out restaurants.
6. Drive-thru financial institutions.
10. Wireless telecommunication towers.
8. Towers (including radio and television towers).
9. Adult entertainment businesses.
10. Public utility buildings and uses.
11. Self-storage units.
12. Commercial Kennels.
13. Accessory buildings and uses customarily incidental to any of the above Special Land Uses.
14. Uses similar to any Permitted Uses and uses similar to any Uses Permitted Subject to Special Conditions.

Section 9.04 General Conditions

The following conditions shall apply to all uses established in the Local Commercial District.

1. Merchandise may be displayed or stored only within enclosed buildings. The Planning Commission, upon application of the property owner, may modify this requirement to permit, during business hours, limited displays immediately adjacent to the building, upon finding the display is customarily found in connection with the nature of the operation or use.
2. The warehousing or indoor storage of goods and materials, beyond that normally incidental to the above permitted uses, shall be prohibited.
3. A six (6) foot high screening wall shall be provided when the use abuts a residential or agricultural use or zoning district.

Section 9.05 Area and Bulk Requirements

See Article 11, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and providing minimum yard setback requirements.

Article 10 Light Industrial District (I)

Section 10.01 Purpose

The Industrial District is designed so as to primarily accommodate wholesale activities, warehouses, major repair operations, manufacturing and other industrial activities whose external, physical effects are such that it should be restricted to the area of the district and in no manner affects in a detrimental way any of the surrounding districts.

Section 10.02 Permitted Uses

No structure, or part thereof, shall be erected, altered, or used and no land shall be used except for one (1) or more of the following:

1. Any of the following uses when conducted whole within a completely enclosed building or, when not feasible (such as trucking facilities) when screened on all sides with a fence constructed according to requirements in Article 15.
 - a. Warehousing and wholesale establishments.
 - b. Tractor and trucking facilities, including storage and repair.
 - c. The manufacture and compounding processing, packaging or treatment of such products as (but not limited to): bakery goods, candy, food products, cosmetics, pharmaceuticals, toiletries, hardware and cutlery; tool, die gauge and machine shops; and dimension and pattern shops.
 - d. The manufacture and compounding, assembling or treatment of merchandise from the following previously prepared materials such as (but not limited to): woods, leather, paper, plastics, cork, cloth, felt, fiber, fur, hair, yarns, feathers, textiles, tobacco, glass, bone, horn, shell, precious or semi-precious metals or stones and sheet metal or wire.
 - e. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
 - f. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products.
 - g. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and phonographs.
 - h. Laboratories: experimental, film or testing.
 - i. Manufacturing and repair of electric neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and other products.

- j. Central dry cleaning plants or laundries provided that such plants shall not deal in a retail business.
 - k. All public utilities, including buildings, necessary structures, storage yards and other related uses.
2. Commercial kennel.
 3. Greenhouses.
 4. Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants and all other municipal buildings and uses, including outdoor storage.
 5. Research and office uses related to industrial operations.
 6. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all residential or business districts, and on any yard abutting a public thoroughfare. In any I District, the extent of such fence or wall may be determined by the Planning Commission on the basis of usage. The fence or wall shall not be less than six (6) feet in height and may, depending on land usage, be required to be eight (8) feet in height. A chain link type fence, with heavy evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence.
 7. Trade or industrial schools.
 8. Warehouse, storage and transfer, and electric and gas service buildings and yards; public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations; water supply and sewage disposal plants; water and gas tank holders; railroad transfer and storage tracks; railroad rights-of-way; and freight terminals.
 9. Accessory buildings, structures, and uses customarily incidental to the above Permitted Uses.

Section 10.03 Uses Permitted Subject to Special Conditions

The following Special Land Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Zoning Act, as amended, Article 12, Special Land Use Conditions, and Article 13, Site Plan Review Procedures of this Ordinance.

1. Automobile repair facility
2. Automobile service station.
3. Car wash establishments.
4. Express office/truck terminals.

5. Fast food, carry-out, drive-in, and drive-through restaurants.
6. Junk yards.
7. Lumber and planing mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I District.
8. Metal casting foundries, subject to appropriate measures to control the process to prevent noxious results and or nuisances to adjacent residential or business areas.
9. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and /or nuisances.
10. Paint and body shops, muffler shops, transmission repair shops.
11. Repair garage.
12. Adult entertainment businesses.
13. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities.
14. Self-storage units.
15. Wireless telecommunication towers.
16. Towers (including radio and television towers).
17. Accessory buildings, structures, and uses customarily incidental to any of the above Special Land Uses.

Section 10.04 General Conditions

The following conditions shall apply to all uses established in the Light Industrial District.

1. Merchandise may be displayed or stored only within enclosed buildings. The Planning Commission, upon application of the property owner, may modify this requirement to permit, during business hours, limited displays immediately adjacent to the building, upon finding the display is customarily found in connection with the nature of the operation or use.
2. The warehousing or indoor storage of goods and materials, beyond that normally incidental to the above permitted uses, shall be prohibited.
3. A screening wall constructed in accordance with the requirements in Article 15 shall be provided when the use abuts a residential or agricultural use and/or zoning district.

Section 10.05 Required Conditions

Any use permitted in the Light Industrial District shall be subject to compliance with the following performance standards.

1. Noise

No person shall create, operate, or cause to be operated on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following table when measured at or within the property boundary of the receiving land use, which source of sound shall be deemed prima facie to be a noise disturbance.

Sound Levels By Receiving Land Use		
Receiving Land Use Category	Time	Weighted Sound Level Limit, dBA
Agricultural, Residential	10:00 p.m. to 7:00 a.m.	70
	7:00 a.m. to 10:00 p.m.	75
C	10:00 p.m. to 7:00 a.m.	72
	7:00 a.m. to 10:00 p.m.	77

The following uses and/or activities shall be exempt from noise level regulations:

- a. Noise for safety signals and warning devices.
- b. Noise resulting from any authorized vehicle, when responding to an emergency.
- c. Noise resulting from farm machinery and equipment.
- d. Noises resulting from the provision of municipal services.
- e. Parades and other authorized public gatherings.
- f. Noise emanating from vehicles and equipment temporarily used for the development, construction and maintenance of sites, buildings, and infrastructure.
- g. Bells, chimes, carillons, while being used for religious purposes or for special civic celebrations.
- h. Nonamplified crowd noises resulting from the activities of schools, governmental, or community groups.

2. Smoke

It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatsoever to a density greater than that density permitted by current U.S. Environmental Protection Agency (EPA) standards.

Method of Measurement: for purpose of grading the density of smoke, U.S. EPA Method 9 shall be the standard method of measurement.

3. Open Fires

A person, firm, or corporation shall not burn any combustible refuse in any open outdoor fire.

4. Noxious Gases

No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produces a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant, or animal life.

5. Air Contaminants

A person, firm, or corporation shall not discharge from any source whatsoever such quantities of air contaminants or other material, including fly-ash, dust, vapor, or other air pollutants, which could cause injury or harm to health, animals, vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of five hundred (500) degrees Fahrenheit and not to exceed fifty (50) percent excess air. The drifting or air-borne transmission beyond the lot line from any open stock pile shall be unlawful and shall be summarily caused to be abated.

6. Glare and Heat

Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (0.5) of one (1) foot candle when measured at any adjoining residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines.

If heat is a result of a commercial or industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time, above the ambient temperature.

7. Vibration

Vibrations from commercial or industrial operations and vehicular traffic must be controlled to the extent that they cannot be felt past any property line.

8. Radio Transmission

For electronic or electric equipment required in a commercial or industrial operation, the equipment shall be operated in conformance with all applicable public agency standards so as to not interfere with radio, television, or other electronic equipment.

9. Storage of Flammable Materials

Any activity involving the use or storage of flammable or explosive materials shall be subject to local fire marshal's standards including protection by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance that is compatible with the potential danger involved.

10. Radioactive Materials

No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

11. Water Pollution

Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Department of Health, the Michigan Water Resources Commission, the St. Clair County Health Department, St. Clair County Drain Commissioner, and the U.S. Environmental Protection Agency.

12. Electromagnetic Emissions

Applicable rules and regulations of the Federal Communications Commission in regards to propagation of electromagnetic emissions are hereby made a part of this Ordinance.

13. Sewage Wastes

No industrial sewage wastes shall be discharged into sewers that will damage or impair the strength or durability of sewer pipes or other sewer structures; cause danger to public health and safety; or cause obnoxious conditions inimical to the public interest.

Section 10.06 Area and Bulk Requirements

See Article 11, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and providing minimum yard setback requirements

Heavy Industrial District

Section 10.07 Purpose

The Heavy Industrial Districts are established primarily for manufacturing, assembling, and fabrication activities, including large scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts. The Heavy Industrial District is so structured as to permit, in addition to Light Industrial uses, the manufacturing, processing, and compounding of semi-finished or finished products from raw materials:

Section 10.08 Permitted Uses

In a Heavy Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in the Ordinance.

- A. Any principal and conditional use permitted in a Light Industrial District, with the exception of retail uses allowable by the provision of Sec. 10.03 which shall require Planning Commission review and Township Board approval.
- B. Tractor and trucking facilities, including storage and repair.
- C. Heating and electric power generating plants, and all accessory uses.
- D. Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products which shall conform with the performance standards set forth in ARTICLE 15 "GENERAL PROVISIONS"
- E. Utility and public service facilities and uses.
- F. Accessory buildings and uses similar to any of the above permitted uses.
- G. Uses which, in the opinion of the Planning Commission after making finding of fact, are similar to the above principal permitted uses.

Section 10.09 Special Land Uses

The following special land uses shall be permitted by the Township Planning Commission only after proper notice has been given, as provided in Article 12 and after review and recommendation on the use and a site plan for the use has been made by the Planning Commission. The Township Board shall not approve any of the following special and uses unless they find that the requirements and standards of Article 12.

- A. Airports and related uses
- B. Auto race tract
- C. Incineration of garbage or refuse
- D. Junk yards
- E. Waste lagoon ponds
- F. Accessory buildings and uses similar to any of the above permitted uses
- G. Uses similar to the above special land uses and compatible with the permitted uses may be permitted by the Planning Commission as special land uses, based upon findings of fact.

Section 10.10 Site Plan Review

All uses permitted in the Heavy Industrial District require Site Plan Approval in accordance the requirements of Article 13.

Section 10.11 Greenbelt and Screening Requirements

When an industrial use abuts a district permitting a residential use or contains outdoor storage of any commercial or industrial vehicles, materials, wastes or similar material, a greenbelt shall be provided along all sides abutting the residential district and around all outdoor storage areas in view of a public street, in accordance with Article 15.

Section 10.12 Area and Bulk Requirements

Article 11 “SCHEDULE OF REGULATIONS” Limiting the height, and bulk of buildings, and minimum size of lot by permitted land use.

Article 11 Schedule of Regulations

Zoning Classification	Min Lot Size	Min. Lot Width (in feet)	Minimum Yard Setbacks (in feet)			Max. Bldg. Height (in feet)	Max. Lot Coverage	Minimum Landscaping Requirements
			Front	Side	Rear			
Agricultural (AG)	5 acres ^{m, l}	320	100	25	50	30	35%	No
Residential (R)	5 acres ^l	320	100	25	50	30	35%	No
Rural Estate (RE)	2.5 acres ^l	165	100	25	50	30	35%	No
Village Residential (VR)	2 acres ^{a, l}	165	100	25	50	30	35%	No
	10,890 sq.ft. ^{b, l}	66	40	15	50	30	35%	No
	5,445 sq.ft. ^{c, l}	33	40	0 or 15 ^e	50	30	35%	No
Mobile Home Park (MHP)	10 acres ^{d, l}	165	30	40	5	25	35%	No
Local Commercial (C)	--	60	25	0 or 10 ^f	15	25	--	Yes ^k
	<i>l</i>	60	<i>g</i>	<i>h</i>	<i>i</i>	<i>Unlimited^j</i>	--	Yes ^k
Light Industrial (I)	-- <i>l</i>	640	100	20	60	40	35%	Yes ^k

^a Lot without Public Utilities.

^b Single-family with Public Sewer and Water.

^c Multi-family with Public Sewer and Water.

^d The Planning Commission has the option to reduce the minimum lot size from 10 to 5 acres when reviewing the site plan. Each mobile home 'lot' shall have at least 5,000 square feet (sq.ft.) per mobile home unit. The 5,000 sq.ft. requirement may be reduced for one and only one lot up to a maximum of 20%, provided that the 'reduced lot' is at least 4,000 sq.ft. and an equal amount of land (1 sq.ft. for each sq.ft. of lot reduction) shall be dedicated as additional open space per Section 8.04.01 (ex. A proposed 4,500 sq.ft. lot would require an additional 500 sq.ft. of open space).

^e At least one side yard set back must equal 15 feet.

^f Side Yard Setback in Local Commercial is 0 feet unless the side lot line abuts a street. When the side yard abuts a street, the minimum *landscaped* side yard setback is 10 feet.

^g Front Yard Setback for a building which exceeds 25 feet shall be calculated as follows: 25' + 1 foot for each foot of building over 25 feet (ex. A 34' building would require a minimum front yard set back of 34' feet. 34' - 25' = 9' of additional front yard set back.)

^h Side Yard Setback for a building which exceeds 25 feet shall be calculated as follows: 0' or when the side yard abuts a street, 10' + 1 foot for each foot of building over 25 feet (ex. A 34' building that abuts a street would require a minimum side yard set back of 19' feet. 34' - 25' = 9' of additional front yard set back.)

ⁱ Rear Yard Setback for a building which exceeds 25 feet shall be calculated as follows: 15' + 1 foot for each foot of building over 25 feet (ex. A 34' building would require a minimum rear yard set back of 24' feet. 34' - 25' = 9' of additional front yard set back.)

^j The height of a building is unlimited provided that all yard set back requirements are met.

^k In order to upgrade the visual aesthetics of the community and protect against the loss of community character, not more than fifty percent (50%) of any required yard abutting a street shall be used for vehicular parking or driveways. The remaining area shall be landscaped and maintained.

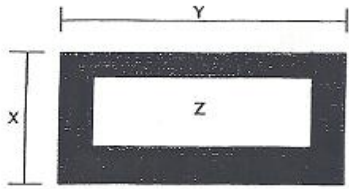
^l Private road rights-of-way shall not be included as part of the minimum lot size in all zoning classifications.

^m Minimum Floor Areas for Single-Family Dwellings:

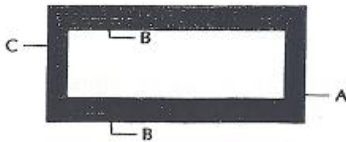
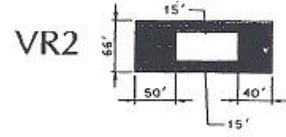
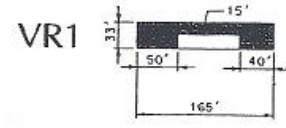
One or Two- Bedroom Dwellings	24 ft.side min. x length = 720 sq.ft
Three Bedroom Dwellings	24 ft.side min. x length = 960 sq.ft
Four-Bedroom Dwellings	1,200 sq.ft
Plus 120 sq.ft for each additional bedroom over four(4)	

*Explanation; Agricultural Buildings WITH LIVESTOCK setback is 50' on side yard line.

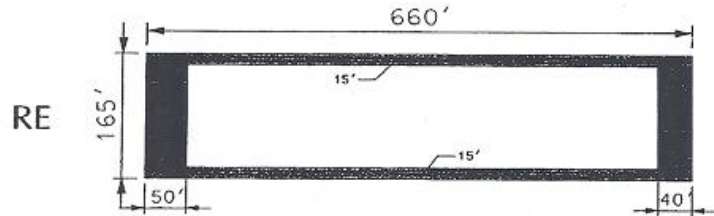
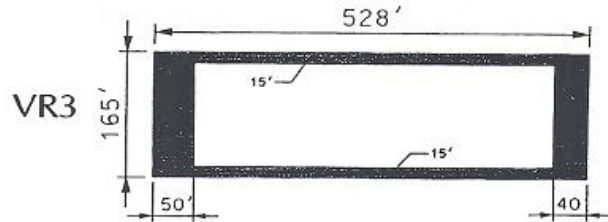
Graphic Standards for Yard Setback Requirements



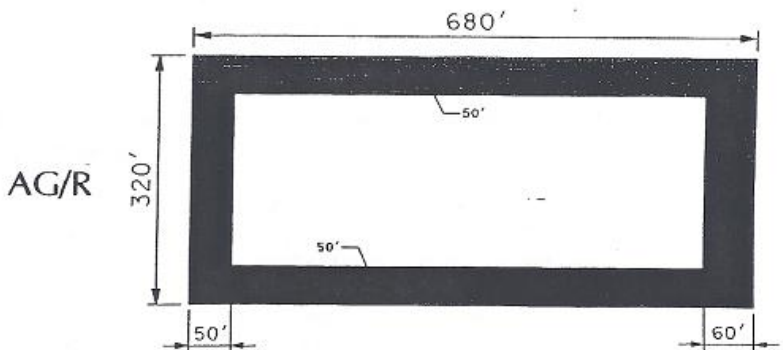
- X - Minimum Lot Width (in feet)
- Y - Minimum Lot Depth (in feet)
- Z - 'Buildable' Area
- MM - Zoning Classification



- A - Minimum Front Yard Setback (in feet)
- B - Minimum Side Yard Setback (in feet)
- C - Minimum Rear Yard Setback (in feet)



- VR1 - Village Residential Multi-Family w/ Public Sewer and Water
- VR2 - Village Residential Single-Family w/ Public Sewer and Water
- VR3 - Village Residential No Public Utilities



Emmett Township Zoning Ordinance
 *Note: Graphics are for illustration purposes only.

Article 11

*Revisions to the Michigan Uniform
Energy Code (MUEC 2003)
effective October 24th, 2008*

**Who will be affected by changes to
the code?**

The code applies to new construction for detached 1 and 2 family homes, and multiple single-family dwellings. Compliance is based on the climate zone where the building is located.



What is a Climate Zone?

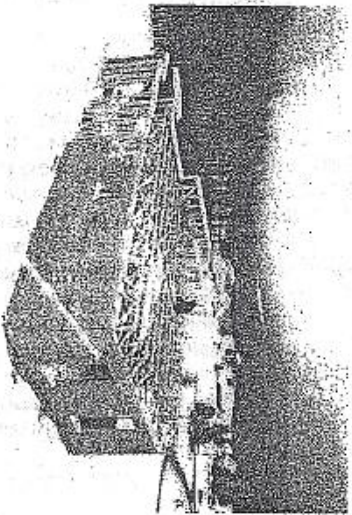
Michigan is broken down (by county) into three climate zones. Generally speaking, Zone 1: Southern Lower Peninsula, Zone 2: Northern Lower Peninsula, and Zone 3: Upper Peninsula. Check the Michigan Uniform Energy Code online at www.michigan.gov/bcc, "Administrative Rules and Public Acts", "Administrative Rules", "Code and Licensing Rules", "Construction Code Part 10" to find out which climate zone your county falls under.

**Points To Consider Regarding Home
Energy Efficiency**

When assessing the energy efficiency of a home, it is important to look at overall energy performance instead of focusing on one item (such as insulation). The goal is to combine a variety of energy efficient strategies to achieve a maximum net benefit. Some things to think about:

- ❖ windows and insulation
- ❖ lighting and appliance choices
- ❖ site orientation
- ❖ landscaping
- ❖ sealing air leaks

The good news is that buying an energy efficient home comes with a number of advantages, including quality construction, lower utility costs, improved comfort and indoor air quality, and a potential for higher resale value for your home.



**The Revised
Michigan
Uniform Energy
Code**

**What Does it
Mean for
Residential
Construction?**



Energy Office

Article 12

Special Land Use Conditions, Review and Approval

Section 12.01 Purpose

It is the purpose of this Article to specify the procedure and requirements for the review of special land uses, as specified in this Ordinance. Uses classified as special land uses are recognized as possessing unique characteristics (relative to location, design, size, public infrastructure needs, and other similar characteristics) which require individual review and approval standards in order to safeguard the general health, safety, and welfare of the Township.

Section 12.02 Review and Approval Authority

The Planning Commission shall have the authority to approve special land use applications, subject to the requirements of this Article and any additional appropriate and reasonable conditions as the Township may require for a specific special land use.

Section 12.03 Data Required

1. General Requirements: Application for a special use permit shall be made to the Township Clerk by filing an official application form; submitting the required site plan and other supporting data, exhibits and analyses; and depositing the required fees.
2. Specific Requirements: An application for a special land use permit shall include the following:
 - a. Applicant's name, address, telephone number, signature, and date of application for the special use permit.
 - b. Address and tax identification number of the proposed site.
 - c. A signed statement that the applicant is the owner of the proposed site, or is acting as the owner's representative.
 - d. A complete site plan containing all the applicable data required by Article 13, Data Required for Site Plans.
 - e. Supporting statements, evidence, data, information and exhibits that address criteria for assessing special land use applications as provided in Article 12.
 - f. Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed special land use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, traffic impact analyses, environmental impact assessments, market studies (to determine market demand, or use saturation), fiscal impact analyses or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment.

Section 12.04 Public Hearing Requirements

- 1. Public Hearing Eligibility: Upon receipt of a complete special land use application, the Planning Commission shall hold a public hearing on the application. A complete application under this Section shall be one that addresses the items set forth in Section 12.03.

- 2. Public Hearing Notification Requirements:
 - a. One notice of the public hearing shall be published in a newspaper of general circulation in the Township.

 - b. A notice of the public hearing shall 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 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning district.

 - c. The notice shall be given not less than 15 days before the date the application will be considered for approval.

 - d. If the name of the occupant is not known, the term “occupant” may be used in making notification under this subsection. Notification need not be given to more than one occupant of a structure, excepts that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice.

 - e. 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.

Section 12.05 Standards for Review and Approval

The Planning Commission shall review the particular circumstances and facts applicable to each proposed special land use in terms of the following standards and requirements and shall make a determination as to whether the use proposed and subject site meet the following standards and requirements:

1. Will be harmonious with and in accordance with the goals, objectives and policies of the Township Master Plan.
2. Will be designed, constructed, operated and maintained in harmony with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
3. Will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
4. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
5. Will not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
6. Will not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors.
7. Will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.
8. Will meet the intent and purpose of the Zoning Ordinance; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.

Section 12.06 Site Development Standards

1. Adult Day Care Centers
 - a. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.
 - b. The property (architecture and landscaping) shall be maintained in a manner that is consistent with the character of the neighborhood.
 - c. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.

2. Adult Entertainment Uses

In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of these uses are concentrated under certain circumstances which produce or result in a deleterious effect

upon the use and enjoyment of adjacent areas and the surrounding neighborhood. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of property values of the surrounding neighborhood. These special regulations are set forth in this Section are designed to prevent the concentration of such uses in any one area.

Uses subject to the conditions contained herein shall be referred to as regulated land uses. Regulated land uses shall include all adult entertainment facilities (see Article 2 for list of definitions):

- a. **Locational Requirements:** Regulated land uses shall be permitted by special use permit in the C, Local Commercial District and the I, Light Industrial District subject to the following locational requirements. Further, no more than one (1) regulated land use shall be permitted in a single structure.
 - (1) No regulated land use shall be established within one thousand (1,000) feet of any residential dwelling that is zoned AG, Agricultural; R, Residential; RE, Rural Estate; VR, Village Residential District; or MHP, Mobile Home Park. The required separation distance shall be measured from the property line of the regulated use to the protected residential dwelling, using the closest points along the property line and the residential dwelling involved.
 - (2) No regulated land use shall be established within one thousand five hundred (1,500) feet of a public or private school, child care facility, place of worship, public building or park. The required separation distance shall be measured from property line to property line, using the closest points along the property lines involved.
 - (3) No regulated land use shall be established within five hundred (500) feet of another regulated land use nor within five hundred (500) feet of any establishment licensed by the Michigan Liquor Control Commission. The required separation distance shall be measured from property line to property line, using the closest points along the property lines involved.
- b. **Application:** Because regulated land uses possess unique characteristics and because minors are excluded from such facilities by virtue of age, these facilities shall be permitted only upon approval of the Planning Commission, after a public hearing and review of the proposed site plan by the Planning Commission, subject to the procedures as specified in Article 12, Special Land Uses and Article 13, Site Plan Review Procedures.

- c. Approval Criteria: Prior to granting approval to any regulated land use, the Township Board may impose additional conditions or limitations upon the establishment, location, construction, maintenance or operation of the regulated land use as it deems necessary for the protection of the public interest and to secure compliance with the standards specified above. The Township Board may require such evidence and guarantees as it deems necessary as proof that the conditions stipulated in connection therewith are being and will be fulfilled. No regulated land use shall be approved by the Township Board unless all the following criteria are fulfilled:
- (1) The establishment, location, maintenance, and operation of the regulated land use will not be detrimental to or endanger the public, health, safety, morals, comfort or general welfare; and
 - (2) The regulated land use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted nor substantially diminish or impair property values within the neighborhood; and
 - (3) The establishment of the regulated land use will not impede the normal and orderly development and improvement of surrounding property for uses permitted within the zoning district; and
 - (4) The regulated land use will not be conducted in any manner that permits the observation of any material depicting or describing specified sexual activities and specified anatomical areas from any public right-of-way or from any other property. This provision shall apply to any display, decoration, sign, show window, or other opening; and
 - (5) The regulated land use will conform to all other requirements of the zoning district.
- d. Appeal Procedure: The Zoning Board of Appeals may waive the foregoing spacing requirements if it finds that the following conditions exist:
- (1) The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing requirement will still be observed.
 - (2) The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, or disrupting neighborhood development.
 - (3) The establishment of the additional regulated use in the area will not be contrary to any program of neighborhood conservation nor interfere with any program of neighborhood renewal.
 - (4) Where all other applicable regulations within the Zoning Ordinance or other pertinent general law ordinances will be observed.

- e. Resubmittal Procedure: No application for a regulated land use which has been denied wholly or in part by the Township Board shall be resubmitted for a period of one (1) year from the date of denial, except upon the ground that new evidence or proof or changed conditions are found to be valid, as determined by the Township Board.
3. Adult Foster Care Large Group Homes
- a. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.
 - b. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
 - c. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
 - d. A landscaped buffer shall be provided along all property lines that abut a less intense land use and around the visible perimeters of all parking and loading/unloading areas.
4. Agricultural Machinery Sales and Service of machinery used in agricultural production.
- a. The project shall have no negative impacts on surrounding land uses.
 - b. The Township shall establish reasonable measures to mitigate any such adverse impacts.
5. Auction Sales Establishments
- a. All parking shall be provided as off-street parking within the boundaries of the development.
 - b. There shall be maintained a minimum landscaped green space of twenty (20) feet between any part of the development and any residential development or district.
6. Automotive Service Facilities providing tire (but not recapping), battery, muffler, undercoating, auto glass, reupholstering, wheel balancing, shock absorbers, wheel alignments, and minor tune-ups only
- a. There shall be no outside display of any parts and/or products.
 - b. Any repair and/or replacement activity shall be conducted within a totally enclosed building.
 - c. All new, used and/or discarded parts shall be stored within a completely enclosed area.
 - d. Any such activity shall be located not less than forty feet from a property line.

- e. The parking of vehicles on site shall be limited to those that are being serviced within a forty-eight (48) hour period.
 - f. There shall be no outside parking and/or storage or any partially dismantled or inoperative vehicles.
 - g. In operations such as automobile reconditioning, but not necessarily limited to such activities, there shall be no releasing of toxic gasses, liquids or materials in any form into the atmosphere, the water or sewer systems of the Township, or on, or into the earth and further, no adverse affects shall be created by any activity on adjacent property or development.
7. Automobile service station for sale of gasoline, oil, and minor accessories only
- a. No repair work shall be permitted, other than incidental service.
 - b. No steam cleaning or undercoating shall be permitted.
 - c. All ingress and egress to the site shall be directly from a hard surfaced road.
 - d. No drive or curb opening shall be located nearer than sixty feet to any intersection or adjacent residential property line. No drive shall be located nearer than seventy-five feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
 - e. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street.
 - f. The minimum width of driveways, at the property line shall be twenty-four feet. Ingress and egress drives shall not be more than thirty (30) feet in width.
 - g. Minimum lot area shall be twenty thousand (20,000) square feet for automobile service and filling stations.
 - h. Minimum lot width shall be not less than one hundred fifty (150) feet for automobile service and filling stations.
 - i. No outside storage of oil drums, trailers, or equipment for rent, sale, or display, shall be permitted.
 - j. No gasoline service stations shall be located or no property used as such nearer than five hundred (500) feet, in any direction as measured from any point on the property line of any church, school (public or parochial), public playground or park, public library, police station, fire station, post office, hospital, theater or any place of public assembly where twenty-five (25) or more persons ordinarily, and with some regularity, are gathered for lawful purposes.

- k. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than twenty (20) feet from any lot line, and shall not be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.

8. Bed and Breakfast Operations

- a. A bed and breakfast operation shall not be allowed to be located in a platted subdivision or within a site condominium project.
- b. A bed and breakfast operation shall have direct access to and from a public road and, in no case, shall such an operation have access to or from a private road.
- c. Bed and breakfast operations, including rooms for guest sleeping, shall be part of the principle place of residence of the owner. Rooms for guest sleeping shall not have been specifically constructed for rental purposes.
- d. There shall be no separate kitchen facilities for use by bed and breakfast guests.
- e. The maximum period of continuous occupancy for any bed and breakfast guest shall be three (3) weeks in any calendar month.
- f. A bed and breakfast operation shall provide off-street parking spaces in accordance with the requirements for a single-family dwelling plus one (1) space for each guest sleeping room. Off-street parking shall be located in a side or rear yard and shall be prohibited from being located in a front yard. Parking spaces shall be setback a minimum of fifteen (15) feet from any property line. The Planning commission may require landscaping to screen required parking areas, if such areas are deemed to impact adjacent properties.

9. Campgrounds and recreational vehicle parks

- a. All campgrounds shall be used solely for the temporary placement of tents, travel trailers, and recreational vehicles and shall be developed in accordance with Act 368 of 1978 (Public Health Code), as may be amended and Administrative Rules and Regulations promulgated subsequent to the Act, as may be amended.
- b. No year-round residency shall be permitted, except for an on-site manager/caretaker for the facility.
- c. The minimum area shall be twenty (20) acres.
- d. There shall be a central water supply system with potable water under pressure.
- e. All campsites shall have a fire extinguisher or fire hydrant located within four hundred (400) feet.

- f. An enclosed toilet and sewage facility approved by the state and county health departments with hot and cold running water available therein shall be located within four hundred (400) feet of each campsite.
 - g. Where a public sewer is available within five hundred (500) feet of any portion of the campground, the sewer system shall be connected thereto.
 - h. Each campground shall be provided with at least one (1) public telephone.
 - i. Access to all campsites shall be by means of a roadway suitably surfaced to prevent rutting and erosion for a minimum width of twenty (20) feet for two-way traffic and fifteen (15) feet for one-way traffic. Parking shall be prohibited on such roadways, except when an additional ten (10) feet of roadway is provided as a parking lane.
 - j. If a parking lane is not provided, an adequately sized parking stall (suitably surfaced to prevent rutting and erosion) shall be provided on each campsite. This provision may be modified for those sites designed for a more natural outdoor experience. In such case, an adequately sized off-roadway parking stall (suitably surfaced to prevent rutting and erosion) shall be provided for each such campsite at an alternate site on the property.
 - k. The Planning Commission may vary these requirements to permit the development of a portion of the total campground for a less structured outdoor experience, except that not more than fifteen (15) percent of the total area allocated to campsites may be so varied.
 - l. No building, structure, accessory use, or campsite shall be located closer than twenty-five (25) feet to any interior property line.
 - m. Fences and/or greenbelts may be required when recommended by the Planning Commission.
 - n. No business of any kind shall be conducted on the premises, except for selling or renting items customarily incidental to camping.
10. Child care centers subject to the following conditions:
- a. One parking space shall be provided for each employee working during the largest shift plus one space for each twelve children the facility is licensed to receive care at any one time.
 - b. A child loading/unloading area shall be provided to the Planning Commission to assure safe access to the facility and the adequacy of parking areas and maneuvering lanes to circulate peak hour traffic.
 - c. On-site traffic circulation shall be restricted to a one-way traffic flow, where possible.
 - d. Any on-site outdoor play area shall be enclosed by a fence that conforms to the

applicable requirements of Article 15.

- e. No portion of a child care center shall be located within 300 feet of any gasoline pumps, underground storage tanks, or any other explosive material.
- f. A landscaped greenbelt shall be established and maintained along all property boundaries, including the road right-of-way. The greenbelt shall have a minimum depth of 10 feet. The greenbelt provided adjacent to properties occupied or zoned for residential use shall be planted with at least one evergreen tree per 30 linear feet. The greenbelt provided adjacent to any road right-of-way shall be planted with one deciduous tree for every 50 linear feet and 1 shrub per 15 linear feet to screen any parking area visible from the right-of-way. The Planning Commission may modify this requirement, including locating the landscaped greenbelt required along property boundaries closer to the building, as existing conditions warrant provided that views from the road right-of-way and adjacent properties zoned or occupied for residential use are obscured by vegetation.
- g. Signs shall be limited to one monument sign with a maximum sign face area of 24 square feet and a maximum height of 8 feet, as measured from the established grade. Signs shall not be internally lit; only indirect lighting shall be permitted.

11. Composting Facilities

a. Locational Requirements:

- (1) Minimum lot area shall be twenty (20) acres.
- (2) Ingress/egress to the facility shall be from a paved, county primary road.
- (3) The property shall be graded and maintained to permit surface water run-off from the composting process to be collected in an on-site retention basin. Collected run-off shall be handled in one of the following ways.
 - (a) Reintroduced into the compost pile.
 - (b) Transported by a liquid industrial waste hauler.
- (4) All composting activities and structures shall be setback at least one hundred (100) feet from any body of water. The setback shall be measured from the outer edge of the body of water. The term body of water shall include, but not be limited to, streams, wetlands, ponds, and drainage ditches. Proof of approval of soil erosion and sedimentation controls shall be a requirement of special land use and site plan approval.
- (5) No composting facility shall be constructed within one thousand five hundred (1,500) feet of the property line of any existing residential dwelling or the boundary line of any R, Residential, RE, Rural Estates, VR, Village Residential or MHP, Mobile Home Park district. The required separation distance shall be measured from the property line to the

nearest point along the residential district boundary line or the residential property line in a non-residential district.

- (6) Storage of any material, other than compostable material, shall not be allowed on-site. No sludge of any kind shall be stored or deposited on the property.
- (7) The height of stored compost material shall not exceed eight (8) feet.

b. Buffering Requirements:

- (1) A fifty (50) foot greenbelt shall be established parallel to any adjacent public road right-of-way and shall extend the full length of any adjacent road frontage. The greenbelt width shall be measured from the edge of the existing right-of-way line.

The greenbelt shall include a six (6) foot high seeded earthen berm and be constructed and landscaped according to the following schedule. The berm side slopes shall not exceed a 3:1 slope ratio and shall have a two (2) foot wide crown. For every one hundred (100) lineal feet of required greenbelt there shall be planted three (3) deciduous trees, three (3) evergreen trees, and one (1) ornamental tree. Required plant materials may be planted in groupings or staggered rows. Deciduous trees shall have a minimum caliper size of 2-1/2 inches, evergreen trees shall be a minimum of 6 feet in height, and ornamental trees shall have a minimum caliper size of 2 inches.

- (2) A six (6) foot high seeded earthen berm or dense evergreen screen shall be constructed along all side and rear lot lines. The evergreen screen shall consist of a double row of evergreen trees, a minimum of six (6) feet in height planted fifteen (15) feet on center and in staggered rows.
- (3) All plant materials shall be in accordance with the American Standards for Nursery Stock, published by the American Association of Nurserymen.

c. Monitoring Well Installation and Sampling Requirements:

- (1) To ensure that ground or surface waters are not contaminated, monitoring wells must be installed on the site prior to construction of the composting facility. The location of such wells shall be subject to review and approval by a professional acceptable to the Township.
- (2) Sampling of groundwater monitoring wells shall start before composting operations begin, shall continue quarterly during the active life of composting operation, and continue quarterly for a two year period after operations cease. The monitoring well sampling and reporting shall be done by a professional acceptable to the Township, and at the expense of the facility operator or owner.

- (3) Should test wells reveal a violation of state water quality standards, the owner or operator shall be required to install a groundwater remediation system. System design shall be subject to review and approval by a professional acceptable to the Township.
- (4) Surface water monitoring shall be required to assess the adequacy of leachate containment and run-off control. Surface water monitoring shall be required quarterly. The monitoring and reporting shall be done by a professional acceptable to the Township, and at the expense of the facility operator or owner.
- (5) Reports regarding ground and surface water monitoring activities shall be submitted to the Township Clerk within forty-five (45) days of sampling.

d. Operational Performance Standards:

The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare. All composting facilities shall be designed, constructed and operated so that anaerobic conditions, dust, odors, noise, vibration, light, and debris are controlled and do not cause off-site problems or nuisances.

- (1) Anaerobic Conditions. Compost materials shall not be accepted in an anaerobic condition nor shall materials be permitted to develop an anaerobic condition while on the site. If inspections reveal presence of anaerobic materials, the owner or operator shall be subject to the conditions of subparagraph b. below.
 - (a) Determination of anaerobic conditions shall be made by the Township Building Official or, in his absence, one of the designated Township representatives. (See subparagraph f.) Corrective actions must be undertaken immediately upon determination of anaerobic conditions. The facility shall close when anaerobic conditions arise and the only activities that take place on the site shall be concerned with correcting the condition.
 - (b) If anaerobic conditions arise more than two times in a 30-day period, the facility must pay a fine set by Township Board and close for a 30-day period of time. After three, 30-day closures in a year, the Township may order the site to be closed permanently.
- (2) Odors. The emission of odorous matter in such quantities as to be readily detectable at any point along the lot lines or to produce a public nuisance or hazard beyond lot lines is prohibited.
- (3) Noise. The pressure level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

Sound Level	Adjacent Use	Where Measured
65 dBA	Residential/Agricultural	Property Line
75 dBA	Commercial/Office	Property Line
80 dBA	Industrial	Property Line

Objectionable noise as determined by the Township Board, of an intermittent nature, or high frequency, even if falling below the aforementioned decibel readings, shall be muffled so as not to become a nuisance to adjacent uses.

Sound levels shall be measured using a weighted decibel measurement and with a type of audio output meter approved by the National Institute of Standards and Technology.

- (4) Vibration. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 0.003 inches as measured at along any of the source's lot lines.
- (5) Light. Exterior lighting shall be so installed that the surface of the source light shall not be visible from any adjacent property or public road right-of-way, and shall be so arranged as to reflect light away from any adjacent residential use.
- (6) If there is evidence that performance standards have not been met and/or that a problem or nuisance condition exists despite compliance with the operation plan, then a contingency plan shall be developed by the owner or operator. This plan shall be submitted within ten (10) working days from the date that the Enforcement Officer notifies the owner or operator of the problem or nuisance condition. This plan shall demonstrate to the satisfaction of the Enforcement Officer that the problem will be abated within two (2) weeks.

12. Contractor Yard

Contractors, such as but not limited to, excavators, landscapers, and snow removal businesses and the storage of commercial vehicles and equipment, such as but not limited to, pickup trucks, vans, delivery vehicles, snow plow, lawn maintenance equipment, tank trucks, semi tractors and trailers, and constructions equipment may be allowed in the AR District but subject to and conditioned upon the following:

- a. The business shall be the owner-operator type, accessory to their residence where the owner-operator lives.
- b. All movement of trucks, vehicles and equipment shall be in accordance with State and County transportation rules and regulations.
- c. All equipment or stored materials shall be set back at least one hundred fifty feet (150') from all property lines, provided the Planning Commission may increase

this requirement where additional protection is required for adjacent properties and/or uses.

- d. That the number of commercial vehicles or pieces of equipment on site shall be limited to five (5). For purposes of counting, a truck and trailer normally used together and stored together will be counted as one (1) vehicle. A piece of equipment that is stored on the trailer of a truck/trailer combination shall not be counted as an additional vehicle.
 - e. Vehicles stored within a building will not be counted for the above limitations.
 - f. All work, repairs and/or maintenance shall be limited to the trucks, trailers and equipment of the property owner-operator, shall only be allowed and permitted during the hours of operation as established in the special approval use.
 - g. Full and adequate measures shall be taken and employed to prevent the discharge and/or release of any oil, gas, hazardous and/or toxic chemicals, substances and/or materials, and full and adequate containment, prevention, and clean-up measures, apparatus and equipment shall be maintained and provided by the owner-operator, and proof of same shall be provided at least annually to the Township of Emmett. Moreover, the owner-operator shall employ, take, exercise and maintain at all times all measures, protection, treatment, and other items as required by the Federal, State, County and Township governments, and departments and agencies of same, as shall be applicable to same and for environmental protection.
13. Golf Courses, including public and private facilities but not including "par 3" golf courses
- a. The minimum area shall be sixty (60) acres.
 - b. All ingress and egress shall be directly onto a hard surfaced road.
 - c. No building shall be located closer than three hundred (300) feet to any interior property line.
 - d. A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department.
 - e. Development features, including the principal and accessory buildings and structures, shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property.
 - f. The minimum number of off-street parking spaces to be provided shall be the number required for the golf course in addition to the number required for each accessory use.

14. Golf Driving Ranges

- a. The minimum area shall be twenty (20) acres.
- b. No building shall be located closer than three hundred (300) feet to any interior property line.
- c. A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department.
- d. Development features, including the principal and accessory buildings and structures, shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property.
- e. The minimum number of off-street parking spaces to be provided shall be the number required for the driving range in addition to the number required for each accessory use.

15. Group day care homes subject to the following conditions:

- a. The licensed group day care home is located not closer than 1,500 feet to:
 - (1) another licensed group day care home;
 - (2) an adult foster care small group home or large group home licensed by the State;
 - (3) a facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code; or,
 - (4) a community correction center, resident home, halfway house or other similar facility that houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

The distance between uses shall be measured in a straight line from the nearest property line upon which the proposed group day care home is intended to be located to the nearest property line of the listed residential care facility.

- b. A fence that conforms to the applicable requirements of Article 15 shall enclose any outdoor play area. At its discretion, the Planning Commission may require that a fence be constructed of certain materials to assure the adequacy of proposed screening.
- c. The dwelling unit and yard areas shall be maintained in a manner that is consistent with the character of the neighborhood. Play equipment shall not be located in the front yard, except in the case of a corner lot. In the case of a corner lot, the operator may designate one front yard for use as an outdoor play area.

- d. One identification sign shall be permitted. Such sign shall not exceed four square feet in area, shall be mounted flush to a wall and shall not be internally lit.
- e. In addition to the parking required for the dwelling unit, one off-street parking space shall be provided for each non-family employee of the group day care home. A driveway may be used to fulfill this requirement.
- f. The Planning Commission retains the right to grant special approval to a group day care home that does not meet all the above conditions upon finding that the public health, safety and welfare of Township residents will not be negatively impacted by such waiver.

16. Junk Yards/Salvage Yards

- a. Ingress and egress to the facility shall be only from a major thoroughfare. The Planning Commission may approve access to an unpaved or county local road if the Commission finds that such access point will further minimize impacts on other properties.
- b. The minimum lot or parcel size for junk yards shall be fifteen (15) acres.
- c. All enclosed areas shall be set back at least two hundred (200) feet from any front lot line.
- d. Junk yards shall not be located closer than two hundred (200) feet from the border of the Light Industrial District.
- e. Adequate standing and parking facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
- f. Whenever the installation abuts a residential district, a transition strip at least two hundred (200) feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and structural screens of a type approved by the Planning Commission.
- g. The front yard shall be planted with trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the provisions of Article 15.
- h. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around the periphery of the site to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish and construction.

17. Kennels

- a. The minimum area shall be ten (10) acres.
- b. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located closer than one hundred (100) feet to any property line.

- c. Where adjoining existing non-farm residential uses, buffering shall be provided for the control of noise and odor.

18. Landing Fields

- a. Airports shall be used only for small commercial or public aircraft.
- b. Minimum area required for the airport shall not be less than one hundred sixty (160) acres.
- c. The area shall have its principal means of access to a major street.
- d. The Planning Commission shall be assured that there is a clear and unobstructed 50:1 glide slope approach to all landing strips and that no obstruction falls within the required approach zones.

19. Multiple-Family Development

- a. Site Requirements: Multiple-family dwelling units shall be permitted at a density no greater than eight (8) units per acre provided that each unit has public water and sewer service. Where public water and sewer are not available, multiple-family dwelling units shall be permitted at a density no greater than four (4) units per acre.
- b. Buffering Requirements: Any multiple-family development adjoining any single-family residential district or any developed nonresidential district shall be provided with a buffer zone planted pursuant to the requirements of Article 15.
- c. All developments for multiple-family dwellings shall have direct access to major thoroughfare.
- d. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development that shall be designed to minimize congestion and interference with normal traffic flow.
- e. All streets and driveways in the development shall be constructed and maintained with an all weather road surface.
- f. No dwelling unit shall have its principal access more than one hundred fifty (150) feet from either an access drive or a public street and the required off-street parking area.
- g. The distance between any two (2) residential structures which occupy the same lot shall be not less than thirty (30) feet, if both of the walls facing each other contains windows or other openings, and not less than twenty (20) feet for all other situations; provided, however, a greater separation may be required where any structure exceeds (30) feet in height and the location of such structure will tend to obstruct light to adjacent residential structures.

- h. Maximum lot coverage for a multiple-family development shall cover no more than thirty (30) percent of the parcel.
 - i. All developments shall be served with public sewer facilities.
 - j. The site shall be developed and facilities shall be provided in such a manner so as to insure adequate drainage.
 - k. There shall be provided easily accessible and useable open space in the development in an amount of ten (10) percent of the site area or two thousand (2,000) square feet per four (4) dwelling units, whichever is greater.
 - l. All off-street parking areas shall be adequately lighted during hours of darkness.
20. Places of Worship
- a. All ingress and egress for the site shall be from a major thoroughfare.
 - b. The site shall be at least two (2) acres in size, plus one-half (1/2) acre per one hundred (100) seats in the main sanctuary.
 - c. No more than twenty-five (25) percent of the site area shall be covered by buildings. No more than sixty (60) percent of the site shall be covered by impervious surface.
21. Public Utility Buildings, not including storage yards
- a. Public utility and service buildings and uses (without storage yards) shall be permitted when operating requirements necessitate the location of said building within the district in order to serve the immediate vicinity.
 - b. No building and/or structure shall be located in any required yard setbacks.
22. Recreational Vehicle Storage Facilities, consisting of a controlled-access compound for storage of recreational vehicles, boats, and/or trailers and a caretaker's building
- a. Minimum area shall be five (5) acres.
 - b. The use of the premises shall be limited only to storage of recreational vehicles, boats, and trailers and shall not be used for any auction, sales, transfer business, or storage of other materials.
 - c. The premises shall not be used for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item.
 - d. The premises shall not be used for the operation of power tools, compressors, kilns, or similar equipment.
 - e. Limited sale of products and supplies incidental to the principal use, such as ropes, locks, tape, etc., to tenants shall be permitted within an enclosed building.

- f. The storage of combustible or flammable liquids or explosive materials shall be prohibited.
 - g. No vehicle shall have a fixed connection to electricity, water, gas, or sanitary facilities.
 - h. No person, individual, group, or family shall be allowed to occupy any vehicle during non-business hours.
 - i. All lighting shall be shielded from adjacent residential districts and shall not create a nuisance for nearby properties.
 - j. At least one property line shall abut a major street.
 - k. All ingress and egress shall be directly onto a major street.
 - l. Storage areas shall meet all yard setback requirements applicable to any building in the district.
 - m. Storage areas shall have gravel or permanent surface.
 - n. The area shall be graded and drained as to properly dispose of all surface water accumulated within the area in accordance with the standards specified by St. Clair County.
 - o. All recreational vehicles, boats, and trailers contained herein shall be locked or secured at all times when not being claimed or moved by the owner so as to prevent access thereto and to prevent accidental release that would permit movement onto abutting property.
 - p. Storage areas shall be screened by an obscuring wall at least six (6) feet high or a chain-link fence with intense evergreen shrub planting to screen such fence.
 - q. Access drives, parking areas, and maneuvering lanes shall be maintained and located so as to provide access for emergency vehicles at all times.
23. Restaurant, Carry-Out, Fast-Food, or Drive-In
- a. No drive-in, fast-food, or carry-out restaurant shall be located within five hundred (500) feet from an elementary, junior, or senior high school.
 - b. Points of vehicular ingress and egress shall be limited to an adjacent major street only.
 - c. The minimum width of driveways at the property line shall be twenty-four (24) feet and not greater than thirty (30) feet.
 - d. The minimum distance between driveways on the site shall be seventy-five (75) feet measured from the two (2) closest driveways' curbs, measured along the right-of-way.

- e. The minimum distance a driveway into the site shall be from a street intersection shall be sixty (60) feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.
- f. Motor-vehicle oriented businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
- g. The entire parking area shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained in accordance with standards specified by St. Clair County. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.
- h. Concrete curbing, six (6) inches in height, shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across approved driveways, so as to prevent vehicular encroachment onto or over the public right-of-way and to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.

The Planning Commission, upon application of the property owner, may modify or waive the curbing requirement where unusual site characteristics exist or in instances where landscaping or other natural or manmade features would produce the same effect.

- i. During the period when a drive-in restaurant, fast-food restaurant, or carry-out restaurant is vacated, closed, or otherwise not opened for business for more than thirty (30) consecutive days, the owner, franchise holder, or lessee shall be subject to complying with the following regulations:
 - (1) Vehicular parking and storage shall be prohibited at all times anywhere on the premises and the owner, franchise holder, or lessee shall post a sign or signs on the premises, giving notice that all parked or stored vehicles are subject to ticketing and removal by the Township at vehicle owner's expense. In addition, the owner, franchise holder, or lessee, whoever is in possession, is subject to ticketing if unlawfully parked or stored vehicles are permitted on the premises by consent of owner, franchise holder, or lessee. The Township shall have the right of entry to subject property for the purpose of accomplishing said ticketing and removal.
 - (2) The ground shall be kept free of rubbish and debris, and the grass, if any shall be well kept and cut as necessary so as to present a neat and attractive appearance at all times.
 - (3) Within sixty (60) days of such closing, all curb cuts across driveway entrances and all other points of ingress and egress to the premises shall

be closed to vehicular traffic by properly placed and secure precast concrete wheel stops or the equivalent.

24. Riding/Boarding Stables

- a. The minimum area shall be ten (10) acres.
- b. Where adjoining existing non-farm residential uses, buffering shall be provided for the control of noise and odor.

25. Self-Storage Facilities/ Mini-Warehouses

- a. Building separation between self-storage buildings on the same site shall be a minimum of twenty-four (24) feet or equal to the building height, whichever is greater.
- b. The total lot coverage of all structures shall be limited to thirty-five (35) percent of the total lot area.
- c. Storage facilities shall be secured by a chain link fence, six (6) feet in height. A ten (10) foot landscaped greenbelt shall be provided between the property line and wall required along all street frontages. A five (5) foot landscaped greenbelt shall be provided between the property line and wall where the site abuts any residential district. All materials shall be planted in conformance with the General Provisions article of this Zoning Ordinance.
- d. Parking shall be provided in accordance with the following: two (2) spaces for the resident manager, one (1) additional space for each additional employee, and two (2) additional spaces for customers shall be provided adjacent to the rental office.
- e. Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.
- f. All off-street parking areas and driveways shall be hard surfaced and drained so as to preclude drainage onto adjacent property.
- g. All ingress and egress from this site shall be onto a major street.
- h. Building height shall not exceed one (1) story or fourteen (14) feet except that a caretaker or resident manager's unit may be allowed a building height of two (2) stories or twenty-five (25) feet.
- i. No single storage building shall exceed seventy-five hundred (7,500) square feet.
- j. All storage on the property, with the exception of item k below, shall be kept within an enclosed building.
- k. The outdoor storage of recreational vehicles, motorized homes, and travel trailers may be permitted. All such areas shall be on an aggregate treated surface, or better. Such storage shall be completely screened from view from all adjacent residential areas.

26. Vehicle washing establishments

- a. All ingress and egress to the site shall be directly from a hard surfaced road.
- b. Minimum lot size shall be ten thousand (10,000) square feet.
- c. All washing activities must be carried on within a building.
- d. Vacuuming activities shall be at least fifty (50) feet distant from any adjoining residential zone.
- e. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street. A street shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.
- f. Provision shall be made for the drying of the automobiles undercarriage during subfreezing weather prior to entering the public thoroughfare.
- g. There shall be provided two (2) vehicle stacking spaces for each self-serve wash stall, not containing the vehicle wash or vacuum area.
- h. There shall be provided fifteen (15) stacking spaces for each automatic wash lane.
- i. All off-street parking areas and maneuvering lanes shall be drained so as to preclude drainage of water onto adjacent property and public rights-of-way.

27. Wireless Telecommunication Facilities and Wireless Telecommunication Antennae and Towers

All wireless telecommunication facilities and wireless telecommunication antennae shall be subject to the requirements of this section, as well as any other applicable provisions of this Ordinance. If at any time a wireless telecommunication a facility or wireless telecommunication antenna does not meet the provisions and regulations of this ordinance, said facility or antennae must be removed.

- a. Zoning District Requirements: Wireless telecommunication facilities and wireless telecommunication antenna shall be permitted as a special approval land use in all districts.
- b. Compliance with Federal Regulations:
 - (1) All telecommunication towers shall comply with current regulations of the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC), or any other federal or state agency with authority to regulate telecommunication towers and/or antennas.
 - (2) In the event of a change in federal or state regulation, the owner of the telecommunication tower and/or antenna shall bring its facility into

compliance with the revised regulations within 6 months of the effective date of such regulations, unless a different compliance schedule is mandated by the state or federal agency.

- c. Compliance with Building Codes: All wireless telecommunication facilities and towers shall be constructed in compliance with all applicable building codes, including the Electronic Industries Association/Telecommunication Industry (EIA/TIA) standards for the construction of towers and antenna support structures.
- d. General Site Location Requirements:
 - (1) Parcel or lot area requirements: A wireless telecommunication facility may be located on a parcel or lot with other principal uses provided the lot or parcel meets one of the following criteria.
 - (a) If the property is occupied by or zoned for a nonresidential use, it must have a minimum area of 2.5 acres.
 - (b) If the property is occupied by or zoned for residential use (including agricultural use), it must have a minimum area of 20 acres.

Notwithstanding these requirements, the portion of the lot or parcel leased for the wireless telecommunication facility may be smaller than the minimum lot or parcel area.

- (2) Setback requirements:
 - (a) In nonresidential zoning districts, wireless telecommunication towers shall be setback at least 200 feet from the front property boundary, at least 100 feet from any side property boundary, and at least 50 feet from the rear property boundary of adjoining property zoned for nonresidential use.
 - (b) In residential zoning districts (including Agricultural), wireless telecommunication towers shall be setback at least 200 feet from all adjoining property zoned for residential use. If the tower height exceeds 200 feet, the setback distance shall be increased 1-foot for each additional 1-foot of height over 200 feet.
 - (c) Other structures associated with the wireless telecommunication facility (such as equipment shelters, guy wire anchors) shall comply with the setback requirements of the district in which the facility is located.
 - (d) The setback requirements of this section are minimums. The Planning Commission may require additional setback distance as part of a special land use approval or for towers located within 1,000 feet of property zoned for residential use.

- (3) Co-location requirements: Wireless telecommunication towers shall be designed to permit co-location by at least two additional entities. Proposed locations for wireless telecommunication facilities shall be adequately sized and configured to allow the placement of at least two additional telecommunication equipment shelters.
- (4) Tower design: Wireless telecommunication towers shall be constructed as freestanding structures (monopole or lattice towers, as approved by the Planning Commission) unless the applicant can demonstrate that such structure cannot accommodate the user or future co-locators. Towers shall have a neutral surface finish color to reduce visual obtrusiveness, except as otherwise required by a state or federal agency.
- (5) Signs: Wireless telecommunication towers shall not be used for advertising purposes nor shall such tower display any signs other than one sign, not to exceed two square feet, which identifies the service provider and an emergency telephone number. These restrictions shall not apply to any safety signs placed on the security fence or tower.
- (6) Fencing: Wireless telecommunication facilities shall be enclosed by a security fence not less than 6 feet in height. The Planning Commission shall review the need for the installation of anti-climbing devices and make a determination based on adjacent land use and zoning patterns.
- (7) Screening: Wireless telecommunication facilities shall be effectively screened to obscure views of the tower base, equipment shelter, security fencing, or guy wire anchors from adjacent uses and public rights-of-way. In locations where the visual impact of the tower will be minimal or where existing vegetation provide an effective natural screen or where the security requirements of the principle use prevent screening (utility substations), the Planning Commission may modify this requirement.
- (8) Lighting: Wireless telecommunication towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternative approved by the Planning Commission shall cause the least disturbance possible. At no time will strobe lighting for wireless telecommunication towers be allowed from dusk till dawn.
- (9) Equipment shelter design: The design and materials used in the construction of the equipment shelter shall, to the extent possible, blend the structure with the surrounding built or natural environment. The equipment shelter shall not exceed 15 feet in height.
- (10) Off-street parking: Wireless telecommunication facilities shall provide 1 off-street parking space to accommodate maintenance vehicles. Driveways and parking spaces serving such facilities may have a gravel surface provided the surface is maintained in a dust-free condition and graded to maintain proper drainage.

- e. Permitted Additional Antenna: Wireless telecommunication antenna shall be considered a permitted accessory use when placed on or attached to any existing wireless telecommunication structure which constitutes a principle use, provided that all other applicable ordinance requirements are complied with. Any initial wireless telecommunication antenna placed on an alternative tower structure shall be subject to the same review and approval procedures as a new wireless telecommunications facility. Subsequent antennas on alternative tower structures shall be considered permitted accessory uses in all districts.
- f. Permitted Tower Replacement: An existing wireless telecommunication tower may be replaced for the purposes of accommodating the co-location of additional wireless telecommunication antenna subject to the following review and approval process:
 - (1) Tower replacements that result in the addition of 50 or fewer feet of additional tower height shall require site plan review and approval by the Planning Commission.
 - (2) Tower replacements that result in the addition of more than 50 feet in height shall require special land use review and approval by the Planning Commission.
 - (3) Tower replacements that require the installation of tower lights shall require special land use review and approval by the Planning Commission.
- g. Site plan procedures as shown in Section 13.

28. Radio and Television Towers

All radio and television towers (including antenna, equipment structures, and other appurtenances related to these facilities) shall be subject to the requirements of this section, as well as any other applicable provisions of this Ordinance. If at any time a radio or television tower does not meet the provisions and regulations of this ordinance, said tower must be removed.

- a. Zoning District Requirements: Radio and television towers (and related facilities) shall be permitted as a special approval land use in commercial and industrial districts only.
- b. Compliance with Federal Regulations
 - (1) All towers shall comply with current regulations of the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC), or any other federal or state agency with authority to regulate telecommunication towers and/or antennas.
 - (2) In the event of a change in federal or state regulation, the owner of the tower and/or antenna shall bring its facility into compliance with the revised regulations within 6 months of the effective date of such

regulations, unless a different compliance schedule is mandated by the state or federal agency.

- c. Compliance with Building Codes: All towers shall be constructed in compliance with all applicable building codes, including the Electronic Industries Association/Telecommunication Industry (EIA/TIA) standards for the construction of towers and antenna support structures.
- d. Setback requirements: The following setback requirements shall apply to all towers for which approval for special land use is required; provided, however, that the Zoning Board of Appeals may reduce the standard setback requirements if the goals of this Ordinance would be better served thereby:
 - (1) Towers must be set back a distance equal to at least one hundred percent (100%) of the height of the tower from any adjoining lot line.
 - (2) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- e. Tower design: Towers shall be constructed as freestanding structures. Wireless telecommunication towers shall be constructed as freestanding structures (monopole or lattice towers, as approved by the Planning Commission). Towers shall have a neutral surface finish color to reduce visual obtrusiveness, except as otherwise required by a state or federal agency.
- f. Signs: Towers shall not be used for advertising purposes nor shall such tower display any signs other than one sign, not to exceed two square feet, which identifies the service provider and an emergency telephone number. These restrictions shall not apply to any safety signs placed on the security fence or tower.
- g. Fencing: Towers shall be enclosed by a security fence not less than 6 feet in height. The Planning Commission shall review the need for the installation of anti-climbing devices and make a determination based on adjacent land use and zoning patterns.
- h. Screening: Towers telecommunication facilities shall be effectively screened to obscure views of the tower base, equipment shelter, security fencing, or guy wire anchors from adjacent uses and public rights-of-way. In locations where the visual impact of the tower will be minimal or where existing vegetation provide an effective natural screen or where the security requirements of the principle use prevent screening (utility substations), the Planning Commission may modify this requirement.
- i. Lighting: Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternative approved by the Planning Commission shall cause the least disturbance possible. At no time will strobe lighting for towers be allowed from dusk till dawn.

- j. Equipment shelter design: The design and materials used in the construction of the equipment shelter shall, to the extent possible, blend the structure with the surrounding built or natural environment. The equipment shelter shall not exceed 15 feet in height.
- k. Off-street parking: Towers shall provide 1 off-street parking space to accommodate maintenance vehicles. Driveways and parking spaces serving such facilities may have a gravel surface provided the surface is maintained in a dust-free condition and graded to maintain proper drainage.
- l. Site plan review: In addition to the requirements listed herein, towers shall also be subject to site plan review procedures as shown in Section 13.

29. Wind Energy Conversion Systems (windmills):

1. Definitions

- A. Wind Energy Conversion Systems (hereinafter referred to as WECS): Any device which converts wind energy to mechanical or electrical energy.
- B. Wind Rotor: The blades plus hub to which the blades are attached used to capture wind for purpose of energy conservation.
- C. Tower Height: The height of the actual tower, plus one-half of the rotor diameter on horizontal axis installations, and on vertical axis installations, the distance from the base of the tower to the top of the unit.
- D. Survival Wind Speed: The maximum wind speed a WECS in automatic, unattended operation (not necessarily producing power) can sustain without damage to structural components or loss of the ability to function normally.

2. Permitted Zones: In any zoning district, the Planning Commission shall have the power to grant a special permit to allow wind energy conversion systems, subject to the restrictions contained within this Ordinance. Any special permit denied by the Planning Commission may be heard by the Zoning Board of Appeals upon the request of the petitioner for the special permit.

3. Applicability of Ordinance: The standards that follow shall apply to systems intended for the provision of the electrical or mechanical power needs of the owner/operator of the system; also, such a system shall be for one main building and its accessory buildings only. For systems intended for uses other than the above, Planning Commission approval shall be required. Said approval shall cover the location of the system (shown on a survey of the property) on the site, the noise generated by the system, assurances as to the safety features of the system, and compliance with all applicable state and federal statutes and regulations. Planning Commission approval shall specifically be required for arrays of more than one wind energy conversion system and for systems wherein one wind energy conversion system is intended to provide the electric power for more than one main building.

4. Standards for and Regulations of WECS

- A. Compliance: All WECS shall be constructed in accordance with and comply with all applicable building codes and all applicable regulations of the Federal Aviation Administration and the Federal Communications Commission and any other federal or state agency with authority to regulate WECS, as amended or hereafter modified.
 - B. Electric-Magnetic Interference (EMI): Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause harmful interference with radio and/or television broadcasting or reception, and shall comply with the provisions of Title 47, Chapter 1, Part 15 of the Federal Code of Regulations and subsequent revisions governing said emissions.
 - C. Setbacks: The structural design shall be signed and sealed by a professional engineer, registered in the State of Michigan (or equivalent), certifying that the structural design complies with all of the standards set forth for safety and stability in all applicable codes then in effect in the State of Michigan and all sections referred to herein above. The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to one and one-half times the Tower Height, as defined in Subsection 1.C. above. The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the WECS or its supporting structure will not cause any portion of it to fall within five (5') feet of utility lines.
 - D. Maximum Height: The maximum permitted height of a WECS (without variance from the Zoning Board of Appeals), measured from the ground to the highest possible point of any blade, shall be One Hundred (100') feet unless otherwise prohibited by any state or federal statutes or regulations.
 - E. Minimum Blade Height: The minimum distance between the ground and any protruding blades utilized on a WECS shall be fifteen (15') feet, as measured at the lowest point of the arc of the blades.
 - F. Labeling Requirements: A minimum of one sign shall be posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the WECS.
 - i. The maximum power output of the system and the wind speed at which it is achieved.
 - ii. Normal voltage and maximum current.
 - iii. Manufacturer's name and address, serial number and model number.
 - iv. Maximum survival wind speed and the emergency and normal shut down procedures.
5. Utility Company Notification: The Detroit Edison Company shall be notified in writing of any proposed interface with the company's grid prior to installing such interface

and shall conform with any legislated requirements governing installations of WECS so as to comply with the Utility Tariff specifications.

6. Safety: The WECS's manufactures shall document that the WECS model has been tested and certified by Underwriter's Laboratory, or other such applicable independent accrediting agency, and that a maximum survival wind speed of not less than eighty (80) miles per hour.
7. Noise: The maximum level of noise to be generated by a WECS shall be fifty (50) decibels, as measured on the dBA scale, measured at the property line.
8. Miscellaneous.
 - A. All electric line/utility wires shall be buried under ground except AG, Agricultural and IA Intensive Agricultural Districts.
 - B. Any mechanical equipment associated with and necessary for operation, including a building for batteries and storage cells shall be enclosed with a six (6') foot fence unless the base of the tower is not climbable for a distance of twelve (12') feet.
 - C. When a building is necessary for storage of cells or related mechanical equipment, the building may not exceed one hundred forty (140) square feet in area nor eight (8') feet in height, and must be located at least the number of feet equal to the height of the tower from any property line.
 - D. The tower and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the tower and related structure shall be dismantled and removed from the property within sixty (60) days.
 - E. Every WECS shall be insured with minimum liability insurance of one hundred thousand dollars (\$100,000.00) for each occurrence. Proof of insurance shall be furnished to the Township.

Section 12.07 Official Actions

After the public hearing, the Planning Commission shall review the special land use application and shall take one of the following actions. Any decision shall include a statement containing the specific findings of fact that provide the basis for the recommendation and any suggested conditions. The Planning Commission may attach any conditions deemed necessary for the protection of the general welfare, public health and safety, individual property rights, and to ensure that the purposes of this Ordinance are met. Any conditions imposed shall remain unchanged, except upon the mutual consent of the Planning Commission and the landowner.

1. Approval: If the special land use application meets all the requirements of the Zoning Ordinance, the Planning Commission shall approve the special land use application. The Supervisor shall sign 3 copies of the final site plan, filing two with the official site plan file and one with the applicant. Applicant must sign and date all documents.
2. Approval with Conditions: If minor corrections to the site plan or the attachment of conditions will bring the proposed special land use into compliance with the Zoning

Ordinance standards for approval, the Planning Commission may approve the special land use application and record the conditions the conditions of approval. The Supervisor shall sign three copies of the site plan, filling two with the official site plan file and one with the applicant. Applicant must sign and date all documents.

3. Denial: If the special land use application does not meet all the requirements of the Zoning Ordinance, the Planning Commission may deny the application and record the reasons for their denial.
4. Postpone: If the special land use application does not meet the requirements of the Zoning Ordinance, the Planning Commission may postpone action on the site plan to allow time for additional study and/or site plan revisions.

This section shall not be interpreted to prohibit postponement of any action by the Planning Commission to allow additional time for study.

Section 12.08 Special Review Procedure for Adult Entertainment Facilities

The following procedures shall be adhered to when reviewing a special land use application for an adult entertainment facility.

1. Official Action: If the Planning Commission determines that a special land use application for an adult entertainment facility is not complete when it is first presented to the Planning Commission, it shall provide written notice by first class mail within 7 business days of said determination detailing the items required to complete the application.

If the Planning Commission determines that the application is complete, it shall within 60 days of said determination make a final determination and specific findings of fact to deny, approve or approve with conditions the special land use application.

If the Planning Commission has not acted on the proposed adult entertainment special use application within 60 days of the Planning Commission's determination that a completed application has been filed, then the special land use permit shall be deemed approved.

2. Prompt Judicial Review of Adverse Determination: If the Planning Commission denies a special land use application for a adult entertainment facility pursuant to the above paragraphs, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Township Clerk. The Township shall within 7 business days if receipt of such written notice do the following:
 - a. File a petition in Circuit Court for the County of St. Clair seeking a judicial determination of the validity of the denial and applying for a preliminary and permanent injunction restraining the applicant from operating adult entertainment facility in violation of the Zoning Ordinance;
 - b. Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within 5 business days or as soon as thereafter as is possible after the filing of such petition. In the event the applicant appears at or

before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civic procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its application for preliminary injunction and shall join such request.

In the event that the applicant does not waive notice and/or does not request an early hearing on the Township's application for permanent injunction, it shall nevertheless be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court rules.

The filing of written notice of intent to contest the Planning Commission denial of a special land use permit shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special land use permit application automatically approved if, within 15 business days of the filing of the Township's petition, a show-cause hearing has not been scheduled.

Section 12.09 Appeals

No decision or condition related to a special land use application shall be taken to the Board of Zoning Appeals. An appeal of a special land use decision or condition may be taken to the Circuit Court.

Section 12.10 Issuance of a Building Permit

A building permit shall be issued by the Building Official upon approval of the special land use by the Planning Commission. The building permit shall list all the conditions of approval stipulated by the Planning Commission.

Section 12.11 Reapplication

No special land use application which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of 12 months or more from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions. A reapplication shall be processed in the same manner as the original application.

Section 12.12 Site Plan Amendments in Conjunction with a Special Land Use

Any approved site plan shall become part of the record of special land use approval. Subsequent improvements relative to the authorized use shall be consistent with the approved site plan, unless a change conforming to this Ordinance receives the mutual agreement of the landowner and the Planning Commission. A site plan amendment shall be reviewed and considered in the same manner as the original special land use application, except as otherwise provided in this Ordinance.

Section 12.13 Validity and Revocation of Special Land Use Permits

1. Validity of Permit: A special land use permit shall be valid for a period of 12 months from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this 12 month period, the Building Official shall notify the applicant in writing of the expiration of said permit; provided, however, that the Planning Commission may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction.

Once the special land use is established and the conditions of the permit fulfilled, the special land use permit shall be valid until such time that there is a change of conditions or use related to the permit.

2. Permit Revocation: The Planning Commission shall have the authority to revoke site plan approval following a hearing, if construction of the approved improvements does not proceed in conformance with the approved site plan. Upon discovery of a violation, the Building Official may issue a stop work order and a notice to appear for a hearing before the Planning Commission. Notice of the hearing date shall be provided to the applicant no less than ten days prior to the date of the meeting.

Section 12.14 Fees

An application fee shall be established by resolution of the Township Board. Before issuance of a building permit, the applicant shall pay for any costs incurred by the Township.

Article 13 Site Plan Review Procedures

Section 13.01 Purpose

It is the purpose of this Article to specify the data requirements and procedures for the review of site plans.

Section 13.02 Approval of Site Plan Required

1. Review and Approval Authority: Upon recommendation of the Planning Commission, the Township Board shall have the authority to approve site plans subject to the requirements of this Ordinance.
2. Conditions Requiring Site Plan Review: Site plan approval shall be required prior to the establishment of any new use, addition to an existing use, or the erection of any structure in any zoning district and for all permitted principal uses and structures in all zoning districts (except for the single-family detached and two-family dwellings and their accessory uses and bona fide agricultural operations and their accessory uses and buildings) and all special land uses in all zoning districts.
3. Land Clearing: No person shall undertake any activity such as grading, clearing, cutting and filling, excavating, or tree removal in preparation for a use or structure which requires site plan approval until the proposed use or structure is authorized by a building permit.

Section 13.03 Data Required

1. General Requirements: Application for site plan approval shall be made to the Township Clerk by filing an official application form; submitting six (6) copies of the required site plan and any other supporting documentation; and depositing the required fees.
2. Specific Requirements: The following data shall be included on the site plan:
 - a. The names, addresses and telephone numbers, of the owners and developers.
 - b. The names, addresses, telephone numbers, and professional seal of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
 - c. A written statement which describes the characteristics of the development. For residential developments, the project description shall describe the number of dwelling units, bedrooms, carports or garages, and the type and amount of recreational open space. For nonresidential developments, the project description shall describe the intended use, hours of operation, the gross and useable floor areas in square feet, and the number of employees per shift.

- d. Plan date, north arrow and scale. The scale shall be not less than 1 inch equals 50 feet for property under 2.5 acres and at least 1 inch equals 100 feet for property 2.5 acres or more.
- e. A site data chart which compares the existing and proposed improvements to the lot area, setback, height and lot coverage requirements of the zoning district and the off-street parking and landscape requirement calculations.
- f. Location of natural features such as, but not limited to, woodlots, streams, floodplains, county drains, lakes, ponds, and existing topography at 10-foot intervals within 100 feet of the site.
- g. Location and dimensions of existing structures within 100 feet of the site including notation as to which on-site structures will be retained and which will be removed or altered.
- h. Location and dimensions of proposed structures, including building elevations and floor plans.
- i. Location and dimensions of existing public rights-of-way (including paving material), private roads, or access easements of record.
- j. Location and dimensions of proposed rights-of-way, acceleration/deceleration lanes, driveways, parking spaces, maneuvering lanes, loading areas, and sidewalks. Proposed traffic control measures and proposed street names shall also be indicated.
- k. Location of existing and proposed utilities, water mains, wells, fire hydrants, sewers, septic fields, storm drains, as well as any easements that exist or are proposed to be established for the installation, repair, or maintenance of utilities.
- l. Location and dimension of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps, and other facilities designed to collect, store or transport storm water or wastewater as well as point of discharge.
- m. Proposed location of signs, trash receptacles, light fixtures, and any other accessory structures and uses.
- n. Typical straight cross-sections including slope, height, and width of any berms and type of ground cover, and height and type of construction of any wall or fence, including footings.
- o. Location, spacing, type and size of proposed plant materials.
- p. Location and specifications for any existing or proposed storage of any chemicals, salts, flammable or hazardous materials as well as any required containment structures or clear zones.
- q. Any other information deemed necessary to determine if the proposed site plan conforms to the requirements of this Ordinance.

3. The site plan data requirements for family day care operations are limited to those listed in subsection 2, paragraphs a, g, and e above.

Section 13.04 Standards for Review and Approval

Each site plan shall conform to the applicable provisions of this Ordinance and the standards listed below.

1. Arrangement of Structures: Site plans shall demonstrate that buildings, parking areas, signs, walls, fences, and the like are designed to minimize adverse affects on development users and the occupants of adjacent properties.
2. Natural Features: Site plans shall demonstrate that as many natural features as possible have been retained, particularly where such features provide a buffer between adjoining properties or assist in preserving the general appearance of the neighborhood or help control soil erosion or storm water.
3. Vehicular and Pedestrian Traffic: Site plans shall fully conform to the driveway and traffic standards of the St. Clair County Road Commission. Further, the site plan shall demonstrate that there is a proper relationship between existing and proposed roadways, parking areas, and that the safety and convenience of pedestrian and vehicular traffic has been assured.
4. Public Safety: Site plans shall fully conform with the applicable fire safety and emergency vehicle access requirements of the township building code.
5. Drainage: Site plans shall fully conform to the St. Clair County Drain Commission standards.
6. Erosion: Site plans shall fully conform to the St. Clair County requirements.
7. Hazardous Waste Management: Site plans shall demonstrate that reasonable precautions will be taken to prevent hazardous materials from entering the environment.
8. Public Health: Site plans shall fully conform to the requirements of the Michigan Department of Public Health and the St. Clair County Health Department.
9. Statutory Compliance: Site plans shall fully conform to all applicable state and federal statutes.
10. The Planning Commission may further require landscaping, fences, screen walls and retaining walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
11. The Planning Commission may waive site plan information for topography, vegetation, soils, landscaping, employment data, environmental considerations, etc., when such concerns are obviously not pertinent to the proposed development.

Section 13.05 Official Actions

The Planning Commission shall review the site plan and shall make the decision to either approve, approve with conditions, disapprove or postpone decision on the site plan.

- 1. Approval: If the site plan meets all the requirements of the Zoning Ordinance, the Planning Commission may approve the site plan. The Supervisor shall sign three copies of the final site plan, filing two with the official site plan file and one with the applicant.
- 2. Approval with Conditions: If minor corrections to the site plan are necessary to meet all the requirements of the Zoning Ordinance, the Planning Commission may approve the site plan and record the conditions of approval. The Supervisor shall sign three copies of the site plan, filling two with the official site plan file and one with the applicant.
- 3. Denial: If the site plan does not meet all the requirements of the Zoning Ordinance, the Planning Commission may deny the application and record the reasons for their denial.
- 4. Postpone: If the site plan does not meet the requirements of the Zoning Ordinance, the Planning Commission may postpone action on the site plan to allow time for additional study and/or site plan revisions.

Section 13.06 Site Plan Amendments

- 1. General Requirements: Site plan amendments shall be reviewed and approved in the same manner as the original submittal. Site plan amendments require the mutual consent of the landowner and the Planning Commission. Minor site plan amendments, as defined in this Section, may be made by the Planning Commission without requiring a public hearing.
- 2. Minor Site Plan Amendments: Minor site plan amendments shall be limited to the following site plan changes:
 - a. Moving walls within the confines of the approved building footprint because of a natural impediment such as soil conditions or subsurface geology.
 - b. Moving the ingress and egress drive a distance up to 50 feet, if required by the St. Clair County Road Commission.
 - c. Substituting a landscape material provided that the substituted species is of a similar nature and quality.
 - d. Changing the location and/or design of exterior light fixtures provided that there will be no change in the intensity of site lighting and the location conforms to the requirements of this Ordinance.
 - e. Changing the dimensions or location of approved signage provided that the sign conforms to the requirements of this Ordinance.

- f. Altering the location of an accessory structure that is less than 100 square feet in area provided that the location does not encroach on any approved parking, loading, or landscape areas and otherwise conforms to the requirements of this Ordinance.
 - g. Changing the height and/or material of fencing provided that the height conforms to the requirements of the Ordinance and that any substituted material is similar in character and quality.
3. Approval Required: A site plan amendment shall be approved if the Township Board finds that the change will not adversely affect the initial reasons for granting approval.

Section 13.07 Review of Condominium Projects

1. Required Review: Prior to the recording of a master deed and exhibits for a new condominium subdivision, the developer shall submit the master deed and exhibits for review and approval according to the requirements of this Article. Prior to the recording of a master deed and exhibits for the conversion or expansion of an existing condominium subdivision, the developer shall submit the master deed and exhibits for review and approval.
2. Conformance to Ordinance Requirements: All principal buildings and/or accessory structures within a condominium subdivision shall comply, to the extent applicable, with the regulations of this Ordinance.
3. Conformance to County Road Commission Requirements: All streets within a condominium subdivision shall be designed and constructed in accordance the then current standards and specifications of the St. Clair County Road Commission, or the Township Private Road Ordinance (Section 15.15), whichever is greater.
4. Dedication of Public Utility Easements: The condominium subdivision shall provide for the dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.
5. Monumentation Required: All condominium subdivisions which consist in whole or in part of condominium units which are building envelopes shall be marked with monuments as required below.
 - a. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.

- b. All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter.
 - c. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
 - d. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the condominium project and referenced to the true point.
 - e. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch in diameter, shall be drilled and grouted into solid rock to a depth of at least 8 inches.
 - f. All required monuments shall be placed flush with the ground where practicable.
 - g. All building envelope corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half inch in diameter or other approved markers.
 - h. The Planning Commission may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the Township cash, a certified check or irrevocable bank letter of credit naming the municipality in an amount sufficient to cover any cost associated with the monumentation. The performance guarantee shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.
6. Drawings of Record: Upon completion of required improvements, the developer shall submit drawings of record, certified by a surveyor or engineer, to the Building Official. All submitted drawings of record shall be on a mylar sheet of at least 13 inches by 16 inches. In the case of a condominium subdivision, the developer shall provide 2 copies of the recorded master deed and any exhibits.

Section 13.08 Review of Wireless Telecommunication Uses

- 1. Application Requirements: In addition to the applicable requirements of Article 12.00, Special Land Use Procedures, the following information shall be provided in support of an application to construct a wireless telecommunication facility:
 - a. Certification from a Michigan licensed professional engineer as to the manner in which the proposed wireless telecommunication tower is designed to collapse.

- b. A report that addresses the review criteria contained in subsection 2.1., below. This report shall include a map depicting the existing and known proposed location of wireless telecommunication facilities, including wireless telecommunication antenna attached to alternative tower structures, within Emmett Township as well as within the proposed service area radius. Known proposed locations shall include, at minimum, pending telecommunication facility applications in adjacent communities, approved telecommunication facility applications in adjacent communities which have not yet been constructed, and sites which are a part of the applicant's long-term network development plan.
- c. The name, address, and telephone number of the person to contact regarding site maintenance or other notification purposes. This information shall be periodically updated by the facility owner.
- d. A statement that indicates the applicant's intent to allow the co-location of other antenna, provided that the cost of modifying the existing tower is borne by the co-locating entity and reasonable compensation is paid by the co-locating entity.

In support of this statement, the applicant will send written notice to all potential entities offering an opportunity for co-location. Copies of the notifications shall be submitted to the Township at the time a land use permit is requested.

- 2. Review Criteria: A wireless telecommunication facility shall not be approved unless it can be demonstrated by the applicant that there is a need for the facility which cannot be met by placing wireless telecommunication antenna on an existing tower or other suitable structure, or replacement of an existing tower:
 - a. No existing towers or alternative tower structures have the structural capacity to support the proposed antenna nor can existing towers or alternative tower structures be reinforced to support the proposed antenna.
 - b. No existing towers or alternative tower structures are located within the geographic area that meets the systems engineering requirements.
 - c. The cost of using an existing tower or other suitable structure or replacing an existing tower exceeds the cost of constructing a new wireless telecommunication facility.
 - d. The installation or use of an alternative communication technology is unsuitable or infeasible.
- 3. Removal of Abandoned Facilities: Any wireless telecommunication tower or antenna that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such tower or antenna shall remove the same within 90 days of receiving an abandonment notification from the Township. Failure to remove an abandoned tower or antenna within 90 days shall be grounds for the Township to remove the tower or antenna at the owner's expense. The Planning Commission may require the applicant to post a bond in an amount equal to the reasonable cost of removal for the tower and/or antenna. If a bond is to be required, the Planning Commission shall include the requirement as a condition of approval.

4. Addition or modify to existing wireless telecommunication towers refer to Section 13.03 Data Required

Section 13.09 Review of Radio and Television Towers

1. Application Requirements: In addition to the applicable requirements of Article 12.00, Special Land Use Procedures, the following information shall be provided in support of an application to construct a wireless telecommunication facility:
 - a. Certification from a Michigan licensed professional engineer as to the manner in which the proposed wireless telecommunication tower is designed to collapse.
 - b. The name, address, and telephone number of the person to contact regarding site maintenance or other notification purposes. This information shall be periodically updated by the facility owner.
2. Review Criteria: A tower shall not be approved unless the applicant can demonstrate that there is a need for the facility that cannot be met by other means, such as replacement of an existing tower:
3. Removal of Abandoned Facilities: Any wireless telecommunication tower or antenna that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such tower or antenna shall remove the same within 90 days of receiving an abandonment notification from the Township. Failure to remove an abandoned tower or antenna within 90 days shall be grounds for the Township to remove the tower or antenna at the owner's expense. The Planning Commission may require the applicant to post a bond in an amount equal to the reasonable cost of removal for the tower and/or antenna. If a bond is to be required, the Planning Commission shall include the requirement as a condition of approval.

Section 13.10 Performance Guarantees

To ensure compliance with the Zoning Ordinance requirements and any conditions imposed thereunder, the Planning Commission may require the deposit of a performance guarantee.

1. Form: A performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in the amount of the estimated cost of the approved site improvements. The Township shall have the right to determine the form of the performance guarantee.
2. Deposit: The performance guarantee shall be deposited with the Township prior to the issuance of a building permit. Upon receipt of the performance guarantee, the Township shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest bearing account.
3. Return: Upon satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Building Official, the Township shall return to the applicant the performance guarantee deposited and any accrued interest.

4. **Completion of Improvements:** In the event the applicant fails to make the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee and any accrued interest to complete the improvements. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Township use all or a portion of the performance guarantee to complete the required improvements, any amounts remaining after the improvements are made shall be applied first to cover the Township's administrative costs related to the completion of the improvements, with the balance being refunded to the applicant.
5. **Performance Guarantees Required by Other Agencies:** If the applicant has been required to post a performance guarantee with another governmental agency other than the Township to ensure the completion of an improvement associated with the approved site plan, the applicant shall not be required to deposit with the Township a performance guaranteed for that specific improvement.
6. **Performance Guarantee Agreement:** At the time the performance guarantee is deposited with the Township and prior to the issuance of a building permit, the applicant and Township shall enter into an agreement incorporating the provisions of this Section.

Section 13.11 Validity and Revocation of Site Plan Approval

1. **Validity of Approval:** An approved site plan shall be valid for a period of 12 months from the date of issuance of the land use permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, the Building Official shall notify the applicant in writing of the expiration of said permit; provided, however, that the Township Board may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction.
2. **Permit Revocation:** The Township Board shall have the authority to revoke site plan approval following a hearing, if construction of the approved improvements does not proceed in conformance with the approved site plan. Upon discovery of a violation, the Building Official may issue a stop work order and a notice to appear for a hearing before the Township Board. Notice of the hearing date shall be provided to the applicant no less than 10 days prior to the date of the meeting.

Section 13.12 Fees

An application fee shall be established by resolution of the Township Board. Before issuance of a building permit, any costs incurred by the Township shall be paid for by the applicant.

Article 14

Off-Street Parking and Loading Requirements

Section 14.01 Off-Street Parking Requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, except as otherwise provided, automobile off-street parking space with adequate access to all spaces. All automobile off-street parking spaces shall be accessible from a common approach land. The number of off-street parking spaces, in conjunction with all land or building uses, shall be clearly available for use prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

1. Off-street parking spaces may be located within a non-required side yard or rear yard and within the required rear yard setback, unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard or a required side yard setback, unless otherwise provided in this Ordinance.
2. Off-street parking for other than residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Garages shall further be subject to the provisions of Section 15.04, Accessory Buildings, of this Ordinance.
4. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
6. Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. In the instance where off-street parking spaces are shared by two (2) or more establishments whose operating hours do not overlap, the Planning Commission may grant an exception. A written agreement shall be drawn to the satisfaction of the Township Attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.
7. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited within off-street parking areas.
8. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use that the Planning Commission considers is similar in type.

9. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
10. The definition of usable floor area shall govern for the purpose of computing the number of parking spaces required, unless otherwise specified.
11. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

a. Residential Uses

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| (1) | Boarding Houses, Bed and Breakfast Operations | One (1) space per each rooming unit |
| (2) | Detached or Attached One- and Two-Family Structures | Two (2) spaces per each dwelling unit |
| (3) | Housing for the Elderly | One (1) space per each unit |
| (4) | Manufactured Home Parks | Two (2) spaces per site, plus one (1) for each four (4) sites for visitor parking, plus management, rental, or sales office space pursuant to office space requirements |
| (5) | Migratory Workers Housing, Fraternity Houses, Dormitories, etc. | One (1) space per bed or each one hundred (100) square feet of gross floor area, whichever will require the larger number of parking spaces |
| (6) | Multiple-Family Structures | Two (2) spaces per each dwelling unit plus 0.5 per unit for visitor parking |

b. Institutional, Recreational, and Public Assembly Uses

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|-----|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) | Assembly Halls, Auditoriums, or Theaters | One (1) space per three (3) seats or per twenty-one (21) square feet of assembly space, whichever will require the largest number of parking spaces plus five (5) spaces |
| (2) | Child Day Care Centers/ Day Nurseries/Nursery Schools | One (1) space for each one hundred fifty (150) square feet of usable floor space |
| (3) | Churches | One (1) space per three (3) seats or six (6) feet of pew space in the main unit of worship |
| (4) | Colleges with Dormitory | 4.5 spaces per classroom, or one (1) Facilities one space per every three (3) permanent seats or twenty-one |

		(21) square feet of assembly space, whichever will require the largest number of parking spaces
(5)	Colleges without Dormitory Facilities	Ten (10) spaces per classroom plus one (1) space per every three (3) permanent seats or twenty-one (21) square feet of assembly space, whichever will require the largest number of parking spaces
(6)	Convalescent Homes, Homes for the Aged	One (1) space for each four (4) beds
(7)	Elementary and Junior High Schools	One (1) space per classroom plus one (1) space per administrative office plus the requirements of any assembly hall
(8)	Fraternities/Sororities	One (1) space for each five (5) members or one (1) for each two (2) beds, whichever is greater
(9)	Golf Courses, Except "Par 3" and Miniature Courses	Six (6) spaces per hole plus one (1) for each employee plus spaces as required for incidental uses (i.e., proshop, restaurant, bar, banquet room, etc.)
(10)	High Schools	One (1) space per classroom plus one (1) space per administrative office plus one (1) space per each ten (10) students plus the requirements of any assembly hall
(11)	Hospitals	2.25 spaces per bed
(12)	Outdoor Recreation Areas	One (1) space per two hundred (200) or Fairgrounds square feet of gross floor area within enclosed buildings, plus one (1) space for every (3) persons that the outdoor facilities are designed to accommodate when used to the maximum capacity
(13)	Private Clubs or Lodge Halls	One (1) space for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes
(14)	Private or Semi-Private	One (1) space for each two (2)

	Recreation Clubs	member families or individuals plus space as required for incidental uses (i.e., restaurant, bar, etc.)
(15)	Stadiums, Sports Arenas, or Similar Places of Outdoor Assembly	One (1) space per three (3) seats or six (6) feet of bench space
(16)	Swimming Pools	One (1) space per forty (40) square feet of pool surface area
(17)	Travel Trailer Parks	One (1) space per site
C.	Commercial Uses	
(1)	Auto Washes (Automatic)	One (1) space for each employee plus five (5) stacking spaces (each stacking space being twenty (20) feet in length) for each automatic wash lane
(2)	Auto Washes (Self-Service) or Coin Operated)	Five (5) spaces for each washing stall, not including the stall itself or vehicle work area or vacuum area
(3)	Banks	One (1) space per one hundred (100) square feet of gross floor area
(4)	Beauty Parlors or Barber Shops	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one half (1-1/2) spaces for each additional chair
(5)	Bowling Alleys	Five (5) for each one (1) bowling lane plus the requirements for each accessory use, such as a restaurant or bar
(6)	Business or Professional Offices	One (1) space per one hundred (100) square feet of gross floor area except as indicated below
(7)	Dance Halls, Pool or Billiard Parlors, Roller or Skating Rinks, Exhibition Halls, and Assembly Halls without Fixed Seats	One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes
(8)	Establishments for Sale and Consumption on Premises of Beverages, Food, or Refreshments	One (1) space for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes, or one (1) space for each fifty (50) square feet of usable floor area, whichever is greater

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| (9) | Grocery Stores | One (1) space for each two hundred fifty (250) square feet of gross floor area |
| (10) | Furniture and Appliance Sales, Household Equipment Sales, Repair Shops, Showroom of (2) Plumbers, Decorators, Electricians, or Similar Trades, Shoe Repair, and Other Similar Uses | One (1) space for each eight hundred (800) square feet of gross floor area plus one (1) space for each two employees |
| (11) | Gasoline Service Stations or Filling Stations | Two (2) for each lubrication stall, rack, or pit plus one (1) space for each fueling station plus stacking space for vehicles awaiting fuel based on one (1) space for each fueling station plus one (1) parking space for each fifty (50) square feet of usable floor area in the cashier and office area plus one (1) for each one hundred fifty (150) square feet of usable floor area devoted to retail sales area. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel. |
| (12) | Laundromats and Coin Operated Dry Cleaners | One (1) for each two (2) washing and dry-cleaning machines |
| (13) | Medical Center | One (1) space for each two hundred fifty (250) square feet of gross floor area or the sum of individual medical offices, whichever is greater |
| (14) | Medical, Dental, or Similar Professional Offices | One (1) space for each fifty (50) square feet of gross floor area in waiting room plus one (1) space for each examining room, dental chair, or similar use area |
| (15) | Miniature or "Par-3" Golf Courses | Three (3) spaces for each one (1) hole plus one (1) for each employee |
| (16) | Mortuary establishments | One (1) space for each fifty (50) square feet of usable floor area, plus one (1) space for each vehicle maintained on the premises, plus one (1) space for each employee. |
| (17) | Motels/Hotels | One (1) space per rooming unit plus one (1) for each employee |
| (18) | Motor Vehicle Sales and Service | One (1) for each two hundred (200) square feet of gross floor space of sales room and one (1) for each auto service stall in the service room |

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| (19) | Planned Commercial or Shopping Center with Supermarket or Department | One (1) space for each one hundred (100) square feet of gross floor area. When a restaurant, lounge, or other Store as Prime Tenant establishment, whose primary business offers prepared food for sale or consumption on the premises or as carry out, is part of a planned commercial or shopping center, the parking for such use shall be computed separately based on the need for a freestanding use of this nature, and the resulting increase shall be added to the other uses in the center. |
| (20) | Planned Commercial or Shopping Center without Supermarket or Department Store as Prime Tenant | One (1) space for each two hundred (200) square feet of gross floor area. When a restaurant, lounge, or other establishment, whose primary business offers prepared food for sale or consumption on the premises or as carry out, is part of a planned commercial or shopping center, the parking for such use shall be computed separately based on the need for a freestanding use of this nature, and the resulting increase shall be added to the other uses in the center. |
| (21) | Retail Stores, except as otherwise specified herein | One (1) space per one hundred (100) square feet of usable floor area |

d. Industrial Uses

Parking space requirements for all industrial uses shall equal the maximum employee load factor (as proposed in the application for site plan review) at a rate of three (3) spaces plus one (1) space for each employee for single-shift operations or three (3) spaces plus 0.75 spaces per each employee of the combined maximum employment of the two (2) largest successive shifts for multiple-shift operations.

12. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped, as set forth in the following table, and identified as being reserved for physically handicapped persons by above grade signs and painted pavement.

<u>TOTAL SPACES IN PARKING LOT</u>	<u>REQUIRED NUMBER OF ACCESSIBLE SPACES</u>
Up to 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	8
301 to 400	12
401 to 700	14
701 to 1,000	One (1) per fifty (50) parking spaces or fraction thereof
Over 1,000	Twenty (20) plus one (1) per one hundred (100) exceeding one thousand (1,000)

Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary, indicating the direction of travel to an accessible entrance. All parking lots and sidewalks shall be designed in conformance with State Act No. 1 of the Public Acts of 1966, as amended, including required signage at each space. Parking spaces for the physically handicapped shall be a minimum of twelve (12) feet wide or, as an alternative, be a minimum of an eight (8) foot space with an adjacent access aisle of five (5) feet and must meet all other applicable requirements as to size as set forth in Section 14.02.

Section 14.02 Off-Street Parking Space Layout, Standards, Construction, and Maintenance.

Whenever the off-street parking requirements in Section 14.01 require the building of an off-street parking facility, 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 approved by the Planning Commission pursuant to Article 13, Site Plan Review Procedures, and until a permit for the parking lot is issued by the Township Building Official. Applications for a permit shall be submitted to the Township Building Official in such form as may be determined by the Township 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. Said plans may be included as part of the site plan review process.

- Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements (see the Parking Layouts diagram shown on the following page):

<u>Parking Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>	<u>Total Width of One Tier of Spaces Plus Maneuvering Lane</u>	<u>Total Width of Two Tiers of Spaces Plus Maneuvering Lane</u>
0° (Parallel Parking)	12'	8'	28'	20'	28'
1° to 53°	15'	9'	20'	35'	55'
54° to 74°	18'	9'	20'	38'	58'
75° to 90°	22'	9'	20'	42'	62'

- All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. All stacking spaces provided shall not impede traffic flow nor cause unsafe or hazardous conditions. They shall also be designed so not to interfere with access drives or off-street parking areas.
- 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 use shall not be across land zoned for single family residential use.
- All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern shall permit two-way movement.
- Where the parking lot is contiguous to a residentially zoned district which has common frontage in the same block with the parking lot, there shall be established a setback line ten feet from the front lot line.
- Where a parking lot lies across the street and opposite a residentially zoned district wherein the lots front on such street, there shall be established a setback line ten feet from the front lot line.
- Where a parking lot lies across the street and opposite or contiguous to and in the same block with residentially zoned district which has only one side lot lines on the street, there shall be established a setback line ten feet from the front lot line.
- Where the parking lot lies abuts rear property lines of a residentially zoned district, there shall be established a setback line ten feet from the front lot line.
- The land between the setback line and lot line in a parking lot is, for the purpose of this Ordinance, called a Buffer Strip.

11. 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 at least twenty-five (25) feet distant from adjacent property located in any single-family residential district.
12. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4'-6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the abutting zoning district is designated as a residential district.

The Planning Commission, upon application by the property owner of the off-street parking area, may modify the wall requirements where, natural or manmade barriers exist that would accomplish the same obscuring effect and, due to these in circumstances, find that no good purpose would be served by compliance with the requirements of this Section.

13. The entire permanent parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with asphalt or concrete surfacing. The base and sub-base preparation, including surface, shall be constructed utilizing proper standards or in accordance with adopted local construction standards. Adequate analysis of soil conditions shall be made to prevent the parking lot surface from premature deterioration.

Off-street parking areas shall be drained so as to dispose of surface water in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings. Where it is impractical to direct drainage to a public storm sewer or drain system or in the absence of the availability of one, drainage tile beds and retention ponds shall be constructed.

14. All off-street parking in connection with any multi-family, commercial, or industrial land use activity without security protection shall be artificially lighted. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only and be of such intensity as to provide a minimum of one (1) foot candle throughout the parking lot area. The parking lot construction plan set shall include a lighting plan.
15. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
16. Parking aisles shall not exceed three hundred (300) feet without a break in circulation. For purposes of this provision, a break in circulation shall be defined as alternative traffic lane(s) affording a vehicle the opportunity to change their direction of forward motion.
17. Except for those serving single and two-family dwellings, all parking lots shall be provided with curbing, wheel stops, or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas or pedestrian ways.
18. No parking lot shall have more than one (1) attendant shelter building. All shelter buildings shall conform to setback requirements for structures in the district in which it is located.

19. The Planning Commission may modify the wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section.
20. Visitor and customer parking shall be kept separate from outside storage areas.
21. Parking structures may be built to satisfy off-street parking requirements, when located in commercial or industrial zone districts, subject to the area, height, bulk and placement regulations of such districts in which located.
22. Automotive Sales Area. Every parcel of land hereafter used as an automobile or trailer sales area or as an automobile service station shall be subject to the requirements of this Section
23. Notwithstanding anything hereinbefore contained in this Section, the setback requirements required hereby may be modified by the Board of Appeals with respect to the number of feet required in any case in which it appears an undue hardship will arise from the strict enforcement of the distance requirements above set forth.

Section 14.03 Off-Street Loading and Unloading.

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

Loading and Unloading Space Requirements	
Ground Floor Area Square Feet	Loading and Unloading Spaces
0 - 2,000	None Required
2,001 - 20,000	One (1) Space.
20,001 - 100,000	One (1) Space Plus One (1) Space for each 20,000 Square Feet in Excess of 20,000 Square Feet
100,001 - 500,000	Five (5) Spaces Plus One (1) Space for each 40,000 Square Feet in Excess of 100,000 Square Feet
Over 500,000	Fifteen (15) Spaces Plus One (1) Space for each 80,000 Square Feet in excess of 500,000

The location of loading and unloading areas shall be reviewed at the time of site plan submission to insure adequate protection is afforded adjacent districts, in particular, residential districts from noise and other disruptive elements normally associated with such facilities.

1. All loading spaces and all access drives, shall be in addition to the off-street parking area requirements.
2. Off-street loading spaces, shall have the following minimum dimensions: fifty (50) feet long, ten (10) feet wide, with a fourteen (14) foot high clearance. Loading dock

approaches shall be provided with pavement having an asphalt or Portland Cement binder so as to provide a permanent, durable, and dustless surface. The Planning Commission may vary or waive this requirement when, in its judgement, an establishment will not require deliveries by duo axle vehicles.

3. The size of the required loading space for retailing facilities less than 20,001 square feet in gross floor area may be reduced by the Planning Commission upon a showing that deliveries shall be by single axle vehicles.
4. Off-street loading space may be completely enclosed within a building, or may occupy a portion of the site outside of the building, provided that where any portion of a loading space is open to public view, said space shall be screened in accordance with Section 15.09, Screening Walls.
5. No loading space may be on any street frontage and provision for handling all freight shall be on those sides of any building which do not face any street or proposed street, except where such areas are obscured, from such street, with a solid masonry wall not less than six feet in height.
6. All loading and unloading in an industrial district shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet.
7. The Board of Zoning Appeals may permit a waiver or modification of the foregoing requirements where there are unusual practical difficulties or unnecessary hardships in the carrying out of these provisions due to irregular shape lot, topography, or other extraordinary conditions.

Article 15 General Provisions

Section 15.01 Conflicting Regulations

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

Section 15.02 Scope

Except as otherwise provided, the following general regulations apply to buildings, structures, and uses of land, buildings, and structures.

1. No building or structure, or part thereof, shall hereafter be erected, constructed, renovated, or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.
2. No building shall be erected, converted, enlarged, reconstructed, or structurally altered and no land shall be used, filled, or excavated which does not comply with all the district regulations established by this Ordinance for a district in which the building or land is located.
3. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height or percentage of building lot coverage herein established for the district in which such building is located.
4. No building shall be erected, converted, enlarged, reconstructed, or structurally altered so as to intrude upon the area required for the front, side, and rear yards as herein established; provided further that no yard or open space on adjoining property shall be considered as providing a yard or open space for a lot whenever a building is to be erected, except in conformity with the provisions of this Ordinance.
5. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Ordinance nor shall the density of population be increased in any manner except in conformity with the area regulations as hereinafter provided nor shall the area of any lot be reduced below the minimum requirements herein established.
6. Every building hereafter erected or structurally altered shall be located on a lot as herein defined.

Section 15.03 Building Regulations

1. Minimum One-Family Dwelling Unit Standards

One-family dwelling units shall have a minimum width across the front elevation of twenty-three feet six inches (23' 6"). One-family dwelling units shall have a minimum roof pitch of four (4) units of rise for each twelve (12) units of horizontal run (i.e. 4:12 roof pitch).

2. Unlawful Building

In case any building, or part thereof, is used, erected, occupied or altered contrary to law or the provisions of this Ordinance, such building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land.

3. Temporary Building

No temporary building shall be erected unless a building permit has been issued for a permanent building or a new use of land on the same site. Any temporary building shall be removed from the site within thirty (30) days of issuance of a certificate of occupancy for the permanent building.

4. Building Occupancy

No basement shall be used or occupied as a dwelling unit at any time, nor shall a dwelling be erected in a commercial or industrial district, except for the sleeping quarters of a watchman or caretaker, or as the homestead of a resident manager for uses found by the Planning Commission to customarily require 24-hour site management.

5. One Lot, One Principal Building

In all districts, only one (1) principal building shall be placed on a single lot of record, except in the case of a farm of twenty (20) acres or more, where there may be migratory workers housing facilities or tenant houses on the same recorded lot as the principal dwelling.

6. Lot Grades

All structures shall be constructed or located with a ground elevation such as to provide a sloping grade to cause the surface drainage to flow away from the walls of such structures.

Grades on any lot upon which new construction or earth movement is to be carried out shall be related to existing grades and drainage systems as will prevent the accumulation of surface water on the lot and not increase the natural runoff of surface water onto adjacent properties. All grading plans shall be submitted to the Emmett

Township Building Official and such other authorities having jurisdiction for their review and approval.

7. On-Site Sewage Disposal Systems

Before any building permit shall be issued under the terms of this Ordinance, the applicant shall obtain the endorsement in writing from the St. Clair County Health Department or Michigan State Department of Health approving his or her plan for any on-site sewage disposal system in accordance with state law, county regulations, or Township ordinance, whichever is the most restrictive.

8. Water Supply

Every building or structure hereafter erected or moved upon any premises and used in whole, or in part, for dwelling, recreational, business, commercial or industrial purposes shall be provided with a safe, adequate, sanitary, and independent water supply. All plumbing work relating to the water supply system shall conform to the standards of material and installations set forth by the Michigan State Plumbing Code, a copy of which is on file in the Township Clerk's office.

Where a public water system is not available, each fixture from which water for human consumption may be obtained shall be supplied from a system that meets the minimum requirements of the St. Clair County Health Department or the state of Michigan. Before any building permit shall be issued under the terms of this Ordinance, the applicant shall obtain the endorsement in writing from the St. Clair County Health Department or Michigan State Department of Health approving his or her plan for any on-site water supply system. The applicant shall provide a copy of this information to the Township and shall be included as an attachment to the permit.

9. Division of Unplatted Land for Building Sites

A parcel of unplatted land (acreage) may be divided subject to the restrictions of P.A. 288 of 1967 (the State Land Division Act), as amended.

Section 15.04 Accessory Buildings and Solar Collectors

1. Accessory buildings, except for farms or other uses otherwise permitted in this Ordinance, shall be subject to the following regulations:

- a. The number of accessory buildings permitted, in addition to one attached or detached garage used for the storage of automobiles used for the personal use of the occupant's on a given parcel of land, shall be regulated by the following table according to the size of the parcel:

<u>Parcel Size</u>	<u>Maximum Number of Accessory Buildings Permitted</u>
2 acres or less	1
2.01 acres to 5 acres	2
5.01 to 10 acres	3
10.01 to 15 acres	4
Over 15 acres	5

In addition to this limitation, accessory buildings shall be subject to the lot coverage requirements of Article 11.

- b. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to main building. (Refer to Articles 11 and 15.)
- c. No detached accessory building shall be located closer than ten (10) feet to any building. All accessory buildings shall meet the required setback for the District in which it is located. No accessory building will be permitted in the front yard.
- d. Accessory buildings shall not occupy more than twenty-five (25) percent of a required rear yard plus forty (40) percent of any nonrequired rear yard, provided that in no instance shall the accessory building(s) exceed the ground floor area of the main building or ten (10) percent of the total lot, whichever is the lesser. (Refer also to Section 2.02 for the definition of floor area, ground, and floor area, residential.)
- e. No detached accessory building shall be located closer than ten (10) feet to any building. All accessory buildings shall meet the required setbacks for the District in which it is located. No accessory building will be permitted in the front yard.
- f. In no instance shall an accessory building be located within a dedicated easement right-of-way.
- g. No detached accessory building in any district shall exceed one (1) story or fourteen (14) feet in height, except as provided below in subsections (1) and (2).
 - (1) In any AG District, an accessory building may be constructed to a maximum height of thirty (30) feet on a parcel at least three (3) acres in size.
 - (2) In any I District, an accessory building may be constructed to equal the permitted maximum height of structures in said district.
- h. An accessory building shall not project within the required front yard when it is located on a corner lot.
- i. Nothing contained herein shall be construed to take precedence over private deed restrictions that are more restrictive than the above described regulations.

- j. Mobile Homes, Vehicles, and Containers Prohibited as Accessory Buildings.
 - (1) Over-the-road trucks trailers, shipping containers, mobile homes, other enclosed trailers, and similar vehicles and containers shall not be permitted as permanent accessory buildings in any zoning district.
- 2. Solar collector panels, each not exceeding four (4) feet by eight (8) feet in size, may be permitted in any zoning district, subject to the following criteria:
 - a. All installations shall be located only in the rear yard and must comply with all accessory use, height, bulk, and setback requirements of the district; except that flush-mounted wall solar collectors are permitted.
 - b. All installation shall be located to prevent the obstruction of sunlight on adjoining property.
 - c. All installations shall employ (to the extent possible) materials and colors that blend with the surroundings.
 - d. Signs, lettering, numbers, logos, symbols, or other illustrative markings attached to or painted on a solar collector are prohibited.
 - e. Ground installation shall provide landscaping and fencing insofar as possible to screen the installation from adjacent properties.
 - f. All solar collectors placed on the roof, shall be totally enclosed to prevent wind damage to the solar collector by wind and to reduce heat loss.
 - g. No solar energy system shall be made operational until the Township Building Official shall certify, in writing, that both construction plans and final construction of said solar collector meet the requirements of this Ordinance and the Building Code and afford safety to the public at time of high winds. Solar collectors shall be designed and constructed to resist wind and seismic forces. All bracing systems shall be designed and constructed to transfer lateral forces to the foundation. For solar collectors mounted on roofs, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to over stress any of the elements thereof. Solar collector manufacturers' standards for ground and roof installation shall be complied with regarding allowable wind loads, stresses, supports, and fastenings. Where deemed necessary by the Township Building Official, a permit for installation shall be submitted with a certification by a Registered Professional Engineer that the installation complies with these standards.

Section 15.05 Residential Entranceway Structures

In all Residential Districts, so called entranceway structures including, but not limited to, walls, columns, and gates marking entrances to single-family subdivisions or multiple-housing projects may be permitted and may be located in a required yard, provided that such entranceway structures shall comply to all codes and ordinances of the Township, and shall be approved by the Building Official and a permit issued.

Section 15.06 Home Based Businesses

1. No person other than those residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than twenty-five (25) percent of the area of the dwelling unit, (exclusive of areas of unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches) shall be used for purposes of the home occupation.
3. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation, other than signs pursuant to Article 17.
4. The outdoor storage of goods and materials shall be prohibited. No interior display shall be visible from the exterior of a dwelling unit used for purposes of a home occupation.
5. No more than one (1) home occupation per dwelling unit shall be permitted.
6. No traffic shall be generated by such home occupation in greater volumes or type than would normally be expected in a residential neighborhood.
7. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.
8. A permit must be approved by the Planning Board prior to the establishment of any home based business. Fees for such permits shall be established by resolution of the Township Board.

Section 15.07 Corner Clearance

No fence, wall, shrubbery, sign, or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

Section 15.08 Fences

1. Residential Fences

Residential fences are permitted or required, subject to the following:

- a. Fences on all lots of record in all residential districts that enclose property and/or are within a side or rear yard shall not exceed six (6) feet in height, measured from the surface of the ground. No fence, wall, or hedge shall rise over four (4) feet in height in front of the house or in the required minimum front yard, whichever is greater. In addition, no fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by Section 15.07, or interfere with visibility from a driveway. The Chief Enforcement Officer is hereby empowered to cause all such obstructions to be removed in the interest of public safety.
- b. No obscuring fence or wall shall be located within the front yard. Decorative fencing which does not materially impede vision shall be permitted in a front yard provided it does not exceed a height of four (4) feet. Non-obscuring decorative fencing does not include chain-link fencing.
- c. Nothing contained herein shall be construed to take precedence over private deed restrictions where more restrictive than the above described regulations.

2. Nonresidential Fences

- a. Fences located in other than residential districts or on the boundary between such districts shall not exceed eight (8) feet in height, measured from the surface of the ground.
- b. Fences that enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
- c. No fence , wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by Section 15.07, or interfere with visibility from a driveway. The Chief Enforcement Officer is hereby empowered to cause all such obstructions to be removed in the interest of public safety.
- d. Fences located within twenty-five (25) feet of an intersection shall not exceed thirty (30) inches in height.
- e. In the case where the security of industrial and commercial property is concerned, the Planning Commission may approve a fence eight (8) feet in height with barbed wire attached to the top of such fence as part of the site plan review process.
- f. All fences shall comply with the requirements of the Building Code.

Section 15.09 Screening Walls and Screening Trash Storage Areas

- 1. For the use districts and uses listed below, there shall be provided and maintained on those sides abutting a residential district, an obscuring wall. Required walls shall be located adjacent to the lot line, except where underground utilities interfere and except in instances where this Ordinance requires conformance with yard setback lines. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may modify the wall requirement by approving either an earth berm or evergreen screen in its place.

The Planning Commission may also waive the wall requirement in specific cases where natural or manmade barriers exist that would accomplish the same obscuring effect or where the Planning Commission finds that no good purpose would be served by compliance with the requirements of this Section.

- 2. The height of the screening shall be in accordance with the following schedule measured from the surface of the parking area or land on the nonresidential side of the wall:

<u>USE</u>	<u>HEIGHT REQUIREMENTS</u>
a. Multi-family (adjacent to single-family uses)	4'-6" to 6'-0" high
b. C District	4'-6" to 6'-0" high
c. I District	5'-6" to 8'-0" high (height shall provide the most complete obscuring possible)
d. Off-Street Parking Area (other than the above districts)	4'-6" high
e. Public Utility Buildings, Stations, and/or Substations	6'-0" high

- 3. In the case of variable screening height requirements such as in (a), (b), and (c) above, the extent of obscuring wall shall be determined by the Planning Commission on the basis of land usage, provided further that no wall or berm shall be less than the above required minimum nor greater than the above required maximum height.
- 4. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Planning Commission. All walls herein required shall be constructed of materials approved by the Building Official to be durable, weather resistant, and easily maintained.
- 5. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district shall not be required when such areas are located more than two hundred (200) feet distant from abutting residential district(s).

6. Masonry walls shall be erected on a concrete or cement block foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the Building Official and shall be not less than the width of the wall to be erected.
7. Any new or altered use that requires site plan review under Article 13 and has an outdoor trash storage area shall comply with the following requirements:
 - a. Any such area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly, and sanitary condition.
 - b. In no instance shall any such refuse be visible above the required screening.
 - c. A wall, six (6) feet in height, shall enclose three (3) sides of the storage area. Such walls shall be constructed of materials approved by the Building Official to be durable and weather resistant. Bollards and/or other protective devices shall be installed at the opening and in the interior to the rear of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete, which complies with local building requirements.
 - d. Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. The Planning Commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.

Section 15.10 Landscaping

1. Intent

Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the Township. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses.

Screening is important to protect less-intensive uses from the noise, light, traffic, litter and other impacts of intensive nonresidential uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening.

2. Scope of Application

The requirements set forth in this section shall apply to all uses, lots, sites, and parcels requiring site plan review which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this Section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be

issued unless provisions set forth in this section have been met or a performance bond has been posted in accordance with the provisions set forth in Article 13.

In cases where the use of an existing building changes or an existing building is changed or otherwise altered or re-occupied, all of the standards set forth herein shall be met.

The requirements of this Section are minimum requirements and nothing herein shall preclude a developer and the Township from agreeing to more extensive landscaping.

3. Landscaping Standards: Except as otherwise specified in the general requirements for each Zoning District, all landscaping shall conform to the following standards:
 - a. All developed portions of the site shall be landscaped. All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material approved as to type and caliber by the Planning Commission.
 - b. In consideration of the overall design and impact of the landscape plan, the Planning Commission may reduce or waive the requirements outlined herein, provided that any such adjustment is in keeping with the intent of the Ordinance and upon a finding the existing vegetation to be maintained on the site generally accomplishes the same effect.
4. Earth Berms shall conform to the following standards:
 - a. The berm shall be at least three (3) feet above the grade elevation, and shall be constructed with slopes no steeper than one (1) foot vertical for each four (4) feet horizontal with at least a two (2) foot flat area on the top. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm
 - b. The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
5. Landscaping performance: Landscaping shall be completed prior to the issuance of an occupancy permit, except that the Planning Commission may allow an extension of not more than six (6) months, if for reason of weather such planting is not able to be done at the time of occupancy. Thereafter, all landscaping shall be reasonably maintained with permanent plant materials. The Planning Commission may also require a performance guarantee in accordance with Article 13 to ensure the installation of plant materials.

If existing plant material is labeled "to be saved" on site plans, protective techniques, such as (but not limited to) fencing placed at the drip-line around the perimeter of the plant material, shall be installed. No vehicle or other construction equipment shall be parked or stored within the drip-line of any plant material intended to be saved.

In the event that healthy trees labeled "to be saved" on the approved site plan are destroyed or damaged, as determined by the Building Official, the owner, developer, or contractor shall replace said trees with trees of comparable type.

6. Evergreen Screening: Evergreen screening shall consist of closely-spaced plantings which form a complete visual barrier that is at least six (6) feet above grade level within five (5) years of planting.

7. Off-street parking areas shall be landscaped as follows:

- a. In off-street parking areas containing greater than twenty (20) spaces, at least five (5) percent of the total parking lot shall be used for interior landscaping. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.
- b. The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.
- c. A minimum of one (1) deciduous tree shall be planted in each landscaped area.
- d. Regulations Pertaining to Landscaping Areas Used for Sight Distance

When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than thirty (30) inches above the centerline elevation of abutting pavement. Portions of required berms located within sight distance triangular areas shall not exceed a height of thirty (30) inches above the centerline elevation of abutting pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight (8) feet above the roadway surface, except that trees with trunks of more than thirty (30) inches in diameter may be located within such area only if permitting unobstructed cross-visibility. Landscaping, except grass or ground cover, shall not be located closer than three (3) feet from the edge of a driveway.

The triangular areas referred to above are:

- (1) The area formed at the corner intersection of a public right-of-way or edge of a private road easement and a driveway, two (2) sides of the triangle area being ten (10) feet in length measured along the right-of-way or easement line and driveway line and the third side being a line connecting these two sides.

- 2) The area formed at a corner intersection of two (2) public rights-of-way and/or private road easement lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured along the abutting public rights-of-way lines and the third side being a line connecting these two (2) sides.

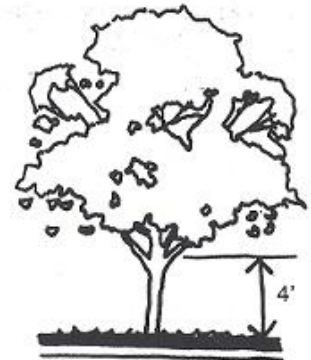
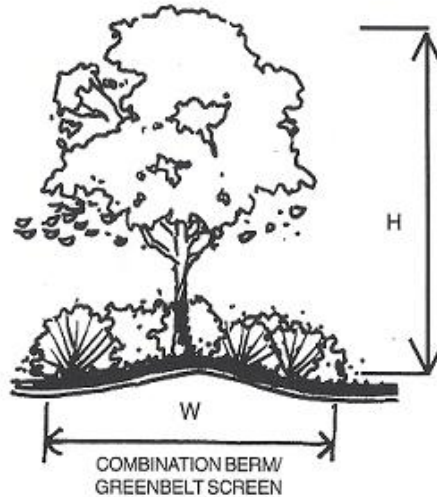
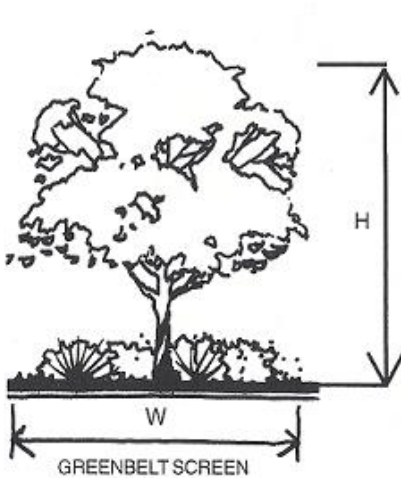
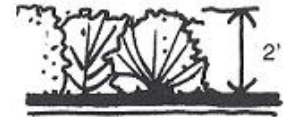
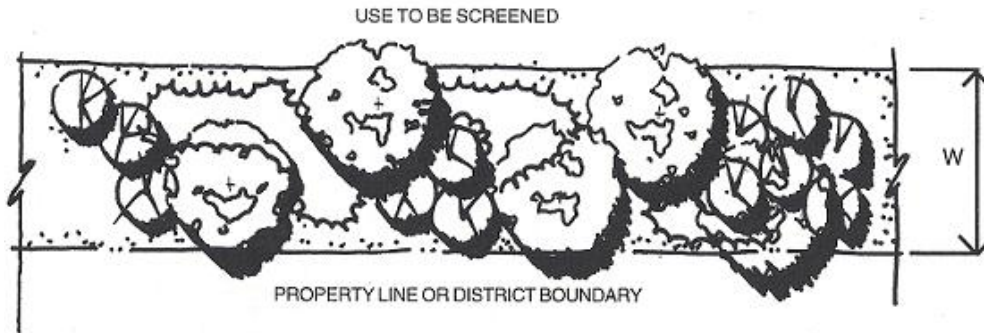
Planting Screen Illustrations

NOTE:

The selection, spacing and size of planting material shall be such as to create within a fifteen (15) year period from the date of planting, a horizontal and vertical obscuring effect for the entire length of the required greenbelt area.

W - Minimum width of greenbelt as set forth by the ordinance for respective uses and districts.

H - Minimum height of screening at initial installation.



Article 15

Section 15.11 Exterior Lighting

All outdoor lighting in all use districts other than residential shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts, adjacent residences, and public rights-of-way. In no instance shall a light pole exceed a height of twenty-five (25) feet, measured from grade.

Section 15.12 Soil Removal; Excavation; Filling; Quarries

Because the commercial removal of soil, sand, gravel, stone and other earth materials is likely to involve substantial amounts of nuisance (primarily noise and dust, with resulting air pollution) and large amounts of trucking and in some (but not necessarily all) cases the land is spoiled for any subsequent use with resulting loss of taxable revenues, such use shall be permitted only as a special land use and shall further be subject to the following conditions:

1. There shall be not more than one (1) entrance way from a major thoroughfare to said lot for each five hundred (500') feet of street frontage.
2. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before 7:00 a.m. or after sunset.
3. On said lot, no digging or excavating shall take place closer than one hundred (100') feet to any lot line or public right-of-way.
4. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100') feet of any lot line shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
5. Any odors, smoke, fumes or dust generated on said lot by any digging, excavation, processing, stockpiling, or transportation operation and borne by the wind shall be confined within the lines of said lots as much as possible so as not to cause a nuisance or hazard on any adjoining lot or public road and shall conform to the Township Ordinance "Performance Standards".
6. Such removal, processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, water-course, or water body outside the lines of the lot on which such use shall be located.
7. Such removal, processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property. If such removal, processing or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
8. All fixed equipment and machinery shall be located at least one hundred (100') feet from any lot line and five hundred (500') feet from any residential zoning district, by that in the event the zoning classification of any land within five hundred (500') feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100') feet from an lot line or right-of-way.

9. There shall be erected a fence not less than six (6') feet in height around the periphery of the development. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50') feet to the top edge of any slope.
10. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
11. The operator shall file with the Planning Commission and the Township Board a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater than five (5') feet, steps which shall be taken to conserve topsoil; proposed and final landscaping; and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Planning Commission or Township Board. The anticipated cost of carrying out the plans for restoration shall be included with said plans.
12. The operator shall file with the Township of Emmett a performance bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond that will reflect the anticipated cost of the restoration shall be fixed by the Township. The bond shall be released upon written certification of the Building Inspector that the restoration is complete and in compliance with the restoration plan.

Section 15.13 Ponds

1. Private ponds for fish, ducks, livestock, water, irrigation water, fire protection, recreation, collection of surface drainage or created for the purpose of obtaining fill dirt for on-site construction purposes shall be permitted in any district subject to the provisions below and after first obtaining a zoning compliance permit from the Building Administrator. The application for the permit shall contain:
 - a. The name of the owner(s) of the property.
 - b. Legal description of the property.
 - c. A site plan prepared to a scale suitable to demonstrate compliance with applicable regulations and which indicates any excavating or movement of earth material and designates where any such material is to be placed.
 - d. Evidence of compliance with all other applicable ordinances, laws and regulations.
 - e. A statement as to the nature of the estimated activity and the length of time to completion, including any restoration. All permits shall require completion no later than six months after the permit is issued, unless an extension for cause is granted for an additional six months.
 - f. The Building Inspector may require a site plan prepared by a registered engineer retained by the Township at the applicant's expense, with advance payment by the

applicant, showing flow patterns and verifying the effect of a proposed pond, and to determine whether berming or an overflow should be required, in areas of the Township where flooding, ponding of water, or high water tables exist or where a pond would appear to adversely effect flooding or drainage problems for adjoining parcels. Additionally, the Building Inspector may require a survey of the property or other verification of boundaries and distances relative to verifying property boundaries, set-backs, etc. in situations where it appears that the minimum distances might be violated if a non-survey boundary or distance is not exactly correct.

2. No pond shall be constructed without first obtaining a permit from the Michigan Department of Natural Resources (DNR) if such pond would be:
 - a. five (5) acres or greater in area, or
 - b. connected to an existing lake or stream, or
 - c. located within five hundred (500') feet of the ordinary high water mark of an existing inland lake or stream.

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

3. Applicants under this section are encouraged to obtain copies of publications concerning ponds from the U.S. Soil Conservation Service and the St. Clair County Cooperative Extension Service.
4. All ponds constructed after the effective date of this Ordinance shall comply with the following regulations:
 - a. No pond shall be located nor constructed on any lot or parcel of land having less than five (5) acres in area.
 - b. Excavated earth material created by construction of a pond shall be used, to the extent reasonably feasible for on-site purposes. However, excess excavated earth materials not feasible for use on-site may be removed or sold and taken from the property in compliance with an approved site plan and the following requirements. If the applicant proposed that any excess excavated earth is to be removed from the property he shall first provide a written statement of the cubic yards to be removed. The applicant shall be limited to this stated volume and any amount in excess of the stated volume to be removed must first be approved as an amendment to the site plan. This statement or any amendments thereto shall either be shown on the site plan or physically attached to the site plan and shall be considered a part of the site plan for purposes of review and approval or denial. Further, any excess excavated earth shall be removed within three (3) months after excavation, except under unusual circumstances (i.e., a long period of bad weather as might occur in winter or spring months) then applicant may apply to the Planning Commission for one (1) extension of three (3) months.
 - c. Excavations undertaken primarily for the purpose of commercial soil, gravel, or mineral removal and not primarily for the purposes set forth in this section above shall

not be considered as "ponds" but instead shall be considered as "quarries" and subject to the applicable provisions of this Ordinance.

- d. The pond shall not be greater than twenty-five (25') feet in depth. The spoil shall not exceed thirty-six (36") inches in height. The berm shall be a minimum of eight (8') feet from the edge of the pond.
- e. The pond may occupy up to a maximum of twenty (20%) percent of the lot of property upon which it is placed.
- f. The pond shall be a minimum of fifty (50') feet from any dwelling, any septic field or any well. This requirement shall take precedence over the set-back requirement specified below.
- g. The pond cannot be located within twenty-five (25') feet of a driveway or a driveway cannot be constructed within twenty-five (25') feet of a pond.
- h. The pond shall not be placed within a "required" front yard.
- i. The pond bed within twenty (20') feet of the low water line shall be constructed and maintained at a twenty-five (25%) percent grade (a 1 to 4 slope). Beyond twenty (20') feet of the low water line, the pond bed may be constructed up to a maximum grade of fifty (50%) percent (a 1 to 2 slope).
- j. The pond shall be constructed and maintained such that a minimum setback of twenty (20') feet shall be provided between the high water line and any property line.
- k. At least one (1) permanent safety station consisting of a Coast Guard approved life buoy or ring, 100 feet of ¼" rope and a ten foot pole, all mounted on a post, shall be provided nearest the deepest portion of the pond and erected prior to the completion of the pond. Safety station shall comply with U.S. Soil Conservation Publication SCS-REC-121 (3-71). Signs warning of danger and emergency procedures shall also be placed at appropriate locations as indicated in aforementioned S.C.S. publication.
- l. If the pond is intended for swimming, the swimming area shall be free of all underwater obstacles such as sudden drop-offs or deep holes, trees, stumps, brush rubbish, wire, junk machinery, and fences. The swimming area, if any, shall be marked with a float line.
- m. All of the disturbed areas around the pond shall be seeded with adapted grasses or legumes.
- n. The pond shall be located so as to prevent sewage or run off from barnyards from draining into the pond.
- o. All work shall be done in a manner to protect the property and adjoining properties against soil erosion, and to avoid unreasonably interfering with natural drainage by unreasonably blocking the natural drainage, unreasonably increasing a burden on adjoining land or unreasonably decreasing the drainage flowing through to adjacent land. Ponds shall be constructed to provide for overflow and/or berming if it appears

to be reasonably necessary to comply with this Ordinance based upon topography, structures, ditching and water ponding and water tables. Any berming shall be reasonably adjacent to the pond and overflow protection shall not unreasonably burden adjacent properties.

- p. Shared ponds are prohibited.
 - q. No permit for a pond can be issued unless the principal residence has been constructed and occupied unless construction of the pond is used for back-fill of the new home.
5. Any pond shall be free of all underwater obstacles such as sudden drop off, or deep holes, trees, stumps, brush, rubbish, wire, junk machinery, and fences.

Section 15.14 Road and Access Requirements

1. No lot shall be created and no building or use shall be permitted on a lot, unless said lot fronts upon a public or private street or road and contains the required street frontage at the required front yard setback line or building line for its zoning district. Exceptions are specifically provided for in this Ordinance.
2. Driveways or Private Driveways: A private driveway may be used to access only one principal structure on the lot. Two-Family Dwellings shall require a separate driveway, for each unit, with direct access from a public or private street or road.
3. The standards adopted for the width and location of all private streets that may hereafter be approved within the Township have been set forth in Section 15.15 Private Roads. All such regulations are intended to be in harmony with all road and right-of-way standards and policies of the St. Clair County Road Commission or the appropriate state or federal highway authority.

Section 15.15 Private Roads

1. One or more of the Owners of the Private Road, who desire to construct or modify a private road, shall submit an application for private roads site plan approval with the Township Clerk. The application fee shall be established from time to time by the Township Board by resolution. Accompanying the application shall be fifteen (15) copies of a site plan prepared by a Registered Land Surveyor or Registered Engineer, complying with Article 13, and shall in addition provide the following information:
 - A. A legal description and survey of the lots or parcels and the names and addresses of the lot or parcel owners served by the private road with the consent of all Owners of the Private Road.
 - B. A legal description of the road easement and related utility and drainage easements and the proposed name of the private road.
 - C. Plans, profile drawings, and cross sections of the proposed private road easements showing all materials, grades, dimensions and bearings in compliance with the standards set forth in Section 2.2.

- D. Existing topography at two (2) foot contour intervals, soils and drainage characteristics of the subject site.
 - E. Location of existing buildings and structures on the lots or parcels being served or intended to be served by the private road as well as any existing building or structures in or adjacent to any proposed easement, including lighting and any signs.
 - F. The application shall also include a title commitment verifying all owners, lien holders or other party of interest relative to the Private Road and premises being served or to be served, and verification that the application, site plan and any other pertinent information has been filed with the St. Clair County Road Commission and the St. Clair County Drain Commission or other appropriate agency, if any.
 - G. Reasonable verification that the premises being served or to be served by the Private Road can be used for the purpose intended.
6. Review/Approval of Application and Site Plan
- A. The Clerk or other designated official shall review the Application, site plan and any other information filed by the Applicant. If the Application and site plan appear to substantially comply with Ordinance requirements, he shall refer the same to the Planning Commission for its review and approval or rejection pursuant to the Township Zoning Ordinance. After all pertinent approvals have been obtained by the Applicant, and the Township Board determines that the ordinance requirements are satisfied, the Township Board shall authorize the Clerk to issue a Conditional Private Road Permit. The Permit shall not be valid for more than 12 months from the date of issuance. The Permit may be extended for such additional time as is reasonably necessary to complete the Private Road in accordance with this Ordinance, but only for cause and application to the Township Board for extension and with the request for such extension being filed with the Township prior to the expiration date of a Permit.
 - B. The Permit-holder shall be responsible for contacting the Township Building Inspector, Engineer, or other designated official relative to construction and inspections. There shall be a minimum of one inspection of the sub-base and a final inspection and any other inspections as required by the Township Engineer, Building inspector, or other designated official.
7. Standards and Requirements
- A. Standards: A private road, except as otherwise provided for prior to nonconforming private roads/access easements by Section 7(C), must comply with the following requirements:
 - 1. The easement of record shall be a minimum of 66 feet in width, and shall include for reasonable drainage and for access by public utilities.

2. A roadway surface shall be centered on said easement, and for a private road per (3) below, there shall be a minimum roadway width of 20 feet.
3. A private road servicing any combination of two (2) or more buildable lots or dwelling units or other units (in excess of one unit per parcel), shall have a roadway surface and base that is in compliance with the St. Clair County Road Commission specifications. The proposed road shall have at least six (6) inches of compacted road gravel and cul-de-sac if it is a dead-end road, all with a sufficient supporting base, and all subject to inspection and approval of the Township Engineer or other designated official, based upon accepted engineering standards and practices, including such conditions as may be reasonable. The cul-de-sac shall have a minimum right-of-way width with a 75 foot radius and a minimum roadway surface width with a 45 foot radius.
4. A hard surface top on the road may be constructed by the developer must meet the specifications and standards of the St. Clair County Road Commission.
5. Drainage by means of ditches and/or culverts which allows run-off of water from the road surface and allows the natural flow of water whenever the road surface would obstruct the natural flow of water and built to then current County specifications and standards for such drainage as for public roads.
6. Signs meeting public road sign standards posted at every entrance to a private road indicating, "Private Road – Not a Public Street". Private roads shall be named by the proprietors subject to review and approval of the Township Planning Commission as a part of site plan review and the review and approval of the St. Clair County Road Commission. The owners of the Private Road shall be responsible for the erection of the street signs and all traffic signs required by any government authority. All signs, including any temporary signs, shall be erected as soon as reasonably possible.
7. If the private road provides direct access to a county road, approval of the road connection, placement and design must be approved by the St. Clair County Road Commission prior to Township approval.
8. All driveways accessing a private road shall be constructed in accordance with the then current standards and specifications of the St. Clair County Road Commission for driveways accessing public roads, including culverts, and all applicable permits shall be obtained.
9. The location of any Private Road and any division of adjacent lots or parcels shall be coordinated with and in harmony with the public road system, and orderly road development and lay-out, relative to the continuing future development of those parcels and the general area, so as to be substantially compatible with later development such as subdivision developments. The location of private roads and placement

of required easements shall be consistent with approvals granted according to the Site Plan Review requirements of the Township Zoning Ordinance.

10. The legal description of the private road and related utility and drainage easements signed by all Owners of the Private Road, (and subordination agreements from lienholders, lessees or other such interests in the Private Road) and any premises served by or to be served by the Private Road, shall be recorded with the St. Clair County Register of Deeds, as to all parcels and a recorded copy furnished to the Township prior to the issuance of a Certificate of Completion.

B. Recording/Disclosure/Private Road Agreement

1. A written notice shall be recorded by the permit holder relative to all parcels served by the private road stating that initial construction of the private road is the responsibility of the permit holder, but that the maintenance, repair, snow removal, replacement, improvements to, etc. of the Private Road, are the sole private responsibility of the Owners of the Private Road, jointly and severally, and that these matters are not the responsibility of any governmental unit or agency to provide or pay for. A recorded copy shall be filed promptly with the Township.
2. In addition, a Private Road Maintenance Agreement shall be signed by all Owners of the Private Road with a subordination or the consent of any other interest in the premises described in the Agreement, and recorded, for any private road servicing more than one parcel or more than one dwelling or other unit per parcel. The Private Road Maintenance Agreement shall insure that the overall Township interests are protected as between the Township and all of the other owners collectively. At a minimum, the maintenance agreement shall contain the following:
 - (a) General Liability, Collection and Lien. A method of collecting, jointly and severally, from all of the respective Owners of the Private Road, all costs arising from or because of the Private Road and anything incidental thereto, including a lien against each parcel or other reasonable security for such costs whether the agreement is enforced by an owner against an owner or by the Township. All costs shall be deemed to include but not be limited to expenditures for those matters in (b) and (c) below, recovery of enforcement costs by other owners and/or any municipal or other law enforcement agency, and expenditures for all matters reasonably necessary to comply with all applicable law, including rules and regulations, and to provide access by any emergency vehicles. This Agreement shall include a statement that the financial obligations imposed by this Ordinance are both a personal joint and several obligation of the Owners of the Private Road and an obligation attached to and running and a joint and several lien upon the parcels being served or otherwise served by and/or using the Private Road, and that these requirements,

obligations and statements are binding upon the heirs, successors, and assigns of the Owners of the Private Road. The Township has no obligation to recover any enforcement costs incurred by any owner nor any special obligation to any owner to enforce such Agreement of this Ordinance.

- (b) Hold Harmless. A statement holding the Township harmless as to any liability arising from or because of the private road and easement area and any permit issued for the same, including damages, costs, attorney fees, etc. and specifically including but not limited to the design and maintenance of the private road, inspections, standards, and the Private Road Maintenance Agreement. This shall include an acknowledgement that the design, construction, maintenance, etc. is not the obligation or duty of the Township nor assumed by the Township, and that neither the Township nor this County Road Commission has any obligation to accept a future dedication of the Private Road. Except as to exempting the Township, its agents and officials and employees, from any liability, this Ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects or negligence. Neither Emmett Township nor any of its agents, officials or employees shall be held as assuming any such liability by reason of this Ordinance or its requirements or inspections authorized by this Ordinance or any certificate or permit issued under or in reliance upon this Ordinance.
- (c) Responsibility of Repair, Etc. An acknowledgement that it is the collective responsibility of the Owners of the Private Road to maintain, repair, and replace the easement area and private road including all aspects thereof and appurtenances thereof and including but not limited to surface grading and resurfacing at regular intervals; snow and ice removal; repair of potholes; maintenance of road drainage systems; reasonable cutting of weeds and grass within the easement; and, replacement or reconstruction of the roadway and all related improvements, such as road base, road surface, culverts, catch basins, drains, traffic signs, and the maintenance of the easement area as to the installation, repair and replacement of public utilities.
- (d) Compliance with Ordinance. A statement obligating the Owners of the Private Road, and their successors and assigns, to sign all documents, at any time, as may be reasonably necessary to effectuate the Agreement, including amendments of this Ordinance.

- C. Pre-Existing Nonconforming Easements/Private Roads. Notwithstanding any other provisions of this Ordinance, private roads as defined herein (and specifically including private easements for ingress and egress whether within or

outside of a plat) in existence prior to the enactment of this Ordinance, may continue without conforming to the requirements of this Ordinance; provided however (1) if such private road or access easement is to be expanded, or reconstructed, or altered, including but not limited to the servicing of additional dwelling or commercial, industrial, or other units on the parcel being served or additional parcels due to splitting or otherwise, an application for the same shall be filled and the same must then conform to the requirements of this Ordinance without regard to its pre-existing status, unless excepted upon application for a variance, because compliance would constitute a hardship, or an impossibility such as insufficient area and additional area not being reasonably available; and, (2) provided further that any private easements/private roads existing prior to this Ordinance shall be required to comply with Section 2.2(A)(6) within one year of the effective date of this Ordinance, unless excepted upon application for a variance.

8. Issuance of Private Road Certificate of Completion. Upon the receipt of a certificate signed by a registered engineer on behalf of the permit-holder, and also signed by the permit-holder, certifying that the construction or any modification of the Private Road and all requirements of this Ordinance and any have been complied with, and if the Township Building Inspector or other designated official is satisfied that the Ordinance and all applicable law appear to have been complied with, he shall then recommend that the Township Board issue a Certificate of Completion. No building permit shall be issued until the Certificate of Completion has been issued for the Private Road.
9. Appeals/Variances. Any decision or interruption regarding the administration or standards or requirements of this Ordinance may be appealed to or a variance from such decision, standards or requirements may be requested of the Township Board upon written request of any interested party including Township agents or officials, except that appeals must be filed within 21 days of said decisions.
 - A. The Township Board may grant such relief as is appropriate for cause and in granting such relief may impose reasonable conditions as a part of granting the relief.
 - B. The Township Board may provide interpretations upon application of any interested party, including Township agents or officials.
 - C. Variances may only be granted by the Township Board upon the finding:
 - (1) That there are reasonably special circumstances or conditions affecting the property, such that the strict application of the provisions of this Ordinance would clearly be impractical or unreasonable; and
 - (2) That the requested variance is reasonably needed by the Applicants for the Applicants purposes and if granted would be reasonably consistent with generally accepted planning, engineering and development standards.

In order to grant a variance, the Township Board shall also consider the extent to which the applicant's basis is unreasonably self-created or inconsistent with the

policy and planning standards of the Township, as established by its ordinances and other applicable law, and must find:

- (1) That the granting of the variance will not be unduly detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- (2) That the variance will not have the effect of being contrary to or nullifying the intention and purpose of Township Ordinances and the adopted Master Plan and any other applicable law.

D. In the event a variance is granted under this section, the variance shall be reflected in the Conditional Road Permit and Certificate of Completion (including an amendment of the Conditional Road Permit or Certificate of Completion). The Certificate of Completion shall be recorded with the St. Clair County Register of Deeds by the permit-holder and a recorded copy shall be promptly furnished to the Township.

10. Penalty. Any person violating any of the provisions of this ordinance shall be punished by a fine of not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the St. Clair County Jail, not exceeding 90 days, or by both such fine and imprisonment at the discretion of the Court trying the offender. Each day that said person is in violation shall be considered as a separate offense.

Section 15.16 Sanitary Landfills

Recognizing that because of their nature, such uses have objectionable characteristics, and recognizing that such use may have a harmful effect on adjacent properties and the general welfare of the public, special regulation of this use is necessary to insure that the objectionable effects of landfilling will not contribute to the blighting or downgrading of surrounding properties and threaten the public, health, safety and general welfare.

The dumping of garbage or other putrescible wastes in the Township of Emmett shall be accomplished by the sanitary landfill method of filling land by depositing a trench excavated for the above stated waste materials and covering same with no less than six (6") inches of dirt.

The dumping of said waste materials shall be done in accordance with the licensing requirements under PA 641 of 1978, Solid Waste Disposal Act, all State regulations generally and specifically appended to the individual permit and the following conditions:

1. The dumping of garbage or other putrescible wastes in areas zoned other than Industrial is prohibited, provided that no permit to dump such waste materials shall be allowed where there are occupied permanent residences within one thousand (1,000') feet of the property line of the dumping site.
2. The use of combustible construction refuse in filling or reclamation of land is prohibited in any area other than a sanitary landfill.

3. All approach roads to the dumping or filling sites shall be oiled, hard-topped or otherwise treated to reduce annoyance to surrounding properties by reason of dust, noise and traffic congestion.
4. Burning or picking over of rubbish is absolutely prohibited and the operator shall be held responsible to provide adequate personnel at all times it is necessary to carry out this and other provisions of this Ordinance.
5. All trucks or other vehicles used to transport rubbish or other refuse or waste materials shall be tightly enclosed so as to prevent waste materials from dropping or blowing off the transporting vehicles.
6. Any fine ash or soot-like type of materials that tend to be blown by the wind shall be immediately covered with backfill and shall remain so covered at all times.
7. The Township Board may, upon the recommendation of the Planning Commission, require a fence at least eight (8') feet high completely enclosing said dumping or filling operations where, in its opinion, a hazard to the public health, safety and general welfare occurs. The Township Board may, in lieu of said fence, require the operator to construct an earth embankment at least eight (8') feet high completely surrounding said operations for the purpose of minimizing annoyance to the surrounding residents.
8. In no event shall the operations of a sanitary landfill project above the established grade of surrounding properties.
9. The Township Board may, upon recommendation of the Planning Commission, require the posting of a performance bond to insure such filling operations will not pollute the waters of the Township or cause stagnant water to collect, or create a health hazard, or leave the surface of the land at the completion of such operation in an unusable condition or unfit for the growing of turf for other land uses permitted in the zone in which such filling occurs.

Section 15.17 Blight

Blight, potential blight, certain environmental causes of blight or blighting factors which exist or may in the future exist shall be prevented, reduced, or eliminated consistent with the public policy, including but not limited to, that as expressed by Public Act 344 of 1945, as amended and the general health, safety, and welfare of the Township.

1. Junk Motor Vehicles

No person shall store, place, maintain, or suffer, or permit the storage or placement of any junk motor vehicle upon any premises in the Township for more than 48 hours unless said vehicle or vehicles are kept within a wholly enclosed structure; provided, however, a maximum of three junk motor vehicles may be stored in the rear yard of said premises in a manner such that it does not constitute a public nuisance and is not visible from any public place or street or any adjoining residentially zoned parcel.

2. Building Materials and Junk

No person shall store, place, maintain, or suffer, or permit the storage or placement of any building materials and junk of any kind upon any premises for more than 48 hours except as follows:

- A. Domestic refuse stored in an enclosed container, building, or structure in such manner and so as not to create a nuisance may be so stored for a period not to exceed 15 days.
- B. If building materials are placed or stored upon any premises and there is a current building permit issued for construction upon said premises, and said materials are intended for use in connection with such construction, the building materials may be stored until the expiration of said permit provided said materials are stored in a neat and orderly manner such that it does not constitute a public nuisance. Upon expiration of the permit, materials may still be stored but they shall then be stored in such a manner that it is not visible from any public place or street or any adjoining residentially zoned parcel.
- C. If building materials are placed or stored upon any premises and said materials are intended for use in connection with construction upon said premises but no permit is required by the building code, then the materials shall be stored in an orderly manner such that it does not constitute a public nuisance for a period of one year. The materials may continue to be stored subsequent to one year provided they are stored in such a manner that it is not visible from any public place or street or any adjoining residentially zoned parcel.

3. Vacant Buildings

The existence of vacant dwellings, garages, or outbuildings is prohibited unless such buildings are kept securely locked, windows kept glazed or neatly boarded up or otherwise protected to prevent casual entry thereto by unauthorized persons.

4. Uninhabitable Structures

The existence of any structure or part of any structure which because of fire, wind, or other natural disaster or physical deterioration is no longer habitable or is a dangerous structure or building as defined under Act 61 of Public Acts of 1969, as amended, is prohibited.

5. Partially Completed Structures

The existence of any partially completed structure is prohibited unless such structure is in the course of construction in accordance with a current building permit.

6. Exemptions

Any uses, structures, and activities as otherwise permitted by law, are excluded from the application of this Ordinance to the extent of such other law, including, but not limited to, lawful landfills, junk yards, and any use, structure or activity, the regulation of which is preempted by the State Right to Farm Act.

Section 15.18 Private Swimming Pools

Private swimming pools are permitted provided a building permit is first obtained from the Township. Plans and construction shall meet the requirements of the State Health Department and comply with the minimum side and rear yard setback requirements of Article 11 of this Ordinance. A private swimming pool is not permitted within the required front yard or, in the case of a corner lot, the required side yard on any road frontage side. The outside wall of a swimming pool may not be located closer than four (4) feet to any building. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.

In-ground pools shall be securely fenced with a non-climbable pool safety fence extending from the ground to a point at least four (4) feet above any ground or climbable object and have self-closing fence gates which shall be kept locked when the pool is not in use. Above-ground pool shall have swing-up steps or a similar method of controlling entry to the pool which shall be kept locked when the pool is not in use.

All electrical installation or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool.

Article 16 General Exceptions

Section 16.01 Application

The regulations in this Ordinance shall be subject to the interpretations and exceptions, specified in Sections 16.02 through 16.07.

Section 16.02 Essential Services

Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provisions of this Ordinance or any other Ordinance of Emmett Township.

Section 16.03 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 public election.

Section 16.04 Height Limit

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, or television and amateur radio operator antennae for personal use of normal or customary height; provided that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a special land use.

Section 16.05 Yard Regulations

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

Section 16.06 Projections into Yards

Architectural features, not including vertical projections, may extend or project into a required side yard not more than three (3) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

Section 16.07 Access Through Yards

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, with a maximum width of thirty-six inches (36") and not in excess of nine inches (9") above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure and shall be permitted in any required yard.

Article 17

Signs and Outdoor Advertising Regulations

Section 17.01 Purpose

The purpose of these requirements is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained herein to give recognition to the legitimate identification and informational needs of business, industry and other activities. It is a basic tenet of this Article that unrestricted signage does not benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers, and visual blight.

Section 17.02 Signs in Agricultural/Residential Districts

A single sign in accordance with the definition set forth in Article 2 of this Ordinance shall be permitted in a front yard of a lot in the AG, RE, and VR districts no closer than fifteen (15) feet to the right-of-way of a street subject to the following restrictions except as may be otherwise permitted in this Ordinance:

1. Signs no larger than twelve (12) square feet in area shall be permitted for any of the following purposes:
 - a. Sale or lease of property (real or personal); however, such a sign shall be removed within fifteen (15) days of the consummation of said sale or lease.
 - b. Political advertising related to a candidate running for office or a proposition up for public vote, except that there is no limit on the number of political advertising signs; provided, all political advertising signs must be removed within ten (10) days of an election.
 - c. Identification of a use permitted by right (except for dwellings, see Section 17.02.D. below), special use permit or a nonconforming nonresidential use.
 - d. Identification for a temporary use allowed pursuant to Section 19.04. except as provided for temporary real estate offices in subsection 19.04.6 following.
 - e. Home based business pursuant to section 15.06.
2. Signs advertising a new subdivision or major residential development may be permitted by the Planning Commission for no more than one (1) year, provided such sign does not exceed twenty-four (24) square feet in area per sign face and that there not be more than (2) sign faces.
3. Public institutions permitted in residential districts shall comply with regulations for commercial uses.

4. Identification signs mounted flat against the wall of the principal building for residences and for home occupations shall not exceed four (4) square feet in area nor shall they be internally illuminated.

Section 17.03 Signs in Commercial , Industrial, Public/Semi Public Districts

Signs shall be permitted in these districts are subject to the following restrictions:

1. Usage: Signs shall pertain exclusively to the business carried on within the building.
2. Placement: Signs shall be placed flat against the main building or more or less parallel to the building on a canopy and may face only the public street or parking areas as part of the development. Signs shall not project above the roof line or cornice nor extend farther than fifteen (15) inches from the wall, nor be less than eight (8) feet above ground level.
3. Vehicular Safety: Signs may be illuminated, but no flashing or moving illumination shall be permitted. The source of illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the parcel on which the sign is located.
4. Wall Signs: No more than two (2) signs painted or affixed to a building are permitted provided they shall not exceed twenty (20) percent of the surface area of the building face to which it is attached or forty-eight (48) square feet, whichever is smaller. The maximum height of any single sign shall not exceed ten (10) feet and the maximum width shall not exceed ninety (90) percent of the width of the wall to which it is attached.
5. Free-Standing Signs: No more than one (1) free-standing sign is permitted per property, regardless of the number of businesses. Such signs shall not exceed forty-eight (48) square feet in area or twenty-five (25) feet in height. Such signs shall be set back at least ten (10) feet from the road right-of-way line as measured from the leading edge of the sign. Free-standing signs shall not obstruct a clear view of traffic. Nor shall such signs advertise products or services not available on the premises unless authorized by special use permit pursuant to Article 12.
6. Electronic/Manual Changeable Message Boards: Are permitted in place of an identification sign or a freestanding sign, but the total area allotted to signs shall remain the same whether a wall sign or a freestanding sign.

Section 17.04 Moving or Revolving Signs

Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic or mechanical means, shall be prohibited.

Section 17.05 Signs Not to Constitute a Traffic Hazard

No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or

device; or which makes use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

Section 17.06 Portable or Movable Signs

Portable signs shall be permitted only as a temporary use and only in accordance with the following provisions:

1. Use: Portable signs are permitted for grand openings, advertising charitable or community-related events and the like. Being temporary in nature, such portable signs may be permitted for a period not to exceed one hundred twenty (120) days per year.
2. Lighting: All illuminated portable signs shall comply with the requirements of Section 15.
3. Placement: All portable signs shall be located no closer to the road right-of-way line than one-half the setback distance for a principal building.
4. Area: Any portable signs shall not exceed fifty (50) square feet in surface display area.
5. Number: Only one (1) portable sign may be established on a property.
6. No vehicles shall be parked or displayed in such a way in the front yard so as to be used as a sign.

Section 17.07 Outdoor Advertising Structures and Billboards

Outdoor advertising structures and billboards other than those signs which exclusively advertise businesses on the premises on which they are located, may be permitted by Special Use Permit in the Light Industrial District pursuant to Article 12. Billboards are not permitted in any other district. Land may not be rezoned to permit erection of a billboard as a principal use or accessory use.

Section 17.08 Existing Nonconforming Signs

It is the intent of this Section to permit the continuance of a lawful use of any sign or outdoor advertising structure existing at the effective date of adoption of this Section, although such sign or outdoor advertising structure may not conform with the provisions of this Section. It is also the intent that nonconforming signs and outdoor advertising structures shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs and outdoor advertising structures shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction (except in the Light Industrial District). The continuance of all nonconforming signs and outdoor advertising structures within the Township shall be subject to the conditions and requirements set forth herein.

1. Structural Changes: The faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provision of this Article for the use it is intended, except as otherwise provided for.

Article 18 Nonconformities

Section 18.01 Purpose

Nonconformities are lots, structures, and uses do not conform to one or more of the requirements of this Ordinance, or a subsequent amendment, which were lawfully established prior to the effective date of adoption or amendment of this Ordinance. The purpose of this Article is to specify the conditions under which a nonconformity is permitted to continue to exist, as well as the conditions that under a nonconformity must be discontinued. A nonconformity shall not be permitted to continue to exist if it was unlawful at the time of establishment.

Nothing in this Ordinance shall be deemed to require a change of plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which construction has been diligently conducted. Actual construction shall include the placing and attaching of construction materials in a permanent position.

Section 18.02 Nonconforming Lots

A principal building and customary accessory buildings may be erected on a nonconforming lot provided that all applicable zoning requirements are met. If the variation of a setback or other zoning restriction is required in order to erect a structure on a nonconforming lot, then such structure shall only be permitted if a variance is granted by the Zoning Board of Appeals.

Section 18.03 Nonconforming Structures

A nonconforming structure may be continued provided it remains otherwise lawful. A nonconforming structure shall not be enlarged or altered in any way that increases its nonconformity. If a nonconforming structure is moved, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 18.04 Nonconforming Uses

1. Nonconforming Uses in General: Except as provided for nonconforming single-family residential uses, a nonconforming use may be continued provided it remains otherwise lawful.
 - a. A nonconforming use shall not be enlarged or moved, in whole or in part, to any other portion of the lot or parcel that was not occupied by the use at the time the use became nonconforming. However, a nonconforming use may be extended throughout any part of a building that was designed for such use and which existed at the time the use became nonconforming.
 - b. A structure occupied by a nonconforming use shall not be structurally altered in any manner or moved except in connection with a change to a use permitted in the district in which it is located.

2. Nonconforming Residential Uses: A nonconforming residential use may be expanded or enlarged as follows:
 - a. The principal building may be enlarged by a maximum of twenty (20) percent of the total square footage that existed when the use became nonconforming, provided that all applicable yard and other zoning restrictions are met.
 - b. An accessory building may be constructed in accordance with the applicable provisions of this Ordinance.
3. Abandonment of Nonconforming Use: If there is an intent to abandon the nonconforming use of any parcel of land or structure and the abandonment continues for a period of six (6) months, then any further use thereof shall conform to the provisions of this Ordinance. In addition, any accessory use, building, or sign related to a nonconforming use shall also be discontinued, unless it shall thereafter conform to all regulations of the Ordinance.
4. Substitution of Uses: A nonconforming use may be changed to another nonconforming use upon approval of the Planning Commission subject to the following conditions:
 - a. No structural alterations are required to accommodate the new nonconforming use and that the proposed use is equally or more appropriate in the district than the existing use. In approving such a request, the Planning Commission may require appropriate conditions in accordance with the purposes and intent of this Ordinance.
 - b. Once a nonconforming use is changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.
 - c. When a nonconforming use is replaced by a permitted use, it shall thereafter conform to the regulations of the district in which the use is located and the nonconforming use may not thereafter be resumed.

Section 18.05 General Conditions

The following general conditions apply to all nonconforming lots, nonconforming structures, and nonconforming uses.

1. Change of Tenancy or Ownership: The tenancy or ownership of a nonconformity may be transferred or changed. However, in the case of a nonconforming use, there shall be no change in the nature or character of such nonconformity, except as permitted by this Ordinance.
2. Maintenance and Repairs: Normal maintenance and incidental repairs, including repair or replacement of non-bearing walls, fixtures, wiring or plumbing, may be performed on any nonconforming structure or structure containing a nonconforming use.

A nonconforming structure or structure that contains a nonconforming use which is unsafe or unlawful due to a lack of repairs or maintenance, as determined by the Zoning Administrator or County Building Official, may be restored to a safe condition. Where enlargement or structural alteration is necessary to allow compliance with health and safety laws, the cost of such work shall not exceed 40 percent of the replacement cost of the existing structure, as determined by the Township Assessor.

3. Termination by Destruction: In the event that a nonconforming structure or structure containing a nonconforming use is destroyed by any means to an extent of more than 60 percent of the replacement cost of the existing structure, as determined by the Township Assessor, the structure shall not be restored or reconstructed except in conformity with the requirements of this Ordinance.

Article 19 Zoning Board of Appeals

Section 19.01 Purpose

To ensure that the objectives of this Ordinance are fully and equitably achieved, that a means is provided for competent interpretation of this Ordinance; that flexibility be provided for in the strict interpretation of this Ordinance; and, that the spirit of the Ordinance be observed, public safety secured, and substantial justice done.

Section 19.02 Creation and Membership

1. The Zoning Board of Appeals shall consist of 5 members appointed by the Supervisor, with the consent of the Township Board. The composition of the Zoning Board of Appeals shall be as follows.
 - a. One member shall be a member of the Township Planning Commission.
 - b. The remaining members shall be selected from the electors of Emmett Township and shall be representative of the population distribution and of the various interests present in the township.
 - c. One member shall be a member of the Township Board; though, that member may not serve as the chairperson of the Zoning Board of Appeals.
 - d. An employee or contractor of the Township Board may not serve as a member or an employee of the Zoning Board of Appeals.

2. Alternate Members: The Supervisor, with the consent of the Township Board, may appoint not more than 2 alternate members to the Zoning Board of Appeals. Alternates shall not be a member of the Township Board or Planning Commission. Alternates may be called as needed to serve on a rotating basis:
 - a. If a regular member is absent from, or unable to attend, 2 or more consecutive meetings, or will be unable to attend meetings for a period of more than 30 consecutive days.
 - b. For the purpose of reaching a decision in a case in which a regular member has abstained for reasons of conflict of interest.

The alternate member shall serve in the case until a final decision has been made. Alternate members shall have the same voting rights as a regular member of the Zoning Board of Appeals.

3. Terms of Office: Members shall be appointed for 3 year terms except in the case of Planning Commission and Township Board members whose terms shall be limited to their terms as Planning Commission or Township Board members. A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed.
4. Conflict of Interest: A member shall disqualify himself or herself from a vote in which the member has a conflict of interest.
5. Removal from Office: Members of the Zoning Board of Appeals may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

Section 19.03 Administration

1. Rules of Procedure: The Zoning Board of Appeals shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties.
2. Meetings and Quorum: Meetings shall be held at the call of the chairperson and at such other times as the Zoning Board of Appeal's rules of procedure shall specify. A majority of the total membership of the Zoning Board of Appeals shall comprise a quorum. The concurring vote of a majority of the Zoning Board of Appeals shall be required to take any action. A 2/3 vote of the members Zoning Board of Appeals shall be required to approve a use variance. The Zoning Board of Appeals shall not conduct any business unless a quorum is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act, Public Act 267 of 1976.
3. Records: The Zoning Board of Appeals shall maintain a record of it proceedings that shall be filed in the office of the Township Clerk and shall be a public record. The record shall contain the grounds for every determination made by the Zoning Board of Appeals, including all evidence and data considered, all findings of fact and conclusion drawn for each case, and the final rule on each case.
4. Witnesses: The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of any witness in order to ensure a fair and proper hearing.

Section 19.04 Jurisdiction and Authorized Appeals

Except as otherwise provided, the Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Planning Commission or other official administering or enforcing the provisions of this Ordinance as provided herein. Within this capacity, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination. The Zoning Board of Appeals, however, shall not have authority to hear appeals related to any decision or conditions attached to any decision pertaining to a conditional land use or planned unit development.

1. Administrative Review: The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, or decision made by the Planning Commission or other Township official in the administration or enforcement of this Ordinance.
2. Ordinance Interpretation: The Zoning Board of Appeals shall hear and decide upon the following requests:
 - a. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the Zoning Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of this Ordinance, the Article in which the language is contained, and all relevant provisions of this Ordinance.
 - b. Determine the precise location of the boundary line between zoning districts when there is dissatisfaction with the decision made by the Planning Commission or Township official.
 - c. Classify a use that is not specifically mentioned within the use regulations of any zoning district based on a comparable permitted or conditional land use, in accordance with the purpose and intent of each district. If no comparable use is found, the Zoning Board of Appeals shall so declare, the effect being that the use is not permitted until or unless the text of this Ordinance is amended to permit it.
3. Dimensional Variances: The Zoning Board of Appeals shall have the power to authorize dimensional variances from site development requirements such as lot area and lot width, building height and bulk regulations, yard width and depth requirements, off-street parking and loading requirements, sign landscape requirements, and other similar requirements of this Ordinance.
 - a. Approval Criteria: To obtain a dimensional variance, the applicant must demonstrate that a practical difficulty exists by showing:
 - (1) That the need for the variance is due to unique circumstances or physical conditions, such as narrowness, shallowness, shape, water or topography, of the property involved and that the practical difficulty is not due to the applicant's personal or economic hardship.
 - (2) That the need for the variance is not the result of actions of the property owner (self-created) or previous property owners.
 - (3) That strict compliance with area, setback, frontage, height, bulk, density or other dimension requirement will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome. (Because a property owner may incur additional costs in complying with this Ordinance does not automatically make compliance unnecessarily burdensome.)

- (4) That the variance will do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
 - (5) That the variance will not cause adverse impacts on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
 - (6) That the variance shall not permit the establishment within a district any use which is not permitted by right, or any use for which a conditional use or temporary use permit is required.
- b. Conditions: The Zoning Board of Appeals may impose conditions upon a dimensional variance approval. The conditions may include those necessary to protect the natural environment and conserve natural resources, to ensure compatibility with adjacent land uses, and to promote the use of land in a socially and economically desirable manner.
- Conditions imposed upon a dimensional variance approval shall be stated in the record of order and shall remain unchanged except upon application to the Zoning Board of Appeals and at the mutual agreement of the Zoning Board of Appeals and the property owner. Similarly, any changes in conditions shall be reflected in the record of order.
- c. Effect of Approval: The dimensional variance shall expire at the end of 12 months, unless a land use permit for authorizing the construction has been obtained and construction has started and proceeds to completion in accordance with the terms of the land use permit.
- d. Recording Requirement: The Township Clerk shall record a copy of the land use permit with the County Register of Deeds.
4. The Zoning Board of Appeals shall have the power, upon a 2/3 vote of its members, to grant use variances to the zoning district use restrictions to the extent provided by the Zoning Enabling Act and applicable case law. Any petition for a use variance shall be reviewed by the Township Attorney to determine whether, in the opinion of the Township Attorney, statute or case law allows the petition.
- a. Approval Criteria: To obtain a use variance, the applicant must demonstrate that a unnecessary hardship exists by showing:
- (1) That the property as a whole cannot be reasonably used for any of the uses permitted by right or conditional use approval in the zoning district in which the property is located.
 - (2) That the variance is needed due to unique circumstances peculiar to the property and not general to neighborhood conditions.

- (3) That the use variance will not alter the essential character of the neighborhood.
 - (4) That the need for the variance is not the result of actions of the property owner (self-created) or previous property owners.
 - b. Conditions: The Zoning Board of Appeals may impose conditions upon a use variance approval. The conditions may include those necessary to protect the natural environment and conserve natural resources, to ensure compatibility with adjacent land uses, and to promote the use of land in a socially and economically desirable manner.

Conditions imposed upon a use variance approval shall be stated in the record of order and shall remain unchanged except upon application to the Zoning Board of Appeals and at the mutual agreement of the Zoning Board of Appeals and the property owner. Similarly, any changes in conditions shall be reflected in the record of order.
 - c. Effect of Approval: The use variance shall expire at the end of 12 months, unless a land use permit for authorizing the construction has been obtained and construction has started and proceeds to completion in accordance with the terms of the land use permit.
 - d. Recording Requirement: The Township Clerk shall record a copy of the land use permit with the County Register of Deeds.
- 5. Temporary Dwellings: The Zoning Board of Appeals shall have the power to allow the occupancy of temporary dwelling during the construction of a new single-family dwelling or repair of a dwelling made uninhabitable by structural damage, as determined by the Township Building Inspector. A temporary dwelling shall be permitted provided the following conditions are met:
 - a. Evidence that the proposed location of the temporary dwelling will not be detrimental to adjacent property.
 - b. The St. Clair County Health Department has approved the proposed water supply and sanitary facilities.
 - c. The proposed dwelling unit meets the requirements of the building code in effect in St. Clair County.
 - d. The location of the temporary dwelling unit complies with all dimensional requirements of the district in which the unit will be located.

The approval of a temporary dwelling shall not extend more than 12 months. The Zoning Board of Appeals may grant additional 12-month extensions at the request of the property owner as long as the requirements of this subsection continue to be met.

6. Other Temporary Uses: The Zoning Board of Appeals shall have the power to allow the temporary occupancy of vacant property for uses not otherwise provided for in this Ordinance (carnivals, special events, environmental testing devices) and which do not require the erection of any structures requiring foundations or well or septic service connection provided the following conditions are met:
 - a. Conformance with applicable minimum development standards, including but not limited to setbacks, off-street parking and loading, and signs.
 - b. Adequate setbacks are provided between structures to allow emergency access.
 - c. The physical character of adjacent properties and the township as a whole is not adversely impacted.
 - d. The public health, safety, and general welfare of the township will not otherwise be negatively impacted.

Section 19.05 Prohibited Appeals

The Zoning Board of Appeals shall not alter or change the zoning district classification of any property or take any actions that have the effect of a legislative action. The Zoning Board of Appeals shall not have authority to hear appeals related to any decision or conditions attached to any decision pertaining to a conditional land use or planned unit development.

Section 19.06 Appeal Procedure

1. Notice of Appeal: The following procedures shall be observed in filing of a notice of appeal.
 - a. Ordinance interpretation and variance requests may be made by any aggrieved persons or by any official of the Township on a form provided for that purpose.
 - b. The appeal of a ruling of the Planning Commission or Township official in the enforcement of this Ordinance shall be taken within 21 days of the date of the Planning Commission's decision on a form provided for that purpose.
 - c. Upon receipt of a notice of appeal, the official from whom the appeal is taken shall transmit to the Zoning Board of Appeals all the papers constituting the record upon which the appealed action was taken.
2. Hearing: Upon receipt of a request for ordinance interpretation, variance or notice of appeal, the chairperson of the Zoning Board of Appeals shall schedule a reasonable time and date for a public hearing.
3. Notice of Hearing: The appellant, adjacent property owners and the general public shall be notified of Zoning Board of Appeals hearing in accordance with the provisions set forth in Section 12.04 (2) of this Ordinance.

- a. The public shall be notified of all public hearings by the publication of at least one notice of the hearing in a newspaper of general circulation in the Township. Written notice shall also be provided to the appellant by personal delivery or mail.
 - b. In the case of a dimensional or use variance request, notice of the hearing shall be sent by mail or personal delivery to all owners to which real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. Notifications need only be given to one occupant of a structure, except if the structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than 4 dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 - c. The notice shall be given not less than 5 and not more than 15 days before the application will be considered. The notice shall include a description of the type of appeal requested, a description of the property which is the subject of the appeal, the time and place of the hearing, and the time and location for written comments to be received.
4. Stay: An appeal shall stay all proceedings in furtherance of the appealed action unless the Zoning Administrator or Planning Commission certifies to the Zoning Board of Appeals that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case proceedings shall not be stayed unless restrained by order of the Zoning Board of Appeals or the Circuit Court on due cause shown.

Section 19.07 Final Decisions and Rehearing

1. Final Decisions: Except as provided in this section, a decision of the Zoning Board of Appeals shall be final. The Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
 - a. The applicant who brought the matter before the Zoning Board of Appeals made misrepresentations concerning a material issue which was relied upon by the Zoning Board of Appeals in making its decision.
 - b. There has been a material change in circumstances regarding the Zoning Board of Appeals findings of fact that occurred after the hearing.
 - c. The Township Attorney, by written opinion, states that in the attorney's professional opinion the Zoning Board of Appeals decision made or procedure used was clearly erroneous.

2. Rehearing Procedure: A rehearing may be requested by an applicant or by the Zoning Administrator or the Zoning Board of Appeals may order a rehearing on its own motion according to the following procedures.
 - a. A request for rehearing which is made by the applicant or the Zoning Administrator must be made within 21 days from the date of approval of the Zoning Board of Appeals minutes regarding the decision for which the rehearing is being requested.
 - b. A request for rehearing which is made by the Zoning Board of Appeals on its own motion or upon request of the Zoning Administrator pursuant to Section 19.07,1,c may be granted at any time as long as the applicant has not been prejudiced by any delay. Whenever the Zoning Board of Appeals considers granting a rehearing on its own motion or upon the request of the Zoning Administrator, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served at least 9 days before the time set for the hearing if served by mail, or at least 7 days before the time set for the hearing if served by personal service. If the Zoning Board of Appeals grants the rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being heard shall have been satisfied.
3. Appeals from final decisions of the Zoning Board of Appeals shall be to Circuit Court of St. Clair County, as provided by law.

Section 19.08 Fees

Fees for appeals to the Zoning Board of Appeals shall be established by Resolution of the Township Board.

Article 20 Administration and Enforcement

Section 20.01 Duties of Chief Enforcement Officer

The Emmett Township Board shall designate the Chief Enforcement Officer for the purpose of administering and enforcing the provisions of this Ordinance. Under no circumstances is the Chief Enforcement Officer permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his/her duties as Chief Enforcement Officer.

Section 20.02 Duties of the Building Inspector

The Building Inspector shall have the power to grant occupancy permits and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he/she has inspected such plans in detail and found them to conform with this Ordinance.

The Building Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

Section 20.03 Plot Plan

The Building Inspector shall require that all applications for building permits shall be accompanied by plans and specifications including the required number of plot plans drawn to scale, showing the following:

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

Section 20.04 Permits

The following shall apply in the issuance of any permit:

1. No building permit shall be issued for the erection, alteration, or use of any building or structure, or part thereof, or for the use of any land that is not in accordance with all provisions of this Ordinance.
2. No land heretofore vacant shall hereafter be used, or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
3. No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
4. No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Township Building Code or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.
5. Before a building or structure can be wrecked, the owner, wrecking company, or person who secures the permit shall notify all utilities having service connections within the building such as water, electric, gas, sewer, and other connections. A permit to wreck a building shall not be issued unless a release is obtained from the utilities stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed and/or sealed and plugged in a safe manner; nor shall a wrecking permit be issued until a report has been received from the public utility companies concerned, that said wrecking operations may be accomplished in such a manner as not to create a hazardous condition as a result of the proximity of such public utility installations.

Before a permit is issued for the wrecking of any building, such application for permit shall be referred to the Building Inspector for examination of the premises to determine whether or not rodent extermination procedures are necessary.

After obtaining permit from the Building Inspector, the wrecker shall proceed to erect screening, fencing, boarding, or other protections as authorized by the Building Inspector and shall notify the same before proceeding with wrecking operations.

The wrecking company, or person who secures the permit for the razing of the structure, will be held responsible for the compliance with these regulations and other laws and ordinances covering this subject. He will also be held responsible and liable for the acts of subcontractors or other persons who do any work of removal or destruction in the wrecking of the building. The methods to be used in wrecking shall not involve undue hazards to the public or unnecessary danger to the workmen and shall be in accordance with good practice.

Crane, back hoe, bulldozer, high loader, ball, clam-bucket, chain, cable, and other similar mechanical devices shall not be used to wreck buildings or structures except in individual cases wherein detailed plans and proposed procedures are submitted with the

application for wrecking permit and are approved by the Building Inspector. Suitable provision shall be made for the disposal of materials that are accumulated during the wrecking operations. No part of the structure shall be overloaded by excessive storage of materials or debris. Chutes, scaffolds, derricks, and hoists shall be strong and substantial, and safe for the purpose for which they are intended. Materials, which in their removal, would cause an excessive amount of dust, shall be well wet down to prevent the creation of a nuisance.

No open fires or other sources of flame except necessary cutting torches will be permitted on the inside of the building which is being wrecked, not in close proximity to flammable materials outside of the building, and every precaution shall be taken to prevent the possibility of fire.

Blasting and use of explosives shall be done only by a person licensed by the Fire Department to perform such work.

The requirements of this section are designated as the minimum necessary for average conditions and, in the case of unusual or dangerous situations, adequate provision shall be made and every precaution taken to protect the safety of the public and workmen. All abandoned basements or cellars and holes shall be filled to grade, and all excess materials, rubbish, and debris shall not be permitted to remain on the premises above grade. The Fire Department shall be notified before removing standpipes, sprinklers, or fire protection water supplies.

6. If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing work, said permit shall expire; it shall be canceled by the Building Inspector and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been completed within one (1) years of the date of issuance thereof, said permit shall expire and be canceled by the Building Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work, as described in the canceled permit, shall not proceed unless, and until, a new building permit has been obtained.

Section 20.05 Certificates

No land, building, or part thereof, shall be occupied by, or for any use, unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

1. No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land that is not in accordance with all the provisions of this Ordinance.
2. No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
3. Certificates of occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of, use of existing

buildings or structures, shall also constitute certificates of zoning as required by this Ordinance.

4. Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
5. A record of all certificates issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
6. Buildings or structures accessory to dwellings shall not require separate certificates of occupancy, but may be included in the certificate of occupancy for the dwelling when shown on the plot plan, and when completed at the same time as such dwellings.
7. Application for certificates of occupancy shall be made to the Building Inspector on forms furnished by the Building Inspector, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

Section 20.06 Final Inspection

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by such permit for a final inspection.

Section 20.07 Fees

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

Article 21 Enforcement, Penalties, and Other Remedies

Section 21.01 Violations

Any person, firm, or corporation who violates any provision of this Ordinance or any Amendment, including the owner, possessor, or occupier of any premises within the Township who allows or suffers such violation upon said premises, is “responsible” for having committed a Grade Three municipal civil infraction, as provided for in Emmett Township Ordinance 99-1 and Public Act 12 and Act 14 of 1994 and Public Act 246 of 1945. Such violation is punishable by a civil fine schedule currently set by Emmett Township Ordinance 99-1 and incorporated herein as follows: \$100.00 for a first offense; \$250.00 for a second offense; \$400.00 for a third offense; and \$500.00 for a fourth or more offense. The determination of first, second, third, and fourth offense shall be based upon the three year period immediately preceding the dates of violation, as alleged or as determined, as the case may be, pursuant to Ordinance 99-1. The Township Board may hereafter modify, change, increase, or decrease the civil fines set forth above, by the adoption of a Resolution to that effect pursuant to Ordinance 99-1, as provided by law. In addition, costs of the action may be taxed and imposed against the defendant. Costs are not limited to costs taxable in ordinary civil actions and may include all expenses, direct or indirect, to which the Plaintiff (the Township or other enforcing municipality, agency, or other entity) has been put in connection with the municipal civil infraction, up to entry of Judgment. Costs shall be \$9.00 or more up to \$500.00. In addition, any sanctions, Writ, or other court order, or other post judgment remedy, as provided by law, necessary to enforce the Ordinance and correct or abate a violation, or necessary to enforce any Orders and determinations of the Court, judge or district court magistrate, and including civil contempt proceedings, may be issued as appropriate and as provided for by law, including but not limited to the imposition of liens against real estate interests, seizure of property, attachment and garnishment and including post judgment enforcement costs and expenses as provided for by law, including any other enforcement authority set forth in any Ordinance. This Ordinance is enforceable by the judge or magistrate, and by the Township or other enforcing agency or entity to the fullest extent as provided by law relative to violations of municipal civil infractions; the enumeration of certain powers and remedies within this paragraph is not intended to restrict any enforcement authority or remedy or sanction provided for by law, specifically including Public Act 12 and Act 14 of 1994. Provided further, however, a violation of this Ordinance is not a misdemeanor and shall not be considered a lesser included offense of any criminal offense. Each day that a violation continues constitutes a separate and independent violation and is subject to the penalties provided for herein for each such violation. A violation of this Ordinance is hereby declared to be a public nuisance per se. The municipal civil infraction notice or citation may be served personally or as otherwise provided by law and if the violation involves the use, condition, or occupancy of land or of a structure, the notice or citation may be posted upon the premises or attached to the structure at issue, with a copy sent by first class mail to the owner at this last known address, and/or the owner and address as disclosed by the Township tax rolls. Failure to appear or respond to any notice and/or citations relative to a municipal civil infraction shall be subject to such penalty as is otherwise provided by law.

Section 21.02 Public Nuisance Per Se

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 21.03 Fines, Imprisonment

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and, upon conviction thereof, shall be liable to the fines and imprisonment herein provided.

Section 21.04 Each Day a Separate Offense

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

Section 21.05 Rights and Remedies are Cumulative

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