

Clay Township Zoning Ordinance

Ordinance No. 126

Adopted by the
Clay Township Board of Trustees
On August 20, 2007

Acknowledgements

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January 1, 2009 – Solid vertical lines in the margins within the body of the ordinance indicate a change (amendments) or interpretation.

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ARTICLE I
TITLE, PURPOSES AND LEGAL CLAUSES

Section 1.01 Short Title.

This Ordinance shall be known and may be cited as the Clay Township Zoning Ordinance No. 126.

Section 1.02 Adoption and Repeal of Ordinance.

This Zoning Ordinance, is adopted, in accordance with the provisions of the Michigan Zoning Enabling Act (ZEA), Public Act 110 of 2006, MCL 125.3101 et seq., as amended, and repeals Clay Township Zoning Ordinance #123, effective September 3, 2002, and all amendments thereto, effective coincident with the effective date of this Ordinance.

Section 1.03 Purposes.

The purpose of this Ordinance is to promote the public health, safety, morals, and general welfare; to encourage the use of lands in accordance with their character and adaptability; and to limit the improper use of land; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, and with reasonable consideration among other things, to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development, as studied and recommended within a master plan by the Clay Township Planning Commission, and endorsed, and regulations adopted, therefore, by the Township Board.

Section 1.04 Scope.

No building or structure or part thereof, shall hereafter be erected, constructed, reconstructed or altered and no building, structure, or land, or part thereof, shall be used except in conformity with the provisions of this Ordinance. Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and application on which said building permit was granted.

Section 1.05 Lot Use Limitation.

In all zoning districts which permit single family and two family residences, only one principal building shall be placed on a parcel or a lot of record. No building shall be erected on land subdivided in violation of the Subdivision Control Act, Act 288, Public Acts of 1967, as amended. No accessory use or structure shall be permitted on a parcel until a principal permitted or special use has first been established.

Section 1.06 Validity and Severability Clause.

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

said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

Any amendment to the Michigan Zoning Enabling Act (ZEA), Public Act 110 of 2006, MCL 125.3101 et seq., after the effective date of this Ordinance, is incorporated by reference and replaces any previous provisions of this Ordinance which conflict with same.

Section 1.07 Interpretation.

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare.

Section 1.08 Conflict with Other Laws.

It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises.

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 1.09 Vested Rights.

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

ARTICLE II 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.
11. The word "lot" includes the word "plot", "tract", or "parcel".
12. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, schedules as included or attached as enacted or subsequently amended.
13. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
14. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

Section 2.02 Definitions.

Abutting (lot or parcel): A lot or parcel which shares a common property line with the subject lot or parcel.

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 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.
7. Accessory off-street loading space.
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 same site.

Acreage: Any tract or parcel of land, which 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: 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 which offers for sale devices which 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. Barber shops or beauty parlors, health spas and/or salons which 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 non-governmental 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.

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.

Adult Foster Care Large Group Home: An adult foster care facility with approved capacity to receive at least seven (7) but not more than twenty (20) 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.

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.

Agribusiness: Businesses catering exclusively to the agricultural community, they may include, but not necessarily be limited to grain elevators, the processing of farm products, the sale of seed and feed, and livestock auctioning.

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

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.

Airport: An airport licensed by the Michigan Department of Transportation, Bureau of Aeronautics under section 86 of the aeronautics code of the State of Michigan, 1945 PA 327, MCL 259.86.

Airport Approach Plan and Airport Layout Plan: A plan, or an amendment to a plan, filed with the planning commission under section 151 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.151.

Airport Landing Fields / Landing Fields: A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

Airport Zoning Regulations: Airport zoning regulations under the Airport Zoning Act, 1950 (Ex Sess) PA 23, MCL 259.431 to 259.465, for an airport hazard area that lies in whole or part in the area affected by a zoning ordinance under this act.

Alteration: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; any change in the dimensions or configuration of the roof, exterior walls or foundation, or any change which may be referred to herein as altered or reconstructed.

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

Animals, Recreation: For the purposes of this Ordinance, horses, mules, donkeys, goats, sheep, cattle, cows, swine, chickens, turkeys or other similar domestic animals and fowl or animals used for a 4H program shall be considered domesticated pets/recreation animals.

Animals, Wild: An animal not bred or raised by humans.

Apartment: See Dwelling Unit.

Apartment House: See Dwelling, Multiple-family.

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.

Auction Sales Establishments: A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

Automobile Filling Station: Any building, land area, other premises, or portion thereof, used for the retail sales of gasoline, oil, grease, and/or other operational fluids and accessories; all retail servicing, repair, installation, and/or storage is prohibited from said use.

Automobile Sales, Storage: The use of any building, land area, or other premise for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use.

Automobile Service Station: Any building, land area, other premises, or portion thereof, used for the retail sales of gasoline, oil, grease, batteries, tires and other operational fluids and accessories for automobiles, and the installation of such items, and for other minor automobile repair not to include auto refinishing, body work or painting, dismantling of vehicles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair. Such use shall be permitted to include an additional retail use, which may include but not be limited to a restaurant, gift shop, and convenience store.

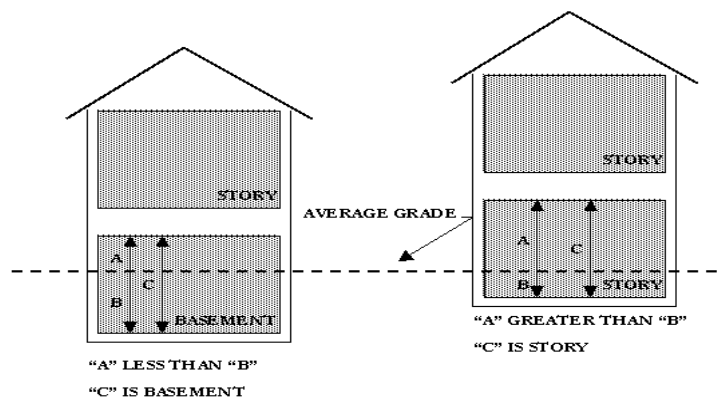
Automobile Service Station, Accessory Retail Use: The sale of food items commonly consumed by travelers (i.e., soft drinks, candy, packaged snacks and fast-foods, etc.), bread, milk, juice, cigarettes, and sundry items, and/or automobile wash facilities provided in connection with a gasoline filling station or gasoline service station, provided such use(s) is clearly incidental to the principal use.

Automobile Repair Garage: Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted.

Balcony: A platform extending from an exterior wall of a building.

Basement: That portion of a building which is partly or wholly below grade but so located that the average vertical distance from the grade to the floor is greater than the average vertical distance from the grade to the ceiling; provided, however, that if the average vertical distance from the grade to the ceiling is five (5) feet or more, such basement shall be considered as a story. Refer to illustration 2-1.

Illustration 2-1. Basement and Story



Bedroom: A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing through another bedroom.

Bed and Breakfast Lodgings: A structure which was constructed for, and is used as, a single family residence and is occupied by the owner but which may be used as temporary lodging for travelers/guests. Bedrooms are rented on a nightly basis with breakfast as regulated and limited by the State, included in the price of the room subject to the limitations outlined in the Ordinance.

Berm: A mound of earth, a minimum of eighteen (18) inches in height, graded, shaped and improved with sod or landscaping in such a fashion as to provide a visual and/or audible screen and a transition between uses of differing intensity.

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.

Boarding stables: A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises and for which the owner of the premises receives compensation.

Boat Berthing: Docking of a boat in water within a space in a marina.

Boat House: A building or structure substantially over a body of water used for sheltering or hoisting one or more boats for storage. This structure shall have all sides open for a height of not less than eight (8) feet above the ground level and enclosed a distance of not more than three (3) feet down from the top of the structure's top plate.

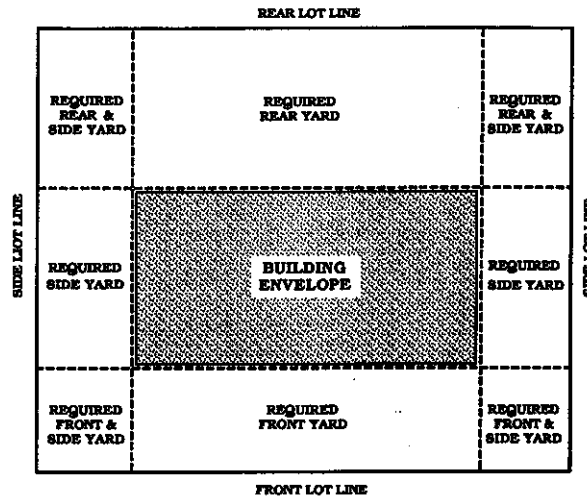
Buffer Zone: See Greenbelt.

Buildable Area: See Building Envelope.

Building: Any structure, either temporary or permanent, above or below ground, having a roof supported by columns, walls, or any other supports, which is used for the purpose of, or capable of, housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes, but is not limited to: manufactured housing, sheds, garages, greenhouses, and other principal or accessory structures. This shall not include buildings of less than six (6) square feet, such as a doghouse and shall not include tents and other membrane structures, as defined herein.

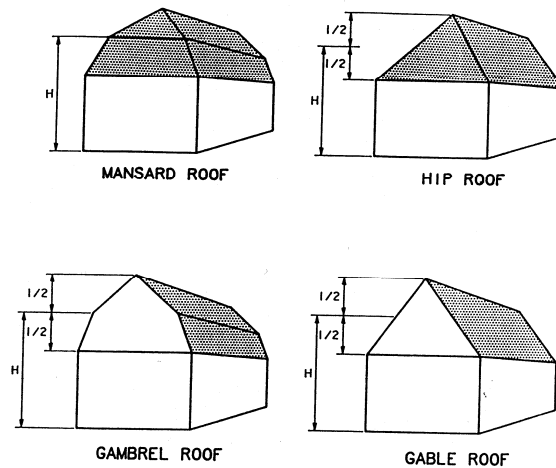
Building Envelope: The space remaining after compliance with the minimum required setbacks and the minimum open space requirements of this Ordinance. Refer to illustration 2-2.

Illustration 2-2. Building Envelope



Building Height: The vertical distance measured from the Army Corp. of Engineers benchmark to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs, or to a point equivalent to the foregoing on any other roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. For the purposes of this Ordinance, height shall be determined from the front side of the structure. Please refer to illustration 2-3.

Illustration 2-3. Building Height



Building Inspector: The administrative official designated by the Township Board with the responsibilities of administering and enforcing the current adopted building code.

Building Line: A line established, in general, parallel to the front street right-of-way line at the minimum front yard setback distance. For the purposes of this ordinance, a minimum building line shall be the same as a front setback line.

Building Permit: A one year authorization issued by the Township Building Inspector to move, erect or alter a structure within the Township.

Building Site: A lot, parcel of land, or a combination or portion of the two, which is used for the construction of a single principal structure.

Cabin: Any structure 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.

Campgrounds: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

Caretaker: Any person who is responsible for the safe keeping of a property. This may be the owner, manager, or any person designated by the owner, manager or court.

Carport: A permanent, roofed structure, open on at least one side that is designed for or occupied by one or more private vehicles. By definition, this shall not include tents and membrane-like structures.

Car wash: Any building or premises or portions thereof used for washing automobiles.

Casino: A room or rooms in which legal gambling is conducted.

Cellar: 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.

Cemetery: Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

Certificate of Occupancy: A document issued by the 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.

Certificate of Zoning Compliance: A permit issued by the Zoning Administrator permitting the use of land, buildings and/or structures and certifying that such all improvements to the land were constructed in compliance with the provision of this Ordinance.

Change of Use: Any use of a building, structure or parcel of land, or portion thereof which is different from the previous use. in the way it is classified in this Ordinance or in the State Building Code, as amended.

Child Care Center: See Day Care Center

Churches, Synagogues, Temples and other places of worship: A building primarily designed and constructed for organized religious services, maintained and controlled by a religious body organized to sustain public worship, together with all accessory structures and uses customarily associated with such primary purpose.

Clinic: An establishment where human or animal patients are admitted for examinations and treatment on an outpatient basis by one or more physicians, dentists, veterinarians, other medical personnel, psychologists, or social workers and where patients are not usually lodged overnight.

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

Commission: The word "Commission" shall mean the Clay Township Planning Commission.

Common Elements: Portions of a condominium project other than condominium units, as described in the condominium master deed as required by State law.

Common Open Space: Land within or related to a development, not individually owned or publicly dedicated, that is designed and intended for the common use or enjoyment of the residents and their guests, including such improvements as necessary.

Communication Tower: See Wireless Communication Support Facility.

Composting Facilities: A facility dealing with the controlled process of degrading organic matter by microorganisms.

Comprehensive Plan: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions, and includes any unit or part of such plan, and any amendment of such plan or parts thereof.

Condominium Documents: All those documents required by the Michigan Condominium Act and its amendments from time to time.

Condominium Project: A plan or project consisting of not less than two condominium units established and approved in conformance with the provisions of the Condominium Act, PA 59 of 1978, MCL 559.101 et seq.

Condominium Subdivision: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended, MCL 506.101 et seq.

Condominium Subdivision Plan: The drawings and information required by the Michigan Condominium Act and its amendments from time to time. For the purpose of this Ordinance, a condominium subdivision plan shall be equivalent to the term "condominium plan".

Condominium Unit: That portion of a condominium project which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

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

Conservation Easement: That term as defined in section 2140 of the natural resources and environment protection act, 1994 PA 451, MCL 324.2140.

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.

Convenience Retail Uses: Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

Coordinating Zoning Committee: A coordinating zoning committee as described under section 307 of the Michigan Zoning Enabling Act, being PA 110 of 2006, as amended.

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

Covered Boat Well: See Boat House.

Cul-de-sac Street: A street terminated on one end with a turning radius.

Dance hall (Disco): A nightclub for dancing to recorded music; broadly, a nightclub often featuring psychedelic and mixed-media attractions, such as slides, movies, and special lighting effects.

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

1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during a calendar year.
2. A facility operated by a religious organization where children are cared for not greater than three hours while persons responsible for the children are attending religious services.

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

Day Care, Group Home: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

Deck: A structure abutting a dwelling with no roof or walls, except for railings, which is constructed on piers or a foundation above-grade for use as an outdoor living area.

Density: The number of dwelling units situated on or to be developed on a net acre (or smaller unit) of land, which shall be calculated by taking the total gross acreage and subtracting the area in rights-of-way for streets and roads.

Development: The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Development Rights: The rights to develop land to the maximum intensity of development authorized by law.

Development Rights Ordinance: An ordinance, which may comprise part of a zoning ordinance, adopted under section 308 of the Michigan Zoning Enabling Act, being PA 110 of 2006, as amended.

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 Township within which certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance. Also known as a zone or zoning district.

Dockominium: A private waterfront development consisting of a marina and associated facilities and amenities in which boat slips are owned individually and the amenities are owned by all of the owners on a proportional, individual basis.

Dormitory: A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, or other similar institutional use.

Drive-in Establishment: An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway: A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance.

Dwelling: A building or a portion thereof which is occupied as the home, residence or sleeping place of one or more human beings, either permanently or as transients. In no case shall a travel trailer, recreational vehicle, automobile chassis or tent be considered a dwelling. In the case where a building is occupied in part as a dwelling unit, the part so occupied shall comply with the provisions relative to dwellings.

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 which 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.

4. **Dwelling, One-Family:** A building designed, arranged or occupied as a dwelling unit for one family only.
5. **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.
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 room or rooms within a dwelling connected together, constituting separate independent living quarters for one household, physically separated from any other rooms or dwelling units and containing permanent provisions for its own independent bathroom, sleeping and kitchen 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.

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.

Erected: Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but **not** including towers, office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots.

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

Excavation: Any breaking of ground, except common household gardening, general farming and ground care.

Family: A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit and having an intentionally structured relationship providing organization and stability, distinguished from a group occupying a boarding house, lodging house, dormitory, club, fraternity/sorority or hotel/motel.

Family Day-Care Home and Group Day-Care Home: Those terms as defined in section 1 of 1973 PA 116, MCL 722.111, and only apply to the bona fide private residence of the operator of the family or group day-care home.

Farm: All of the contiguous neighboring or associated land operated as a single unit on which farming is carried on directly by the owner operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall be currently assessed on the tax rolls as agricultural property. Farms may be considered as including cultivating of soil; growing and harvesting of any agriculture, horticulture or floriculture commodity; dairying; raising of livestock, bees, fish, fur-bearing animals or poultry; turf and tree farming; and performing any practices on a farm as an incident to, or in conjunction with these farming operations. Commercial storage, processing, distribution, marketing, or shipping operations shall not be considered part of the farming operation. No farm shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been maintained on the premises thereto for the use and consumption by persons residing on the premises. (Refer to Sections 3.21 and 3.22 for regulations related to the keeping of animals.)

Farm, Hobby: A parcel of land not assessed on the tax rolls as agricultural property however, upon which farming activity occurs as an accessory to a principal residential structure and use.

Farm Buildings: Any building or structure erected other than a dwelling, moved upon, maintained, used or erected on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

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 Pond or Fish Pond: A water impoundment made by constructing a dam or embankment, or by excavating a pit or dugout to provide water for livestock, fish and wildlife, landscaping, recreation or swimming, crop and orchard spraying a related uses. Such ponds shall meet the minimum standards set by the Soil Conservation Service (SCS) for design, engineering, construction and maintenance.

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.

Farm Stand: A temporary commercial establishment primarily engaged in the sale of agricultural produce (seeds, fruits, vegetables) grown on the premise or on property owned by the Farm Stand operator.

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: An accessory structure, artificially constructed as a barrier of any new material or combination of new materials erected to enclose or screen areas of land.

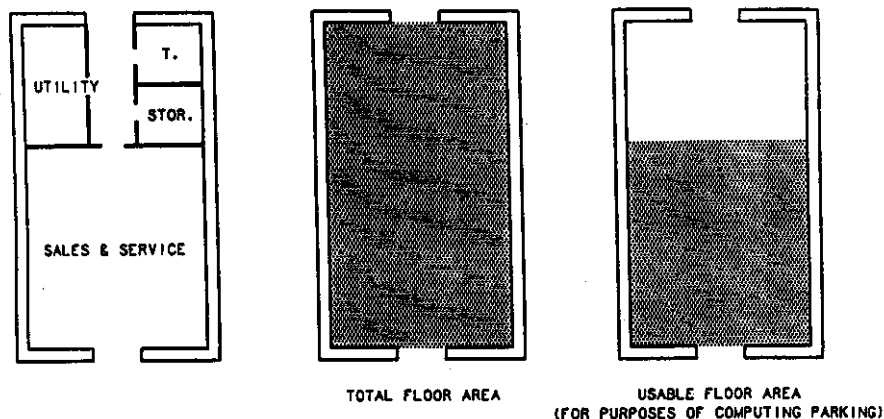
Fence, Decorative: An open or semi-open fence, ornamental in nature, not intended to provide a permanent barrier to passage or for screening. Decorative fencing does not include chain link fencing.

Filling: The depositing or dumping of any matter into or onto the ground.

Floor Area, Gross: Area measured to the exterior face of exterior walls and to the centerline of interior partitions; plus, similarly measured, that area of all other stories having more than eighty-four (84) inches of headroom which may be made usable for human habitation; but excluding the floor area of basements, attics, garages, breezeways, porches and accessory buildings.

Floor Area, Usable: For the purpose of computing parking, is that area used for, or intended to be used for, the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such accessory floor area which is used, or intended to be used, principally for the storage or processing of merchandise. Hallways, utility, and sanitary facilities, dance floors, stages, or other areas that do not generate any additional parking demand beyond that required for the primary use 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. Refer to illustration 2-4.

Illustration 2-4. Usable Floor Area



Footings: That portion of the foundation of a structure, which spreads and transmits loads directly to the soil or the pilings.

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

Frontage: See Lot Frontage.

Funeral homes: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

Garage, Private: 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. This shall not include tents or membrane-like structures.

Garage, public: Any garage which is not private.

Golf courses: A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

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 the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the grade for each face of the building.

Greenbelt: A strip of land of definite width and location reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties of distinct intensity. (Refer to Appendices.)

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale.

Greenway: A contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

Habitable Space: Space in a dwelling unit, or building, used for living, sleeping, eating, cooking, or otherwise conducting activities directly related to the building's principal use, which is equipped with means of egress, light, and ventilation facilities in accordance with applicable construction codes. Bathrooms, toilet compartments, halls, and closets are not considered to be habitable space.

Halfway House, Recovery: 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.

Halfway House, Rehabilitation: 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.

Health Care Facility: A facility or institution, whether public or private, principally engaged in providing out-patient services for health maintenance, diagnosis and treatment of disease, pain, injury, deformity or physical condition not allowing overnight stay, including, but not limited to, a public health center, diagnostic center, treatment center, rehabilitation center.

Home for the Aged: See Housing For the Elderly.

Home Occupation: Any use customarily conducted within an owner occupied dwelling and carried on only by the inhabitants thereof, and which use is clearly incidental and secondary to the use of the subject site for single family residential purposes is not offensive and does not change the character thereof. Provided further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas. One (1) non-illuminated nameplate, not more than six (6) square feet in area, may be permitted which shall contain only the name and occupation of the resident of the premises. Restaurants, animal hospitals, kennels, nursery schools, automobile repair or bump shops, among others, shall not be considered as home occupations.

Hospital: An institution or place where sick or injured in-patients are given medical or surgical care at either public or private expense, and operating under license from the Michigan Department of Public Health.

Hospital, Veterinary: A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Hotel: See 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, regardless of the relationship to one another.

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.

Improvements: Those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval.

Incinerator: A device used to burn waste substances and in which all the combustion factors – temperature, retention time, turbulence, and combustion air – can be controlled.

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.

Inn: A structure, usually historic, originally constructed for residential purposes and used as temporary lodging for travelers/guests where bedrooms are rented on a nightly basis and managed either by an owner/occupant or resident manager subject to the limitations outlined in the Ordinance. Meals may or may not be included in the price of the room.

Inoperable or Abandoned Motor Vehicle: Any wheeled vehicle, with or without a valid license and registration, which is self-propelled and intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.

Intensity of Development: The height, bulk, area, density, setback, use, and other similar characteristics of development.

Junk: Any motor vehicles, boats, trailers of all types, machinery, appliances, products, or merchandise with parts missing or scrap metals or other trash, rubbish, refuse or scrap materials that are damaged or deteriorated, except if in a completely enclosed building. Further, any inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 30 days, and any motor vehicle, whether so licensed or not, which is inoperative for any reason for a period in excess of 30 days and which is not in a completely enclosed building. It does not include domestic refuse if stored so as to not create a nuisance and is 30 feet or more from any residential structure for a period not to exceed seven days.

Junk Yard: The term "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of motorized vehicles, or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

Kennel: Any lot or premises on which four (4) or more dogs, cats, or other domestic animals, six (6) months old or older, are kept permanently or temporarily.

Kennel, Private: Any lot or premises on which not less than four (4) but not more than ten (10) dogs, cats, or other domestic animals, six (6) months old or over, that are owned by the resident, are kept.

Kennel, Commercial or Boarding: Any lot or premises on which four (4) or more dogs, cats, or other domestic animals, six (6) months old or over are kept either temporarily or permanently for sale, boarding, breeding, training, competition, or showing.

Laundromat: An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public.

Legislative Body: The Board of Trustees of Clay Township.

Library: An establishment which lends reading material, music, and related products to the public for no fee, and which may also provide related services and part-time social activities.

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

Livestock: Domestic animals, such as cattle, horses, sheep, hogs, chickens, geese, or goats raised and/or boarded for home use or for 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.

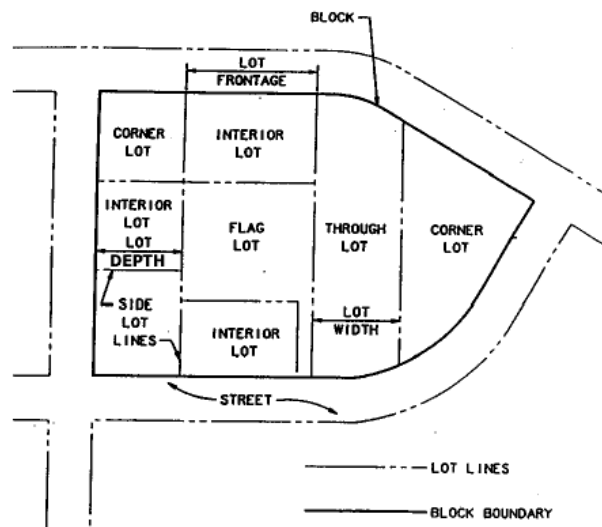
Local Unit of Government: The Township of Clay.

Lot: Land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, together with such yards and open spaces as are required under this Ordinance. A lot may or may not be specifically designated as such on public records. Refer to illustration 2-5.

1. **Lot, Corner:** A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, and any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less.
2. **Lot, Double Frontage:** Any lot, excluding a corner lot, which fronts on two (2) streets, which 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.

Illustration 2-5. Lot Types



Lot Area, Gross: The total area contained within the lot lines or property boundary, including street right-of-way.

Lot Area, Net: The area within the lot lines of a lot, exclusive of any public street rights-of-way abutting any side of the lot.

Lot Coverage: The amount of a lot, stated in terms of percentage, that is covered by all buildings, located thereon, including roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but not including fences, walls, or hedges used as fences, unroofed decks or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot Depth: The average distance measure from the front lot line to the rear lot line.

Lot Frontage: The length of the front lot line measured at the road right-of-way line, except as provided for flag lots.

Lot Line (Front): The front lot line shall mean the line separating such a lot from the street right-of-way or, in the case of private street, the line measured at thirty (30) feet from the centerline of the pavement. Where lots border upon bodies of water, a river or a canal, the front lot line shall be designated as the line fronting on the street.

Lot Line (Rear): Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or flared lot, the rear lot line shall be a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line.

Lot Line (Side): Any lot line not a front lot line or a rear 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 Size Averaging: The allowance for a change in lot area and width in a development, but with the average lot area meeting the minimum area as required in this Ordinance for that particular zoning district.

Lot Width: The horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot line.

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

Major Thoroughfare: See Streets.

Manufactured Home: A factory built, single-family dwelling, transportable in one or more sections, intended for permanent placement either in a manufactured/mobile home park or on a single parcel and which complies with current construction standards.

Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

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.

Marina: A facility for the storing, servicing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities for owners, crews, and guests.

Massage Establishment: See Adult Physical Culture Establishment.

Master Deed: The condominium document recording the condominium project to which are attached, as exhibits and incorporated by reference, the approved bylaws for the condominium project and the condominium plan for the project. The master deed shall include all the information required by MCL 559.108.

Master Plan: See Comprehensive Plan.

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

Mining: The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gas.

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 transportable structure which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, connected to the required utilities, and built in compliance with the Federal Manufactured Housing and Construction Safety Act of 1974 (effective June 15, 1976).

Mobile/Manufactured Home Park (Including trailer camp park): A parcel or tract of land under the control of an individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities upon which three (3) or more mobile/manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile/manufactured home or trailer coaches.

Mobile/Manufactured Home Site (Mobile/Manufactured Home Lot): A parcel of land, within a mobile/manufactured home park, designed for the placement of a single mobile/manufactured home.

Modular (Pre-Manufactured) Dwelling: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

Mortuary establishments: A place for the storage of human bodies prior to their burial or cremation.

Motel: A building or a group of buildings operated and used as a unit to furnish overnight sleeping accommodations, primarily for transient occupancy. The term motel shall include tourist cabins, motor courts, motor lodges and similar facilities, but it shall not include rooming houses, boarding houses, tourist homes, apartments, or multiple dwellings. A motel will generally have individual entrances from outside the building to serve each sleeping or living unit. Not more than ten percent (10%) of the units shall have kitchenettes or cooking facilities.

Motor Home: See Recreational Vehicle

Motion Picture Theater (indoor & outdoor): A place where motion pictures are shown to the public for a fee.

Nonconforming Building: A building or portion thereof lawfully existing at the effective date of this Ordinance, or affecting amendment, that does not conform to the current provisions of the Ordinance in the district in which it is located.

Nonconforming Lot of Record: A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

Nonconforming Use: A use of a building or of a parcel of land, lawfully existing at the effective date of this Ordinance, or affecting amendment, that does not conform to the current regulations of the zoning district in which it is situated.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated 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 including but not limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibration; objectionable effluent; noise of a congregation of people, particularly at night; passing traffic; or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

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: See Day 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.

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.

Other eligible land: Land that has a common property line with agricultural land from which development rights have been purchased and is not divided from that agricultural land by a state or federal limited access highway.

Parcel: A lot described by metes and bounds or described in a recorded plat.

Parent Parcel: An existing parcel or contiguous parcels of land under the same ownership at the time the Clay Township Land Division Ordinance became effective.

Park: A tract of land designated and used by the public for active and passive recreation.

Parking Area, Off-Street: Any public or private area outside of a public right-of-way, designed and used for parking motor vehicles.

Parking Bay: A parking facility unit that has two rows of parking stalls and a central aisle.

Parking Space: Space within a parking area or building, of definite length and width, exclusive of driveways, ramps, aisles, or entrances giving access thereto, for the parking or storage of one (1) permitted vehicle, also known as a parking stall.

Patio: An uncovered courtyard or platform extending horizontally out from the main building or structure built to the same design standards as a deck.

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

Personal Service Business: Any business which provides services involving the care of a person or his or her personal goods or apparel. Uses included in this definition include, but are not necessarily limited to, repair shops (watches, shoes, radio, television, etc.), tailor shops, barber and beauty shops, hair stylists, photography studios, self-serve laundries or any combination.

Planned Unit Development: An area of a minimum contiguous size, as specified by this Ordinance, to be planned, developed, operated and maintained as a single entity and containing one or more residential neighborhoods, appropriate commercial, public or private recreational uses, and common open space areas in such combination as provided in this Ordinance.

Planned Unit Development Agreement: A written agreement specifying the details of a planned unit development submittal and the conditions under which the submittal received final approval.

Planning Commission: The Clay Township Planning Commission.

Plat: A map of a subdivision of land recorded with the Register of Deeds pursuant to the Subdivision Control Act, PA 288 of 1967, MCL 501.101 et seq., or a prior statute.

Playground: An active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.

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.

Population: The population according to the most recent federal decennial census or according to a special census conducted under section 7 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.907, whichever is the more recent.

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. A porch shall not be considered as such when the enclosed space is heated or air-conditioned and when the percentage of window area to wall area is less than fifty (50) percent.

Principal Building: The building on a lot in which the principal use of the lot is conducted.

Principal Structure: Any building for any primary use or use subject to special land use review as defined in each zoning classification, not including accessory structures.

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

Private Sanitary Sewage Disposal System: An individual on-site sewage disposal system as defined in the County Health Department Sanitary Code.

Private Water Supply: A well or other water supply system approved by the County Health Department pursuant to Part 127 of the Public Health Code, PA 368 of 1978, as amended.

Professional Office: Any establishment providing executive, administrative or professional services necessary for the normal conduct of the community's activities. Uses permitted include, but are not limited to, offices for lawyers, accountants, real estate agents, doctors, architects and engineers.

Prohibited Use: A use of land which is not permitted within a particular zoning district. Unless otherwise cited, uses not specifically permitted in a zoning district shall be considered prohibited.

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 Sanitary Sewer: A system of pipe owned and maintained by a governmental unit, or an authority or commission comprised of one or more governmental units, used to carry human, organic and industrial waste from the point of origin to a point of discharge.

Public Utility: Any persons, firm, corporation, municipal department, board, or commission duly authorized to furnish and furnishing, under Federal, State or municipal regulations to the public: electricity, gas, sanitary sewers, steam, communications, telegraph, transportation, or water services.

Public Utility Facilities: Building, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas telephone, water, sewer, and public transit, to the public.

Public Water Course: A stream or creek which may or may not be serving as a drain as defined by the Michigan Drain Code, PA 40 of 1956, as amended, MCL 280.1 et seq., or any body of water which has definite banks, a bed and visible evidence of a continued flow or occurrence of water.

Public Water Supply: A water supply system owned by a governmental unit or an authority or commission comprised of one or more governmental units.

Quarry Excavation: Shall mean any breaking of the ground to hollow out by cutting or digging or removing any soil or rock matter, except common household gardening and general farm care. (See also Excavation.)

Radio & television broadcasting stations: An establishment engaged in transmitting oral and visual programs to the public and that consists of a studio, transmitter, and antennas.

Recreation Facility, Commercial (outdoor): An outdoor recreation facility operated as a business and open to the public for a fee. Buildings and structures which may be located on the property are accessory to the primary outdoor nature of the activities provided. Included in this definition are golf courses, riding stables and campgrounds.

Recreation Facility, Commercial (indoor): A recreation facility which is completely housed within a building and which is operated as a business and open to the public for a fee. Included in this definition are bowling alleys, movie theaters and arcades.

Recreation Facility, Private: Any recreation facility which is privately owned and operated, and open only to bona fide members and guests of such organization. This definition shall include, but not necessarily be limited to, privately owned golf courses, riding stables, shooting ranges, bowling alleys, private clubs and lodges.

Recreation Facility, Public: A publicly owned and operated facility which is open to the general public, with or without a general fee. This definition includes any related buildings or structures, used for recreational purposes including, but not limited to, playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and other leisure time activities.

Recreational, All Terrain Vehicle: Vehicles primarily designed for navigation upon unpaved natural terrain.

Recreational Vehicle: Vehicular-type structures, primarily designed for conveyance upon the public streets or highways, and duly licensable as such, and will permit the occupancy thereof once stationed as a dwelling or sleeping place for one (1) or more persons. These vehicles can either be towed, hauled or affixed to another vehicle or driven from one site to another without requiring a State or County Special Transportation Permit for travel.

Recreational Vehicle Park: All lands and structures which are owned and operated by private individuals, a business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

Recreational Vehicle Storage Facility: A controlled-access compound for storage of recreational vehicles, boats, and /or trailers and a caretaker's building.

Research facilities: An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

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, guard houses, 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 which 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.

Restrictive Covenant: A provision in a deed restricting the use of property and prohibiting certain uses. Such restrictions are binding on subsequent owners. Unless the Township has an ownership interest in the property, a restrictive covenant is enforced by the parties to the agreement, not by the Township. Also known as a deed restriction.

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

Restoration: The reconstruction or replication of an existing building's original architectural features.

Retail Sales, Local: Any establishment engaged in selling goods or merchandise to the general public residing in the immediate neighborhoods for personal or household consumption and rendering services incidental to the sale of such goods. Uses included in this definition are grocery stores, pharmacies, florists and restaurants.

Retail Sales, Regional: Any establishment engaged in selling goods or merchandise to an extended market crossing several political jurisdictions. Uses included are appliance and vehicular sales.

Riding Academy: An establishment where horses are boarded and cared for and where instruction in riding, jumping, and showing is offered and where horses may be hired for riding.

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Roads: See 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.

Roof: A permanently attached, non-retractable outside covering of a building or part thereof. For the purposes of this ordinance, a balcony shall not be considered a roof for surfaces below.

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.

Sanitary Landfill: A tract of land developed, designed and operated for the disposal of solid waste in a manner consistent with the following: (1) criteria established by Act 641 of the Michigan Public Acts of 1978, as amended, and any rules or regulations established based on this Act and (2) St. Clair County's adopted Solid Waste Management Plan.

School: Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

1. **School, Elementary:** Any school licensed by the state and that meets the state requirements for elementary education.
2. **Schools, Colleges and universities:** An educational institution authorized by the state to award baccalaureate or higher degrees.
3. **Schools, Commercial trade:** A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.
4. **School, Parochial:** A school supported and controlled by a church or religious organization.

5. **School, Private:** Any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which use does not secure the major part of its funding from any governmental agency.

Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Self-Storage Facility: See 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 minimum unoccupied (including bay windows, balconies and other appurtenances) distance between the lot line and the principal and accessory structures, as required herein.

1. **Setback, Front:** Minimum required unoccupied distance, extending the full lot width, between the principal and accessory structures and the front lot line.
2. **Setback, Rear:** Minimum required unoccupied distance, extending the full lot width, between the principal and accessory structures and the lot line opposite the front lot line.
3. **Setback, Side:** Minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory structures and the side lot line.

Shopping Center: A group of three (3) or more commercial establishments developed in accordance with an overall plan and designed and build as an interrelated project.

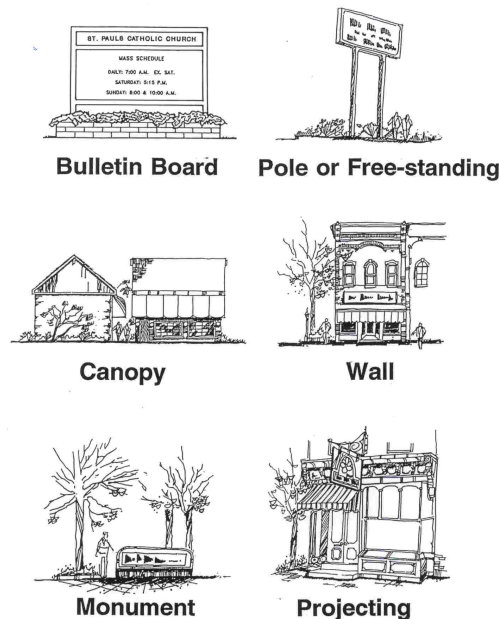
Sign: A sign is any announcement, declaration, display, billboard, illustration, and insignia when designed and placed so as to attract general public attention and shall include the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known and visible to the 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. Refer to illustration 2-6.

1. **Sign, Abandoned:** A sign which no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.
2. **Sign, Accessory:** A sign which is accessory to the permitted use.
3. **Sign, Billboard (Nonaccessory):** A sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located; also called a remote sign. All billboard type signs shall be governed by the provisions relating to non-accessory signs regardless of location.
4. **Sign, Bulletin Board:** A sign that identifies an institution or organization on the premises of which it is located and that contains the name of the institution or organization, the names of the individuals connected with it, and general announcements of events or activities occurring at the institution.
5. **Sign, Canopy:** A sign that is mounted or painted on, or attached to, an awning or canopy that is otherwise permitted by Ordinance.

6. **Sign, Construction:** A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of architects, engineers, landscape architects, contractors, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
7. **Sign, Decorative Display:** A temporary display designated for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising.
8. **Sign, Directional:** Signs limited to directional messages, principally for pedestrian or vehicular traffic such as "one-way," "entrance," and "exit."
9. **Sign, Freestanding:** A sign attached to a permanent foundation supported from the ground by one or more poles, posts, or similar uprights, with or without braces, upon which announcements, declarations, displays, etc., may be placed.
10. **Sign, Home Occupation:** A sign containing only the name and occupation of a permitted home occupation.
11. **Sign, Identification:** A sign which carries only the name of the firm, the major enterprise, of the principal product or service offered for sale on the premises or a combination of these things only to identify location of said premises and not to advertise. Such signs shall be located only on the premises on which the firm or major enterprise is situated, or on which the principal product is offered for sale.
12. **Sign, Marquee:** A sign attached to or hung from a marquee, canopy, or other structure projecting from and supported by the building and extending beyond the building wall.
13. **Sign, Memorial:** A sign tablet or plaque memorializing a person, event, structure, or site.
14. **Sign, Monument:** A sign attached to a permanent foundation and not attached or dependent for support from any building, pole, posts, or similar uprights.
15. **Sign, Mural:** A sign painted directly upon a wall or ceiling.
16. **Sign, Off-Site:** A sign other than an on-site sign.
17. **Sign, On-Site:** A sign which advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.
18. **Sign, Outdoor Advertising:** A sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event, or facility located on other premises, and which is intended primarily for advertising purposes.
19. **Sign, Political:** A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.
20. **Sign, Portable:** Any sign not permanently attached to the ground or a building.
21. **Sign, Projecting:** A sign which is affixed to any building or structure other than a marquee, and any part of which extends beyond the building wall and the horizontal sign surface is not parallel to the building wall.

22. **Sign, Real Estate:** A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
23. **Sign, Roof:** A sign which is erected, constructed and maintained above any portion of the roof or exterior wall of a building or structure.
24. **Sign, Temporary:** A sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign, intended for a limited period of display.
25. **Sign, Wall:** A sign which is attached directly to a building wall with the horizontal sign surface parallel to the building wall, including signs painted on any building wall.
26. **Sign, Window:** A sign installed on or in a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

Illustration 2-6. Sign Types



Sign Area: Sign area is the total sum of all exterior surfaces of the sign, excluding mountings unless mounting contain signage text or logo, computed in square feet. In the case of a broken sign (a sign with open spaces between the letters or symbols), the sign area shall be measured by multiplying the height of the individual letters or symbols or combination of letters or symbols by the width of the individual letters or symbols or combination thereof. In broken signs of two or more lines, the sign area shall be the distance in feet between the furthestmost horizontal letters or symbols multiplied by the distance in feet between the furthestmost vertical letters or symbols.

Sign Height: The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.

Single Ownership: One or more parcels of land held entirely in the same ownership, which may include one or more persons and may be in any form.

Site Plan: All documents and drawings required by the Zoning Ordinance to insure that a proposed land use or activity is in compliance with local ordinances and State and Federal statutes. A plot plan depicts a subset of the information required by this Ordinance for a site plan.

Site Plan Review Committee: A three member subcommittee of the Planning Commission, appointed by the chair, charged with the preliminary review of development plans.

Solid Waste: Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercial and solid industrial waste, animal waste, but not including human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a re-user of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

Special Approval Uses: A land use or an activity which under certain circumstances, might be detrimental to other permitted uses and should not be permitted as a right in a given zoning district, but which use can be permitted under circumstances unique to the proposed location and subject to conditions acceptable to the Township which provide protection to land uses. A land use which is permitted in a zoning district only after review and approval of the Planning Commission. Special land uses as permitted and regulated by Act 637, PA of 1978, Section 16(b).

Special Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as such pursuant to standards and procedures established 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: The graphic depiction, whether real or simulated, of less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: The graphic depiction, whether real or simulated, of human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Stack Storage: Year-round boat storage.

State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer persons under 24-hour supervision or care.

Stored or Open Storage: Includes outside storage or keeping of building materials, sand, gravel, stone, equipment and other supplies. Vehicles shall be termed stored or in open storage if for a period exceeding seven (7) days they have not been capable of operating under their own power and/or from which parts have been or are to be removed for reuse or sale.

Stop Work Order: An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, the space between the floor and ceiling next above it. A story shall not be counted as a story when the space meets the definition of a basement.

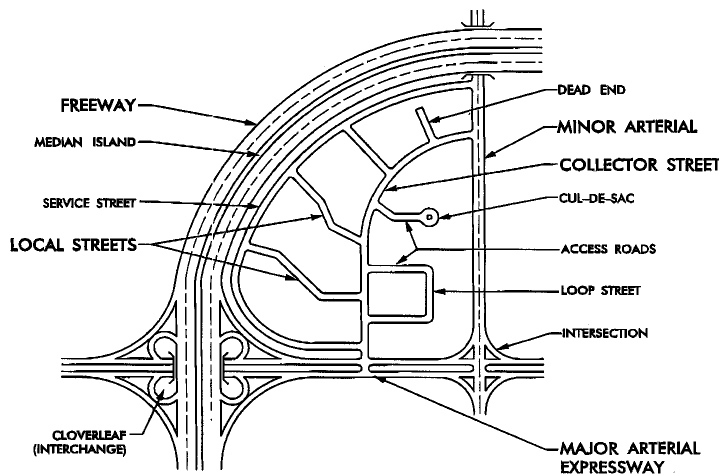
Story, Half: An uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy five (75) percent of the floor area of the story immediately below. Tri-level shall be considered one and one-half stories.

Street Line: The legal line of demarcation between a street right-of-way and abutting land.

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. Refer to illustration 2-7.

1. **Streets, Arterial:** 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.
2. **Streets, Collector:** 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. **Streets, Local:** 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.
4. **Street, Private:** An area used for ingress and egress to serve more than one (1) parcel of property not part of a subdivision created under State Act 288, P.A. 1967, as amended, which shall be maintained by the landowners of property served by the private road. Private roads shall be created in the Township in compliance with the Clay Township Private Road Ordinance.
5. **Street, Public:** A thoroughfare which affords a principal means of access to abutting property and which has been accepted either expressly or impliedly, by the St. Clair County Road Commission or other public road agency as a public street, or is used as such by the public.

Illustration 2-7. Street Hierarchy



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

Structural Alteration: Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams, or girders, stairways, or any change in the width or number of exits, or any substantial change in the roof.

Subdivision: The division of a lot, tract, or parcel of land into five or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term subdivision shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land of more than ten acres.

Swimming Pools: The term "swimming pool" shall mean any structure or container intended for swimming, located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches.

Temporary Housing: A structure without any foundation or footings that is established for a limited duration and removed when the designated time period has lapsed, as regulated by the Township Building Department.

Temporary Use: A use established for a limited duration with the intent to discontinue such use when the designated allowable time period has lapsed.

Temporary Structure: A structure without any foundation or footings and that is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

Tent and Other Membrane Structures: Any structure or enclosure that is constructed of silk, cotton, canvas, fabric, or other pliable material that is designed to be erected over and/or supported by a structural framework. Said structure shall not be used for the storage of motorized vehicles, lawn care equipment or any other items that are customarily associated with being accessory to residential uses. Further, tents and other membrane structures shall not be used for storage of any material or object whatsoever in any other use districts.

Transient Outdoor Enterprise: Any recreational activity, which is designed to travel from one area to another with only temporary structures for shelter. This definition shall include, but not necessarily be limited to, circuses, carnivals and concerts.

Transportation Services, Accessory (Transportation Agencies): Establishments furnishing services incidental to transportation, such as forwarding and packing services and the arranging of passenger or freight transportation.

Transportation Services, Local (Transportation Terminals): Establishments primarily engaged in furnishing local and suburban passenger transportation, including taxicabs, passenger transportation charter service, school buses, and terminal and service facilities for motor vehicle passenger transportation.

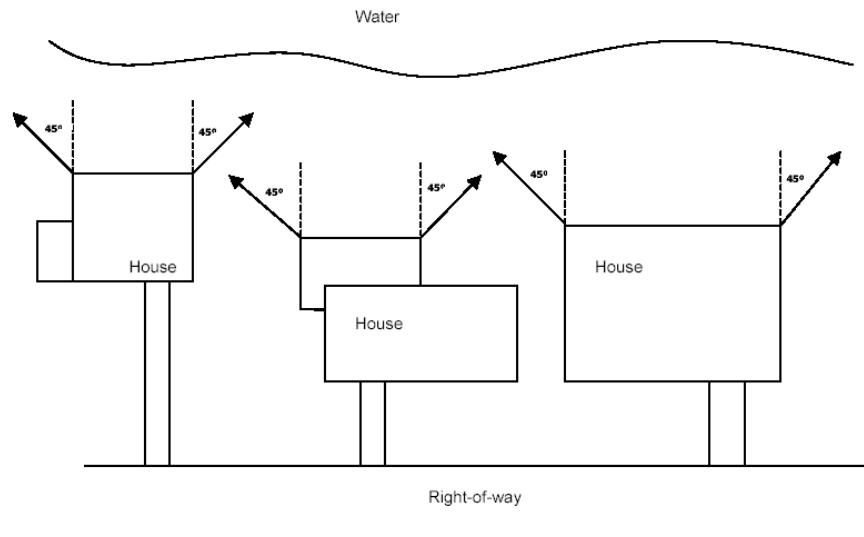
Travel Trailers: See Recreational Vehicle

Travel Trailer Park: See Recreational Vehicle Park.

Undeveloped State: A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children=s play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

Unobstructed Yard Space: For purposes of this Ordinance, it shall include a yard space 45 degrees out from the corners of the main exterior wall most parallel to the water, void of all buildings, watercraft, or structures (other than a flag pole, bird house or bird feeder). Grass, sod, shrubs, hedges and similar landscaping shall be permitted provided they do not create a physical or visual barrier over three (3) feet in height. Deciduous trees shall be permitted provided the trees are pruned of branches to a minimum of eight (8) feet from the base. Fences, walls or similar barriers may be permitted by the Zoning Board of Appeals. Please refer to illustration 2-8.

Illustration 2-8. Unobstructed Yard Space



Uncovered Boat Well: An open, unenclosed, and uncovered area for the purpose of in-water boat dockage or storage.

Usable Floor Area: See Floor Area, Usable.

Use: Is 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 this 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.

Water Front Storage: Storage facility fronting on water which does not provide berthing/docking on an individual basis.

Wireless Communication Antenna (WCA): Any antenna used for the transmission or reception of wireless communication signals excluding those used for public emergency systems, television, ham radio, satellite antennas and video programming services.

Wireless Communication Support Facility (WCSF): A monopole, guyed or lattice type tower designed for the attachment of or as support for wireless communication antennas or other antennas.

Yard: An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied from the ground upward, except as otherwise provided herein. Refer to illustration 2-2 for building envelope.

1. **Yard, Front:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the public right-of-way line and the nearest point of the main building.
2. **Yard, Rear:** An open space extending across 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.
3. **Yard, Side:** An open space between a building and the side lot line, extending from the front yard to the rear lot line. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the building or structure

Yard, Required: The open space between a lot line and the yard line within which no structure shall be located except as provided in this Zoning Ordinance.

Zoning Administrator: The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board.

Zoning Board of Appeals: The Clay Township Zoning Board of Appeals.

Zoning District (Zone): A portion of the Township within which specific regulations and requirements, or various combinations thereof, apply as provided in this Ordinance.

Zoning Jurisdiction: The area encompassed by the legal boundaries of a city or village or to the area encompassed by the legal boundaries of a county or township outside the limits of incorporated cities and villages. The zoning jurisdiction of a county does not include the areas subject to township zoning by a township.

**ARTICLE III
GENERAL PROVISIONS**

Section 3.01 Accessory Buildings, Structures and Uses.

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

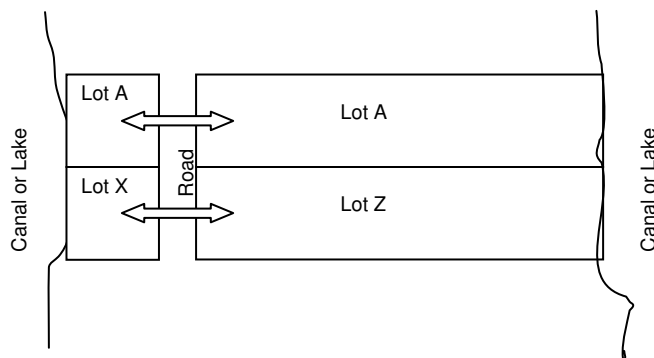
1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to main building.
2. Accessory buildings or structures shall not be erected in any front or required front or required side yards.
3. No detached accessory building shall be located closer than ten (10) feet to any main building. On waterfront lots, where compliance with this requirement will render noncompliance with other waterfront setback requirements, the Building Inspector and the Pre Site Plan Review Committee, by unanimous consent, may reduce the ten (10) foot spacing requirement as long as the location does not conflict with fire access or any applicable fire or building codes.
4. No detached accessory building shall be located closer than three (3) feet to any side or rear lot line. Boathouses shall be permitted to be located on the rear lot line when said lot line is a watercourse. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
5. An accessory building may occupy not more than twenty-five (25%) percent of a required rear yard, provided that in no instance shall the total of all accessory buildings exceed the total floor area of the main building, except as provided in paragraph 7 of this section.
6. No detached accessory building in residential or mobile home park zoning districts shall exceed (1) story or fifteen (15) feet in height (except boathouses as regulated by Section 3.01 (8)(c)).
7. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on either street.
8. When an accessory building is a boathouse, or is substantially over the water, whether it be lake, river, canal or boatwell:
 - a. No more than thirty (30%) percent of the building area may have flooring, be it earth, concrete, wood or any flooring material other than water.
 - b. Such boathouse may exceed the area of the primary (residential) building, so long as the total square footage of all buildings on the site does not exceed thirty (30%) percent of the total lot area.
 - c. All boathouses which exceed fifteen (15) feet in height or with wells to accommodate more than two (2) boats shall be subject to a variance. In determining the height of a boathouse the definition of height in Article II shall apply except that the grade shall be the mean or average ground level of the land which the boathouse is accessed.

- d. A boathouse shall have all sides open for a height of not less than eight (8) feet above the land level and enclosed a distance of not more than three (3) feet down from the top of the structure's top plate.
- e. A second floor shall not be permitted in a boathouse nor shall a boathouse have sanitary facilities.
- f. A building permit for a boathouse shall not be issued unless and until the applicant has:
 - 1.) Complied with all the provisions of this Zoning Ordinance, any applicable building code, and Part 301, Inland Lakes and Streams, Act 451 of 1994, as amended; and
 - 2.) Secured the written approval from the U.S. Army Corp of Engineers and the Michigan Department of Natural Resources when such permits are required and within the jurisdiction of those two agencies.
- 9. When an accessory structure is to serve both over the water, boat storage and automobile storage (garage) the two areas shall be clearly defined. Each area shall be considered as a separate building and meet the requirements for such building.
- 10. Boat slips, moorings, or boat hoist shall be limited in use to the owner or resident and to one non-owned boat or rental space.
- 11. By definition an accessory building is clearly incidental to the principal building housing the main use; therefore the Building Inspector shall not issue a Building Permit for an accessory building prior to the issuance of a building permit for the main or principal building, and no rough framing of an accessory building shall begin until the rough framing of the principal building has been started.
- 12. In all residential districts the seasonal storage of boats shall be considered an accessory use.
- 13. Accessory Structures on a Single Parcel Abutting Multiple Water Courses.

Where a lot, or two or more abutting lots, under the same ownership are fronted by multiple water courses such as canals, rivers and/or the lake on two sides, the Site Plan Review Committee and Building Official, by unanimous consent, may permit the construction of one boat house or waterfront accessory structure. This subsection is intended to provide for waterfront accessory structures on lots that may or may not be part of the lot of record containing the residence. Such accessory structure shall meet the following requirements:

- a. The structure shall not exceed the height limitations as defined in Section 3.01.6 and Section 3.01.8, as applicable.
- b. The structure shall be located in a manner that reasonably facilitates vehicular access and circulation without encroaching on surrounding properties.
- c. The area of the structure shall be limited by the maximum building lot coverage.
- d. Setbacks of this Section shall apply. The Site Plan Review Committee and Building Official, by unanimous consent may permit variations to these setbacks when practical difficulties exist which prohibit the construction of an accessory structure consistent with the criteria, herein.

- e. The materials, architecture, size and location shall be consistent and compatible with existing land uses in the area, as determined by unanimous consent of the Site Plan Review Committee and Building Official.
- f. No more than one boathouse or waterfront accessory structure shall be permitted for each corresponding principal residence.
- g. Any decision by this Committee may only be appealed to the Zoning Board of Appeals. A plot plan shall be acceptable, in lieu of a site plan.
- h. A signed and notarized affidavit shall be provided noting that the structure will not be utilized as a residence, sleeping quarters, and/or for any business use.



Section 3.02 Building Grades.

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

1. Where there is existing development in the area or where the adjacent lands are subdivided, the grades about the new development or construction shall be set to the current Corps. of Engineers benchmark.
2. The grades for all new development shall be completed so as to contain all runoff on the site or direct runoff to storm facilities without crossing abutting developed or platted lands. Such grades and drainage shall also meet the requirements of Clay Township Ordinance No. 30.
3. Grades of a site may be raised above the crown of an abutting public road if such increase in grade does not cause runoff onto abutting property, other than dedicated public right-of-way.
4. Where the grade on site is in any way to be increased above existing grades of the adjacent properties, the owner of the property shall, upon application for a building permit, submit a certification signed and sealed by a Registered Land Surveyor or a Civil Engineer stating the existing and proposed grades and that conditions set forth in items 1 through 3 of this Section are met.

Section 3.03 Buildings To Be Moved.

The term "moving of buildings" includes any buildings or structures being relocated within the Township, being moved out of Township or being moved into the Township. A building permit is needed when the building is being moved within or to the property lines of a lot or when such move necessitates movement along a County, State or Township Road.

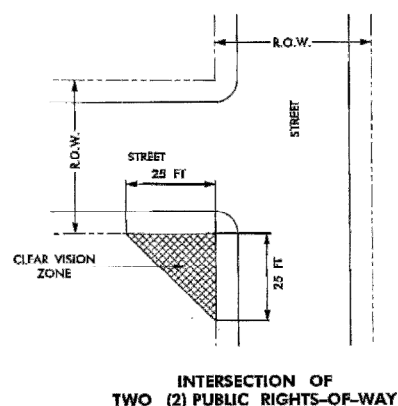
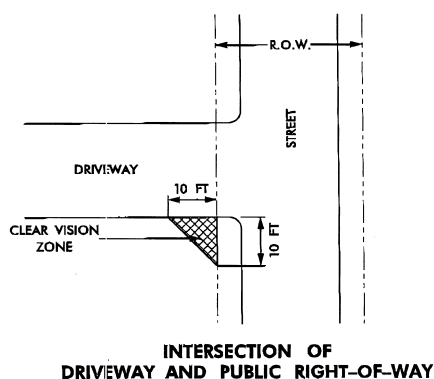
Movement of buildings into, within and/or out of the Township shall be approved by the Township Zoning Administrator prior to such moving. Approval shall be contingent upon the Administrator determining that the following conditions have been met.

1. Any person desiring to move a building within or into Clay Township shall file an application for a building permit with the Zoning Administrator. Such moving of building application shall contain among other things, the following information:
 - a. Name, description and address of applicant.
 - b. A completed Building Permit Application including site plan and building plans.
 - c. Length of time for the anticipated move.
 - d. Evidence of adequate insurance to protect any improvements in the public right-of-way.
 - e. Adequate police protection has been arranged for with the appropriate agency.
 - f. Emergency telephone number for applicant and/or property owner.
 - g. A detailed description of the route and time of the move.
2. Where a structure is moved into the Township, the structure must comply completely with all codes and ordinances prior to obtaining a certificate of occupancy.
3. The Township Treasurer must be in receipt of any necessary fee, licenses and bonds.
4. A cash bond or letter of credit shall be required by the Township Board to insure that the ultimate moving, erection or construction of the building and the development of the site shall be in accordance with the approved plans and proposals. Such bond shall be in an amount equal to the estimated cost of the construction and the site improvements. The bond will not be returned until an occupancy permit has been granted.

Section 3.04 Corner Clearance and Visibility.

No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25') feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. In the case of driveway/street intersection, the aforementioned technique shall also be used, however a ten (10') foot dimension shall be utilized situated along the driveway and property line. Decorative fencing which would be approved on a corner could include open weave, split rail or similar fencing. Refer to illustration 3-1.

Illustration 3-1 Corner Clearance and Visibility



Section 3.05 Decks, Porches, or Patio

A deck, porch, or patio, which is associated with a residential structure, shall be subject to the following restrictions:

1. A deck, porch, or patio shall not contain any solid vertical sides.
2. A deck or patio shall not be completely or partially covered by a roof.
3. A deck, porch, or patio shall not occupy any yard, except the rear yard and the non-required side and front yard.
4. A deck, porch, or patio shall be located no closer than fifteen (15) feet from the rear lot line.
5. Ground level deck, porch, or patio railings shall not exceed 36 inches in height and upper story deck, porch, or patio railings shall not exceed 42 inches in height.
6. Decks, porch, or patio shall be constructed in accordance with requirements of all applicable Building Codes.

Section 3.06 Essential Services.

Essential services and public utility facilities as defined by this Ordinance shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Michigan or any ordinance of the Township. It is the intention hereof to exempt such essential services, excluding buildings or other structures, from the application of this Ordinance.

Section 3.07 Prohibition of Unauthorized Excavation or Holes.

The existence within the limits of the Township of Clay of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, or of any excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited and declared a public nuisance; provided however, that this Ordinance shall not prevent any excavations under a permit issued pursuant to the provisions of this Ordinance or the Building Code of the Township of Clay.

Section 3.08 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, which enclose property and/or are within a side or rear yard, shall not exceed six (6) feet in height. This height shall be measured from the average established grade to the highest point of the fence. 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; the measuring technique employed shall be the same as stated above. In addition, no fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by Section 3.04, or interfere with visibility from a driveway. The Zoning Administrator 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. Fences shall consist of at least one side that is of "finished" quality. The term "finished" refers to the covering of raw material so as to protect it from the natural elements; this includes but is not limited to the painting of metal, and the painting or staining of wood. A finished side of the fence shall be exposed to all adjacent properties. The finished side shall generally be the side without post exposure or with the least post exposure. The Building Inspector shall determine the "finished" side.
- d. Fences not used for farm operations shall not contain barbed wire, electric current, or charge of electricity. All fences shall be constructed of treated wood, plastic, aluminum, or galvanized metal or similar materials as approved by the Building Inspector and/or Zoning Administrator. Temporary fencing, such as chicken wire or plastic snow fencing, shall be prohibited as permanent fencing material.
- e. All fences shall comply with the requirements of the all applicable building and zoning codes.

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, which 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 3.04, or interfere with visibility from a driveway. The Zoning Administrator 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. Fences shall not contain barbed wire, electric current, or charge of electricity. 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 3.09 Greenbelts.

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.** Except as otherwise specified in the Ordinance, the requirements set forth in this section shall apply to all uses, lots, sites, and parcels requiring site plan review. No site plan shall be approved until 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 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 may be reduced, increased or otherwise altered at the discretion of the Planning Commission, based on the size and shape of the property and based on anticipated impacts on or of the proposed use, the surrounding uses or the anticipated surrounding uses based on the zoning for the surrounding sites.

3. **Required on outer perimeter.** Greenbelts shall be required on the outer perimeter of all lots or parcels, extending to the lot or parcel boundary line as defined by Appendix A. Greenbelts shall not be located on any portion of an existing or dedicated public or private street or right-of-way.
4. **Illustrations.** The illustrations set forth in Appendix B to this chapter graphically show the specifications of each greenbelt. Any person wishing to develop upon a parcel of land, shall be required to provide a greenbelt conforming to those set forth in Appendix B between such parcel and any adjacent parcel as specified in Appendix A. If appropriate the Zoning Administrator, after negotiations with the developer, may reduce the greenbelt requirements for residential and commercial uses down one (1) alphabetical letter from that required in Appendix A.
5. **Installation responsibility.** All required greenbelts shall be the responsibility of the proposed higher intensity use and shall be installed prior to the issuance of any occupancy permit providing for such higher intensity use. When a use of lesser intensity is proposed adjacent to an existing higher intensity use that has not provided the required screening, the Planning Commission shall require the lesser intensity use to provide screening. The Commission shall determine the type and extent of screening.
6. **Greenbelt location.** Only one (1) greenbelt shall be required between uses. Where different uses are proposed, the greenbelt shall be located on the lot of the higher intense use. Where similar uses are proposed the required greenbelt shall be centered on the common lot line separating the similar uses. Where the higher intense use exists, a modified greenbelt will be required on the lot with the lower intense use. In the latter case, the modified greenbelt shall be approved by the planning director.

Section 3.10 Location and Screening of Trash Receptacles.

All non-residential uses shall include trash receptacles meeting the following requirements. The Commission shall decide the appropriate number and scope of such trash receptacle areas. The location of trash receptacles shall be indicated on a site plan. All such trash receptacles shall be located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, site traffic circulation patterns, or any public right-of-way. Trash receptacles shall not be located within the front yard.

All trash receptacles shall be screened on three (3) sides by a six (6') feet high wall constructed of materials similar to, or compatible with, the exterior construction materials used elsewhere on site. The walls shall be constructed of either color impregnated poured concrete with a simulated brick pattern or block wall with decorative clay brick facing. The dumpster enclosure shall not be painted. A steel framed wooden gate with closure latch shall be constructed to contain and conceal the opening. All trash receptacles shall be placed on a concrete pad, approved by the Building Inspector. Concrete or metal bollards shall be placed between the trash receptacle and the rear wall of the enclosure.

The walls shall be maintained so as to remain structurally sound and neat and clean in appearance. Trash shall not be allowed to overflow from the receptacle. Trash receptacles shall be so located and arranged to minimize their visibility from adjacent streets and uses. All trash receptacles shall be located on site to be as accessible as possible without interfering with vehicular circulation patterns.

Section 3.11 Supplementary Setback Provisions.

1. **Lake, River or Canal Lots:** Those residential lots and/or parcels having one lot line abutting or extending into the water and an opposite lot line abutting a public thoroughfare shall maintain the required yard on the water side as an open and unobstructed yard, except that a covered or uncovered boat well shall be permitted (see Section 3.01). This required shoreline setback shall be a minimum of 40 feet in the R1 District; 55 feet in the R2 District; and 45 feet in the R3 District. The setback shall be measured from the bulkhead, or if no bulkhead, from the shoreline. Boatwells cut into the bulkhead shall not have the effect of changing the waterfront property line. In the event that there are principle buildings located on the adjacent lots which are different than the setback minimums listed above, then an alternative setback line may be established by averaging the setback of principal structures located within 330 feet in both directions of the subject property.
2. **Non-Waterfront Property Lines:** In the event that there are principle or accessory buildings located on the adjacent lots which are different than the front setback minimums stated for the zoning district in which the building is located, then an alternative setback line may be established by averaging the setback of principal or accessory structures located within 330 feet in both directions of the subject property.

Section 3.12 Performance Standards.

No commercial or industrial use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy and operation. These standards are hereby established as the minimum requirements to be maintained for said uses. Generally accepted methods of collection and standard methods of chemical analysis shall be used in the application of these requirements:

1. **Smoke and/or Air Pollution Control.** The emission of gases, smoke, dust, dirt, and fly ash should in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable Federal, State and County health laws pertaining to air pollution and smoke abatement.

2. **Open Storage.** The open storage for junk, scrap or salvage or other waste products where the operations are for the conversion to saleable materials shall be screened from public view, from a public street and from adjoining properties not of a similar nature, by an enclosure consisting of a solid wall or fence not less than six (6) feet in height.
3. **Glare and Radioactive Materials.** Glare from any process (such as or similar to are welding or acetylene torch cuttings), which emits harmful ultraviolet rays, shall be performed in such a manner as not to be emitted to exceed quantities established as safe by the U.S. Bureau of Standards and/or the Atomic Energy Commission when measured at the property line.
4. **Fire and Explosive Hazards.** In the I Industrial District the storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning as determined by the Fire Marshall, is permitted subject to compliance with all the other performance standards above mentioned. The storage, utilization or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the Fire Marshall, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:
 - a. Said materials or products shall be stored, utilized or produced in completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of Building Codes.
 - b. All such buildings or structures shall be set back at least forty (40) feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with all applicable local, State and Federal building and fire codes.
 - c. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended; and shall comply with all applicable local, State and Federal laws, codes and acts.
5. **Noise.** Noise shall not be emitted which exceeds seventy (70) decibels as measured at the property boundary line, except that where normal street traffic noises exceed seventy (70) decibels during such periods, the measurable noise emanating from subject premises may be equal to, but shall not exceed such traffic noises.
6. **Vibration.** Vibration as measured at the property lines shall not cause a displacement of greater than three thousandths (.003) of one inch.
7. **Lighting.** All lighting or other forms of illumination utilized on private property shall be arranged and so located that it will not shine, reflect, or glare into public streets or surrounding properties in a disturbing manner.
8. **Design Standards.**
 - a. Intent. The exterior appearance of any building located within a multiple family, business, or industrial zoning district of the Township has an effect upon the desirability of the immediate area and of neighboring areas for business and other purposes. Maintenance of an attractive, compatible, and pleasing exterior appearance of such buildings will prevent impairment of the stability of the value of other real property in the area, permit the most appropriate development of such area, and will prevent attendant deterioration of conditions affecting the general welfare of the citizens of Clay Township.
 - b. Design Criteria: In the process of reviewing the submitted materials, the Planning Commission shall consider:

1.) Relationship of Buildings to Site

- a.) The site shall be planned to accomplish a desirable transition, between the building(s) with the streetscape to provide for adequate planting, safe pedestrian movement, and parking areas.
- b.) Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged, where feasible, to provide an interesting relationship between buildings.
- c.) Parking area shall be treated with decorative elements, building wall extensions, planting, berms, or other innovative means so as to screen parking areas from view from public ways.
- d.) Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- e.) Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

2.) Relationship of Buildings and Site to Adjoining Area

- a.) Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
- b.) Attractive landscape transition to adjoining properties shall be provided.
- c.) Harmony in texture, lines, and masses is required. Monotony shall be avoided.

3.) Building Design

- a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
- b. Buildings shall be good scale and be in harmonious conformance with permanent neighboring development.
- c. Materials shall have good architectural character and shall be selected for harmony of the buildings with adjoining buildings.
- d. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
- e. Materials shall be of durable quality.
- f. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
- g. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
- h. Mechanical equipment or other utility hardware on roof, ground, or buildings including satellite disk, antennae, and heating, ventilating and cooling equipment shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
- i. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
- j. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, for and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
- k. Gutters and downspouts are to be painted to match the surface to which attached, unless used as a major design element, in which case the color is to be consistent with the color scheme of the building.

- I. The design should be compatible with future construction both on and off the site.
- 4.) Maintenance Planning and Design Factors
 - a. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
 - b. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.
 - c. Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

Section 3.13 Ponds.

Ponds created for livestock watering, irrigation, fish or aquatic life or for recreational or aesthetic purposes are a permitted use subject to the approval of the Zoning Administrator upon the finding that the plans meet the following requirements:

1. Site Requirements.
 - a. All approved ponds shall be on a contiguous parcel of at least five (5) acres.
 - b. In the event the owner wishes to sell or transport the excavated materials off the site, he shall conform to the requirements of the mining and extraction ordinances of the Township. (ref. Township Ordinance #47)
 - c. Ponds shall only be of an excavation type as defined by the Michigan Department of Environmental Quality (MDEQ) engineering standard and all ponds shall be constructed to the MDEQ standards and shall meet all applicable local, State and Federal laws, codes and ordinances.
 - d. No commercial activities including public fishing shall be allowed.
2. Yard and Placement Requirements.
 - a. The pond shall be a minimum distance of fifty (50) feet from any property line.
 - b. Any artesian well or other water overflow from a pond that could affect adjacent property shall be provided with adequate drainage.
 - c. Ponds shall be a minimum of ten (10) feet deep over twenty-five (25) percent of the pond's surface area.
 - d. Ponds shall be located a minimum of one-hundred (100) feet from the septic tank or field.
 - e. Surface water shall be diverted around all ponds.
 - f. Ponds shall be constructed in such a manner that runoff, overflow, spillage or seepage shall not encroach upon adjacent properties owned by another person.
 - g. Ponds shall have warning signs and lifesaving equipment as required by the State of Michigan.

- h. A pond may be shared between properties, provided that equal portions of said pond are situated between the pertinent properties, and the property owners enter into a written agreement to provide for the pond's construction and maintenance to meet the above requirements. A signed copy of this agreement shall be attached to the site plan.

3. Permit Requirements

- a. A site layout shall be submitted to the Zoning Administrator for his determination that it meets the requirements of this Section prior to the issuance of a building permit.
- b. No pond shall be constructed without first obtaining a permit from the Department of Environmental Quality (DEQ) if such pond would be:
 - 1.) Five (5) acres or greater in area, or
 - 2.) Connected to an existing lake or stream, or
 - 3.) Located within five-hundred (500) feet of the ordinary high water of an existing inland lake or stream.

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

Section 3.14 LIGHTING.

Lighting in all use districts shall conform to the following requirements as to type, location, intensity and method of shielding.

- 1. All outdoor lighting shall be shielded downward or below horizontal with cut-off luminaires (maximum of 85 degrees from vertical) to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences, as well as public rights-of-way.
- 2. The height of any lighting fixture, including the base, measured from the established grade shall not exceed twenty-five (25') feet or the height of the building, whichever is less, unless modified by the Planning Commission.

The Planning Commission may modify these height standards in the commercial and industrial districts based on the position and height of buildings; other structures and trees on the site; the potential off-site impact of the lighting; and the character of the proposed use relative to surrounding uses. In no case shall the height of the lighting exceed thirty-five (35) feet.

- 3. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. There shall be no flashing, oscillating, moving or intermittent type of lighting or illumination. In addition, there shall be no bare bulb illumination of any kind exposed to public view. Open neon is prohibited, except that the Commission may permit open neon lighting when it is determined that such lighting is solely for architectural enhancement purposes, serves no advertising purposes and is in character with the surrounding area.
- 4. Flood lights shall not be permitted in any zoning district.
- 5. A lighting photometric plan for the entire site with values at ground level shall be required to ensure compliance with the standards of Section 3.15.7.

6. Light poles shall be located within parking islands or at the boundary of the parking lot area, whenever feasible and practical. In both instances, the light pole must be set back from the curb a minimum of two and one-half (2½') feet to ensure proper vehicular overhang clearance.
7. The intensity of outdoor lighting in all use districts shall be limited to the following minimum and maximum average amounts:

Schedule of Illumination
(in foot candles measured at the surface)

Use	Maximum Average Illumination Level (Foot candles)	Minimum Average Illumination Level* (Foot candles)	Uniformity Ratio
Residential, Church, School & Child Care Facility	0.8	0.2*	4:1
Nonresidential	3.0	0.5*	4:1

*** Minimum average levels apply to multiple-family residential, church, school, child care and non-residential parking areas, loading areas, walkways and building entrances; however, such areas shall not exceed the maximum average levels.**

8. No light measured (five (5) foot above established grade) at the property line shall be greater than one-tenth (0.1) foot candle at the side and rear property line when such line abuts residential uses or residential zoning districts. No light shall be greater than one-half (0.5) foot candle or the intensity of the available street lighting at the front property line, whichever is greater.

Section 3.15 One and Two Family Dwelling Standards.

A building permit issued by the Township of Clay shall be required before any dwelling unit is constructed, relocated, or moved into Clay Township. All dwelling units and additions thereto shall be able to meet or exceed the construction standards of the Township Building and Fire Codes. In addition, the following regulations shall apply:

1. Basement or garage dwellings are hereby declared to be undesirable and are in violation of this Ordinance. No occupancy permit shall be issued for any basement structure or similar structure which has not been completed.
2. Plans for modular, prefabricated units, and similarly constructed units shall be approved by the State of Michigan Construction Code Commission as meeting the State Construction Code (Public Act 230 of 1972 and Public Act 371 of 1980) prior to the issuance a building or occupancy permit.
3. Mobile homes or trailers, outside of licensed mobile home parks, shall meet or exceed the requirements imposed by the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards (24 CFR 3280, and as from time to time such standards may be amended). The Building Inspector shall be furnished a certificate stating that such dwelling meets the minimum building code requirements applicable to such structure. Any addition to such mobile home must be designed and constructed by the manufacturer of such mobile home, or must be based upon an architectural plan deemed compatible with the overall design of the mobile home and approved by the Planning Commission.
4. All single family dwelling units located outside of a mobile home park shall have a minimum width along all four (4) building faces of 22 feet at the time of construction or placement.

5. All dwelling units shall be firmly attached to a permanent foundation constructed on the site in accordance with the Clay Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and additions thereto and constructed of such materials and type as required in the Building Code.
6. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall also be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a continuous perimeter wall as required above.
7. Single family dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides, or alternatively with roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two (2) exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. In making such determination of compatibility, the Township Zoning Administrator may consider the following factors: total square footage; length to depth proportions; value and quality of construction; exterior building materials; architectural style and design and roof line, as well as the character, design and appearance of a majority of the residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling. 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.
8. Each dwelling shall be connected to a public sewer and water supply or to approved private facilities. Road culvert permits must be obtained from the St. Clair County Road Commission.
9. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks.

Section 3.16 Outdoor Storage in Residential Districts.

Storage in a residential district shall be permitted only when it is accessory to the principal use of the parcel or adjacent parcel when owned by the same person.

1. The storage of tents, fish shanties, travel trailers, utility trailers, recreation vehicles and similar items shall not be permitted within the required front yard.
2. Fish shanties shall be stored in a safe and sightly manner. All openings shall be secured, locked or otherwise fastened to preclude the possibility of a child being trapped or otherwise injured.
3. No storage shall be permitted closer than five (5) feet to any dwelling unit, nor closer than three (3) feet to any side lot line.
4. Semi-trailers, over the road commercial haulers, gravel trains and similar vehicles licensed for 20,000 pounds or more gross vehicle weight (GVW) are not permitted to be parked or stored in any residential districts except in a completely closed building, said building subject to size limitations set forth in this Ordinance.
5. Licensed motor homes shall not be stored or parked in the required front yard for a period exceeding twenty-four (24) hours.

Section 3.17 Storage or Moorings of Boats or Watercraft.

1. Out of water seasonal storage of boats in all residential districts.
 - a. Seasonal storage of boats shall be permitted between September 1 and May 1 of each year.
 - b. No boat or watercraft shall be stored within the required front yard (yard fronting street) of any residential district, which does not meet one of the following requirements:
 - 1.) A minimum 10' (ten)-foot setback shall be maintained from the travel portion of any road or street, other than a State or Federal highway. Travel portion shall be the outer edge of the existing road surface being either gravel or hard surface or from the established curbline.
 - 2.) A minimum 10' (ten)-foot setback shall be maintained from the established property line fronting on any state or federal highway.
 - c. All boats or watercraft shall be stored or shored, in such a manner, as to withstand a forty-five mile and hour wind and shall be covered or otherwise protected to prevent accidents.
 - d. No boat or watercraft storage shall be permitted within the required side yard setback.
 - e. Boats or watercraft may be "seasonally stored" (see Sub-section A.) in the water-side yard of any residential district.
 - f. Seasonal storage of boats or watercraft on any residential parcel shall be limited to boats or watercraft registered to the owner or resident, except that one non-owned boat or watercraft may be stored in addition to those registered to the owner or resident.
 - g. Watercraft may be land stored for emergency repairs. Emergency repairs shall not exceed thirty (30) days.
 - h. Watercraft may be land stored in the R-1, R-2 and R-3 Single-Family Residential Zoning Districts during periods other than that provided for seasonal storage, provided such storage is consistent with the Zoning Ordinance's Area, Height, and Placement Requirements.
 - i. All watercraft, not licensed and registered by the State of Michigan or capable of remaining afloat, shall be removed from said premise within thirty (30) days of notice and relocated to a facility or property specifically licensed for storage or service to such watercraft.
 - j. For the intent and purposes of this Ordinance, from May 1 to September 1, all open and completely unenclosed boats and watercraft sixteen (16) feet, zero (0) inches or smaller stored on lots shall be exempt.
2. In-water or over-water storage or mooring of boats in any residential district.
 - a. In-water or over-water storage or mooring, of any noncommercial boat or watercraft in a residential district, shall be allowed, provided that boats stored or moored shall be owned and registered to the owner or resident, except that one non-owned boat or watercraft may be stored or moored in addition to those registered to the owner or resident.

- b. In-water or over-water storage or mooring of any noncommercial boat or watercraft in a residential district shall be allowed, except that no public utility service may be provided which would change the nature of the storage or mooring to provide for use of said boat or watercraft, in such a manner, as to create a primary dwelling which would be inconsistent with the single-family provisions provided for residential district.

Section 3.18 Swimming Pools.

All swimming pools erected in the Township greater than 24 inches in depth shall comply with the following requirements:

1. Pool Location. The pool or its fence must not be built within the required front yard or required corner lot side yard. Rear yard setbacks shall not be less than ten (10) feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line, or less than ten (10) feet between pool wall and any building on the lot.
2. Fence. For the protection of the general public, all swimming pools shall be completely enclosed by a fence or other means of access control. Above ground pools may have gates, removable or swing up steps or other means to limit entry in lieu of a fence.
3. Electrical Installations. All electrical installations 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. A no fault ground unit should be provided to protect against electrical shock.
4. Building Permit. A building permit is required prior to the construction of the pool or the installation of electrical service.

Section 3.19 Temporary Occupancy Permit During Construction.

A temporary permit may be issued by the Township Zoning Administrator for a commercial or residential building to be occupied for a period up to six (6) months while either a permanent building or related construction is being completed. Such temporary permit may be extended by the Zoning Administrator for like periods of time, but not after the original cause of need for the use shall cease to exist. The Township Zoning Administrator shall require sufficient bond or cash, as set by the Clay Township Board, which shall be returned in its entirety once the temporary use has been removed from the premises, in accordance with the provisions of the temporary permit. Such temporary permit may not be granted or extended beyond a maximum of two (2) years, provided the building permit is also extended for the same time period. The temporary structure must be removed within sixty (60) days after the expiration of the permit or the bond will be used for its removal.

Section 3.20 Dish Type Satellite Signal Receiving Stations.

Dish type satellite signal receiving stations, greater than twenty-four (24) inches across, hereafter referred to as stations, may be located in the Township subject to the following provisions:

1. For the purposes of this Ordinance, stations shall be considered as accessory structures. In any residential or mobile home park zoning districts no dish type antenna shall be placed in a required front yard or required side yard, but may be placed in other yard areas or roofs subject to the same restrictions as set forth for accessory buildings and structures.
2. Stations shall not be linked to receivers which are not located on the same lot as the station.

3. Stations shall be located in the rear yard, as defined in the Clay Township Zoning Ordinance, and behind the principal dwelling or structure located on the parcel or lot.
4. Regardless of however turned or otherwise used, all parts of the station will be set back at least five (5) feet from the side lot lines and shall be set back from the rear lot line no less than twenty (20) feet.
5. The height of the station, should the dish antenna be turned perpendicular to the ground, shall not extend above fifteen (15) feet, and the maximum diameter of any dish antenna shall not exceed twelve (12) feet.
6. No installation or erection of a station shall commence before a permit is obtained from the Building Official. Fees for such permits shall be established by resolution of the Township Board.

Section 3.21 Recreation Animals.

1. Recreation animals, as defined in this Ordinance, shall be permitted in Districts so allowed, provided:
 - a. The parcel on which the animals are located is not within a recorded plat, excluding assessor and supervisor plats.
 - b. The minimum area for the keeping of domesticated pets or recreation animals, except as otherwise provided, shall be two (2) acres if the subject property is a conforming lot of record. If the subject property is not a conforming lot of record, the minimum shall be 3 acres. One (1) horse, mule, donkey, or cow or two (2) goats, sheep, hogs, or other similar domestic animal raised and kept as a pet or for recreational purposes, shall be permitted on the first two (2) acres (3 acres for nonconforming lots). Additional animals, in the quantity described above, shall be permitted for each additional acre of land up to ten (10) acres.
 - c. The minimum area for the keeping of domesticated fowl, except as otherwise provided, shall be two (2) acres. Twenty-five (25) chickens, ten (10) turkeys, geese or other similar domestic fowl, when raised and kept for other than commercial breeding and/or commercial egg production, shall be permitted on the first two (2) acres. Additional animals, in the quantity described above, shall be permitted for each additional acre of land up to ten (10) acres.
 - d. The keeping of animals, as described above, shall further be subject to any applicable local, state and county health regulations.
 - e. Manure piles shall be stored, removed, and/or applied in accordance with Michigan Department of Agriculture and County Health Department regulations.

Section 3.22 Keeping of Pets.

The keeping, raising, and breeding of pet animals, including dogs and cats, for show purposes, protection of property, or for personal enjoyment is allowed in any zoning district, subject to the following conditions:

1. The keeping of two (2) or fewer dogs and/or cats is generally considered to have minimal nuisance value, and no site improvement or method of housing said pets is required. However, this does not set aside requirements to comply with county or state regulations regarding licensure, personal liability, and freedom to leave the property.
2. The keeping of more than two(2) but less than six (6) dogs and/or cats six (6) months old or older requires the following site improvements and housing requirements:
 - a. Said pets shall be restricted from leaving the site unattended.

- b. In the event said pets are housed outside the principal structure on the site, the structure housing the pets shall be located no less than twenty-five (25) feet from any lot line. In the event a fence is not located around the perimeter of the site, a fence shall be constructed around the structure housing said pets.
- c. The height of the required fence shall be adequate to prevent any pet from getting beyond the boundaries of the fenced enclosure. The fence shall be adequately secured to the ground to prevent tunneling beneath the fence.

Section 3.23 Nonconformities

Nonconformities are lots, structures, and uses that 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 Section is to specify the conditions under which a nonconformity is permitted to continue to exist, as well as the conditions which 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.

Except as otherwise provided in this Ordinance, the requirements of this Article shall be applied as follows:

NONCONFORMITY	Subsection 1	Subsection 2	Subsection 3	Subsection 4
Nonconforming lot only	•			•
Nonconforming structure only		•		•
Nonconforming use only			•	•
Nonconforming lot and structure	•	•		•
Nonconforming lot and use	•		•	•
Nonconforming structure and use		•	•	•
Nonconforming lot, structure and use	•	•	•	•

Note: For Nonconforming Signs, see Section 23.10.

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.

1. **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 the Zoning Board of Appeals grants a variance.
2. **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 which 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.

3. **Nonconforming Uses.**

- a. **Nonconforming Uses in General:** Except as provided for nonconforming single-family residential uses, a nonconforming use may be continued provided it remains otherwise lawful.
 - 1.) 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 which was designed for such use and which existed at the time the use became nonconforming.
 - 2.) 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.
 - 3.) No nonconforming use of land shall be intensified, enlarged, extended, constructed, reconstructed, moved or altered except in changing the use to a use permitted in the district in which it is located.
- b. **Nonconforming Residential Uses:** A nonconforming residential use may be expanded or enlarged as follows:
 - 1.) The principal building may be enlarged by a maximum of twenty (20) percent of the total square footage which existed when the use became nonconforming, provided that all applicable yard and other zoning restrictions are met.
 - 2.) An accessory building may be constructed in accordance with the applicable provisions of this Ordinance.
- c. **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.
- d. **Substitution of Uses:** A nonconforming use may be changed to another nonconforming use upon approval of the Planning Commission subject to the following conditions:
 - 1. 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.
 - 2. Once a nonconforming use is changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.
 - 3. 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.

- 4. **General Conditions.** The following general conditions apply to all nonconforming lots, nonconforming structures, and nonconforming uses.

- a. 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.
- b. 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.
- c. 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 Township 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.
- d. 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.

Section 3.24 Height Exceptions.

Except as herein provided, no building shall be erected or altered to exceed the height limit established by this Ordinance for the zone in which such building is located.

1. Chimneys, church towers and steeples, roof structures for the housing of elevators, stairways, tanks or ventilating equipment, firewalls, skylights, electrical transmission and communication poles, towers and antennas, theater screens, flag poles, smokestacks, chimneys, water tanks, silos, conveyors or similar structures may be erected above the height limits established for the zone in which such structure is located provided the requirements of this section are met.
2. If the height of any building, structure or tower exceeds the height allowed in the zone wherein the building or structure is located, then the side yard dimensions shall be increased by not less than one (1) foot for each one (1) foot the building exceeds the height allowed in the zone concerned.

Section 3.25 Planning Commission Determination of Similar Uses.

When the Zoning Ordinance provides for the Planning Commission to determine compatibility of additional, similar uses in a zoning district, it shall be first determined that the use in question is not permitted as a permitted or special use in any other zoning district in the Township. The Commission may utilize the "North American Industry Classification System – United States, 1997" (or as revised) as a basis for such decision.

Section 3.26 Home Occupations.

Home occupations may be permitted in residential dwelling units when it can be demonstrated that such uses are secondary and incidental to the principal use of the dwelling as a residential living unit. In addition, it must also be determined that any such home occupation will not adversely effect neighboring uses nor detract from a desirable residential environment in the neighborhood area. The first step in considering whether a use may be permitted as a home occupation is its compliance with the following basic requirements. Subsequently, the home occupation will be categorized as a Type 1 or a Type 2 Home Occupation based on its conformance to the requirements listed for each of the home occupation types listed in subsections 2 and 3. If there is a question as to whether the proposed use is a Type 1 or a Type 2 Home Occupation, then such use shall be submitted under the special land use provision for a Type 2 Home Occupation.

1. Basic Requirements for all Home Occupations.

The following requirements shall apply to all home occupations:

- a. No outdoor storage shall take place anywhere on the site.
- b. Only full-time residents of the premises shall be involved in home occupation activities occurring on the site. Further, those non-resident employees, employed by the home occupation for off-site activities, shall not be permitted to park (either on-street or off-street) at the premises where the home occupation is being conducted.
- c. No structural modifications or exterior changes in the appearance of the building, including the use of a separate means of access, visibility of products, services or activities related to the home occupation from the exterior of the building.
- d. No equipment, materials or processes which are incompatible with the principal use of the dwelling for residential purposes shall be used or stored on the site.
- e. No use or activity associated with the use shall create any noise, dust, fumes, odors, vibrations, electrical or electronic emissions or magnetic fields, intermittent or flashing lights or glare which are detectable to the normal senses of persons or equipment located off the premises.
- f. The activity shall be in full conformance with all local, State and Federal laws and requirements.
- g. Signs for both a Type 1 and Type 2 home occupation shall conform to the standards set forth in this Ordinance.

2. Type 1 Home Occupation.

Type 1 home occupations shall be permitted in single-family, two-family, mobile home and multiple-family dwelling units as a customary accessory use when it is minor in physical and functional characteristics and is secondary to the use and occupancy of a dwelling for residential purposes and conforms to the following requirements:

- a. Type 1 Home Occupations shall involve those activities, processes, products and/or services which are provided to a user, buyer or subscriber primarily through telephone, fax, modem and off-site contacts.
- b. Any product(s) produced on the premises for sale and/or distribution off-site shall only be prepared by equipment and/or processes characteristic of a home office, home workshop or home handcraft activity.
- c. All home occupation activities shall be conducted entirely within the main residential dwelling, and not more than fifteen (15) percent of the floor area of the dwelling unit shall be devoted to such home occupation. This excludes attached garages, patio areas and breezeways.
- d. Client visitations and pick-ups of material and/or products shall be by appointment only, within established business hours. Vehicular trips involved with client and/or delivery visitations shall not exceed five (5) such visitations during any weekly period. Such vehicular trips shall be limited to personal type vehicles and delivery vans.

Section 3.27. Regulation of Oil and Gas Wells.

The drilling, completion, operation and/or abandonment of Oil and gas wells shall be exempt from the requirements of this Ordinance.

Section 3.28. Open Space Preservation.

See "APPENDIX C".

ARTICLE IV ZONING DISTRICTS AND MAP

Section 4.01 Districts Established.

For the purposes of this Ordinance, the Township of Clay is hereby divided into the following districts:

RS-1	Residential Suburban District
RS-2	Residential Suburban District
R-1L	One Family Residential District
R-1	One Family Residential District
R-2	One Family Residential District
R-3	One Family Residential District
R-4	Perch Point Isles District
RM	Multiple Family Residential District
MHP	Mobile Home Park District
C-1	Business Office District
C-2	Small Business District
C-3	General Business District
I-1	Industrial District
I-2	Industrial District

Section 4.02 District Boundaries.

The boundaries of these districts are hereby established as shown on the Zoning Map, Township of Clay Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references and other information shown thereon shall be as much a part of the Ordinance as if fully described herein. [See Appendix for copy of Zoning Map.] The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 4.02 of the Zoning Ordinance of the Township of Clay (include date of adoption)." If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after the amendment has been approved by the Township board together with an entry on the Official Zoning Map as follows: amended____date____, amendment no. (____).

Two (2) copies of the Official Zoning Ordinance and Map are to be maintained and kept up-to-date. One copy shall be filed in the Zoning Administrator's Office and the other shall be filed with the Township Clerk which shall be the final authority as to the current zoning status of lands, buildings and other structures in the Township.

Section 4.03 District Boundaries Interpreted.

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

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys, shall be construed to follow such center lines;

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following the Township Limits shall be construed as following the Township Limits;
4. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines;
5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed;
6. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
7. Where physical or natural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Zoning Board of Appeals shall interpret the district boundaries.

Section 4.04 Zoning of Vacated Areas.

Whenever any street, alley or other public way within the Township of Clay shall have been vacated by action of the Township Board, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands formerly within such vacated street, alley, or public way shall automatically, and without further action by the Township Board, thenceforth acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and the same shall be used for the same use as is permitted under this Ordinance for such adjoining lands.

ARTICLE V
RS-1, RURAL SUBURBAN DISTRICT

Section 5.01 Statement of Purpose.

The specific intent of the RS-1, Rural Suburban District is to provide open land area for orderly residential growth of a semi-rural character in areas that are presently without public sewerage facilities and are likely to remain without such services for an extended period of time; to protect and stabilize the essential characteristics of these areas in order to promote and encourage suitable environments for low density, family life; and to maintain and preserve those areas of the Township which help define the semi-rural character.

Section 5.02 Principal 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. Essential services.
3. Family day care homes.
4. Farms.
5. Farm Stand (Subject to the requirements of Section 20.20A.).
6. Greenhouses (for personal use).
7. Hobby Farms.
8. Home Occupations – Type 1.
9. Public facilities, not including outdoor storage.
10. State Licensed Residential Facility (except as for those excluded in Section 206.(2) of Act 110 of the Public Acts of Michigan 2006, as amended).
11. Accessory buildings and uses customarily incidental to any of the above permitted uses.
12. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.

Section 5.03 Special Land Uses.

The following Special Land Uses may be permitted subject to review by the Planning Commission and subject to the provisions of Site Plan Review (Article 21), Special Land Use Conditions, Review, and Approval (Article 19) and Special Land Use Requirements (Article 20) of this Zoning Ordinance.

1. Agribusiness (subject to the standards of Section 20.04).
2. Bed and breakfast operations.

3. Boarding stables/riding academies.
4. Campgrounds.
5. Cemeteries.
6. Churches, synagogues, temples, and other places of religious worship.
7. Cluster housing (refer to Section 18.13).
8. Golf courses and driving ranges.
9. Group day care homes.
10. Home occupations – Type 2.
11. Hospitals.
12. Kennels and veterinary clinics.
13. Nurseries.
14. Parks and recreation facilities.
15. Penal institutions.
16. Private Schools.
17. Service clubs.
18. Soil removal / excavation operations and/or stockpiling.
19. Two family residential dwellings or accessory apartments.

Section 5.04 Area and Size Requirements.

Height, bulk, density, and area requirements for the RS District, unless otherwise specified, are as provided in Article 18, "Schedule of Regulations."

ARTICLE VI
RS-2, RURAL SUBURBAN DISTRICT

Section 6.01 Statement of Purpose.

The specific intent of the RS-2, Rural Suburban District is to provide a transitional area between the large open parcels of the RS-1 Zoning District and the smaller, more urban lots found in the Residential Zoning Districts. This District is to be found in areas that are currently serviced with public water and sewerage facilities. Developments will be expected to connect to these facilities and to provide ample open space in the site design. It is the overall intent of this District to provide for orderly growth of a more suburban nature while still protecting the rural character of the Township.

Section 6.02 Principal 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. Essential services.
3. Family day care homes.
4. Greenhouses (for personal use).
5. Home Occupations – Type 1.
6. Public facilities, not including outdoor storage.
7. State Licensed Residential Facility (except as for those excluded in Section 206.(2) of Act 110 of the Public Acts of Michigan 2006, as amended).
8. Accessory buildings and uses customarily incidental to any of the above permitted uses.
9. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.

Section 6.03 Special Land Uses.

The following Special Land Uses may be permitted subject to review by the Planning Commission and subject to the provisions of Site Plan Review (Article 21), Special Land Use Conditions, Review, and Approval (Article 19) and Special Land Use Requirements (Article 20) of this Zoning Ordinance.

1. Bed and breakfast operations.
2. Campgrounds.
3. Cemeteries.
4. Churches, synagogues, temples, and other places of religious worship.
5. Cluster housing (refer to Section 18.13).

6. Farm stands.
7. Golf courses and driving ranges.
8. Group day care homes.
9. Hobby farms.
10. Home occupations – Type 2.
11. Hospitals.
12. Nurseries.
13. Kennels and veterinary clinics.
14. Parks and recreation facilities.
15. Private schools.
16. Service clubs.
17. Soil removal / excavation operations and/or stockpiling
18. Two family residential dwellings or accessory apartments

Section 6.04 Area and Size Requirements.

Height, bulk, density, and area requirements for the RS District, unless otherwise specified, are as provided in Article 18, "Schedule of Regulations."

ARTICLE VI.A
R-1L - ONE FAMILY RESIDENTIAL DISTRICT

Section 6.01A Statement of Purpose.

The purpose of the R-1L One Family District is to provide a stable and sound environment with suitable open space at a somewhat higher density than permitted in the other one family residential districts. This district permits the construction and occupancy of one family dwellings on relatively small size lots where public water and sewer exists or is planned. These districts will generally be located adjacent to existing concentrations of urban development or on Harsens Island.

Section 6.02A Principal Permitted Uses.

In the R-1L 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 this Ordinance:

1. Single-family detached dwellings.
2. Essential services.
3. Family day care homes.
4. Home Occupations – Type 1.
5. State Licensed Residential Facility (except as for those excluded in Section 206.(2) of Act 110 of the Public Acts of Michigan 2006, as amended).
6. Accessory buildings, structures and/or land uses customarily incidental to the above uses.
7. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.

Section 6.03A Special Land Uses.

The following Special Land Uses may be permitted subject to review by the Planning Commission and subject to the provisions of Site Plan Review (Article 21), Special Land Use Conditions, Review, and Approval (Article 19) and Special Land Use Requirements (Article 20) of this Zoning Ordinance.

1. Agribusiness uses.
2. Bed and breakfast operations.
3. Churches, synagogues, temples and other places of religious worship.
4. Farms.
5. Farm stand.
6. Group day care homes.
7. Hobby farms.

8. Home occupations – Type 2.
9. Private airport landing fields.
10. Public facilities.
11. Private schools.
12. Two-family residential dwellings or accessory apartments.

Section 6.04A Area and Size Requirements

Height, bulk, density, and area requirements for the R-1L District, unless otherwise specified, are as provided in Article 18, "Schedule of Regulations."

ARTICLE VII
R-1 - ONE FAMILY RESIDENTIAL DISTRICT

Section 7.01 Statement of Purpose.

The purpose of the R-1 One Family District is to provide a stable and sound environment with suitable open space at a somewhat higher density than permitted in the other one family residential districts. This district permits the construction and occupancy of one family dwellings on relatively small size lots where public water and sewer exists or is planned. These districts will generally be located adjacent to existing concentrations of urban development or on Harsens Island.

Section 7.02 Principal Permitted Uses.

In the R-1 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 this Ordinance:

1. Single-family detached dwellings.
2. Essential services.
3. Family day care homes.
4. State Licensed Residential Facility (except as for those excluded in Section 206.(2) of Act 110 of the Public Acts of Michigan 2006, as amended).
5. Accessory buildings, structures and/or land uses customarily incidental to the above uses.
6. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.

Section 7.03 Special Land Uses.

The following Special Land Uses may be permitted subject to review by the Planning Commission and subject to the provisions of Site Plan Review (Article 21), Special Land Use Conditions, Review, and Approval (Article 19) and Special Land Use Requirements (Article 20) of this Zoning Ordinance.

1. Agribusiness uses.
2. Bed and breakfast operations.
3. Churches, synagogues, temples and other places of religious worship.
4. Farms.
5. Farm Stands.
6. Group day care homes.
7. Hobby farms.
8. Home occupations - Type 2.

9. Private airports landing fields.
10. Private schools.
11. Public facilities.
12. Two-family residential dwellings or accessory apartments.
13. Ferry landings and accessory parking/storage.

Section 7.04 Area and Size Requirements

Height, bulk, density, and area requirements for the R-1 District, unless otherwise specified, are as provided in Article 18, "Schedule of Regulations."

ARTICLE VIII
R-2, ONE FAMILY RESIDENTIAL DISTRICT

Section 8.01 Statement of Purpose.

The R-2 One Family Residential District recognizes the environmental and aesthetic qualities of the waterfront and canal properties. This district permits the construction of one family homes on canal lots with a minimal front yard setback and a larger rear yard setback. Such placement takes maximum advantage of the canal setting. All lots within this district shall be served with public water and sewer. Because of the shallow front yards, storage of boats or recreation vehicles shall not be permitted within that required front yard setback.

Section 8.02 Principal Permitted Uses.

In the R-2 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 this Ordinance:

1. All uses permitted in the R-1 Residential Zoning Districts.

Section 8.03 Special Land Uses.

The following Special Land Uses may be permitted subject to review by the Planning Commission and subject to the provisions of Site Plan Review (Article 21), Special Land Use Conditions, Review, and Approval (Article 19) and Special Land Use Requirements (Article 20) of this Zoning Ordinance.

1. Farm stands.
2. Group day care homes.
3. Home Occupations – Type 2.
4. Private schools.
5. Public facilities.

Section 8.04 Area and Size Requirements

Height, bulk, density, and area requirements for the R-2 District, unless otherwise specified, are as provided in Article 18, "Schedule of Regulations."

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ARTICLE IX
R-3, SINGLE FAMILY RESIDENTIAL DISTRICT

Section 9.01 Statement of Purpose.

The R-3 Single Family Residential District recognizes the environmental and aesthetic qualities of the waterfront and canal properties. This district permits the construction of one-family homes on canal lots with a minimal front yard setback and a larger rear yard setback. Such parceling takes maximum advantage of the canal setting. Canals and other waterways shall be considered open space. Therefore, somewhat higher ground floor coverage is permitted in the R-3 Single Family Residential District than in the other residential districts. All lots within this district shall be served with public sewer and water. Because of the shallow front yards, storage of boats, or recreational vehicles shall not be permitted within the required front yard setback.

Section 9.02 Principal Permitted Uses.

In the R-3 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 this Ordinance:

1. Single-family detached dwellings.
2. Essential services.
3. Family day care homes.
4. Home occupations – Type 1.
5. State Licensed Residential Facility (except as for those excluded in Section 206.(2) of Act 110 of the Public Acts of Michigan 2006, as amended)
6. Accessory buildings, structures and/or land uses customarily incidental to the above uses.
7. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.

Section 9.03 Special Land Uses.

The following Special Land Uses may be permitted subject to review by the Planning Commission and subject to the provisions of Site Plan Review (Article 21), Special Land Use Conditions, Review, and Approval (Article 19) and Special Land Use Requirements (Article 20) of this Zoning Ordinance.

1. Group day care homes.
2. Home occupations – Type 2
3. Public facilities

Section 9.04 Area and Size Requirements.

Height, bulk, density, and area requirements for the R-3 District shall be the same as the R-2 District, unless otherwise specified, and are as provided in Article 18, "Schedule of Regulations."

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ARTICLE X
R-4, PERCH POINT ISLES DISTRICT

Section 10.01 Statement of Purpose.

The R-4 Perch Point Isles District is limited to the areas of Perch Point Isles, Perch Point Isles No.1, and Perch Point Isles No.2. This district recognizes the very limited size of the existing lots in the district by reducing the setback requirements. It is not the intention of the Township to create additional lots of the size found in this district. All lots within this district shall be served with public sewer and water. Because of the shallow front yards, the storage of boats and/or recreational vehicles shall not be permitted within the required front yard setback.

Section 10.02 Principal Permitted Uses.

In the R-4 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 this Ordinance:

1. Single-family detached dwellings.
2. Essential services.
3. Family day care homes.
4. Home occupations – Type 1.
5. State Licensed Residential Facility (except as for those excluded in Section 206.(2) of Act 110 of the Public Acts of Michigan 2006, as amended)Adult foster care family homes serving six (6) or fewer persons.
6. Accessory buildings, structures and/or land uses customarily incidental to the above uses.
7. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.

Section 10.03 Special Land Uses.

The following Special Land Uses may be permitted subject to review by the Planning Commission and subject to the provisions of Site Plan Review (Article 21), Special Land Use Conditions, Review, and Approval (Article 19) and Special Land Use Requirements (Article 20) of this Zoning Ordinance.

1. Group day care homes.
2. Home occupations – Type 2.
3. Public facilities.

Section 10.04 Area and Size Requirements.

Height, bulk, density, and area requirements for the R-4 District, unless otherwise specified, are as provided in Article 18, "Schedule of Regulations."

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ARTICLE XI
RM, MULTI-FAMILY RESIDENTIAL DISTRICT

Section 11.01 Statement of Purpose.

The RM, Multi-Family Residential District is designed to provide sites for multiple-family dwelling structures and related uses which will generally serve as zones of transition between the lower density single-family district and the nonresidential districts. The Multi-Family District is further provided to serve the limited needs for the apartment type of unit in an otherwise low density, one-family community.

Section 11.02 Principal Permitted Uses.

In the Multi-Family Residential district, no building or land shall be used and no building shall be erected except for one or more of the following specified use unless otherwise provided in this Ordinance:

1. Two-family dwellings.
2. Multiple-family dwellings.
3. Boarding houses.
4. Family day care homes.
5. State Licensed Residential Facility (except as for those excluded in Section 206.(2) of Act 110 of the Public Acts of Michigan 2006, as amended).
6. Accessory buildings and uses customarily incidental to any of the above permitted uses.
7. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.

Section 11.03 Special Land Uses.

The following Special Land Uses may be permitted subject to review by the Planning Commission and subject to the provisions of Site Plan Review (Article 21), Special Land Use Conditions, Review, and Approval (Article 19) and Special Land Use Requirements (Article 20) of this Zoning Ordinance.

1. Convalescent homes
2. Hospitals.
3. Housing for the elderly.
4. Nursing homes
5. Private schools.
6. Single family detached dwellings.
7. Wireless communication antennas

Section 11.04 Area and Size Requirements.

Height, bulk, density, and area requirements for the RM District, unless otherwise specified, are as provided in Article 18, "Schedule of Regulations."

ARTICLE XII
MHP, MANUFACTURED HOME PARK DISTRICT

Section 12.01 Statement of Purpose.

The purpose of the Manufactured Home Park (MHP) District is to encourage a suitable environment for persons and families that, by preference, choose to live in a manufactured home rather than a conventional single-family structure. In keeping with the occupancy characteristics of contemporary manufactured homes, this article establishes low-density standards and permitted uses that reflect the needs of residents in the district. Development is limited to manufactured homes when located in a manufactured home park with recreational facilities, churches, schools, and necessary public utility buildings.

Section 12.02 Principal 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. Manufactured home parks, subject to the requirements of the Mobile Home Commission Act, Act 96 of 1987, as may be amended.
2. Family day care homes serving six (6) or less children.
3. State Licensed Residential Facility (except as for those excluded in Section 206.(2) of Act 110 of the Public Acts of Michigan 2006, as amended).

Section 12.03 Special Land Uses.

The following Special Land Uses may be permitted subject to review by the Planning Commission and subject to the provisions of Site Plan Review (Article 21), Special Land Use Conditions, Review, and Approval (Article 19) and Special Land Use Requirements (Article 20) of this Zoning Ordinance.

1. Child care centers.
2. Housing for the elderly.
3. Public and private recreation facilities.
4. Public utility buildings, not including storage yards.
5. Wireless communication antennas.
6. Accessory buildings and uses customarily incidental to any of the above uses.

Section 12.04 Area and Size Requirements.

Height, bulk, density, and area requirements for the MHP District, unless otherwise specified, are as provided in Article 18, "Schedule of Regulations."

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ARTICLE XIII
C-1, BUSINESS OFFICE DISTRICT

Section 13.01 Statement of Purpose.

This district is established to create an environment conducive to well located and designed office building sites to accommodate professional offices and limited business service activities.

Section 13.02 Principal Permitted Uses.

Within a C-1, Business Office District no building, structure, or premises shall be used, or arranged to be used, or designed to be used, except for one or more of the following specified uses:

1. Antique and craft sales.
2. Churches, synagogues, temples and other buildings of religious worship.
3. Financial institutions, not including drive-in facilities.
4. Professional offices.
5. Radio and television broadcasting stations, not including transmission towers.
6. Accessory structures and uses customarily incident to the above permitted uses.
7. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.

Section 13.03 Special Land Uses.

The following Special Land Uses may be permitted subject to review by the Planning Commission and subject to the provisions of Site Plan Review (Article 21), Special Land Use Conditions, Review, and Approval (Article 19) and Special Land Use Requirements (Article 20) of this Zoning Ordinance.

1. Adult foster care group homes.
2. Bed and breakfast operations.
3. Child care facilities.
4. Drive-through financial establishments.
5. Inns.
6. Public facilities.
7. Parking lots, accessory to uses permitted in an adjacent joining district.
8. Private schools.
9. Single-family, two-family, and multiple-family dwellings when developed in conjunction with an approved use.
10. Wireless communication support facilities.

Section 13.04 General Regulations.

General regulations for the C-1 District, unless otherwise specified, are as provided in Article 18, "Schedule of Regulations."

Section 13.05 Area and Size Requirements.

Height, bulk, density, and area requirements for the C-1 District, unless otherwise specified, are as provided in Article 18, "Schedule of Regulations."

**ARTICLE XIV
C-2, SMALL BUSINESS DISTRICT**

Section 14.01 Statement of Purpose.

This district is established to provide for uses principally to accommodate the sale of convenience retail goods, personal services, specialty shops and on premises small crafts. It is intended that the design of this district will encourage groupings of establishments located on a unified site providing adequate off-street parking facilities as well as an efficient and safe method of handling vehicle and pedestrian traffic.

Section 14.02 Principal Permitted Uses.

Within a C-2, Small Business District, no building, structure, or premises shall be used, arranged to be used, or designated to be used except for one or more of the following uses:

1. All principal permitted uses in the C-1, Business Office District.
2. Convenience retail uses and personal service stores, being defined as food sales, drug stores, barber and beauty shops, shoe repair, clothing, home furnishings and gift shops, jewelry stores, on premises craft making, and similar uses.
3. Laundromats and dry-cleaning shops.
4. Restaurants, not including drive-through facilities.
5. Accessory structures and uses customarily incidental to the above permitted uses.
6. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.

Section 14.03 Special Land Uses.

The following Special Land Uses may be permitted subject to review by the Planning Commission and subject to the provisions of Site Plan Review (Article 21), Special Land Use Conditions, Review, and Approval (Article 19) and Special Land Use Requirements (Article 20) of this Zoning Ordinance.

1. All uses permitted under Special Land Uses in the C-1, Business Office District.
2. Drive-through establishments.
3. Outdoor patios and/or entertainment.
4. Quasi-public, institutionally, or organizationally owned and/or operated recreational, instructional, and meeting facilities such as those used by the YMCA, YWCA, Boy/Girl Scouts or various fraternal or community service groups.

Section 14.04 General Regulations.

General regulations for the C-2 District, unless otherwise specified, are as provided in Article 18, "Schedule of Regulations."

Section 14.05 Area and Size Requirements.

Height, bulk, density, and area requirements for the C-2 District, unless otherwise specified, are as provided in Article 18, "Schedule of Regulations."

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ARTICLE XV
C-3, GENERAL BUSINESS DISTRICT

Section 15.01 Statement of Purpose.

The purpose of this district is to provide for a variety of retail services and administrative establishments which are required to serve a large trading area population. This district is also intended to accommodate retail trade establishments in the community which cannot be practically provided for in the other commercial districts.

Section 15.02 Principal Permitted Uses.

Within a C-3, General Business District, no building, structure, or premises shall be used, arranged to be used, designated to be used except for one or more of the following uses:

1. All principal permitted uses in the C-1, Business Office District and C-2, Small Business District, except residential uses.
2. Automobile, recreational vehicle, boat, truck, and agricultural equipment sales, service, and storage.
3. Commercial greenhouse and nursery.
4. Funeral homes and mortuaries (Subject to the standards of Section 20.34).
5. Hospitals, veterinary hospitals, and clinics.
6. Hotels and motels.
7. Indoor recreational facilities, including, but not limited to, theaters, tennis and racquet clubs, health spas, physical exercise facilities, gymnastic / cheerleading facilities, and golf courses.
8. Marinas.
9. Off-street public parking lot.
10. Public and/or private transportation agencies and terminals.
11. Public utility and service buildings, electric transformer and gas regulator stations, but not including storage yards.
12. Repair and light assembly shops and sales for bicycles, appliances, electronics, and similar items.
13. Retail stores.
14. Accessory structures and uses customarily incidental to the above permitted uses.
15. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.

Section 15.03 Special Land Uses.

The following Special Land Uses may be permitted subject to review by the Planning Commission and subject to the provisions of Site Plan Review (Article 21), Special Land Use Conditions, Review, and Approval (Article 19) and Special Land Use Requirements (Article 20) of this Zoning Ordinance.

1. Adult book stores and entertainment.
2. Adult foster care group homes.
3. Automobile repair garages.
4. Automobile service stations.
5. Arcade.
6. Boat rental.
7. Car wash (Automatic, self-serve, and/or accessory to gas stations).
8. Child care facilities.
9. Drive-through, uses accessory to permitted uses in this district.
10. Kennels.
11. Marine construction, dredging, sheet pile and maintenance equipment.
12. Modular home sales.
13. Outdoor patios and/or entertainment.
14. Outdoor recreation facilities.
15. Planned commercial complex for two or more uses, as permitted in this district, including large-scale, multi-tenant retail shopping and service centers and malls.
16. Wireless communication support facilities.

Section 15.04 General Regulations.

General regulations for the C-3 District, unless otherwise specified, are as provided in Article 18, "Schedule of Regulations."

Section 15.05 Area and Size Requirements.

Height, bulk, density, and area requirements for the C-3 District, unless otherwise specified, are as provided in Article 18, "Schedule of Regulations."

ARTICLE XVI
I-1, LIGHT INDUSTRIAL DISTRICT

Section 16.01 Statement of Purpose.

The I-1, Light Industrial District is composed of those areas of the Township whose principal use is or ought to be light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter. This district has been located within the Township to permit the development of these industrial uses, to protect adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district, have been regulated as special land uses or excluded.

Section 16.02 Principal 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. Automobile service stations
2. Automobile repair garages
3. Building materials sales yards, including but not limited to rock, sand, gravel (but excluding concrete mixing).
4. Contractor's equipment storage yards.
5. Light industrial parks (subject to the standards of Section 20.30)
6. Light manufacturing industrial uses which by the nature of the materials, equipment and processing utilized are to be considered clean, quiet, and free from objectionable or dangerous nuisance or hazard, including any of the following uses when conducted within a completely enclosed building.
 - a. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts, such as condensers, transformers, crystal holders, and the like.
 - b. Blacksmith shop, machine shop or wrought iron shop.
 - c. Central dry cleaning or laundry plants, cleaning, and dyeing works, and carpet or rug cleaning.
 - d. Laboratories, experimental or testing.
 - e. Manufacturing, compounding, assembling, or treatment of articles or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns, and paint not requiring a boiling process.
 - f. Manufacturing, compounding, processing, and packaging or treatment of bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, condiments, (except fish, sauerkraut, vinegar, and yeast).

- g. Manufacturing of and maintenance of electric and neon signs, billboards, commercial advertising structures, sheet (light) metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.
 - h. Manufacturing of musical instruments, toys, novelties, rubber or metal stamps.
 - i. Manufacturing of pottery, figurines or similar ceramic products, using previously pulverized clay.
 - j. Public utility service yard or electrical receiving transforming station.
7. Marine construction, dredging, sheet pile and maintenance equipment.
 8. Mini-storage or mini-warehouse facilities.
 9. Modular home sales (Section 20.33)
 10. Municipal uses such as water treatment plants, public works garages, and all other municipal buildings and uses, including outdoor storage.
 11. Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth or other similar materials.
 12. Printing, lithographic, blueprinting and similar uses.
 13. Recycling / transfer stations.
 14. Research oriented and light industrial park uses.
 15. Retail lumber yards including incidental millwork.
 16. Stadium, athletic arena, or similar sports complex.
 17. Warehousing and material distribution centers, provided all products are enclosed within a building.
 18. Wholesale of goods, such as, but not limited to, pharmaceuticals, bakery, and dairy products, clothing, dry goods, hardware, household appliances, office and business machinery, industrial machines.
 19. Wireless communication support facilities, as regulated in Article 20.
 20. Accessory buildings and uses customarily incidental to any of the above permitted uses.
 21. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.

Section 16.03 Special Land Uses.

The following Special Land Uses may be permitted subject to review by the Planning Commission and subject to the provisions of Site Plan Review (Article 21), Special Land Use Conditions, Review, and Approval (Article 19) and Special Land Use Requirements (Article 20) of this Zoning Ordinance.

1. Natural resource extraction operations.

Section 16.04 General Regulations.

1. All activities and uses within the District shall conform to, and demonstrate compliance with at the time of site plan review, the performance standards of Section 3.13 of this Ordinance. However, 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.
2. Outdoor Storage. All outdoor storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, shall be located within an area not closer than one hundred fifty (150) feet from any street right-of-way line. The storage of lumber, coal, or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets, and on all sides which abut any residential or commercial district, by a solid wall or fence with a minimum height of six (6) feet, and all stored materials shall not be piled to a height extending beyond the height of the wall.

Section 16.05 Area and Size Requirements.

Height, bulk, density, and area requirements for the I-1 District, unless otherwise specified, are as provided in Article 18, "Schedule of Regulations."

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ARTICLE XVII
I-2, GENERAL INDUSTRIAL DISTRICT

Section 17.01 Statement of Purpose.

The I-2, General Industrial District is designed 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 I-2 District is so structured as to permit the manufacturing, processing, and compounding of semi-finished or finished products from raw materials as well as from previously prepared material.

Section 17.02 Principal Permitted Uses.

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

1. Establishments containing punch presses over twenty (20) ton rated capacity, drop hammers, and automatic screw machines.
2. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
3. Wireless communication support facilities, as regulated in Article 20.
4. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.
5. Accessory buildings and uses customarily incidental to the above permitted uses.

Section 17.03 Special Land Uses.

The following Special Land Uses may be permitted subject to review by the Planning Commission and subject to the provisions of Site Plan Review (Article 21), Special Land Use Conditions, Review, and Approval (Article 19) and Special Land Use Requirements (Article 20) of this Zoning Ordinance.

1. Blast furnace, steel furnace, or rolling mill.
2. Composting facilities.
3. Electric power generating plants/resource recovery operations/waste to energy conversion plants.
4. Junkyards/salvage yards.
5. Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of paris.
6. Natural resource extraction operations.
7. Petroleum facilities.
8. Smelting of copper, iron, or zinc ore.

Section 17.04 General Regulations.

1. All activities and uses within the District shall conform to, and demonstrate compliance with at the time of site plan review, the performance standards of Section 3.13 of this Ordinance. However, 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.
2. Outdoor Storage. All outdoor storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, shall be located within an area not closer than one hundred fifty (150) feet from any street right-of-way line. The storage of lumber, coal, or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets, and on all sides which abut any residential or commercial district, by a wall or fence with a minimum height of six (6) feet, and all stored materials shall not be piled to a height extending beyond the height of the wall.

Section 17.05 Area and Size Requirements.

Height, bulk, density, and area requirements for the I-2 District, unless otherwise specified, are as provided in Article 18, "Schedule of Regulations."

**ARTICLE XVIII
SCHEDULE OF REGULATIONS**

Section 18.01 Schedule Limiting Height, Bulk, Density, and Area by Zoning District.

The following regulations regarding lot sizes, building heights, lot coverage, yards, setbacks, building size, and densities apply within the Zoning Districts as indicated. No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of lot used in complying with the provisions of this Ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time. No parcel or lot created after the adoption of this Ordinance shall have a depth greater than five (5) times the width.

Section 18.02 RS-1 and RS-2, Rural Suburban Districts.

1. Minimum size per zoning lot¹ (not including public road right-of-way or private road easement) shall be as follows:

RS-1, Rural Suburban		
Minimum Lot Area Required	Minimum Lot Width Required	Utility Service Available
One acre	150	None
One acre	150	Public Sewer or Water
One acre	150	Public Sewer and Water

RS-2, Rural Suburban		
Minimum Lot Area Required	Minimum Lot Width Required	Utility Service Available
32,670 square feet	100	Public Sewer and Water

2. Maximum building height shall be 2-1/2 stories or 30 feet. Building heights may exceed this limitation by 1 foot for every 2 feet of additional side-yard setback provided.
3. Minimum landscaped area of lot shall be 25 percent. Requirements apply only to special land use structures and special land use accessory buildings. All required yards not used for access driveways or sidewalks shall be landscaped. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.

¹ See Section 18.11 Lot Size Averaging, Section 18.12, Cross-District Averaging, Section 18.13, Single-Family Cluster Option, and Article 22, Planned Unit Developments, for flexibility allowances.

4. Maximum building lot coverage shall be 30 percent. In-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
5. Minimum front yard setback per zoning lot shall be 30 feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the St. Clair County Road Commission, or from the edge of the abutting ingress/egress easement for private roads. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance.

Front yard setback requirement includes and applies to main and accessory buildings. The required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.

6. Minimum side yard setback per zoning lot shall be fifteen (15) feet for each side yard.
7. Minimum rear yard setback per zoning lot shall be 40 feet. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard required.
8. The minimum residential floor area for single-family residential structures shall be as follows:

1 story:	1,000 square feet
1½ story:	1,150 square feet
2 story:	1,500 square feet
9. No parcel created after the adoption of this Ordinance shall have a depth more than five (5) times the width.

Section 18.03 R-1L, R-1, R-2, R-3 and R-4 Single Family Residential Districts.

1. Minimum Lot Area.
 - a. The minimum lot area (not including public road right-of-way or private road easement) and the minimum lot width for single family detached and two-family dwellings in the R-1, R-2, R-3, and R-4 shall be as follows, except as otherwise provided:

Minimum Lot Area Required	Minimum Lot Width Required	Utility Service Available
18,000 square feet	80	None
12,000 square feet	65	Public Sewer or Water
7,800 square feet	65	Public Sewer and Water

- b. The minimum lot area (not including public road right-of-way or private road easement) and the minimum lot width for single family detached and two-family dwellings in the R-1L shall be as follows, except as otherwise provided:

Minimum Lot Area Required	Minimum Lot Width Required
15,000 square feet	80 feet

c. See Section 18.11 Lot Size Averaging, Section 18.12, Cross-District Averaging, Section 18.13, Single-Family Cluster Option, and Article 22, Planned Unit Developments, for flexibility allowances.

2. Maximum building height shall be 2-1/2 stories or 30 feet. Building heights may exceed this limitation by 1 foot for every 2 feet of additional side-yard setback provided.
3. Minimum landscaped area of lot shall be 20 percent. All required yards not used for access driveways or sidewalks shall be landscaped. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.
4. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the St. Clair County Road Commission, or from the edge of the abutting ingress/egress easement for private roads.

All yards abutting a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback. The required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.

5. Minimum yard requirements in the R-1L, R-1, R-2, R-3 and R-4 Districts shall be as follows:

Zoning District	Front	Side	Rear	Maximum lot coverage
R-1L	25 feet	15 w/no side less than five feet	40 feet	30%
R-1	25 feet	15 w/no side less than five feet	40 feet	30%
R-2	15 feet	15 w/no side less than five feet	55 feet	30%
R-3	15 feet	15 w/no side less than five feet	45 feet	30% ²
R-4	20 feet	15 w/no side less than five feet	25 feet	30%

6. The minimum residential floor area per unit for single-family and two-family residential structures shall be as follows:

1 story:	1,000 square feet
1½ story:	1,150 square feet
2 story:	1,500 square feet

² In calculating the ground floor coverage for lots which abut or extend onto a canal, one-half of the width of such canal abutting the lot shall be considered as part of such lot.

Section 18.04 RM, Residential Multi-Family District.

1. Minimum size per multiple-family zoning lot (not including public road right-of-way or private road easement) shall be 1.0 acre. The minimum lot area for two-family dwellings not including public road right-of-way or private road easement) shall be as follows, except as otherwise provided:

Minimum Lot Area Required	Utility Service Available
20,000	None
10,000 square feet	Public Sewer or Water
8,750 square feet	Public Sewer and Water

In the RM Districts, the number of dwelling units per acre shall be dependent upon the availability of community facilities and public utilities. The number of dwelling units shall be determined by a maximum allowable number of bedrooms. The following shall apply:

Utility Service Available	Maximum Number of Bedrooms per Acre
None	8
Public Sewer or Water	22
Public Sewer and Water	30

2. Minimum width per multiple-family zoning lot shall be 150 feet. The minimum lot width for two-family dwellings shall be as follows, except as otherwise provided:

Minimum Lot Width Required	Utility Service Available
100	None
80	Public Sewer or Water
70	Public Sewer and Water

The future subdividing of an existing multiple-family development shall be permitted provided that, for each parcel created, there shall be maintained direct access to a paved public street with a minimum frontage on said street of one hundred fifty (150) feet.

3. Maximum multiple-family building height shall be three (3) stories or 35 feet. Maximum two-family building height shall be 2-1/2 stories or 30 feet.
4. Minimum landscaped area for two-family residential zoning lots shall be 20 percent, with required front yard not used for access driveways or sidewalks to be landscaped. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.

Minimum landscaped area for multiple-family developments shall be as follows. Within any side and rear yard setback or area between buildings, an area equivalent to seventy (70) percent of the

required yard or any required minimum area between buildings must be landscaped and developed as usable open space or recreation area available to the residents of the development, and further, said areas shall be kept free of all vehicular uses.

5. Maximum building lot coverage shall be 30 percent for two-family residential zoning lots and 50 percent for multiple-family developments. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
6. Minimum front yard setback per two-family residential zoning lot shall be 30 feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the St. Clair County Road Commission. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.

The minimum front yard setback for multiple-family developments shall be equal to the height of the structure, but in no instance shall any front yard setback be less than one hundred (100) feet when abutting a major thoroughfare road or fifty (50) feet from a collector road. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the St. Clair County Road Commission, or from the edge of the abutting ingress/egress easement for private roads.

All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback.

The required front yard setback for a multiple-family residential development shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.

The minimum distance between any two multiple-family buildings on the same parcel shall be regulated according to the length and height of such buildings and in no instance be less than thirty-five (35) feet. The formula for regulating the required minimum distance between two multiple-family buildings is as follows:

$$S = \frac{LA + LB + [2 (HA + HB)]}{6}$$

where;

S equals required minimum horizontal distance between any wall of building A and any wall of building B or the vertical extension of either.

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

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

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

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

7. Minimum side yard setback per two-family residential zoning lot shall be 12 feet. The minimum side yard setback for multiple-family developments shall be equal to the height of the structure, but in no instance shall any yard setback be less than one hundred (100) feet when abutting a Single-Family Residential District. No accessory building shall project beyond the required side yard setback.
8. Minimum rear yard setback per two-family residential zoning lot shall be thirty (30) feet. The minimum rear yard setback for multiple-family developments shall be equal to the height of the structure, but in no instance shall any yard setback be less than one hundred (100) feet when abutting a Single-Family Residential District. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard.

All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence not less than six (6) feet high or other screening as required by the Planning Commission.

9. The minimum residential floor area per unit for two-family residential structures shall be as follows:

1 story:	1,000 square feet
1½ story:	1,150 square feet
2 story:	1,500 square feet

The minimum residential floor area per unit for all multiple-family residential structures shall be as follows:

Efficiency:	450 square feet
One (1) Bedroom:	600 square feet
Two (2) Bedroom:	720 square feet
Three (3) Bedroom:	850 square feet
Four (4) Bedroom:	1,000 square feet

For the purpose of computing the minimum allowable floor area in a multiple-family residential structure, the horizontal areas of each dwelling unit shall be measured from the centerline of the exterior walls and walls separating two (2) dwelling units. The floor area measurement for multiple-family residential structures shall be exclusive of any common hallways, utility and storage areas, basements, garages, patios, porches, and balconies.

Section 18.05 MHP, Manufactured Home Park District.

1. The minimum size per zoning lot (not including public road right-of-way or private road easement) shall be fifteen (15) acres. Mobile home park developments are subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Act 419, PA 1976, and any and all rules and regulations promulgated pursuant to Act 419, as may be amended.
2. The minimum zoning lot width shall be subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Act 419, PA 1976, and any and all rules and regulations promulgated pursuant to Act 419, as may be amended.
3. The maximum building height shall be 2 1/2 stories or thirty (30) feet.
4. The maximum percent of building lot coverage and minimum yard setbacks shall be subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Act 419, PA 1976, and any and all rules and regulations promulgated pursuant to Act 419, as may be amended.

Section 18.06 C-1, Business Office District.

1. The minimum zoning lot area (not including public road right-of-way or private road easement) and minimum lot width shall be determined on the basis of required off-street parking, loading, screening, and yard setbacks as provided herein for the respective uses.
2. The maximum building height shall be 2 1/2 stories or 30 feet.
3. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios. The amount of land area devoted to landscaping shall be a function of the size of the commercial development of land area occupied, as follows:

Land Area Occupied by Development	Percentage Landscaping Required
Less than 20,000 square feet	5.0 Percent
20,001 to 40,000 square feet	7.5 Percent
40,001 to 60,000 square feet	10.0 Percent
60,001 to 100,000 square feet	7.5 Percent
100,001 to 200,000 square feet	5.0 Percent
200,001 to 400,000 square feet	3.0 Percent
Over 400,000 square feet	2.0 Percent

4. The maximum building lot coverage shall be fifty (50) percent. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
5. The minimum front yard setback per zoning lot shall be forty (40) feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the St. Clair County Road Commission. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.

Off-street parking shall be permitted to occupy a required front yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the public right-of-way line or private ingress/egress easement.

6. Side yard minimum setbacks per zoning lot shall be ten (10) feet. A setback of zero (0) feet may be permitted on the other side except for corner lots, lots abutting a residential zoning district, or where a wall contains windows or other openings, in which case a 10-foot side yard setback shall be provided.
7. Off-street parking shall be permitted in a required side yard setback when said side yard abuts a nonresidential district. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50) feet and off-street parking shall be permitted to occupy the required side yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.

8. Rear yard minimum setback per zoning lot shall be twenty (20) feet. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50) feet. Loading space shall be provided in the rear yard in accordance with Section 1709. No outside storage shall be permitted.
9. Off-street parking shall be permitted in a required rear yard setback when said rear yard abuts a nonresidential district. Where a commercial district abuts a residential district, off-street parking shall be permitted to occupy the required rear yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.

Section 18.07 C-2, Small Business District.

1. The minimum zoning lot area (not including public road right-of-way or private road easement) and minimum lot width shall be determined on the basis of required off-street parking, loading, screening, and yard setbacks as provided herein for the respective uses.
2. The maximum building height shall be 30 feet.
3. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios. The amount of land area devoted to landscaping shall be a function of the size of the commercial development of land area occupied, as follows:

Land Area Occupied by Development	Percentage Landscaping Required
Less than 20,000 square feet	5.0 Percent
20,001 to 40,000 square feet	7.5 Percent
40,001 to 60,000 square feet	10.0 Percent
60,001 to 100,000 square feet	7.5 Percent
100,001 to 200,000 square feet	5.0 Percent
200,001 to 400,000 square feet	3.0 Percent
Over 400,000 square feet	2.0 Percent

4. The maximum building lot coverage shall be fifty (50) percent. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
5. The minimum front yard setback per zoning lot shall be forty (40) feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the St. Clair County Road Commission. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.
6. Off-street parking shall be permitted to occupy a required front yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the public right-of-way line or private ingress/egress easement.

7. Side yard minimum setbacks per zoning lot shall be ten (10) feet. Off-street parking shall be permitted in a required side yard setback when said side yard abuts a nonresidential district. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50) feet and off-street parking shall be permitted to occupy the required side yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.
8. Rear yard minimum setback per zoning lot shall be twenty (20) feet. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50) feet. Loading space shall be provided in the rear yard in accordance with Section 1709. No outside storage shall be permitted.
9. Off-street parking shall be permitted in a required rear yard setback when said rear yard abuts a nonresidential district. Where a commercial district abuts a residential district, off-street parking shall be permitted to occupy the required rear yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.

Section 18.08 C-3, General Business District.

1. The minimum zoning lot area (not including public road right-of-way or private road easement) and minimum lot width shall be determined on the basis of required off-street parking, loading, screening, and yard setbacks as provided herein for the respective uses.
2. The maximum building height shall be 30 feet.
3. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.

The amount of land area devoted to landscaping shall be a function of the size of the commercial development of land area occupied, as follows:

Land Area Occupied by Development	Percentage Landscaping Required
Less than 20,000 square feet	5.0 Percent
20,001 to 40,000 square feet	7.5 Percent
40,001 to 60,000 square feet	10.0 Percent
60,001 to 100,000 square feet	7.5 Percent
100,001 to 200,000 square feet	5.0 Percent
200,001 to 400,000 square feet	3.0 Percent
Over 400,000 square feet	2.0 Percent

5. The maximum building lot coverage shall be fifty (50) percent. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.

6. The minimum front yard setback per zoning lot shall be forty (40) feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the St. Clair County Road Commission. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.
6. Off-street parking shall be permitted to occupy a required front yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the public right-of-way line or private ingress/egress easement.
7. Side yard minimum setbacks per zoning lot shall be ten (10) feet. Off-street parking shall be permitted in a required side yard setback when said side yard abuts a nonresidential district. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50) feet and off-street parking shall be permitted to occupy the required side yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.
8. Rear yard minimum setback per zoning lot shall be twenty (20) feet. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50) feet. Loading space shall be provided in the rear yard in accordance with Section 1709. All outside storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence not less than six (6) feet high or other screening as required by the Planning Commission.
9. Off-street parking shall be permitted in a required rear yard setback when said rear yard abuts a nonresidential district. Where a commercial district abuts a residential district, off-street parking shall be permitted to occupy the required rear yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.

Section 18.09 I-1, Light Industrial District.

1. The minimum zoning lot area (not including public road right-of-way or private road easement) and minimum lot width shall be determined on the basis of required off-street parking, loading, screening, and yard setbacks as provided herein for the respective uses, except that the minimum size per zoning lot of a platted industrial subdivision (not including public road right-of-way or private road easement) shall be a minimum of ten (10) acres.
2. Maximum building height shall be forty-five (45) feet.
3. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.

The amount of land area devoted to landscaping shall be a function of the size of the commercial development of land area occupied, as follows:

Land Area Occupied by Development	Percentage Landscaping Required
Less than 20,000 square feet	5.0 Percent
20,001 to 40,000 square feet	7.5 Percent
40,001 to 60,000 square feet	10.0 Percent
60,001 to 100,000 square feet	7.5 Percent
100,001 to 200,000 square feet	5.0 Percent
200,001 to 400,000 square feet	3.0 Percent
Over 400,000 square feet	2.0 Percent

4. The maximum building lot coverage shall be fifty (50) percent. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage. Examples of in-ground and at-grade structures include patios, below ground storm shelters and in-ground swimming pools.
5. The minimum front yard setback per zoning lot shall be fifty (50) feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the St. Clair County Road Commission. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.

The required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.

6. Side yard minimum setbacks per zoning lot shall be thirty (30) feet. Off-street parking shall be permitted in a required side yard setback when said side yard abuts a nonresidential district. Where an industrial district abuts a residential district, the minimum distance between an industrial structure and said common district line shall be fifty (50) feet and off-street parking shall be permitted to occupy the required side yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.
7. Rear yard minimum setback per zoning lot shall be fifty (50) feet. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard. Where an industrial district abuts a residential district, the minimum distance between an industrial structure and said common district line shall be fifty (50) feet. Loading space shall be provided in the rear yard in accordance with Section 1709. All outside storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence not less than six (6) feet high or other screening as required by the Planning Commission.

Off-street parking shall be permitted in a required rear yard setback when said rear yard abuts a nonresidential district. Where an industrial district abuts a residential district, off-street parking shall be permitted to occupy the required rear yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.

Section 18.10 I-2, General Industrial District.

1. The minimum zoning lot area (not including public road right-of-way or private road easement) and minimum lot width shall be determined on the basis of required off-street parking, loading, screening, and yard setbacks as provided herein for the respective uses, except that the minimum size per zoning lot of a platted industrial subdivision (not including public road right-of-way or private road easement) shall be a minimum of ten (10) acres.
2. Maximum building height shall be sixty (60) feet.
3. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios. The amount of land area devoted to landscaping shall be a function of the size of the commercial development of land area occupied, as follows:

Land Area Occupied by Development	Percentage Landscaping Required
Less than 20,000 square feet	5.0 Percent
20,001 to 40,000 square feet	7.5 Percent
40,001 to 60,000 square feet	10.0 Percent
60,001 to 100,000 square feet	7.5 Percent
100,001 to 200,000 square feet	5.0 Percent
200,001 to 400,000 square feet	3.0 Percent
Over 400,000 square feet	2.0 Percent

4. The maximum building lot coverage shall be fifty (50) percent. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
5. The minimum front yard setback per zoning lot shall be fifty (50) feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the St. Clair County Road Commission.

All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.

The required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.

6. Side yard minimum setbacks per zoning lot shall be thirty (30) feet. Off-street parking shall be permitted in a required side yard setback when said side yard abuts a nonresidential district. Where an industrial district abuts a residential district, the minimum distance between an industrial structure and said common district line shall be fifty (50) feet and off-street parking shall be permitted to occupy the required side yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.

7. Rear yard minimum setback per zoning lot shall be fifty (50) feet. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard. Where an industrial district abuts a residential district, the minimum distance between an industrial structure and said common district line shall be fifty (50) feet.

Loading space shall be provided in the rear yard in accordance with Section 1709. All outside storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence not less than six (6) feet high or other screening as required by the Planning Commission.

Off-street parking shall be permitted in a required rear yard setback when said rear yard abuts a nonresidential district. Where an industrial district abuts a residential district, off-street parking shall be permitted to occupy the required rear yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.

Section 18.11 Lot Size Averaging.

Lot size averaging may be permitted by the Planning Commission, upon application from the property owner, if it determines that it will provide a better relationship of lots to the topography, vegetation or other natural or man-made features. Lot size averaging is the allowance for a change in lot area and width in a development, but with the average lot area meeting the minimum area as required in this Ordinance for that particular zoning district.

In the case where lot size averaging is permitted, the following conditions shall be met:

1. Reduction of lot area or width below the minimum required for the zoning district shall not be permitted for more than one-third (1/3) of the total number of lots in the development.
2. No lot shall have an area or width more than ten (10) percent below that area or width required in the Schedule of Regulations.
3. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.
4. The submittal shall be reviewed and approved in accordance with terms, conditions, and standards of the State Subdivision Control Act, PA 288 of 1967, as amended.

Section 18.12 Cross-District Averaging.

When two (2) or more zoning districts are involved within the boundaries of one parcel of land which is under consideration for development of one-family residential use pursuant to Act 288 of 1967, as amended, known as Subdivision Control Act of 1967, the Planning Commission, upon application from the property owner, may grant a change from the minimum requirements of the several zoning districts so involved, so as to provide cross-district lot size and density averaging within the boundaries for such parcel of land.

In the case where cross district averaging is permitted, the following conditions shall be met:

1. The relocation of lot lines shall generally conform with the existing topography, vegetation, and other natural or manmade features.
2. No single lot in any individual zoning district shall have an area or width which is less than the minimum required for the higher density zoning district part of the cross district development project.
3. All computations showing the total number of lots permitted and average lot size allowed resulting from this technique shall be indicated on the print of the preliminary plat.

4. The submittal shall be reviewed and approved in accordance with the terms, conditions, and standards of the State Subdivision Control Act, PA 288 of 1967, as amended.

Section 18.13 Single-Family Cluster Housing.

1. The intent of this Section is to encourage the development of single-family residential patterns that, through design innovation, will introduce flexibility so as to provide for a more appropriate development to encourage the preservation of open space through site planning.
2. The Planning Commission shall convene a public hearing held in accordance with Section 16(b) of the Township Zoning Act (PA 184 or 1943), as amended, as part of its review, study, and approval of an application for the cluster housing option.
3. The minimum yard setbacks, heights, and minimum lot sizes per unit as required by the Schedule of Regulations may be waived and the attaching of dwelling units may be accomplished subject to the following:
 - a. The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the District in which the cluster is to be constructed.
 - b. The attaching of single-family dwelling units, one to another, may be permitted when said homes are attached by means of one or more of the following:
 - 1) Through a common party wall which does not have over seventy-five (75) percent of its area in common with an abutting dwelling unit wall.
 - 2) By means of an architectural wall detail which does not form interior room space.
 - 3) Through a common party wall in only the garage portion of an abutting structure.
 - 4) The attachment of more than four (4) units in the above-described manner shall not be permitted.
4. In a single-family cluster housing development, the dwelling unit density shall be no greater than if the gross land area were to be developed in the minimum square foot lot areas as required for the single-family district in which the development is proposed. Exception in the form of a ten (10) percent density bonus may be granted by the Planning Commission in cases where either:
 - a. At least fifty (50) percent of the site is retained as permanent open space or in agricultural activity. In the case of agricultural activity, the method of open space protection shall specifically state that the property shall revert to permanent open space when and if the agricultural activity ceases. The details of the conversion and the maintenance of the open space shall also be provided.
5. Yard requirements shall be provided as follows:
 - a. Spacing between any grouping of four (4) or fewer one-family units and another grouping of such structures shall be equal to at least twenty (20') feet, measured between the nearest point of the two groupings. A grouping may include a single, freestanding unit.
 - b. All such groupings shall be situated so as to have one side of the lot abutting onto a common open space.
 - c. That side of a building adjacent to a dedicated street shall not be closer to said street than twenty-five (25') feet.

- d. This nature of development, when abutting a front yard of an existing recorded subdivision which is not a part of the site plan submitted under this Section, shall cause all dwelling units facing such subdivision to relate through its front or entrance facade and shall treat said side of the grouping as a front yard.
 - e. No building shall be located closer than thirty (30') feet to the outer perimeter (property line) of the site.
6. A landscaped berm shall be required, at least six (6') feet high, or a ten (10') foot landscaped greenbelt shall be provided along the entire property line abutting the major thoroughfare. This berm may be included within a required side or rear yard. The slopes on said berms shall be gentle enough so as not to erode when planted in grass; and the design of the berm as it relates to street intersections, finding that it conforms with corner clearance visibility regulations found elsewhere in this Ordinance. A natural buffer, if one exists, may satisfy all or part of this requirement.
7. In submitting a proposed layout under this Section, the sponsor of the development shall include, along with the site plan, typical building elevations and floor plans, topography drawn at two (2') foot contour intervals, main floor grade elevations relative to the existing topography, all computation relative to acreage and density, details relative to the proposed berm or greenbelt and any other details which will assist in reviewing the proposed plan.
8. Site plans submitted under this option shall be accompanied by information regarding the following:
- a. The proposed manner of holding title to open land in perpetuity.
 - b. The proposed method of regulating the use of open land.
 - c. The proposed method of maintenance of property and financing thereof.
 - d. All land not intended to be conveyed to individual dwelling unit owners shall be set-aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the Township Attorney to assure the following:
 - e. That title to the open land is held in common by the owners of all dwelling units in the detached single family cluster development.
 - f. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.

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ARTICLE XIX
SPECIAL LAND USE CONDITIONS, REVIEW AND APPROVAL

Section 19.01 Statement of 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.

The following use permit review procedures are instituted to provide an opportunity to use a lot or parcel for an activity which, under certain circumstances, might be detrimental to other permitted land uses and should not be permitted within the same district, but which use can be permitted under circumstances unique to the proposed location and subject to conditions acceptable to the community and providing protection to adjacent land uses. The procedures apply to those Special Approval Land Uses which are specifically designated as such in the Zoning Ordinance.

Section 19.02 Review and Approval Authority.

The Planning Commission shall have the authority to approve special land use permits, subject to such conditions of design, operation, and appropriate and reasonable safeguards as the Commission may require for any special land use included in the various provisions of this Zoning Ordinance.

Section 19.03 Data Required.

1. Applications for Special Approval Land Uses authorized in this Ordinance shall be submitted to the Zoning Administrator. Applications shall include the appropriate number of copies of the site plan and the fees as established by the Township Board. Applications will be processed according to the procedures adopted by the Township Board.
2. The Zoning Administrator shall review the proposed application to determine if all required information has been supplied, and forward completed applications and supporting data in accordance with the provisions of the procedures manual.
3. An application for a special land use permit shall include the following:
 - a. Applicant's name, address, and telephone number.
 - 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 Section 21.02, Data Required for Site Plans.
 - e. Supporting statements, evidence, data, information and exhibits that address criteria for assessing special land use applications.
 - f. A breakdown of cost estimate to complete all required improvements to the property, including, but not necessarily limited to, landscaping, parking and fencing.

- g. 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 demand, 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 19.04 Public Hearing Requirements

- 1. Upon receipt of a complete application for a special use permit, the Planning Commission shall hold a public hearing in accordance with the notification requirements of the State law and any applicable Township policies and procedures. A complete application under this Section shall be one that addresses the items set forth in Section 19.03.
- 2. The Planning Commission shall review the proposal and base its decision upon review of the individual standards for that Special Approval Land Use and the general standards of this section. The Planning Commission shall grant approval of the application with any conditions it may find necessary or it may disapprove the application. The decision on a Special Land Use shall be incorporated in a statement of conclusions relative to the Special Land Use under consideration. The decision shall specify the basis for the decision and conditions imposed.

- a. **Approval.** If the Planning Commission determines that the particular Special Approval Land Use(s) should be allowed, it shall clearly set forth in writing the particular use(s) which have been allowed. This documentation shall also include the amount and terms of any performance bond the Commission may impose.

Thereafter, the Zoning Administrator may issue a building permit in conformity with the particular Special Approval Land Use so approved. In all cases where a particular Special Land Use has been granted as provided herein, application for a building permit shall be made to the Township not later than one year thereafter, or such approval shall automatically be revoked. Provided, however, the Planning Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time as it shall determine to be necessary and appropriate.

- b. **Denial.** If the Planning Commission shall determine that the particular Special Approval Land Use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application in writing and clearly set forth the reasons for such denial.
- 3. The Planning Commission may impose such conditions or limitations in granting approval as may be permitted by State law and this Ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance.
 - a. The conditions may include:
 - 1.) conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;
 - 2.) protecting the natural environment and conserving natural environment and conserving natural resources and energy;
 - 3.) insuring compatibility with adjacent uses of land;
 - 4.) promoting the beneficial use of land in a socially and economically desirable manner.

b. Special conditions imposed shall meet each of the following:

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

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Township Clerk shall maintain a record of changes granted in conditions.

5. 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.
6. Appeals: No decision or condition related to a special land use application shall be taken to the Zoning Board of Appeals, or the Township Board. An appeal of a special land use decision or condition may be taken to the Circuit Court.

Section 19.05 Standards for 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 in accordance with the general objectives, intent and purposes of this Ordinance.
2. Will be in accordance with the goals and objectives of the Clay Township Master Plan.
3. 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.
4. Will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
5. 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.
6. 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.
7. 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.

8. 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 which result in maximum harmony with adjacent areas.
9. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted within the Zoning District.

Section 19.06 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 19.07 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 19.08 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 19.09 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. The Planning Commission reserves the right to review, with the applicant and the Township Zoning Administrator, the status of Special Use Permits on an annual basis.

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 shall 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 10 days prior to the date of the meeting.

Section 19.10 Certificate of Occupancy

The Building Official of the Township shall not issue a Certificate of Occupancy until all required improvements to the property have been completed.

Section 19.11 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 XX
SPECIAL LAND USE REQUIREMENTS

Section 20.01 Adult Entertainment Uses.

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 such uses are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse affects will not contribute to the blighting or downgrading of property values of the surrounding neighborhood.

It is the intent and purpose of Clay Township to adopt reasonable regulations for adult entertainment uses in the Township, so as to minimize the adverse affects caused by this activity on the public health, safety, and welfare of persons and property within the Township. Further, the purpose of the locational requirements is to prevent crime, protect and preserve the quality of life in the Township's retail trade, maintain property values, protect and preserve the quality of life in the Township, preserve areas frequented by children from increased criminal activity and increased blight or other neighborhood deterioration, and prevent the blighting, downgrading, and deterioration of residential neighborhoods in commercial districts.

The operation or expansion of any and all adult entertainment uses, whether conducted as a separate business activity or in conjunction with another use, may be permitted as a special land use in the C-2 Small Business District and C-3 General Business District and only in conformance with the following restrictions:

1. No adult entertainment use shall be located within one thousand (1,000') feet of any other adult entertainment use nor within five hundred (500') feet of any of the following uses:
 - a. All Class "C" establishments licensed by the Michigan Liquor Control Commission.
 - b. Pool or billiard halls.
 - c. Coin-operated amusement centers or video arcades.
 - d. Teenage discos or dance halls.
 - e. Ice or roller skating rinks.
 - f. Pawn shops.
 - g. Indoor or outdoor movie theaters.
 - h. Any public park, public playground, public library, or public building.
 - i. Any church, place of worship, or other religious facility.
 - j. Any public or private school having a curriculum including kindergarten or any one or more of the grades one (1) through twelve (12).
 - k. Any restaurant that serves alcohol.
 - l. Any preschool or day nursery.

- m. Any indoor or outdoor public, private, or commercial recreational facility.
 - n. A single-family dwelling used or designed for residential purposes within any residential zoning district.
 - o. Uses like or similar to the above.
2. Such distance shall be measured along the centerline of the street between two (2) fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above listed use nearest to the contemplated location of the structure containing the adult entertainment use and from the contemplated location of the structure containing the adult entertainment use nearest to a use listed above.
 3. No adult entertainment use shall be located within five hundred (500') feet of any area zoned residential (i.e., R-1, R-2, R-3, R-4, RS-1, RS-2, R-1L, RM, and MHP Zoning Districts). Such required distances shall be measured by a straight line between a point on the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment use to a point on the contemplated structure or contemplated location of the structure containing the adult entertainment use nearest to the boundary lines of a zoned residential area.
 4. All adult entertainment uses shall be contained in a free-standing building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.
 5. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relation to specified sexual activities or specified anatomical areas from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window, or other opening.

Section 20.02 Adult Foster Care Large Group Homes.

The following are standards shall be applied to adult foster care large group homes:

1. All ingress and egress to the site shall be directly from a hard surfaced road.
2. 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.
3. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
4. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
5. A landscaped buffer shall be provided along all property lines that abut a less intense use and around the visible perimeters of all parking and loading/unloading areas.
6. All exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties and, preferably, should be motion activated.

Section 20.03 Agribusiness Uses.

Agribusiness uses include the commercial production, processing or sale of fruit, vegetables, eggs, cider and similar farm products. All uses are subject to the following requirements:

1. The maximum floor area of any building used for agribusiness sales shall be five hundred (500) square feet.
2. All buildings shall have a front setback of at least twenty-five (25') feet from the edge of the proposed road right-of-way as designated on the Township's adopted Master Plan.
3. At least eighty (80%) percent of all sale items shall be farm produce grown on the farm owning the agribusiness use.
4. Adequate trash receptacles shall be provided and shall be completely obscured from view by a screen fence or wall.
5. There shall be no more than two (2) freestanding or ground signs, neither sign to exceed sixteen (16) square feet of sign area.
6. All ingress and egress to the site shall be located at least sixty (60') feet from the intersection of any two streets measured from the proposed right-of-way.
7. A minimum of five (5) off-street parking spaces shall be provided and shall be laid out in such a way that they can be safely and conveniently used by the customers. The Planning Commission shall determine the number of additional parking spaces necessary based on each individual use and the anticipated traffic that will be generated.

Section 20.04 Airports, Landing fields.

Airports, airfield, runways, aircraft storage, beacons, and other facilities involved with aircraft operations may be permitted subject to the approval by the Planning Commission upon a finding that the plans meet the requirements of this Ordinance and the following conditions:

1. Airports shall be used only for small commercial or public aircraft.
2. Minimum area required for the airport shall not be less than one hundred sixty (160) acres.
3. The area shall have its principal means of access to a major street.
4. 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.
5. Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aeronautics Administration, which agency shall approve the preliminary plans submitted to the Township. (Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities, which is not part of the airport, shall be so developed as to not endanger safe flight conditions to and from an established airport. Permitted height of buildings, structures, telephone and electrical lines and appurtenances thereto shall be established after consultation with the appropriate aeronautical agencies.)
6. Yard and Placement Requirements.
 - a. No building or structure or part thereof, shall be erected closer than thirty (30') feet from any property line.

- b. Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned residential.
7. Prohibited Uses. The open storage of junked or wrecked motor vehicles or aircraft may be stored in the open for not more than sixty (60) days from the date of the accident or abandonment.

Section 20.05 Arcade.

1. The building shall not be located within one hundred (100') feet of a residential dwelling or district, church, or school.
2. The site shall be so located as to abut a major street right-of-way.
3. All ingress and egress to the site shall be directly from said major street.
4. No exterior loudspeaker or public address system shall be used.
5. For purposes of this section, a pool room or billiard parlor shall be an establishment in which three (3) or more pool tables and/or billiard tables are operated or maintained.

Section 20.06 Auction Sales Establishments.

1. All ingress and egress to the site shall be directly from a hard surfaced road.
2. All parking shall be provided as off-street parking within the boundaries of the development.
3. 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.

Section 20.07 Automobile Sales, Storage.

1. All ingress and egress to the site shall be directly from a hard surfaced road.
2. The lot or area shall be graded and drained as to dispose of all surface water accumulated within the area.
3. The lot or area upon which new and/or used automobiles, recreation vehicles, trucks, and trailers are placed shall be hard surfaced.
4. Ingress and egress shall be at least sixty (60') feet from the intersection of any two (2) streets.
5. No major repair or major refinishing to a vehicle shall be conducted on the subject site. All service and minor repair facilities shall be located within an enclosed building. Damaged vehicles and/or vehicles waiting for repair may be stored outside provided such storage area is screened by an obscuring wall six (6') feet in height. There shall be no outdoor storage of materials.
6. Lighting shall be located and designed to reflect away from adjacent residential districts.

Section 20.08 Automobile Service Stations, Gasoline Filling Stations, and Accessory Retail Uses.

1. No repair work shall be permitted, other than incidental service, including the addition of motor oil, windshield/wiper fluid or transmission fluid.
2. No steam cleaning or undercoating shall be permitted.

3. A principal building, of not less than four hundred (400) square feet in area, shall be required.
4. Minimum lot area shall be fifteen thousand (15,000) square feet for an automobile service station. Gasoline filling stations may be permitted on lots of ten thousand (10,000) square feet. For each additional accessory use such as, but not limited to, a fast-food restaurant, car wash, or convenience store, an additional 5,000 square feet of lot area shall be provided. In no instance shall the percentage of building coverage on site exceed 35 percent.
5. Minimum lot width and frontage shall be not less than one hundred and fifty (150') feet.
6. A building shall be located not less than fifty (50') feet from any right-of-way line.
7. Ingress and egress to the facility shall only be from a major thoroughfare or from a shared access drive to such roadway. Drives shall not be more than thirty (30') feet in width.
8. Not more than two (2) driveways onto adjacent roadways shall be permitted per road frontage. Curb cuts shall not be permitted where, in the opinion of the Site Plan Review Committee, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
9. No drive or curb opening shall be located nearer than twenty-five (25') feet to any intersection or adjacent residential property line, as measured along the property line. No drive shall be located nearer than thirty (30') feet, as measured along the property line, to any other drive on the premises. No drive shall be located less than ten (10') feet from any lot line, as measured along the property line.
10. The entire lot, excluding the area occupied by buildings, shall be hard-surfaced with concrete or asphalt material, except landscaped areas which shall be separated from all paved areas by a low barrier or curb.
11. When adjoining residentially zoned property, a six (6') foot masonry wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within twenty-five (25') feet of any right-of-way line, subject to approval by the Zoning Administrator.
12. All outside storage areas for trash, auto parts and similar items shall be enclosed by a six (6') foot ornamental masonry wall with such storage being located in the rear yard.
13. Any stored items may not be stacked higher than the enclosing wall height. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted for a period exceeding five (5) days.
14. The sale of new or used cars, trucks, trailers, and any other vehicles on the premises is expressly prohibited.
15. All exterior lighting shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties. In no instance shall such lighting exceed a brightness of 1.0 foot-candles as measured at the property line.
16. The site should be no less than two hundred (200') feet from any place of public assembly, including any hospital, sanitarium, school, church, or other institution. Measurement shall be the closest distance between the pump islands and the exterior wall of the building used for public assembly.

17. The view of all restroom doors and/or service bay doors shall not be visible from adjacent residential districts.
18. A permanent covered structure shall be provided over that portion of the pump island and drive area of any station wherein customers are required to dispense fuel into their own vehicles on a self-service basis. Such structure shall not be enclosed by walls and shall be provided with a minimum clearance of thirteen feet, six inches (13'-6") between the underside of the roof structure and the drive surface. For purpose of this Ordinance, setback requirements shall not apply to canopies; however, in no instance shall they extend beyond the property line.
19. All off-street parking areas, maneuvering lanes, and paved surface areas shall be drained so as to preclude drainage of water onto adjacent property and public rights-of-way.
20. A minimum ten (10') foot greenbelt, planted in accordance with the specifications of Section 3.10 shall be provided along all right-of-way lines bordering a major thoroughfare.
21. Auto wash facilities, when established in connection with the principal use on the same zoning lot, shall comply with the following standards.
 - a. All washing activities must be carried on within an enclosed building.
 - b. Vacuuming activities shall be at least fifty (50') feet distant from any adjoining residential zone. In no instance shall the weighted sound level from the vacuuming activity exceed 77dBA when measured at the property line.
 - c. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.
 - d. Provision shall be made for the drying of the automobile's undercarriage during freezing weather prior to entering the public thoroughfare for all automatic auto wash facilities. In addition, such auto washes must also install underground heating elements at each vehicle exit to prevent icing at grade.
 - e. There shall be provided no less than five (5) stacking spaces for each automatic wash lane.
 - f. Vehicle stacking spaces shall be clearly separated from pump islands and from routes necessary for entering and exiting the property, and in a manner which precludes pedestrians from traversing through such space.
22. Convenience stores and/or fast food restaurants, when established in connection with the principal use on the same zoning lot, shall comply with the following standards:
 - a. The sale of alcoholic beverages is expressly prohibited.
 - b. Buildings shall be so arranged on site in a manner that screens any drive-through lanes from adjoining residentially zoned land.
 - c. Drive-through lanes shall be separated from pump islands and from routes necessary for entering and exiting the property.
 - d. Customer parking for convenience store and/or fast food use shall be located on the site in a manner which precludes pedestrians from traversing through drive-through lanes and off-street loading zones.

- e. Loading zones shall be restricted to the rear or side yards.
 - f. There shall be provided no less than five (5) stacking spaces for the drive-through lane.
 - g. Food service areas shall be physically separated from vehicle repair and service facilities.
 - h. The sale of snack food items, commonly consumed by travelers (e.g. pop, candy, packaged snacks and goods dispensed through a vending machine), bread, milk, juice, cigarettes and sundry items shall be permitted as part of a gasoline filling or service station provided that the sale of such items is clearly incidental to the sale of vehicular fuel and lubricants, minor parts and accessories; and further provided that the area used for the sale and storage of food and sundry items does not exceed a usable floor area of five hundred (500) square feet.
 - i. For facilities consisting of any underground storage tanks, the site shall be three hundred (300') feet from any residential well, eight hundred (800') feet from a non-community public water well and two thousand (2,000') feet from any public water well.
23. On-site parking shall equal the sum of the number of parking spaces required separately for each use.
25. There shall be no above-ground outdoor storage/dispensing tanks on the site without leak proof secondary containment sufficient to accommodate one hundred and twenty (120%) percent of the volume of the tank.

Section 20.09 Automobile Repair Garage.

1. Locational Requirements:

- a. Ingress and egress to the facility shall be only from a major thoroughfare, or from a shared access drive to such roadway.
- b. No driveway or curb cut shall be located less than ten (10') feet from any lot line, measured from the edge of the driveway to the lot line.
- c. No more than two (2) driveways onto a roadway shall be permitted per site. Driveway approach width shall not exceed thirty (30') feet.
- d. The site shall be no less than two hundred (200') feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between exterior lot lines.

2. Site Requirements:

- a. In addition to the minimum lot size of the district, gasoline stations shall have an additional five hundred (500') square feet of lot area for each pump over four (4), and one thousand (1,000) additional square feet of lot area for each additional bay over two (2).
- b. The minimum lot width and frontage shall be two hundred (200') feet.
- c. All gasoline pumps shall be located not less than fifteen (15') feet from any lot line or within thirty (30') feet of the road right-of-way, and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.

- d. The entire area used for vehicle service shall be hard-surfaced and adequately drained.

3. Buffering Requirements:

- a. Greenbelt areas shall comply with the requirements of Section 3.10.
- b. Dumpsters shall be screened from adjacent properties by vegetation, landscaping, or fences.
- c. The view of all restroom doors shall be shielded from adjacent streets and residential districts.
- d. All lighting shall be shielded from adjacent streets and residential districts.

4. Performance Standards:

- a. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
- b. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to a junkyard. Such storage shall not occur in front of the building. Sales of new and used motorized vehicles shall not be permitted.
- c. No public address system shall be audible from any abutting residential parcel.
- d. All floor drains shall be connected to a public sanitary sewer system with the approval of the sewer authority or connected to an approved holding tank.
- e. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
- f. All handling of flammable or hazardous substances shall be in accordance with state and federal laws and all required state and federal permits shall be obtained and the establishment shall remain in conformance therewith.

Section 20.10 Bed and Breakfast Lodgings.

1. Site Requirements:

- a. 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.
- b. The parcel on which the establishment is to operate must meet or exceed the minimum lot area requirements of the zoning district.

2. Performance Standards:

- a. The bed and breakfast facility must be a single-family dwelling which is operated and occupied by the owner of the dwelling. An inn must be a single-family dwelling which may or may not be operated and/or occupied by the owner.

- b. The applicant shall provide a scaled floor plan of the premises as part of the special land use application.
- c. The exterior appearance of the structure shall not be altered from its single-family character.
- d. The impact of the bed and breakfast establishment on the neighborhood shall be no greater than that of a private home with weekend guests.
- e. One sign is permitted providing:
 - 1.) It is for identification purposes only.
 - 2.) It is not internally illuminated and does not exceed four (4) square feet.
 - 3.) It shall be mounted flush to the principal structure.
- f. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
- g. No separate or additional kitchen facilities shall be provided for the guests.
- h. Retail sales are not permitted beyond those activities serving overnight patrons.
- i. Meals shall not be served to the public at large but only to guests.
- j. No receptions, private parties or activities for which a fee is paid shall be permitted.
- k. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.
- l. A bed and breakfast operation shall only be allowed on a paved public street or within a site condominium project.
- m. 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.
- n. 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.
- o. Bed and breakfast operations may have up to four (4) sleeping rooms and an additional full bathroom facility for a third and/or fourth sleeping room.
- p. All sleeping rooms and areas shall have a fully functional smoke detector approved by the Township Building Official.
- q. A bed and breakfast operation shall provide a minimum of two (2) exits to the outdoors.
- r. If the Bed and Breakfast is using a private septic system, a permit from the Health Department shall be required.
- s. The application for a bed and breakfast operation shall be accompanied by the following:

- 1.) A site plan subject to the requirements for site plan review.
- 2.) A floor plan of the residence showing those rooms and/or areas that will be used by guests (i.e., sleeping rooms, bathrooms, dining areas, etc.), including dimensions and floor area calculations, and the location of required exits and smoke detectors.

Section 20.11 Boarding Stables/Riding Academies.

1. Site Requirements:

- a. Stables shall have a minimum lot size of ten (10) acres for the first seven (7) horses and an additional one-half (½) acre for each horse thereafter.
- b. Commercial stables shall provide off-street parking at a minimum of one parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stable.
- c. Stables may not be located in platted subdivisions.

2. Buffering Requirements:

- a. Animals shall be confined in a suitably fenced area or paddock to prevent their approaching nearer than fifty (50') feet to any dwelling on adjacent premises.
- b. A vegetative strip of at least fifty (50') feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water or well head. In areas with slopes of over five (5%) percent, the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote quick nutrient absorption.

3. Performance Standards:

- a. All stables shall be operated in conformance with all applicable county, state and federal regulations.
- b. All animals shall be maintained in a healthy condition and carefully handled.
- c. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
- d. Inspections of stables may be conducted at any time within reason by either the police authorities or by employees under the supervision of the Township Supervisor. A review of inspections shall be made prior to special use permit renewal.
- e. Manure piles shall be stored, removed, and/or applied in accordance with Michigan Department of Agriculture and County Health Department regulations.
- f. A shelter shall be provided for all horses, including a separate stall for each horse which is at least ten (10') feet by ten (10') feet.
- g. Stables, corrals, and piles of manure or feed shall not be located nearer than two hundred (200') feet to any lot line and one hundred and fifty (150') feet from any right-of-way line.
- h. Enclosed riding arenas associated with commercial stables shall not exceed ten thousand (10,000) square feet in gross floor area on a minimum of a ten (10) acre site, except that an

additional one thousand five hundred (1,500) square feet of floor area may be permitted for each additional full acre in a lot area, provided that no riding arena shall exceed fifteen thousand (15,000) square feet in gross floor area.

- i. Riding arenas are permitted providing they meet height and setback restrictions of the district and they do not exceed four thousand five hundred (4,500) square feet in gross floor area.
- j. No living quarters shall be located in any arena building.
- k. Special events for which a fee is paid, such as shows, exhibitions, and contests shall only be permitted only after a temporary zoning permit has been secured.
- l. The Planning Commission may limit the number of horses and prescribe the manner of keeping the animals as necessary to prevent offensive odors, the pollution of water supplies, and/or the spread of infectious disease.

Section 20.12 Campgrounds.

- 1. 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.
- 2. No year-round residency shall be permitted, except within a dwelling unit as herein defined.
- 3. No more than one (1) permanent dwelling unit shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
- 4. The minimum area shall be twenty (20) acres.
- 5. A common use area shall be provided at a rate of five hundred (500) square feet per campsite.
- 6. Each campsite shall have a picnic table and designated place for fires.
- 7. All campsites shall have a central water supply system with potable water under pressure located within three hundred (300') feet.
- 8. Where a public water supply system is available within one hundred fifty (150') feet of any portion of the campground, the water supply system shall be connected thereto.
- 9. All campsites shall have a fire extinguisher or fire hydrant located within three hundred (300') feet.
- 10. Separate toilet and bathing facilities shall be provided at a ratio of one facility per twenty (20) campsites for each sex and shall contain hot and cold water.
- 11. 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 three hundred (300') feet of each campsite.
- 12. Where a public sewer is available within five hundred (500') feet of any portion of the campground, the sewer system shall be connected thereto.
- 13. Each campground shall be provided with at least one (1) public telephone.

14. Sewer, water, fuel, electrical, and telephone installations and connections shall be in accordance with plans approved by the appropriate utility, public agency, and the Township Board, upon recommendation from the Planning Commission.
15. 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. Parking shall be prohibited on such roadways, except when an additional ten (10') feet of roadway is provided as a parking lane.
16. 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.
17. Each campsite shall be not less than one thousand two hundred (1,200) square feet in area.
18. The Planning Commission may vary the requirements of items 11, 12 and 13 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.
19. No building, structure, accessory use, or campsite shall be located closer than one hundred fifty (150') feet to any interior property line.
20. Fences and/or greenbelts may be required when recommended by the Planning Commission.
21. No business of any kind shall be conducted on the premises, except for a store selling items customarily incidental to camping.

Section 20.13 Car Wash.

1. All ingress and egress to the site shall be directly from a hard surfaced road.
2. Minimum lot size shall be ten thousand (10,000) square feet.
3. All washing activities must be carried on within a building.
4. Vacuuming activities shall be at least fifty (50') feet distant from any adjoining residential zone.
5. 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.
6. Provision shall be made for the drying of the automobiles undercarriage during subfreezing weather prior to entering the public thoroughfare.
7. There shall be provided two (2) vehicle stacking spaces for each self-serve wash stall, not containing the vehicle wash or vacuum area.
8. There shall be provided fifteen (15) stacking spaces for each automatic wash lane.
9. 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.

Section 20.14 Cemetery.

1. The minimum lot or parcel size shall be twenty (20) acres.
2. No more than five (5%) percent of the site area may be occupied by buildings.
3. All ingress and egress shall be directly from a major thoroughfare.
4. All burial plots and all structures including but not limited to a mausoleum shall be set back no less than two hundred (200') feet from any lot line or road right-of-way.
5. Adequate parking shall be provided on the site, at least fifty (50') feet from any lot line, and no cemetery parking shall be permitted on any public street.
6. Buffering requirements. A greenbelt, as selected by the Planning Commission from among those provided in Appendix B, shall be constructed around the perimeter of the cemetery.
7. Performance Standards: All facilities for the ground burial area of the site shall be designed and constructed in accordance with the requirements of the St. Clair County Health Department and the State of Michigan.

Section 20.15 Day Care Centers (Nursery Schools).

1. There shall be provided and maintained a minimum of one hundred fifty (150) square feet of open space for each child under care.
2. Such open space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be fenced with a self-latching gate and screened from any adjoining lot in any residential district.
3. The facility must be state licensed.

Section 20.16 Churches, Synagogues, Temples, and Other Places of Worship, including other facilities normally incidental thereto.

1. The site shall have at least one (1) lot line on a paved road.
2. All ingress and egress for the site shall be from a major thoroughfare.
3. The minimum area shall be three (3) acres, unless the site is a reuse of an existing commercial facility.
4. No building shall be closer than one hundred and fifty (150') feet from any lot line or right-of-way.
5. 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.
6. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one (1') foot from the initial one hundred and fifty (150') feet for each one (1') foot of additional height above the district height limitation. Any spire is excluded.
7. Any yard or open space shall be landscaped.

8. Buffering Requirements: Parking areas shall be screened from adjacent residential areas pursuant to Sections 3.10 and 22.02.
9. No day care center, private school, or other use requiring a special use permit shall be allowed without a separately approved special use permit for each use.
10. Signs shall comply with regulations found in Article 26.

Section 20.17 Composting Facilities.

The following regulations shall apply to commercial or industrial composting and to manure composting facilities within Clay Township:

1. Size and Location.
 - a. The minimum size of a composting facility shall be eighty (80) acres.
 - b. A Level I Environmental Assessment of the site shall be conducted prior to site plan review:
 - c. A composting facility shall not be allowed in any one hundred (100) year or five hundred (500) year floodplain unless the Michigan Department of Environmental Quality (MDEQ) has approved the area of operations. A sign-off from the MDEQ stating where composting operations will be allowed in the floodplain shall be necessary before site plan review.
 - d. A composting facility shall not be allowed in any protected wetlands. A wetlands determination shall be made by the MDEQ prior to site plan review.
2. Ground and Surface Water Quality.
 - a. To ensure that ground or surface waters are not contaminated, monitoring wells must be installed by the owner/operator and/or lessee on site prior to construction of the composting facility. The location of such wells shall be determined on a site by site basis, subject to review and approval by a professional acceptable to the Township. All review costs shall be assumed by owner/operator and/or lessee.
 - b. If any stream or swale is present on the site, it shall be buffered by a twenty (20') foot unoccupied setback measured from the outer edge of the floodplain or all alluvial soils. Approval from the designated agent responsible for the enforcement of the Soil Erosion Control Act shall be required ensuring the stream is adequately protected from pollution.
 - c. The surface and ground waters at a composting facility shall comply with the water quality requirements of Act 245 of Public Acts of 1929, as amended, being Section 323.1 et. seq. of the Michigan Compiled Laws and the State Administrative Rules promulgated thereunder, being Section 323.1001 et. seq. of the Michigan Administrative Code.
 - d. Sampling of groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two-year period after operations cease for compliance with Act 255 of Public Acts of 1929, as amended. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by owner/operator and/or lessee.
 - e. Should test wells reveal violation of the water quality requirements of Act 245 of Public Acts of 1929, as amended, the petitioner shall be required to install a groundwater remediation system.

The system shall be subject to review and approval by a professional acceptable to the Township. All costs shall be assumed by owner/operator and/or lessee.

- f. Surface water monitoring shall be also required in addition to groundwater monitoring to assess the adequacy of leachate containment and runoff control and for compliance with Act 255 of Public Act of 1929, as amended. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator and/or lessee.
- g. Analysis for all ground and surface water monitoring events shall be submitted to the Township within sixty (60) days after analyses.
- h. Discharge of water collected in an on-site retention basin shall only be handled in the following ways:
 - 1.) Reintroduced into the compost pile.
 - 2.) Directed into a sanitary sewer.
 - 3.) Transported by a liquid industrial waste hauler.

3. Composting Facilities.

- a. This section establishes the requirements and procedures for operation of composting facilities for all facilities to be operated in Clay Township.
- b. All composting facilities shall submit to the Clay Township Planning Commission for approval, as part of the site plan review, the following:
 - 1.) Site plans sealed by a professional engineer including:
 - a.) A vicinity map and legal description.
 - b.) Distances to the nearest adjacent residence and commercial and industrial facilities.
 - c.) Proposed storage areas; interior and exterior. Interior storage facilities shall be identified as a "support services facility."
 - d.) Utility locations including storm and sanitary sewers and water mains.
 - e.) Fire hydrant locations.
 - f.) Access route traffic patterns as well as on-site traffic patterns.
 - g.) All visual screening measures.
 - h.) Drainage patterns. Property used for a composting facility shall contain a minimum 2% - 3% slope which permits surface water runoff from the composting process to be collected in an on-site retention basin.
 - 2.) Written documentation addressing the following:
 - a.) Hours of operation.
 - b.) Methods of controlling fugitive dust, noxious odors, noise, vibration, light, and blowing debris.

- c.) Fencing and other means of limiting access.
 - d.) Method of receiving compost materials.
 - e.) Method of sorting and handling composting materials on-site.
 - f.) Measures to be taken should anaerobic conditions arise.
 - g.) Expected frequency of removal of composted materials.
 - h.) Expected frequency for turning of composting windrows.
 - i.) Fire protection.
 - j.) Description of daily cleanup procedures.
 - k.) Measures to be taken should surface or groundwater contamination take place.
 - l.) The capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually.
 - m.) Maintenance Plan for all outdoor areas where compost materials are received, processed, cured, or stored to prevent rutting which allows on-site ponding/puddling of water in places other than a retention basin.
- 3.) All facilities covered under this section must notify the Clay Township Zoning Administrator and the St. Clair County Health Department that actual operations have begun.
- 4.) The site shall be closed when anaerobic conditions arise, and the only operations taking place must be concerned with correcting conditions. If anaerobic conditions arise more than two times in a one month period, the facility must: a) pay a fine-set by Township Board; and, b) close for a one month period of time. After three one month closures in a year, the Township may order the site to be closed permanently subject to provisions of this section. Also, corrective actions must begin immediately upon determination of anaerobic conditions. Determination of anaerobic conditions may be made by the Township Zoning Administrator.
- 5.) Compost materials shall not be accepted on site in an anaerobic condition.

4. Setback Requirements.

In no case shall be located within one thousand two hundred (1,200') feet of an existing residential district lot line, nor within one thousand five hundred (1,500') feet of the nearest existing residential dwelling in other zoning districts. The isolation distance shall be measured from the beginning of the program area designated to the composting facility to the residential lot line in residential districts. In other zoning districts, the isolation distance shall be measured from the beginning of the program area designated to the composting facility to the existing residence.

5. Landscaping Requirements.

If a residence is within one thousand two hundred (1,200') feet to two thousand two hundred and fifty (2,250') feet of a composting facility, or if the facility fronts on a public road, Greenbelt "D" or another greenbelt as selected by the Planning Commission from among those provided in Appendix B shall be constructed around the perimeter.

6. Off-Site Road Maintenance.

- a. This section is enacted to assure that tracking of mud and/or compost materials from composting areas onto public off-site roads will be minimized and to assure that mud and/or compost materials which are tracked off-site are adequately removed.
- b. At the time of site plan approval, the operator of the composting facility shall submit an Off-Site Road Maintenance Plan which addresses, at a minimum, the following:
 - 1.) Method of dislodging mud and/or composting materials from the vehicles or undercarriage.
 - 2.) An on-site traffic control pattern, including a by-pass road around the truck cleaning area if applicable.
 - 3.) Method for removing soil, dust, and/or compost materials attributable to the composting operations from public off-site roads within two thousand five hundred (2,500') feet of the composting area entrance and exits.
 - 4.) Trucks and off-site roads shall be cleaned as often as necessary to prevent the occurrence of nuisances resulting from the tracking of mud and/or compost materials.

7. Fugitive Dust, Noxious Odors, Noise, Vibration, Light, and Blowing Debris.

- a. 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 compost facilities shall be designed, constructed and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.
- b. The following performance standards shall be enacted in an effort to control noxious odors, noise, vibration, and light so that they do not cause off-site problems and nuisances:

1.) Odors.

- a.) The emission of noxious odors, odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to produce a public nuisance or hazard beyond lot lines, is prohibited.
- b.) All water used by the composting facility shall be drawn from streams, wells, ponds, or the municipal supply, and be otherwise free from sulfur or agents which will cause odor.

- 2.) 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
65dBA Residential/Agricultural	Boundary Property Line*
75dBA Commercial/Office	Boundary Property Line
80dBA Industrial/Other	Boundary Property Line

*Except normal street traffic noise levels exceed 65dBA, the use noise level may equal but not exceed the traffic noise level.

The sound levels shall be measured using a weighted decibel measurement and with a type of audio out meter approved by the National Institute of Standards and Technology. Objectionable noise as determined by the Board, of an intermittent nature, or high frequency sounds, even if falling below the aforementioned decibel readings, shall be muffled so as not to become a nuisance to adjacent uses.

- 3.) Vibration. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 0.003 inches as measured at any property line of its source.
 - 4.) Light. Exterior lighting shall be so installed that the surface of the source light shall not be visible from any bedroom window, and shall be so arranged as to reflect light away from any residential use. In no case shall more than one foot candle power of light cross a lot line five feet above ground into a residential district.
 - c. The applicant shall submit with the site plan an operations plan to minimize the off-site occurrences of fugitive dust, noxious odors, vibrations, light, and blowing debris. This plan may include such measures as: restricting the daily work area, refusing to accept certain compost materials, or other appropriate measures. This plan shall be approved by the Planning Commission.
 - d. If there is evidence that performance standards have not been met and/or that a problem or nuisance condition exists as determined by the Zoning Administrator, despite compliance with the operation plan, then a contingency plan shall be developed by the operator. This contingency plan shall be submitted within ten working days from the date that the Zoning Administrator notifies the operator. This plan shall demonstrate to the satisfaction of the Zoning Administrator that the problem will be abated within two weeks.
 - e. In the preparation of the operations plan required by subsection 6, (c) or the contingency plan which may be required by subsection 6, (d), the applicant or operator shall comply with the requirements of the Air Quality Rules promulgated under Act 348 of 1965 as amended.
8. Compost Storage.
- a. Storage of any material, other than compost, shall not be allowed on-site.
 - b. Height of compost material shall not exceed eight (8') feet.
 - c. No sludge of any kind shall be stored or deposited on composting facility property.
 - d. No bagged materials containing grass shall be accepted at a composting facility. Grass contained in bags shall be de-bagged at the original point of collection before being hauled to the composting facility.
9. Closure Plan.
- a. A closure plan shall be submitted which shall detail the final end use of the property should use of the facility be discontinued for more than twelve (12) months. The plan should describe:
 - 1.) How the existing site will be cleaned up.
 - 2.) How and where the existing surface debris will be disposed.
 - 3.) What the final disposition of the land will be.

The petitioner shall, prior to commencement of operations, deposit with the Township an amount sufficient to ensure site clean up should operations cease. The deposit shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond in an amount to be determined acceptable by the Township Board.

- b. Violation of any of the provisions of this ordinance or inability to meet the requirements of these provisions will result in the Township having the right to close and/or clean up the composting facility and operation at the expense of the owner and/or operator and/or lessee of the composting facility.

The Township may, at such time, direct the owner and/or operator and/or lessee to close and/or clean up the composting facility and/or operation at the owner and/or operator and or lessee's expense.

10. Right of Entry and Inspection.

- a. To determine compliance with this Ordinance, the Township Board shall appoint three persons, in addition to the Zoning Administrator, who will be prepared to act as Township representatives for purposes of site inspections. All composting areas are subject to inspection by the Zoning Administrator or Township representative during reasonable hours. This includes all site inspections made during the preparation, construction, operation, and closure periods. Should entry to a premise for an inspection be refused, the Zoning Administrator or Township representative may obtain a warrant authorizing premise entry and inspection pursuant to Section 2446 of Act 368 of Public Acts of 1978, being Section 333.2446 of the Michigan Compiled Laws.

The Zoning Administrator or Township representative is empowered to collect and examine samples as deemed necessary to perform the duties prescribed herein, and to take photographic, video tape, or other representation of conditions existent at the composting area. No person shall hinder, obstruct, delay, resist, or prevent any inspection made or any sample collected and examined by the Zoning Administrator or a Township representative. Nor shall any person molest, intimidate, harass, or impede the Zoning Administrator or a representative of the Township in the lawful discharge of his or her powers and duties.

- b. Based on an alleged violation of this Ordinance, specifically designated employees or officers of the Township may enter the disposal area when accompanied by a representative of the facility.

The governing body of the Township shall designate by resolution no more than three employees or officers to be given this responsibility and shall transmit copies of the resolution to the Zoning Administrator and to the compost area operator. If the designated employee or officer of the Township confirms the alleged violation, the Zoning Administrator shall be contacted immediately.

Section 20.18 Convalescent and Nursing Homes, Housing for the Elderly.

1. All such complexes shall be constructed on parcels of at least three (3) acres.
2. There shall be provided not less than one thousand five hundred (1,500) square feet of open space for each one (1) bed in a convalescent or Nursing Home, and each unit in a housing complex for the elderly. The one thousand five hundred (1,500) square feet of open space per bed or unit shall provide for landscaping, off-street parking, service drives, loading space, yard requirements, and required accessory uses but shall not include the area covered by main or accessory buildings.
3. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25%) percent of the total site not including any dedicated public right-of-way.

4. All ingress and egress to the site shall be directly from a major or minor thoroughfare.
5. No building shall be closer than forty (40') feet to any lot line.
6. Building heights shall be no more than two (2) stories.
7. All such complexes shall provide for common service areas containing, but not limited to, central dining rooms, recreational rooms, and lounge areas.
8. In the case of housing complex for the elderly, minimum dwelling unit size shall be four hundred (400) square feet of living area per unit.
9. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and federal laws.

Section 20.19 Drive-in Establishments.

With the exception of drive-in restaurants as regulated by Section 20.46, the following regulations shall apply to all drive-in establishments.

1. The site shall have at least one (1) lot line on a major thoroughfare.
2. The outdoor space used for parking and vehicle stacking shall be hard surfaced and adequately drained pursuant to regulations in Article 22.
3. All areas used for the storage of trash and rubbish shall be screened by a vertical screen consisting of structural or plant materials no less than five (5') feet in height, with a view-obstructing door.
4. Drive-in establishment management shall provide adequate trash and litter policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary.
5. 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.
6. 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.
7. 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.
8. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets.
9. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent said sound or music from being audible beyond the boundaries of the site.

Section 20.20 Farm Stands.

Temporary and seasonal commercial establishments solely engaged in the sale of agricultural produce (seeds, fruits, fruit juice, vegetables, and similar farm produce) grown on the premises or on property owned by the Farm Stand operator may be permitted subject to meeting the following standards, as well as other applicable ordinance requirements.

1. All such uses shall be limited to one open-air type temporary structure (not to exceed 500 square feet in floor area) to include, but not limited to lean-to structures, tents, wagons and similar structures, as determined by the Planning Commission.
2. All structures and sale areas shall be set back a minimum of 25 feet from the road right-of-way.
3. A minimum of five (5) off-street parking spaces shall be provided and shall be laid out in such a manner that they can be safely and conveniently used by the customers. The Commission shall determine the number of additional parking spaces necessary based on each individual use and the anticipated traffic that will be generated.
4. All ingress and egress to the site shall be located at least sixty (60) feet from the intersection of any two roads measured from the right-of-way lines.
5. There shall be no more than one temporary sign permitted for a farm stand. The sign area shall not exceed sixteen (16) square feet or eight (8) feet in total height from established grade.

Section 20.21 General Contractors, including other special trade contractors.

1. All ingress and egress to the site shall be directly from a hard surfaced road.
2. Required outdoor storage of motorized vehicles, generators, or other equipment used in connection with the business shall be contained within a screened area of the lot.
3. Materials used in connection with the business shall be confined to a screened area or within an enclosed building.
4. No outside work in connection with the business shall be permitted except for emergency conditions, for which approval by the Zoning Administrator is required.

Section 20.22 Golf Courses, including public and private facilities but not including "par 3" golf courses

1. Site Requirements:
 - a. Minimum site shall be eighty (80) acres for a nine hole course.
 - b. Minimum site shall be one hundred sixty (160) acres for an 18-hole course.
 - c. The minimum site for tennis, racket sport and swimming facilities shall be no less than four (4) acres.
2. Buffering Requirements:
 - a. A landscaped buffer zone shall be provided between the parking and principal building area and any adjacent residential development.
 - b. A fifty (50') foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses or wetlands must be maintained. The buffer zone must contain natural vegetation and shall not be chemically treated.
3. Performance Standards:

- a. Accessory uses may include: clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, standard restaurant and drinking establishments, tennis, racket sport, and swimming facilities.
- b. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
- c. Major accessory uses such as a standard restaurant and bar shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop, may be located in separate structures.
- d. There may be a maximum of two (2) identification signs. Each sign may have a maximum area of thirty (30') feet. Both signs may be lighted but not internally.
- e. All principal or accessory buildings and parking areas shall be not less than two hundred (200') feet from any lot line or abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
- f. Access shall be so designed as to provide all ingress and egress directly onto or from a major thoroughfare.
- g. The total lot area covered with principal and accessory buildings shall not exceed fifteen (15%) percent.
- h. All artificial lights shall be directed away from adjoining properties.
- i. No outdoor loudspeaker or call system shall be audible on adjoining property.
- j. Outside storage shall be properly screened.
- k. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the principal building.
- l. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75') foot front yard and a one hundred (100') foot side and rear yard setbacks. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties.
- m. Toilet facilities for use by patrons shall be located conveniently. Satellite restrooms are to be located away from lot lines and painted or finished in an earth tone color. Such facilities shall be approved by the St. Clair County Health Department.
- n. Golf courses shall retain and preserve native vegetation over at least thirty (30%) percent of the total upland area of the course to reduce water demand, excessive soil erosion and heavy nutrient run-off.
- o. Water quality protective measures are required as follows:
 - 1.) Maintenance of erosion control barriers during construction and until all ground cover is established.

- 2.) To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
- 3.) Site areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site ponding area.
- 4.) A chemical storage area must be designated within an accessory building. The area must provide secondary containment to prevent the spread of spills.
- 5.) An inventory manifest of stored chemicals must be posted at the entrance of the accessory building. Said listing must also be filed with the Township.
- p. At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information. All chemical applications must be applied by a Michigan Department of Agriculture Licensed Applicator.
- q. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.
- r. In order to ensure that the site can be restored to prior conditions should golf course construction not be completed, the Township may require posting of a performance guarantee or other acceptable security.
- s. Swimming pools shall conform with the requirements of Section 3.19.

Section 20.23 Golf Courses, Par Three

1. The minimum area shall be twenty (20) acres.
2. All ingress and egress to the site shall be directly from a hard surfaced road.
3. No building shall be located closer than three hundred (300') feet to any interior property line.
4. A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department.
5. 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.
6. 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.

Section 20.24 Golf Driving Ranges

1. The minimum area shall be twenty (20) acres.
2. All ingress and egress to the site shall be directly from a hard surfaced road.
3. No building shall be located closer than three hundred (300) feet to any interior property line.
4. A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department.

5. 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.
6. 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.

Section 20.25 Greenhouses/Nurseries

1. The minimum property shall be five (5) acres.
2. All ingress and egress to the site shall be directly from a hard surfaced road.
3. The storage or display of any materials shall meet all building setback requirements of a structure.
4. The total square feet of all impervious surfaces shall not exceed three (3%) percent of the total area.
5. All parking and loading shall be provided off-street.
6. The parking area shall be designed so as not to disrupt abutting residences with noise or headlights.

Section 20.26 Home Occupations – Type 2

In limited situations, the Planning Commission may approve, through the special land use process, a home occupation which involves a somewhat more intense use characteristic than the Type 1 Home Occupation. Type 2 home occupations shall meet the following requirements:

1. The proposed use shall be located within a detached single-family dwelling and/or an attached accessory building within a single-family zoning district, unless otherwise permitted in this section. No more than twenty (20) percent of the dwelling unit and attached accessory building, in total, shall be devoted to such home occupation. Further, the home occupation shall not reduce the amount of garage parking to a point where on-street parking is required.
2. The use shall not involve products, services and/or activities which result in traffic patterns inconsistent with those normally experienced in a residential neighborhood. Vehicular visitations generated by clients and/or deliveries related to the home occupation shall not exceed ten (10) such visitations during any weekly period. Such vehicular trips shall be limited to personal type vehicles and delivery vans.
3. The sale and/or distribution of any merchandise, whether produced on the premises or not, or the provision of any service shall be by appointment only. Applicant shall be able to demonstrate that sales appointments may be arranged within a limited number of sales hours each week and in such a manner as to avoid adverse conflicts with adjacent and neighboring uses. The applicant shall specifically set forth the number of hours and days during which these appointments will take place. It is not the intent of the Township to approve uses and business hours which approximate those provided in a conventional business or office area.
4. Home occupations involving periodic sales parties in their homes for more than the occupants of one vehicle at a time shall specifically agree as to the frequency and volume of such parties. The applicant shall also provide a drawing indicating parking which would be available for such parties; this inventory would include those on the premises, together with those on the adjacent street. Pursuant to these requirements, a home occupation may offer instructions in crafts or fine arts.

5. The repair and/or servicing of vehicles, including recreational vehicles, and/or other similar equipment, shall not be deemed as customary home occupations.
6. Service activities which involve the keeping of a commercial vehicle (less than one ton in rated capacity) for use off premises shall be limited to one (1) such vehicle. All other equipment and/or supplies, including trailers, plows, mowers, etc., utilized in this activity shall only be kept on the premises when located within an accessory building. The presence of the service vehicle, plus its ancillary equipment and supplies, shall not occupy more than six hundred (600) square feet of accessory building space, nor shall it occupy off-street parking spaces required by other residents of the dwelling and, therefore, necessitate on-street parking.

Section 20.27 Group Day Care Homes, licensed or registered under Act 116 of the Public Acts of 1973, as may be amended

1. Locational Requirements.

Group day care homes shall not be located closer than one thousand five hundred (1,500) feet to another licensed group day care home, adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, PA 218 of 1979, MCL 400.701 et seq, a facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the Michigan Public Health Code, PA 368 of 1978, MCL 333.6101 et seq, or a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

2. Site Requirements:

- a. All outdoor play areas shall be enclosed with fencing, a minimum of four (4') feet high.
- b. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking normally required for the residence. A driveway may be used for this purpose.
- c. One (1) on-site parking space shall be provided for any assistant provider or caregiver not a resident on the premises.
- d. Playground equipment shall not be located in front or side yards.
- e. One sign is permitted providing:
 - 1.) It is for identification purposes only.
 - 2.) It is not internally illuminated and does not exceed four (4) square feet.
 - 3.) It shall be mounted flush to the principal structure.

3. Buffering Requirements: Adequate provision shall be made to reduce noise impacts on surrounding residential properties pursuant to the requirements of Section 3.13.

4. Performance Standards:

- a. The group day care facility shall not operate between the hours of 10 p.m. and 6 a.m. not more than one (1) day per week, unless specifically permitted by the Planning Commission.

- b. Operation and maintenance of all group day care facilities shall conform to existing applicable county and state regulations.

Section 20.28 Hospitals

1. Locational Requirements:

- a. Ingress and egress to the site shall be only from a major thoroughfare.

2. Site Requirements:

- a. The minimum lot or parcel size for hospitals shall be ten (10) acres.
- b. No more than twenty-five (25%) percent of the site area shall be covered by buildings.
- c. The building height of a hospital shall be no more than four (4) stories or forty-five (45') feet.
- d. The minimum distance of any building from lot or right-of-way line shall be at least one hundred (100') feet for front, rear, and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20') feet. Buildings less than two (2) stories shall be no closer than forty (40') feet from any lot line or right-of-way.
- e. Access to and from any delivery or ambulance areas shall be directly from a major thoroughfare.
- f. Noise producing activities, such as ambulance and delivery areas, laundry, or power plant, shall not be located closer than three hundred (300') feet from any residential area.

3. Buffering Requirements:

- a. Ambulance and delivery areas shall be obscured from all residential view with a wall at least six (6') feet in height. Said wall shall further be in accordance with the General Provisions article of this Zoning Ordinance.
- b. Parking areas shall be screened from surrounding residential areas by a wall or fence, in combination with suitable plant materials as specified in Section 3.10 and Article 22.
- c. All lighting shall be shielded away from public right-of-way and neighboring residential lots.

4. Performance Standards:

- a. All hospitals shall be licensed by the Michigan Department of Public Health.
- b. Hospitals shall conform to applicable state and federal laws.

Section 20.29 Junkyards

1. Locational Requirements:

- a. Junk yards are permitted by special use permit in the I-2, General Industrial District.
- b. 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.

2. Site Requirements:

- a. The minimum lot or parcel size for junk yards shall be five (5) acres.
- b. Setbacks:
 - 1. All enclosed areas shall be set back at least one hundred (100') feet from any front lot line.
 - 2. Junk yards shall not be located closer than two hundred (200') feet from the border of a Light Industrial District.
- c. 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.
- d. 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.

3. Buffering Requirements:

- a. 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 Section 3.10.
- b. 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.

4. Performance Standards:

- a. All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
- b. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
- c. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, oiled, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
- d. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles. Before the state will issue the licenses, the Zoning Administrator and the County Sheriff shall certify that the facility is in a properly zoned area and that the operators have not been previously convicted as felons.
- e. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Natural Resources.

Section 20.30 Kennels

1. A hobby kennel shall be on a lot with a minimum size of one (1) acre for the first three (3) animals and one-third (1/3) additional acre for each additional animal, with a limit of ten (10) animals.
2. A commercial kennel shall be on a lot with a minimum lot size of five (5) acres for the first eleven (11) animals and an additional one-third (1/3) acre for each animal thereafter.
3. Accessory buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred (100') feet to any adjacent residential lot line.
4. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
5. Hobby kennels shall only house animals owned by the occupant of the dwelling unit.
6. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
7. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring landowners or residents is prohibited.
8. The intensity level of sounds shall not exceed seventy-five (75) decibels at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
9. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
10. During the hours between 7:00 a.m. until 10:00 p.m., animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
11. Runs and/or exercise areas, and buildings where the animals are maintained shall be located in the rear yard only.
12. The kennel area shall be screened from view by appropriate screening as determined by the Planning Commission in conformance with Section 3.10.
13. The outside perimeter of the run and/or exercise area of a hobby or commercial kennel shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top in order to prohibit the escape of animals.
14. All animals must be licensed and maintained in a healthful and careful manner.
15. Outdoor runs and breeding areas in commercial kennels shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system.
16. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.
17. Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.

18. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.

Section 20.31 Light Industrial Parks

1. All ingress and egress to the site shall be directly from a major street.
2. Light industrial parks, which by the nature of the materials, equipment and processing utilized are to be considered clean, quiet, and free from objectionable or dangerous nuisance or hazard, including any of the following uses when conducted within a completely enclosed building.
 - a. The manufacturing, compounding, processing, and packaging or treatment of bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, condiments, (except fish, sauerkraut, vinegar, and yeast).
 - b. The manufacturing, compounding, assembling, or treatment of articles or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns, and paint not requiring a boiling process.
 - c. The manufacturing of musical instruments, toys, novelties, rubber or metal stamps.
 - d. The manufacturing of pottery, figurines or similar ceramic products, using previously pulverized Clay.
 - e. The manufacturing of and maintenance of electric and neon signs, billboards, commercial advertising structures, sheet (light) metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.
 - f. Blacksmith shop, machine shop or wrought iron shop.
 - g. Central dry cleaning or laundry plants, cleaning, and dyeing works, and carpet or rug cleaning.
 - h. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts, such as condensers, transformers, crystal holders, and the like.
 - i. Laboratories, experimental or testing.
 - j. Public utility service yard or electrical receiving transforming station.

Section 20.32 Mini-Warehouses/Self-Storage Facilities

1. 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.
2. The total lot coverage of all structures shall be limited to thirty-five (35%) percent of the total lot area.
3. 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.

4. 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.
5. Internal driveway aisles shall be a minimum of twenty-four (24') feet in width.
6. All off-street parking areas and driveways shall be hard surfaced and drained so as to preclude drainage onto adjacent property.
7. All ingress and egress from this site shall be onto a major street.
8. 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.
9. No single storage building shall exceed seventy-five hundred (7,500) square feet.
10. All storage on the property, with the exception of item k below, shall be kept within an enclosed building.
11. 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.

Section 20.33 Modular Home Sales (salesrooms and sales lots for new and/or used mobile homes and modular homes)

1. All ingress and egress to the site shall be directly from a major street.
2. The area shall be graded and drained as to dispose of all surface water accumulated within the area.
3. The area upon which new and/or used mobile homes and modular homes are displayed shall be hard surfaced or shall be grassed with a hard surfaced pedestrian access to each of the mobile homes and modular homes on display.
4. Ingress and egress shall be at least sixty (60') feet from the intersection of any two (2) streets.
5. No major repair shall be conducted on the subject site. All minor repair facilities shall be located within an enclosed building. There shall be no outdoor storage of materials.
6. Lighting shall be located and designed to reflect away from adjacent residential districts.

Section 20.34 Mortuary Establishments

1. All ingress and egress to the site shall be directly from a hard surfaced road.
2. Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession.
3. Such assembly area will be in addition to required off-street parking.
4. A caretakers residence may be provided within the main building of the mortuary establishment.
5. All parking shall be located in the side or rear yard.

Section 20.35 Motels and Hotels

1. Ingress and egress to the motel shall be only from a major thoroughfare.
2. There shall be at least eight hundred (800) square feet of lot area for each guestroom.
3. The maximum lot coverage of all buildings, including accessory buildings, shall not exceed twenty-five (25%) percent of the area within the lot lines of land developed at any one time.
4. The front twenty-five (25') feet of the lot shall be landscaped buffer zone, unpaved, and shall not be used for off-street parking.
5. Trash dumpsters shall be screened from adjacent properties by vegetation, landscaping, or fences, pursuant to the requirements of Section 3.10.
6. No kitchen or cooking facilities shall be provided in guest rooms.
7. The minimum floor area of each guest unit shall be two hundred fifty (250) square feet.

Section 20.36 Mining Operations

1. All mining operations shall comply with the Township's licensing provisions.
2. All mining operations shall comply with the applicable terms, conditions, and regulations of the State of Michigan.

Section 20.37 Open Air Businesses

Open air businesses shall include, but need not be limited to, the following: automobile, truck and boat sales, agricultural equipment sales, nursery, landscaping supplies, lumber yards, home and garden centers.

1. Site Requirements:
 - a. The minimum frontage shall be two hundred (200') feet.
 - b. No loading activities shall be permitted within seventy-five (75') feet of any lot line abutting a residential land use.
 - c. All buildings shall be set back a minimum of fifty (50') feet from any lot line.
 - d. Ingress and egress to the facility shall be only from a major thoroughfare, or from an approved shared access drive to such thoroughfare.
 - e. No more than two (2) driveways onto a thoroughfare shall be permitted per site. Driveway approach width shall not exceed thirty-five (35') feet.
2. Buffering requirements:
 - a. Trucking, outside storage, loading and dock areas shall be fenced and screened, pursuant to the requirements of Article 22.
 - b. If the site shall comply with the requirements of Section 3.10.

- c. Storage yards associated with home and garden centers, lumber yards and nurseries shall be completely obscured from view from public streets.

3. Performance standards:

- a. The site shall be kept in a neat and orderly fashion.
 - b. Not more than fifty (50%) percent of the parcel shall be covered by buildings and outdoor storage of materials and goods.
 - c. Storage or display of goods and materials shall not occur in the required yards.
 - d. No public address system shall be audible from any abutting residential parcel.
 - e. All lighting shall be shielded from adjacent streets and residential districts.
 - f. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
 - g. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainage-ways.
 - h. In the case of auto sales:
 - 1.) No vehicles which are inoperative shall be stored on the premises.
 - 2.) All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.
 - 3.) For facilities with new underground storage tanks, the site shall be three-hundred (300') feet from any residential well, eight hundred (800') feet from a non-community public water well and two-thousand (2,000') feet from any public water well.
4. All areas subject to vehicular use shall be paved with a durable dust-free surface, with appropriate bumper-guards where needed.

Section 20.38 Parks and Recreation Facilities

- 1. Active recreation areas, including accessory buildings and parking lots, shall not be located closer than three hundred (300') feet to any interior property line.
- 2. The project shall have no negative impacts on surrounding land uses or mitigating measures shall be taken to eliminate said adverse impacts.

Section 20.39 Marine Dredging, Sheet Pile Operations And Storage Of Marine Related Construction.

Marine construction equipment, dredging, sheet piling, underwater salvage and similar maintenance equipment, may be stored, businesses conducted or land used for the above, subject to the provisions of this Ordinance and the following conditions:

1. When adjacent to a residential use or a one family residential or RM zoning district, a minimum 25-foot greenbelt and/or a masonry wall shall be provided along the abutting residential use or district, and shall be planted according to the standards of Section 3.10.
2. There shall be a landscaped area of at least twelve (12) feet between the property line at the street and the parking or storage area.
3. Maintenance equipment and materials shall be neatly stored in areas where they are screened from view from adjacent uses or from the road.
4. There shall be no storage of used materials and/or loose materials (soil, dredging spoils, sand, stone, etc) except in an enclosed or semi-enclosed area designated and approved for such use on the site plan. Such enclosed area shall be landscaped, walled, green-belted, or fenced according to the provisions of Section 3.10.
5. There shall be no construction or assembly of barges permitted for such a use.

Section 20.40 Petroleum Facilities, including production, refining, or storage of petroleum or other inflammable liquids

1. All ingress and egress to the site shall be directly from a major street.
2. An adequate separation zone shall be established between this use and industrial uses permitted by right.
3. No part of the site is contiguous to a residential district.

Section 20.41 Public Facilities

1. Public facilities include: parks, administrative offices, fire and police facilities, libraries, museums, recreational centers, and storage areas for public equipment.
2. Site Requirements:
 - a. No building shall be closer than fifty (50') feet to any property or road right-of-way line.
 - b. No more than thirty (30%) percent of the gross lot area shall be covered by buildings.
 - c. Lot area and width shall not be less than that specified for the district in which the proposed use would be located.
 - d. No building shall be erected to a height greater than that permitted in the district in which the proposed use is located.
3. Buffering Requirements:
 - a. Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced with a chain link fence five (5') feet in height.
 - b. All buildings housing mechanical equipment shall be landscaped and maintained in accordance with the requirements of Section 3.10.
4. Performance Standards:

- a. All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to other buildings on the same site development.
- b. No adverse environmental conditions such as noise, air pollution, lighting or other disruptions result.
- c. Outdoor storage areas shall be located a minimum of fifty (50') feet from any residentially zoned property.
- d. Facilities shall provide off-street parking and passenger loading areas at least twenty-five (25') feet from residential lot lines.
- e. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
- f. Any sports fields shall be a minimum of one hundred (100') feet from any lot line and two hundred (200') feet from any dwelling.

Section 20.42 Public Utility Buildings, not including storage yards

- 1. 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.
- 2. No building and/or structure shall be located in any required yard.

Section 20.43 Recreation (Commercial Outdoor)

Outdoor commercial recreation uses shall include, but need not be limited to, the following: miniature golf; animal racing, go-cart, automobile or motorcycle tracks; amphitheaters; amusement parks; drive-in theaters; air gun or survival games; campgrounds (including youth camps, religious retreats and hunting camps), recreational vehicle parks or travel trailer parks; resorts; fairgrounds; batting cages; ski slopes; skate board parks; flea markets; uses similar to the above uses; and, uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, including locker rooms and rest rooms.

- 1. Site Requirements:
 - a. The site shall be located on a major thoroughfare.
 - b. Minimum site area shall be three (3) acres for: flea markets, batting cages, skateboard parks and miniature golf.
 - c. Ten (10) acres for: amphitheater, amusement parks, resorts and campgrounds. Minimum lot width shall be six hundred (600') feet.
 - d. Twenty (20) acres for all other listed commercial recreation uses. Minimum lot width shall be six hundred (600') feet.
- 2. Buffering Requirements:

- a. No building or spectator seating facility shall be located within one hundred (100') feet of a lot line.
- b. Front, side and rear yards shall be at least eighty (80') feet. The first fifty (50') feet of such yards shall not be used for off-street parking and shall be landscaped.
- c. Whenever parking areas are adjacent to land zoned or used for residential purposes, a five (5') foot wall or greater shall be provided along the sides of the parking area adjacent to such residential land.
- d. Race tracks and drive-in theaters shall be enclosed around the entire periphery with an obscuring screen fence at least eight (8') feet in height. Fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively and inconspicuously.

3. Performance Standards:

- a. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
- b. Facilities shall provide off-street parking and passenger loading areas.
- c. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
- d. Facilities which have a participant capacity greater than five hundred (500) people shall provide letters of review from the County Sheriff and St. Clair County Road Commission with respect to the proposed project.
- e. Exterior lighting shall be installed in such a manner so that it does not impede the vision of traffic along adjacent streets.
- f. Facilities using night lighting adjoining a residentially zoned property shall deflect lighting away from these areas.
- g. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.
- h. Outside storage shall be screened.
- i. Landscaped areas shall be maintained in a healthy condition pursuant to Section 3.10.
- j. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
- k. In no case shall a recreational accessory use pre-date the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
- l. Accessory commercial activities shall be limited to those necessary to serve only the seasonal patrons of the facility.
- m. Not more than sixty-five (65%) percent of the land area shall be covered by recreational uses.
- n. Central loudspeakers/paging systems are prohibited adjacent to residential property.

- o. The intensity level of sounds shall not exceed seventy (70) decibels at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the lot line of residential uses. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
- p. No temporary sanitary facility or trash receptacle shall be located within two hundred (200') feet of an existing dwelling.
- q. All sanitary facilities shall be designed and constructed in strict conformance with St. Clair County Health Department regulations.
- r. Adequate trash receptacles shall be provided, as needed throughout the site.
- s. Drive-in theater screens shall not face any public street and shall be so located as to be out of view from any major thoroughfare.
- t. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners.

Section 20.44 Recreational Vehicle Storage Facilities

- 1. Minimum area shall be five (5) acres.
- 2. 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.
- 3. The premises shall not be used for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item.
- 4. The premises shall not be used for the operation of power tools, compressors, kilns, or similar equipment.
- 5. 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.
- 6. The storage of combustible or flammable liquids or explosive materials shall be prohibited.
- 7. No vehicle shall have a fixed connection to electricity, water, gas, or sanitary facilities.
- 8. No person, individual, group, or family shall be allowed to occupy any vehicle during non-business hours.
- 9. All lighting shall be shielded from adjacent residential districts and shall not create a nuisance for nearby properties.
- 10. At least one property line shall abut a major street.
- 11. All ingress and egress shall be directly onto a major street.
- 12. Storage areas shall meet all yard setback requirements applicable to any building in the district.
- 13. Storage areas shall be hard surfaced.

14. The area shall be graded and drained as to properly dispose of all surface water accumulated within the area.
15. 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.
16. 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.
17. Access drives, parking areas, and maneuvering lanes shall be maintained and located so as to provide access for emergency vehicles at all times.

Section 20.45 Research Facilities

1. High technology research facilities shall be, by their nature, considered clean, quiet, and free from objectionable or dangerous nuisance or hazard.
2. Such high technology research facilities shall be conducted within a completely enclosed building.

Section 20.46 Restaurant, Carry-Out, Fast-Food, or Drive-In

1. 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.
2. Points of vehicular ingress and egress shall be limited to an adjacent major street only.
3. The minimum width of driveways at the property line shall be twenty-four (24') feet, and not greater than thirty (30') feet.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

9. All outside trash receptacles, except those intended for use by the customer, shall be enclosed by a six (6') foot masonry wall. The material being stored shall not be stacked higher than the wall.
10. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent said sound or music from being audible beyond the boundaries of the site.
11. Drive-in establishment management shall provide adequate trash and litter policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary.
12. 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:
 - a. 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
 - b. 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.
 - c. 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.
 - d. 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 pre-cast concrete wheel stops or the equivalent.

Section 20.47 Schools, Colleges and Universities

1. The minimum area for public and private colleges, universities, and other such institutions of higher learning offering courses in general, technical, or religious education shall be forty (40) acres.
2. All ingress and egress shall be directly onto a major street.
3. No buildings or other use of land, except landscaped passive areas, shall be situated within one hundred (100') feet of any private residence not a part of the institution of higher learning.
4. Land not utilized for buildings, parking, etc., shall be landscaped.
5. All parking shall be located in the side or rear yard.

Section 20.48 Schools, Commercial Trade

1. All ingress and egress to the site shall be directly from a major street.
2. Necessary steps shall be taken to ensure that any resulting dust, flushing, fumes, gas, noise, odor, smoke, vapor, or vibration do not create a condition detrimental to the surrounding area.
3. Any outdoor storage of rubbish, junked equipment, or parts is prohibited unless it is screened with a six (6') foot masonry wall. The material being stored shall not be stacked higher than the wall.

4. In the case of vehicle mechanics, any temporary outdoor storage of vehicles for repair shall not be located within fifty (50') feet of a public right-of-way or a residential district.

Section 20.49 Schools (Public, Private or Parochial)

1. Locational Requirements:

- a. Ingress and egress to the site shall be only from a major thoroughfare.
- b. A preferential location is one, which would offer natural or man-made barriers or buffer zone that would lessen the effect of intrusion of the institution on adjoining uses.

2. Site Requirements:

- a. The minimum lot or parcel size for schools shall be ten (10) acres.
- b. No more than twenty-five (25%) percent of the site area shall be covered by buildings.
- c. No more than sixty (60%) percent of the site shall be covered with impervious surface. The remainder shall be suitably landscaped.
- d. Service areas and facilities, and outdoor recreation facilities, shall not be located within one hundred (100') feet of a residential district or use.
- e. Parking areas shall not be located within fifty (50') feet of a residential district or use.
- f. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles will not interfere with traffic.
- g. No parking shall be allowed within the minimum front yard setback of fifty (50') feet.
- h. The principal building shall be no closer than seventy-five (75') feet from any lot line or right-of-way.

3. Buffering Requirements:

- a. Parking areas shall be screened from surrounding residential areas by a wall or fence, in combination with suitable plant materials as specified in Section 3.10 and Article 22 of this Ordinance.
- b. All lighting shall be shielded away from public right-of-way and neighboring residential lots.

4. Performance Standards: All activities conducted on the site shall conform to county, state, and federal laws.

Section 20.50 Tenant Houses

1. The single-family detached dwellings shall be for the sole use of individuals and their immediate families engaged in agricultural employment on the same lot.
2. One (1) dwelling unit per full time employee is permitted, with a maximum of three (3) dwelling units per one hundred (100) acres.

Section 20.51 Veterinary Clinics, including small animal hospitals

1. All ingress and egress to the site shall be directly from a hard surfaced road.
2. The minimum area shall be two (2) acres.
3. No buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located closer than one hundred (100) feet to any interior property line.

Section 20.52 Wireless Communication Facilities

1. Wireless Communication Antennas
 - a. In order to encourage co-location and to minimize the number of Wireless Communication Support Facilities (WCSFs) within the Township, Wireless Communication Antennas (WCAs) shall be considered a permitted accessory use in all non-residential Zoning Districts when placed on or attached to any structure which constitutes a principle use, including existing WCSFs, provided that any WCA shall not extend more than twenty (20') feet above the tallest portion of the structure on or to which it is attached. Provided further that the height of any WCA shall not exceed one hundred (100') feet unless:
 - 1.) Located on a lawfully existing or approved WCSF; or
 - 2.) Located on a structure existing prior to the adoption of this regulation; or
 - 3.) Located on a structure which has received a height variance.
 - b. An application to install a WCA in a non-residential zoning district shall be required to receive approval from the Township Zoning Administrator.
 - c. An application to install a WCA in a residential zoning district shall require a review by the Township Planning Commission, and shall include but not be limited to the following:
 - 1.) Evidence that adequate servicing cannot be attained from the placement of a WCA in a non-residential zoning district.
 - d. WCAs shall require no personnel on the premises except as necessary for maintenance and repair.
 - e. If a WCA requires an accessory equipment storage structure, it shall not be greater than fifteen (15') feet in height and shall meet all zoning requirements.
 - f. WCAs shall not be allowed on any site used as a single-family dwelling unit.
 - g. All WCAs shall be designed to blend into or meet the aesthetic character of the principal (primary) structure where reasonably practical taking into consideration the location of the WCA and the line of sight angle and distance from the right-of-way and neighboring uses.
 - h. No accessory equipment structure or area shall be allowed in any rights-of-way which creates a public safety hazard.
 - i. This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).

2. Wireless Communication Support Facilities (WCSF)

- a. All WCSF shall be constructed in compliance with all applicable construction codes, which include the Electronic Industries Association/Telecommunications Industry Association (EIA/TIA) Structural Standards of Steel Antenna Towers and Antenna Supporting Structures.
- b. The WCSF shall comply with all applicable Federal Aviation Administration (FAA) requirements.
- c. The WCSF shall not be used for advertising purposes and shall not contain any signage except signage which shall show the identity of the service provider and emergency telephone numbers.
- d. The WCSF may be located on a zoning lot containing other principal uses. The WCSF may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot complies with the applicable minimum lot size for the existing principal use or is a legal nonconforming or grandfathered lot. The area within which the WCSF is located shall be the area subject to the requirements of this section, rather than the entire zoning lot, unless otherwise provided herein.
- e. The WCSF shall meet all requirements of the zoning district in which it is located which are not inconsistent with this section. Minimum yard requirements shall be measured from the boundary of the zoning lot to the closest portion of the WCSF or the accessory equipment structure or storage area, whichever is closer.
- f. The WCSF shall have a landscaped greenbelt so that the base of the WCSF and accessory equipment structure or storage area shall be screened from any right-of-way or adjacent properties. A greenbelt, as selected by the Zoning Administrator or Planning Commission from among those provided in Appendix B, shall be constructed around the perimeter of a WCSF. Screen fencing shall also be required for public safety reasons. A chain linked or a solid wood fence at least six (6) feet in height shall be erected entirely around any communication tower and any related support facilities being utilized for commercial purposes. "No Trespassing" signs shall be posted around the wireless communication facility with a telephone number of a person to contact in the event of an emergency.
- g. The construction of the WCSF shall be of monopole design unless it can be demonstrated that such design is not feasible to accommodate the user or co-location.
- h. The application shall contain information showing the geographic search area within which the proposed WCSF must be located and shall also provide locations of all structures of similar height within and adjacent to the search area.
- i. If co-location is not part of the application, then the applicant shall provide evidence as to why co-location is not possible.
- j. This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).
- k. WCSFs shall not have a shiny or metallic finish.
- l. The applicant is required to disclose whose wires will be connecting proposed towers so the Township can assess any separate franchise fees.

3. Replacement of Existing WCSF

An existing WCSF which was lawful at the time of its construction may be replaced for purposes of accommodating co-location of additional WCAs or otherwise provided that:

- a. The replacement WCSF shall not exceed a total height of one hundred and fifty (150') feet or, if the existing WCSF has an approved height greater than one hundred and fifty (150') feet, the replacement WCSF shall not exceed the approved height.
- b. The replacement WCSF shall be located within the same zoning lot as the existing WCSF and shall be located so as to maximize compliance with existing minimum yard requirements.
- c. The applicant shall cause the existing WCSF to be removed within ninety (90) days of completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the existing WCSF shall be removed within one hundred and eighty (180) days of the Township's final construction inspection of the replacement WCSF.
- d. If the location of the replacement WCSF is such that the existing WCSF must be moved before the replacement WCSF is constructed, temporary portable antennae support facilities may be used, but must be removed within thirty (30) days of the completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the temporary portable antennae facilities must be removed within sixty (60) days of the Township's final construction inspection of the replacement WCSF.
- e. The installation of a replacement WCSF in any zoning district must be reviewed by the Planning Commission which shall approve such requests that meet the requirements of this section.
- 4. Review Criteria for all new WCSFs, except replacement WCSFs
 - a. A new WCSF shall not be approved unless it can be demonstrated by the applicant that there is a need for the new WCSF which cannot be met by placing WCA on an existing WCSF or on other structures or replacement of an existing WCSF. Information concerning the following factors shall be considered in determining that such need exists:
 - 1.) Insufficient structural capacity of existing WCSFs or other suitable structures and infeasibility of reinforcing or replacing an existing WCSF;
 - 2.) Unavailability of suitable locations to accommodate system design or engineering on existing WCSF or other structures;
 - 3.) Radio frequency interference or other signal interference problems at existing WCSF or others structures;
 - 4.) Other factors which demonstrate the reasonable need for the new WCSF.
 - 5.) The denial of the application for a proposed WCSF will result in unreasonable discrimination among providers of functionally equivalent personal wireless communication services and/or will have the effect of prohibiting the provision of personal wireless communication services.
 - 6.) The refusal of owners or parties who control WCSFs or other structures to permit a WCA to be attached to such WCSFs or structures.
- b. WCSFs shall be designed to have sufficient structural capacity to allow for three (3) providers to be located on the structure. The wireless communication facility shall also be designed to show that the applicant has sufficient space on its site plan for an equipment building large enough to accommodate three (3) users. If an equipment building is initially constructed to accommodate only one (1) user, space shall be reserved on site for equipment building expansions to accommodate three (3) users.

- c. The applicant must include a statement in the application of its good faith intent to allow the co-location of the WCA of other entities, provided that the cost of modifying the WCSF to accommodate the co-location WCA is borne by the co-locating entity, and that all requests for co-location of wireless communication facilities will be responded to within thirty (30) days from the date of receipt of written request.
- d. As an additional condition of issuing the permit to construct and operate the tower, the owner/operator of the tower is required to sign a statement that all disputes with future providers concerning co-location and the terms and conditions of co-location shall be submitted to commercial arbitration under a system selected by the parties but if the parties are unable to agree, then under the auspices of the Commercial Arbitration Provisions of the American Arbitration Association.
- e. The applicant shall send a written notice to all potential users of the new WCSF offering an opportunity for co-location. The list of potential users shall be provided by the Township based on those entities who have requested approval of WSCF in the past, current FCC license holders, and any other entities requesting to be included on the list. Copies of the notice letters shall be provided to the Township at the time the application is filed.
- f. New WCSFs shall meet the following additional criteria:
 - 1.) The WCSF shall not exceed one hundred and fifty (150') feet in height;
 - 2.) All WCSF's over one hundred (100') feet in height shall be designed for the co-location of three additional WCAs, and shall therefore also be able to accommodate additional equipment storage structures.
 - 3.) All WCSFs shall be setback a minimum of two hundred and fifty (250') feet from any residential zoning districts.
 - 4.) The installation of a WCSF must be reviewed by the Planning Commission which shall approve such WCSFs that meet the requirements of this section. Such review by the Planning Commission shall be without notice.
- g. Application Requirements for New WCSFs
 - 1.) A site plan prepared in accordance with Article 17 of this ordinance (Site Plan Review Procedures) shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
 - 2.) The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed. The purpose of landscaping is to provide screening for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities which may be unsafe.
 - 3.) The application shall include a certification by a State of Michigan licensed and registered professional engineer of the applicant with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulation for the district in question, in determining the appropriate setback to be required for the structure (WCSF) and other facilities.

- 4.) The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as required in subsection 6. In this regard, the security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township Board establishing the land in question as security for removal.
- 5.) The application shall include a map showing existing and known proposed WCFs within the Township, and further showing existing and known WCFs within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility.
- 6.) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the WCF is on the premises.

5. Additional Criteria for Special Approval Condition Use and Review

- a. The installation of a WCSF in any residential zoning district shall be located on lots or parcels of not less than two acres;
- b. As a condition of issuing a permit to place a WCSF in a Residential Zoning District, the applicant is required to provide proof that no suitable locations exist within any other "permitted use" or "conditional use" areas determined by the Ordinance.
- c. If the WCSF is not entirely surrounded by commercial or industrial uses, a written justification of the need for this site showing why other non-residential sites are not suitable;
- d. The Planning Commission may require a visual/line of site analysis to enable the Township to assess impacts. Such analysis may require the applicant to provide visualization of the WCSF on-site which may include graphic representations or other acceptable methods to demonstrate the visualization.

6. Removal of Abandoned WCSFs

Any WCSF which is abandoned shall immediately be removed or demolished. For the purposes of this section, abandoned shall mean that no WCA or other commercial antenna has been operational and located on the WCSF for 180 days or more. Where the removal or demolition of an abandoned WCSF has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the WCF or the Township may place a lien on the property to cover costs for the removal of the WCF. A lien on the property shall be superior to all other liens except taxes.

7. Variances and Appeals

Variances from this section may be requested from the Zoning Board of Appeals. Requests for additional height to any permitted or previously approved WCSF may be granted by the Planning Commission to provide for co-location of additional WCA so long as such additional height does not exceed thirty (30') feet. Appeals of a Planning Commission decision shall be taken to the Zoning Board of Appeals.

8. Certification of Registered Engineer

The Township may require a review by an independent registered engineer engaged by the Township and paid for by the applicant for the construction of wireless communication towers. Among other things, the Engineer may review and approve the written certification of the applicant's Engineer and may review and approve the applicant's studies showing the necessity for and location of the tower; and may review and approve the structural integrity, electrical integrity and electrical safeness of the wireless communication facility in its projected uses so as to assure the protection of the health, safety and welfare of the Township residents.

Section 20.53 Ferry Landings and Accessory Parking/Storage

It is the intent of this provision to facilitate safe passage by private ferry and off-street parking/storage for residents of the Township who reside on island properties, without creating excessive negative impacts on surrounding properties. The following provisions are created to prevent and/or mitigate such negative impacts, while providing a safe and secure parking, storage and landing area for island commuters.

Private Ferry Landings may be permitted subject to the following:

1. Private Boat Launches shall be permitted for island resident use only (specifically prohibiting use by the general public). Such use shall only be accessory to the principal ferry use.
2. Use of parking facilities shall be limited to use by the island residents and their guests. Such parking lots shall conform to the standards of this Ordinance and shall be set back a minimum of fifteen (15') feet from any property line and thirty (30') feet from the water's edge.
3. Use of parking areas for winter storage of boats shall be limited to use by island residents only. Designs for such boat storage locations shall ensure adequate circulation for emergency vehicle access to all areas.
4. The area may include accessory docks for island resident use only. These docks shall be utilized for material and/or passenger loading/unloading activities, only. They shall be utilized for long-term individualized docking.
5. Screening shall be provided in a manner to protect neighboring properties from light glare, blowing debris and noise. Screening shall also ensure that the visibility of stored vehicles or boats is minimized from surrounding properties. Applicants shall provide a maximum storage height of boats and vehicles on the site.
6. Screened trash receptacles shall be provided on-site and shall be located no closer than fifty (50') to any residential property.
7. Accessory buildings shall be permitted on the site for the purposes of providing shelter, rest area, and restrooms. Such buildings shall not be located within thirty (30') feet of any property line.

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ARTICLE XXI SITE PLAN REVIEW PROCEDURES

Section 21.01 Statement of Purpose

Site plan review provides the Township with an opportunity to review the proposed use of a site in relation to all applicable provisions of the Zoning Ordinance and any other applicable Township ordinances. Site plan review also provides the Township with an opportunity to review the relationship of the plan to surrounding uses, accessibility, on and off-site pedestrian and vehicular circulation, off-street parking, public utilities, drainage, natural features, screening, and other relevant factors which may have an impact on the public health, safety and general welfare. All site plan reviews, except those permitted for one and two family dwellings, shall be reviewed by the three (3) member Site Plan Review Committee of the Planning Commission appointed by the Planning Commission Chair. This includes those site plans which will subsequently require full Planning Commission approval.

Section 21.02 Planning Standards

1. In reviewing all applications for site plan approval, the Planning Commission shall consider the plan in relation to the following standards:

- a. **Vehicular Access and Circulation.**

- 1.) **Access** -- The location and design of driveways providing vehicular access to the site shall be arranged to promote the safety and convenience of vehicles and pedestrians and to provide access in a manner that promotes proper internal circulation. The Planning Commission shall require public streets adjacent or through a proposed development when it is necessary for the public health, safety and welfare, and/or provide continuity to the public road system. In those instances where the Planning Commission determines that there are an excessive number of curb-cuts in relation to abutting public roads, thereby diminishing the capacity of the road or creating excessive points of conflict, a reduction in the number of driveways shall be required. The Planning Commission may require joint access easements, cross access easements or reciprocal access easements to achieve the goals stated herein.
 - 2.) **Circulation** -- On-site circulation shall be clearly indicated on the plan. Access lanes, maneuvering lanes, parking spaces, stacking lanes, loading/unloading bays and doors, shall be designed in a manner that promotes the general safety, convenience, and interaction of both vehicles and pedestrians. The relationship to and the impacts upon adjacent properties shall also be considered.

- b. **Relationship to Surrounding Property.**

All site development features shall be arranged to minimize the potential for negatively impacting the site or surrounding property. In making this determination, the Planning Commission shall review the plan for negative conditions, such as, but not limited to:

1. Location of the principle building(s) and any accessory buildings or uses.
2. Channeling excessive traffic onto local residential streets.
3. The lack of adequate site screening, with particular attention to parking, maneuvering and/or service areas.
4. The impediments to the access of emergency vehicles.
5. Site drainage characteristics
6. The accumulation and storage of litter and snow, production of noise, light, smoke, fumes, or dust.

c. **Relationship to Natural Features.**

All buildings, driveways, parking lots and site improvements shall be designed to be compatible with the physical characteristics of the site, including, but not limited to, woodlands, wetlands, slopes, floodplains and soil suitability. The proposed development shall not needlessly have an adverse impact on the natural environment of the site or the surrounding area. During development, building, renovating or razing operations, the developer shall erect and maintain suitable protective barriers around all trees and other natural features which are planned to be maintained. Such barriers shall be arranged so as to prevent damage to said trees or other natural features and shall not allow storage of equipment, materials, debris or fill to be placed in this preservation area.

d. **Infrastructure.**

The Planning Commission shall consider the Township Engineer's evaluation of the adequacy of public or private utilities proposed to serve the site, including water, sanitary sewers and storm water retention.

e. **Landscaping.**

The Planning Commission may require further landscaping, fences, walls and berms pursuant to the objectives of this Ordinance. Such improvements shall be provided and maintained as a condition of the approval of the establishment.

Section 21.03 Submission Requirements

1. Single-family Residential Applications

Single-family detached residences, two-family residences (when permitted by special use permit only) and associated residential accessory structures shall be subject to review and approval by the Township Zoning Administrator and Building Inspector only and shall be required to submit a plot plan as described in this Section. The plot plan shall include, at a minimum, the following information:

- a. Name, address, and telephone number of the owner/lessee, and the person responsible for preparing the plot plan.
- b. Scale, north arrow, date of site plan preparation, and date of any revision (when applicable). Each time the site plan is revised and resubmitted the revision date shall be clearly indicated on the plans.
- c. A vicinity map showing the site in location to major streets and neighboring structures. The vicinity map shall be of sufficient scale to adequately delineate the site.

- d. Setback dimensions of proposed structure(s) from all other structure on the property and from all lot lines.
- e. Existing zoning within the boundaries of the site and existing zoning of properties abutting the site.
- f. A statement of the proposed use of the structure.
- g. Dimensions of all lot lines.
- h. Existing vegetation on the site (if any).
- i. Location, height, and type of existing walls and/or fences.
- j. Any other information determined by the Building Inspector or Zoning Administrator to be necessary to determine compliance with this ordinance and any other applicable Township ordinance or code.

2. Re-occupancy or Reuse Applications

Re-occupancy or reuse of an existing non-residential building, of the same use or similar use, which requires no exterior modifications and which meet all of the following criteria shall require review and approval from the Site Plan Review Committee of the Planning Commission and Zoning Inspector and Building Official. Whenever a use of a property has been determined to have been vacated or a new special use approval is required, the site plan shall be referred to the Planning Commission for full site plan review.

- No variances to the zoning ordinance are required.
- The use will be conducted within a completely enclosed building.
- The re-occupancy does not create additional parking demands.
- The re-occupancy does not substantially alter the character of the site.
- The use is in conformance with the provisions of the zoning district.

Applications under this section shall include, at a minimum, the following information:

- a. Name, address, and telephone number of the owner/lessee, and the professional who prepared the plans.
- b. Name and address of the proposed project.
- c. Scale, north arrow, date of site plan preparation, and date of any revision (when applicable). Each time the site plan is revised and resubmitted the revision date shall be clearly indicated on the plans.
- d. Legal description of the site, as determined by an existing title policy or recent boundary survey. If the proposed site is part of a larger parcel, the boundaries of the entire parcel shall also be described.

- e. A vicinity map showing the site in location to major streets and bodies of water. The vicinity map shall be of sufficient scale to adequately delineate the site.
- f. Existing zoning within the boundaries of the site and existing zoning of properties abutting the site.
- g. Existing land use within the boundaries of the site and existing land use of properties abutting the site.
- h. Dimensions of all lot lines.
- i. Existing vegetation on the site (if any).
- j. Schedule of parking needs in accordance with Article 22.
- k. Location and width of existing sidewalk(s).
- l. Location, height, and type of existing walls and/or fences.
- m. Location of existing drives and parking areas.
- n. Typical standard and handicapped parking spaces (with dimensions).
- o. Maneuvering lane(s) dimensions.
- p. Specified type of proposed activities.
- q. Note indicating that all signage shall be in compliance with the Township requirements.
- r. Location of screened trash storage area.
- s. Location of exterior lighting.
- t. Loading space(s) location (if needed).
- u. Relationship of the subject property to abutting properties and buildings within one hundred (100) feet.

3. Site Plan Applications

All other new construction, expansion, addition or other land use change not included in Sections 1 and 2, preceding, shall be subject to the following Site Plan Review provisions:

- a. **Application.** The applicant shall submit a completed Site Plan Application form (provided by the Township) and the appropriate number of copies of the preliminary site plan (as per Township submittal policies) to the Township Zoning Administrator at least three (3) weeks prior to the desired Planning Commission meeting. If the site is located within the Township Downtown Development Authority (DDA), an additional copy shall be submitted for Authority review.
- b. **Fee.** A fee shall be submitted as required by the Township as may be amended by resolution.

- c. **Plans.** Preliminary site plans shall be drawn to scale (engineering scale) on 24" x 36" sheets. All plans shall be folded to a maximum of ten (10) inches by twelve (12) inches in size.
- d. A site plan shall be submitted for review by the Planning Commission whenever one or more of the following conditions apply:
 - 1.) Whenever a building permit is required for the erection or structural alteration (only those impacting the size, footprint, shape or occupancy capacity) of a building or structure (other than one single-family home, one duplex structure, farm buildings or accessory structures to these residential uses).
 - 2.) For the construction or establishment of a new or additional parking or storage area, or for the expansion of an existing parking lot or storage area that is not to the standards of this Ordinance and/or the Township Engineering Standards Ordinance.
 - 3.) For all special land uses.
 - 4.) For any change in use type or class of use.
 - 5.) The erection of, or addition to, any major utility service facility, including towers, substations, pump stations and similar facility.
- e. All site plans submitted for consideration shall include the following information:
 - 1.) **General Site Data.**
 - a.) All site plans shall be accompanied by a letter providing a detailed description of the proposed use, including the typical hours of operation, number of employees, types of equipment used on site, and other such information as deemed necessary for review by the Planning Commission.
 - b.) The site plan shall be prepared by and carry the seal and signature of the registered architect or registered professional engineer who prepared it.
 - c.) The dimensions of all improvements and yards shall be labeled in a manner that clearly indicates the plan's compliance with the applicable Zoning Ordinance standards and requirements.
 - d.) The site plan shall be drawn to a minimum scale of 1" = 20' or 1" = 30' for sites less than five (5) acres, and at 1" = 50' or 1" = 100' for sites five (5) acres or more, and shall contain scale, date, revisions, and north point.
 - e.) Complete legal description.
 - f.) Size of the site expressed in acres.
 - g.) Location map (4 inches = 1 mile) showing major roads, nearby cross-streets and property lines, where necessary.
 - h.) Existing land use and zoning of the site and all surrounding property. If the site has split zoning, show the line between the districts.
 - i.) Proposed address, if available.

- j.) Location of existing structures and improvements. (Indicate if any such structure or improvement is to be removed).
- k.) Location and designation of proposed structures and improvements.
- l.) Yards/setbacks and critical dimensions between buildings and other site improvements.
- m.) Existing improvements (buildings, parking, driveways, sidewalks, signs, fences, walks, etc.) within two hundred (200) feet of all property lines.
- n.) Topography at two (2) foot contours or five (5) foot contour intervals in areas of extreme topography (existing and proposed). Grade shots at building corners, property lines, and for the parking lot and street may be substituted on small site plans.
- o.) Benchmarks.
- p.) Note indicating that any signage will comply with all Ordinances and Codes.

2.) Building Plans.

- a.) All architectural building elevations (front, sides and rear).
- b.) Type of surface material and design of all exterior surfaces.
- c.) Dimensioned floor plans, including total and usable floor area (principal and accessory buildings).
- d.) Decks and/or patios (dimensions, location, height and materials).
- e.) All exterior appliances, including, but not limited to, transformers, cooling towers, dust collectors, condensers, evaporators, air conditioning units, etc.

3.) Access, Parking and Circulation.

- a.) Existing and proposed rights-of-way for all abutting roads.
- b.) Location and dimensions of all driveways and street approaches, including acceleration, deceleration and passing lanes.
- c.) Dedicated access or service drive pavement widths.
- d.) Indicate the type of surface (paving).
- e.) Parking spaces, including handicapped parking spaces (location, number, dimensions, aisle dimensions and surface material -- See Article 22).

- f.) Site circulation pattern (direction of pedestrian and vehicular traffic flow if one-way or not obvious from the arrangement).
- g.) Loading and unloading area(s).
- h.) Identification of all fire lanes.
- i.) Sidewalks, interior walks and their connection.
- j.) Carport locations and details (including architectural elevations).

4.) Environmental Features.

- a.) Complete landscaping plan, including ground cover and the location, number, type and size of all proposed plantings.
- b.) Indications of trees and shrubs shall only be used on the site plan where trees and shrubs exist, or where such vegetation will be planted prior to occupancy. All trees and shrubs shall be labeled with size, type and existing or proposed.
- c.) Whenever a tree or group of trees of four (4) inch caliper or greater is to be removed as part of the planned improvements, the location shall be shown on the site plan in dotted outline and noted "to be removed."
- d.) Greenbelt, obscuring wall, or berm locations and details. (Provide at least one cross-section for each type used.)
- e.) Site irrigation (sprinklers). Indicate all areas to be irrigated.
- f.) Treatment of all undeveloped areas (such as seeded, sodded, plantings, maintenance or other).
- g.) Trash receptacle location and method of screening.
- h.) Site lighting details (location, height, type, intensity and method of shielding) and a site lighting plan including ground-level illumination levels throughout the site (measured in foot-candles).
- i.) The location of all signs shall be shown on the site plan and shall be drawn to scale. A statement shall be included on the site plan indicating that all signs shall meet the requirements of all applicable Township ordinances.

5.) Other Information.

- a.) Density calculations.
- b.) Location of all site utilities.
- c.) Site drainage characteristics and improvements.

- d.) Soil borings, locations and summary report data shall be shown where soil quality may be in question.
- e.) Hydrant locations.
- f.) Park or recreation areas (show boundary and size in square feet).
- g.) Fences (location and details).
- h.) Statistical data shall be furnished, including: number of dwelling units; size of dwelling units (i.e., 1-bedroom, 2-bedrooms and 3-bedrooms), if any; and the total gross acreage involved. (In the case of mobile home parks, the size and location of each mobile home site shall be shown.)
- i.) Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimensions and other data of all such equipment and/or machinery shall be indicated.

6.) Waiver of Submittal Requirements.

Where it is determined by the Planning Commission that certain requirements of this Section are not necessary to the review and understanding of the site, the Planning Commission may waive the requirements. Any and all waivers shall be recorded in the Commission's minutes, together with the unique circumstances and reasons for such waiver. The minutes and/or reasons for such waiver, shall be attached to or noted on the site plan.

Section 21.04 Review Procedures

After the applicant submits the required number of copies of the site plan to the Zoning Administrator for Planning Commission review, the plans shall be distributed to the following individuals:

- (9) Planning Commission
- (1) Fire Department
- (1) Zoning Administrator
- (1) Police Department
- (1) Planning Consultant
- (1) Township Water and Sewer Department
- (1) Township Assessor
- (1) DDA Representative, if in the district
- (1) County Road Commission and/or MDOT(if applicable)
- (1) County Drain Commissioner
- (1) County Planning Commission
- (1) Local School District (if a residential development)

Section 21.05 Process and Basis for Site Plan Approval

1. **Review of Preliminary Site Plan by the Site Plan Review Committee.** The applicant shall submit five (5) copies of a site plan along with the Site Plan Application. The Zoning Administrator, in conjunction with the Chairman of the Planning Commission, shall schedule a meeting of the Site Plan Review Committee. The applicant shall be notified as to the date and time of this meeting. After a review of the materials presented, and comments received, the Site Plan Review Committee shall either:

- a. If the preliminary site plan is acceptable for Planning Commission review, the members of the Review Committee (and the DDA, when applicable) shall send the plan to the Zoning Administrator, to be forwarded to the Planning Commission for official action. The Zoning Administrator shall not place the plan on a Planning Commission agenda until the applicant provides fifteen (15) copies (one additional copy if residential and one additional copy if located in the DDA) of the plan for Commission Review. At this time, Preliminary Site Plans shall be distributed to other individuals, as identified in Section 21.04. Upon receipt of the copies and all applicable fees, the Zoning Administrator will place the plan on the next available agenda based on the Township submittal deadline procedures.
 - b. If the preliminary site plan is not acceptable, the applicant shall need to make the necessary corrections and submit five (5) copies of a revised site plan (or six (6), if within the DDA District) to the Zoning Administrator for re-distribution to the Site Plan Review Committee. A fee shall be charged each time that a plan is submitted for review.
2. **Site Plan Approval Consideration by Planning Commission.** After receiving a recommendation for Planning Commission review from the Site Plan Review Committee, the Zoning Administrator shall forward the site plan, copies of the Review Committee comments, and all other review agent comments to the Planning Commission as prescribed above. At the meeting, the Planning Commission shall take one of the following actions:
 - a. Approve the site plan.
 - b. Approve the site plan with conditions.
 - c. Postpone or table the site plan until additional information, as deemed necessary by this Ordinance and the Planning Commission, is provided. This information may include, but not be limited to, additional studies such as traffic analysis or environmental impact studies.
 - d. Deny the site plan. If the preliminary site plan is denied, a written statement listing the reason(s) for denial shall be transmitted to the applicant
3. **Engineering Plan Review.** Upon notification by the Zoning Administrator of site plan approval, the applicant shall need to have his/her professional prepare final engineering plans. The applicant shall submit fourteen (14) copies of the engineered plans, along with review fees to the Zoning Administrator. The Zoning Administrator then shall forward the plans to the Township Engineer or designee, the County Road Commission (if applicable), MDOT (if applicable) and the County Drain Commissioner for review.
4. **Engineered Plan Requirements.**
 - a. Minimum Information Required. The following minimum information shall be provided and/or addressed on the engineered site plan, along with a sealed property survey. All information required by applicable Township ordinances and codes shall also be submitted at this time. This information is in addition to the information from the approved site plan. Note that all comments that are applicable to the specific site plan shall be addressed and the engineered plan shall be prepared, signed and sealed by a registered professional engineer. A completed copy of a Township supplied checklist is to be submitted with the site plan.

- 1.) If the project is in an area where public utilities are not available, St. Clair County Health Department approval will be required prior to the issuance of a building permit.
- 2.) An indication of the estimated quantities for sanitary sewer and earthwork required.
- 3.) Detailed detention calculations relative to storm water detention unless the Township waives detention requirements. Indicate general location and concept of storm water detention.
- 4.) An indication of the anticipated water demands and wastewater generation shall be provided. This could be included on the site plan by note.
- 5.) A note indicating: All fees are to be paid before construction begins.
- 6.) Existing or proposed utility and drainage easements shall be indicated on the plans.
- 7.) An easement is required for existing or proposed public water mains, sanitary sewer mains and not located in the public right-of-way. The easement description shall be included with the plans.

b. Drainage

- 1.) The Township requires that on-site storm water detention be a part of all new development plans. Detention shall be provided for volumes generated by a 10-year storm.
- 2.) Storm water detention details shall be provided on the plans, unless the developer has been exempted from on-site detention.
- 3.) The designer shall show where on-site detention shall be located and the calculations of how the storage volume shall be provided. The maximum depth of standing water within parking lot storage areas is eight (8) inches.
- 4.) The design shall provide for "emergency overflow" of storm water from the detention area. The emergency overflow shall be designed to ensure the overflow goes into the public right-of-way rather than onto adjacent parcels or into buildings.

c. Grading

- 1.) A sufficient amount of existing and proposed elevations shall be provided throughout the site and on abutting parcels to determine existing and proposed slope and drainage patterns. Flow arrows shall be shown on the plans to indicate the direction of overland drainage.
- 2.) The designer shall show that the proposed site drainage shall not adversely affect abutting parcels. The designer may not force site drainage to abutting parcels or block existing drainage from abutting parcels.
- 3.) The following note shall be added to the plans:
- 4.) "The Developer is responsible for resolving any drainage problems on adjacent property which are a result of the Developer's activities."

d. Paving

- 1.) A cross-section of proposed pavement shall be shown.
- 2.) A concrete sidewalk five (5) feet in width is required to be provided across the frontage of the site, within the public right-of-way. (The new sidewalk shall be four (4) inches thick except at driveway crossing(s), where it shall be a minimum of six (6) inches in thickness.)
- 3.) A note shall be added to the site plan indicating that:
- 4.) "Existing flags of sidewalks across the site's frontage that are damaged now, or that become damaged during the construction, shall be removed and replaced. Such work shall be done prior to issuance of a final occupancy permit for the new development."

- e. General. Evidence must be presented that the application meets or exceeds all requirements set forth in the in Performance Standards section of this Ordinance (Section 3.13).
 - 1.) For any work done in the M-29 right-of-way, a Michigan Department of Transportation approval and permit shall need to be obtained.
 - 2.) In areas that may contain wetlands, the applicant shall document that no regulated wetlands exist on the site and/or that the site development shall not impact any regulated wetlands. If any wetlands exist on or immediately adjacent to the site, Michigan Department of Environmental Quality clearance shall be required.
 - 3.) For developments that may discharge materials other than typical domestic waste, or that may discharge potentially hazardous waste, a detailed floor plan showing all floor drain locations, and secondary containment systems to prevent accidental discharges to them, shall be provided as part of the site plan package.
- 5. **Engineering review and action by Staff and Consultants.** After the applicable departments and agencies have reviewed the Engineered Plan, the Township Engineer or designee shall review the comments and make one of the following recommendations to the Zoning Administrator:
 - a. If the final site plan is not deemed acceptable, the applicant and his professional shall be advised of items of concern. The applicant's professional shall need to make the necessary corrections and submit three (3) copies of the revised plans to the Zoning Administrator, to be forwarded to whichever department or agency held the concern. An additional fee shall be charged each time it is necessary for the applicant to submit a revised site plan.
 - b. If the engineered plan is approved by the Township Engineer or designee, it shall transmit a copy of the signed plan to the Building Inspector.
- 6. **Expiration.** A site plan approval shall be valid for one year after the date of approval of the engineered plan. If physical improvement of the site is not in actual progress at the end of a year, the approval becomes null and void unless renewed or extended by specific Planning Commission action. If approval is not extended before the expiration of the one year period, then a new application and a new approval shall be required before a building permit may be issued.
- 7. **Completion and Performance Guarantee.** In the event that weather or other natural occurrence should delay the timely completion of any site improvements as required by the planning commission, the applicant shall, upon approval of the Building Department, at the time of issuance of a temporary Certificate of Occupancy, place into an escrow account the estimated amount of money necessary to complete the project. The escrow account shall be established by the applicant through the coordination of the Building Department of the Township. The applicant shall then complete the project at the earliest possible date.

The Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of conditions or improvements associated with a project, be deposited with the Township Clerk to insure faithful conformance with the conditions or completion of the improvements.

Whenever a cash deposit is required, the Township shall establish a reasonable rebate of such cash deposit based on a proportion of work completed versus the total work required. This section shall

govern whenever a financial guarantee is authorized by this Ordinance, notwithstanding any provisions to the contrary.

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ARTICLE XXII PARKING AND LOADING

Section 22.01 Statement of Purpose.

Off-street parking and loading with access to all spaces shall be provided in all districts in accordance with these provisions at the time any structure or use is established, constructed, altered, or expanded. The number of off-street parking spaces, in conjunction with all building uses, shall be provided prior to the issuance of a Certificate of Occupancy, as hereinafter prescribed. When surfacing of the parking area is impractical due to inclement weather, the Zoning Administrator may permit temporary occupancy in accordance with the provisions of Section 3.20.

Section 22.02 General Provisions.

1. Applicability. The provisions of this part shall apply to the interior of all non-covered parking lots designed for twenty (20) or more spaces or continuing eight thousand (8,000) square feet or more of surfaced area.
2. Landscape plan requirement:
 - a. No parking lot shall be constructed, enlarged or reconstructed until a parking pattern and a landscape plan for that parking lot has been approved by the Planning Commission, or in the case of a permitted use, the Zoning Administrator.
 - b. Landscape plans shall, where appropriate, be submitted as part of the plan.
3. Parking lot landscaping design criteria. The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other live planting material shall be used to complement the tree landscaping, but shall not be the sole contribution of the landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.
 - a. The landscaping shall be dispersed throughout the parking lot.
 - b. The interior dimensions of any planting area or planting median shall be a minimum of ten (10) feet wide to protect the landscaping materials planted therein and to allow proper growth. Placement of such curb islands shall be at the discretion of the Zoning Administrator.
 - c. Where plant material exists on a site prior to its development, such landscape material may be used if approved as meeting requirements of this part.
4. Planting materials:
 - a. At least fifty (50) percent of all tree stock upon planting shall be of size equal to or greater than six (6) feet in height for conifers or one-and-one-half inch caliper for deciduous stock measured six (6) inches above ground level. Said tree shall be in a minimum of five-gallon container, if container stock; or a minimum of twelve-inch root spread, if bare root stock; or a minimum of fourteen-inch ball, diameter. Size adjustments which reflect the growth habits of particular species may be made at the discretion of the Zoning Administrator.

- b. At least fifty (50) percent of all shrub stock shall be of a size equal to or greater than four (4) feet in height, if deciduous; twenty-four-inch spread, if creeping or prostrate evergreens; or twenty-four-inch spread and height, if semi-spreading evergreens. Size adjustments which reflect the growth habits of particular species may be made at the discretion of the Zoning Administrator.
 - c. All ground surfaces contained within areas designated on the landscape plan as planting areas shall be planted and maintained in ground cover. Other landscape elements such as decks, patios and stepping stones, landscape zones, and ponds may also be incorporated into such areas.
 - d. All landscaping shall be protected from vehicular traffic by standard concrete curbing and gutter.
5. Interior coverage requirements. Not less than five (5) percent of the interior of a parking lot shall be landscaped. This landscaping shall be distributed throughout the parking lot. Planting which is required for screening along the perimeter of any parking lot shall not be considered as part of the interior landscaping requirement. Moreover, where a parking lot abuts buildings on the subject property, border planting adjacent to those buildings shall not be considered as part of the interior landscape requirement.
6. Street frontage planting requirements:
- a. A landscaping strip ten (10) feet in width shall be located between the abutting sidewalk or proposed right-of-way line and the parking lot, except where driveway or other openings may be required.
 - b. The minimum planting required shall be Greenbelt "A", in Appendix B.
 - c. No foliage or structural features shall obstruct the visibility of the motoring public.
7. When required off-street parking in a nonresidential district abuts a residential district, the minimum planting required shall be Greenbelt "B", in Appendix B.
8. Maintenance:
- a. The owners and their agencies shall be responsible for providing, protecting, and maintaining all landscaping in healthy growing conditions, replacing it when necessary, and in conformance with original approvals. Yards shall be free of refuse and debris. All walls or fences shall be kept in good repair. All landscaping materials shall be placed so as not to grow out into the public right-of-way.
9. Bond/cash escrow requirement. During the months of November through April the applicant shall post a bond or cash escrow equal to one and one-half (1.5) times the estimated cost of the landscaping project. Release of the bond or cash escrow is conditional upon satisfactory installation of the greenbelts, parking lot landscaping and general landscaping.
10. Off-street parking for nonresidential 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.

11. 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, and subject to the provisions of Section 3.01, Accessory Buildings.
12. A maximum of twenty-five (25) percent of the required number of parking spaces may be supplied by on-site transient docking facilities with the approval of the Planning Commission.
13. 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.
14. 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.
15. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on any area designated as a parking lot.
16. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Township Zoning Board of Appeals considers to be similar in type.
17. When units of measurement 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 on parking space.
18. A suitable means of ingress and egress shall be provided and located to minimize traffic congestion and interference with pedestrian movement. The location of all entrances and exits and directional signs shall be approved by the Planning Commission, and where required by the St. Clair County Road Commission and the Michigan Department of Transportation.
19. Federal and State requirements regarding handicapped parking and access shall apply.
20. Off-street parking shall be permitted to occupy part of the required front yard after the approval of the parking plan layout and points of ingress and egress by the Planning Commission provided that there shall be maintained a minimum unobstructed and landscaped setback of fifteen (15) feet between the nearest point of the off-street parking area and the street right-of-way line.
21. For the purpose of computing the number of parking spaces required, the definition of usable floor area shall govern.

Section 22.03 Collective Parking.

1. The collective provision of off-street parking for two or more structures or uses is permitted provided that the number of spaces provided collectively is not less than the sum of the requirements for various individual uses, except as provided below.
2. The total of such off-street parking facilities for joint or collective use may be reduced by the Planning Commission in accordance with the following rules and standards:

- a. Uses for which the collective off-street parking facilities are to serve shall either operate during different hours of the day or night, or shall have peak hour parking demands that do not coincide.
 - b. Not more than fifty (50) percent of the off-street parking facilities required for churches, bowling alleys, dance halls and establishment for sale and consumption of alcoholic beverages, food, or refreshments may be supplied by off-street parking facilities provided for other buildings.
3. A legally sufficient written agreement assuring the joint usage of said common parking for the combination of uses or buildings shall be properly drawn and executed by the parties concerned, approved as to form and execution by the Planning Commission and Township Attorney, and filed with and made part of the application for a building permit.

Section 22.04 Off-Street Loading.

1. Uses involving the receipt or distribution by vehicles of materials or merchandise shall provide and permanently maintain adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys, and thus, help relieve traffic congestion.
2. Every such building or structure housing such a use shall be provided with at least one truck standing, loading and unloading space on the premises not less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height. One additional truck space of these dimensions shall be provided for every additional 20,000 square feet or fraction thereof of gross floor area in the building.
3. Off-street loading space and access drives shall be drained, lighted and shall have appropriate bumper or where guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets.
4. When required off-street loading in a nonresidential district abuts a residential district, the minimum planting required shall be Greenbelt "B", in Appendix B.
5. Loading spaces shall not be construed as supplying off-street parking space.

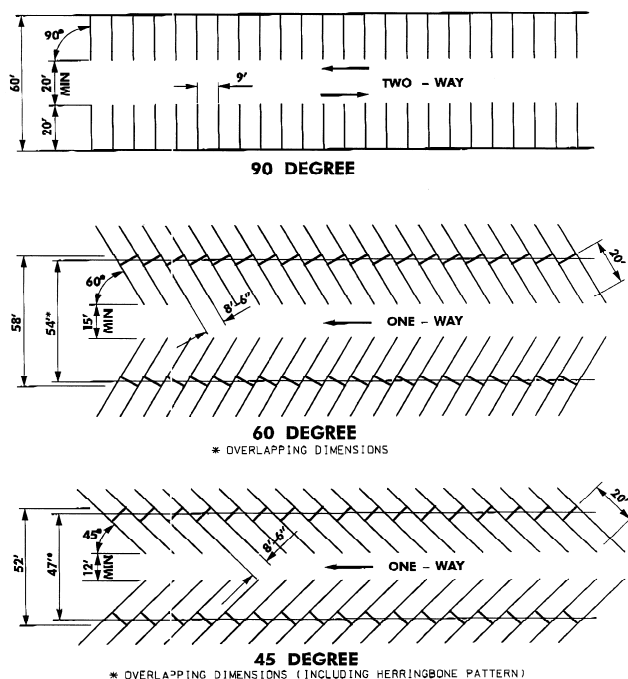
Section 22.05 Off-Street Parking Space Layout, Standards, Construction and Maintenance.

Whenever the off-street parking requirements of the Zoning Ordinance require 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 a permit therefore is issued by the Zoning Administrator and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements. Refer to illustration 22-1 Parking Layout on the following page.

Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tier of Spaces Plus Maneuvering Lane
12 feet	8 feet	28 feet	20 feet	28 feet
12 feet	8 feet -- 6 in.	20 feet	32 feet	52 feet
15 feet	8 feet—6 in.	20 feet	36 feet -- 6 in.	58 feet
20 feet	9 ½ feet	20 feet	40 feet	60 feet

Illustration 22-1. Parking Layout



- Each entrance and exit to and from any off-street parking lot located in an area zoned for other than one family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any one family residential district.
- Except for those serving single and two-family dwellings, all off-street parking areas shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls, or landscaping subject to the approval of the Planning Commission and in accordance with the provisions set forth in Section 3.10 of this Ordinance.

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

5. The entire parking area, including parking spaces, driveways, and maneuvering lanes, required under this section, shall be provided with asphaltic, concrete or double seal-coat surfacing in accordance with the specifications of the Township of Clay. The parking area shall be surfaced prior to issuance of a Certificate of Occupancy for the facility which it serves. All parking lots shall be striped according to the approved site plan.

In the event that inclement weather or other conditions beyond the control of the builder would make the surfacing of the parking area impractical prior to the desired date of occupancy, the Zoning Administrator may permit temporary occupancy for a period not to exceed six (6) months.

A mandatory condition of this temporary occupancy shall be that a cash deposit, certified check, irrevocable bank letter of credit or performance bond acceptable to the Township, in the full amount necessary to provide the surfaced area, be deposited with the Clay Township Treasurer, prior to any occupancy of the facility which it serves.

Those nonresidential structures in existence and operational at the time of adoption of this Ordinance amendment shall be exempt from the provisions regarding hard surfacing except that asphalt, concrete or double seal-coat surfacing shall be required for all parking required as a result of business expansion beyond fifteen (15) percent of the usable floor area of the development existing on-site.

Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or towards buildings.

6. 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.
7. All lighting used to illuminate off-street parking areas shall be so installed as to be confined within and directed only onto the parking area and away from abutting or neighboring property or from the street or highway.
8. Except for those serving single and two-family dwellings, all parking shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend behind the property lines or into required landscaped areas.
9. The Planning Commission may modify the yard or wall requirements where no good purpose would be served by compliance with the requirements of this section.

Section 22.06 Parking Space Requirements.

1. The minimum number of off-street parking spaces required for any structure or use which is established, constructed, altered or expanded shall be determined in accordance with the following schedule:

Use	Required Parking Spaces
1. One family dwelling or Mobile homes	Two (2) for each dwelling unit.
2. Multiple dwellings	Two (2) for each dwelling unit.
3. Elderly housing, boarding or lodging houses.	One (1) for each individual living or sleeping unit plus one (1) space for each employee. Should the units revert to general occupancy, then two (2) spaces per unit shall be provided.
4. Hotel and Motel	One (1) for each unit, plus one (1) for each employee on the largest shift, and required parking for accessory uses.
5. Bed and breakfast	Two (2) spaces plus one (1) additional space for each room to be rented.
6. Inns	Two (2) spaces, plus one space for each room to be rented plus parking as required for each accessory use.
7. Hospitals, convalescent or homes for the aged.	One (1) for each three (3) patient beds; plus one (1) space for each staff or visiting doctor; plus one (1) space for each employee.
8. Churches	One (1) for each three (3) seats or per each six (6) feet of pews, whichever is greater.
9. Auditoriums (incidental to schools churches, theaters), buildings similar uses with fixed seats.	One (1) for each six (6) seats, for plus one (1) additional space for each two (2) employees.
10. Auditoriums (other than incidental to schools), lodge halls or buildings of similar uses without fixed seats.	One (1) for each six (6) persons permitted in such edifice as determined in the capacity limitations, thereof, by the Fire Marshal.

11. Elementary and junior high school	One (1) for each employee (including teachers and administrators) in addition to the requirements of the auditorium.
12. High schools or business schools	One (1) for each employee (including teachers and administrators) and one (1) for each ten (10) students in addition to the requirements of the auditorium.
13. Libraries, museums, and post offices.	One (1) for each 800 square feet of usable floor area plus one (1) for each two (2) employees.
14. Private clubs or lodge halls.	One (1) for each three (3) persons allowed within the maximum occupancy load as established by the Fire Marshal.
15. On shore, in and out or rack storage, and boat rentals	One (1) space for every (2) boats stored, plus one (1) off- street parking space for each boat available for rent. Where launching from a boat trailer is permitted, 24 vehicle/trailer spaces (10'X 40') shall also be provided for each launching ramp as part of any parking plan.
16. In water boat wells, or marinas (rental/lease)	One (1) space for each two (2) boat berths plus one (1) for every two (2) employees in the largest working shift, plus one (1) for every fifteen hundred (1,500) square feet of indoor storage or work floor space, plus spaces required for each accessory use.
17. In water boat wells (dock-ominiums)	1.5 spaces for each water craft moored in the water or hoisted individually above the well.
18. Private golf clubs, swimming pool clubs, tennis clubs or other similar uses.	One (1) for each two (2) member families or each two (2) individuals anticipated, plus spaces required for each accessory use, such as restaurant or bar.
19. Golf course open to the general public, except miniature golf or "Par 3" courses.	Four (4) for each (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar.
20. Miniature or "Par 3" golf course.	Three (3) for each hole plus one (1) for each employee.
21. Stadium, sports area, or similar place of outdoor assemble.	One (1) for each four (4) seats or six (6) feet of benches.
22. Theaters and assembly halls.	One (1) for each four (4) seats plus one (1) for each two (2) employees.
23. Bowling lanes.	Five (5) for each bowling lane plus accessory uses.

24.	Dance halls, pool or billiard parlors, roller rinks, banquet halls, exhibition halls, and assembly halls without fixed seats.	One (1) for each three (3) persons allowed within the maximum or skating occupancy as established by Fire Marshal or local, county or state fire, building or health codes, or one for each one hundred fifty (150) square feet of usable floor area, whichever is greater.
25.	Establishments for sale and consumption on the premises of beverages, food or refreshments.	One (1) for each one hundred (100) square feet of usable floor area or one (1) each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is greater.
26.	Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician or similar trade, shoe repair, similar uses.	One (1) for each one thousand of (1,000) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein).
27.	Automobile service and repair stations.	Two (2) for each lubrication stall, rack, or pit; one (1) for each gasoline pump and one (1) for each employee.
28.	Self service gas station and convenience store.	One (1) space for each gasoline pump, and one (1) space for each two hundred (200) square feet of usable floor area.
29.	Laundromats and coin operated dry cleaners.	One (1) for each two (2) washing and/or dry cleaning machines.
30.	Mortuary establishment.	One (1) for each thirty (30) square feet of usable floor area in assembly, parlor, or slumber rooms.
31.	Motor vehicle sales and service establishments.	One (1) for each two hundred (200) square feet of usable floor area of sales room, and one (1) for each (1) auto service stall in the service room.
32.	Retail stores except as otherwise specified herein.	One (1) for each two hundred (200) square feet of usable floor area.
33.	Fast food and drive-in restaurants.	One (1) for each two (2) employees, plus (1) for each two (2) seats intended for patrons within the restaurant building, and one (1) for each twenty (20) square feet of usable floor area available in the order-waiting area.
34.	Beauty shops and barber shops.	Two (2) for each of the first two (2) beauty and/or barber shop chairs and one and a half (1 ½) spaces for each additional chair.

35.	Planned commercial or shopping centers.	One (1) for each hundred (100) square feet of usable floor area.
36.	Auto wash.	One (1) for each one (1) employee. In addition, adequate waiting space for autos shall be provided on the premises.
37.	Banks.	One (1) for each one hundred (100) square feet of usable floor area.
38.	Drive-in banks, cleaners and similar businesses.	Storage space for five (5) cars between the sidewalk area and the service window and one (1) for each two (2) employees.
39.	Business offices or professional offices except as follows	One (1) for each two hundred offices (200) square feet of usable floor area.
40.	Nursery school, day nursery, or child care centers.	One (1) for each three hundred fifty (350) square feet of usable floor space.
41.	Professional office of doctors, dentists or similar professions.	One (1) for each one hundred (100) square feet of usable floor area or one (1) for each twenty-five (25) square feet in waiting rooms, and one (1) for each examining room, dental chair, or similar use area, whichever is greater.
42.	Industrial or research establishments and related accessory offices	Five (5) plus one (1) for every one and one-half (1 ½) employees in the largest working shift. Space on-site shall also be provided for all construction workers during periods of plant construction.
43.	Warehouse and wholesale establishments and related accessory offices.	Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

2. 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 by above grade signs as reserved for physically handicapped persons.

Total Spaces in Parking Lot	Required Number of Accessible Spaces
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	7
301 to 400	8
401 to 500	9
501 to 1,000	2 Percent of Total
Over 1,000	20 plus 1 for each 100 over 1,000

Parking spaces for the physically handicapped shall be a minimum of twelve (12) feet wide and must meet all other applicable requirements as to size as set forth in this section as per state requirements.

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ARTICLE XXIII SIGN REGULATIONS

Section 23.01 Statement of Purpose.

The purpose of this Article is to regulate on-site signs and outdoor advertising so as to protect the health, safety, and general welfare, to protect property values, and to protect the character of the various neighborhoods and the Township generally.

The principal features are the restriction of advertising to the use of the premises on which the sign is located and the restrictions of the total sign area permissible per site. Any sign placed on land or on a building for the purpose of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays. Outdoor advertising signs (billboards), which advertise products or businesses not connected with the site or building on which they are located, are deemed to constitute a principal use of a lot.

Section 23.02 General Sign Regulations.

The following regulations shall apply to all signs in the Township:

1. Illuminated Signs:
 - a. In all Residential Zoning Districts, only indirectly illuminated signs shall be allowed, provided such sign is so shielded as to prevent direct light rays from the source of light being visible from the public right-of-way or any adjacent residential property.
 - b. In C-1, C-2, C-3, I-1 and I-2 Districts – indirectly or internally illuminated signs are permitted providing such signs are so shielded as to prevent direct light rays from the source of light from being visible from the public right-of-way or any adjacent residential property.
2. Measurement of Sign Area. The area of a sign shall be computed as including the entire area with a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing copy or display materials shall not be included in computation of sign area. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back, parallel to one another, and less than twenty-four (24) inches apart, the area of the sign shall be the area of one face.
3. Height of Signs. No freestanding sign shall exceed a height of twenty (20) feet.
4. Setback Requirements for Signs. Except where specified otherwise in this Ordinance, all signs shall be set back a minimum of one-half (1/2) the front yard requirements as measured from the street right-of-way line.

Section 23.03 Permitted Signs.

Subject to the other conditions of this Ordinance, the following signs shall be permitted anywhere within the Township:

1. Off-premise signs which bear names, information and emblems of service clubs, places of worship, civic organizations, and quasi-public uses shall be permitted on private property with permission of the Planning Commission. Each sign shall be no more than nine (9) square feet in area, shall not exceed a height of eight (8) feet, and shall be set back a minimum of ten (10) feet from the street right-of-way line.
2. Signs which direct traffic movement onto or within a property and which do not contain any advertising copy or logo, and which do not exceed nine (9) square feet in area for each sign. Horizontal directional signs, on and flush with paved areas may exceed nine (9) square feet. A directional sign shall be located on the lot or parcel behind the street right-of-way line.
3. One church announcement bulletin shall be permitted on any site which contains a church regardless of the district in which located, provided said bulletin does not exceed twenty-five (25) square feet in area and a height of six (6) feet, and is set back a minimum of ten (10) feet from the street right-of-way line.

Section 23.04 Prohibited Signs.

1. Miscellaneous Signs and Posters: Tacking, pasting, or otherwise affixing of signs or posters visible from a public way except "no trespassing," "no hunting," "beware of animal" warning or danger signs, and other legal postings as required by law, located on the walls of buildings, barns, sheds, on trees, poles, posts, or fences is removed.
2. Banners: Pennants, banners, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures are prohibited except as provided in Section 26.07, "Temporary Signs."
3. Swinging Signs: Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment are prohibited.
4. Moving Signs: Except as otherwise provided in this Article, no sign or any portion thereof which moves or assumes any motion constituting a nonstationary or nonfixed condition shall be permitted.
5. Abandoned Signs: Signs that advertise an activity, business, product, or service no longer conducted or available on the premises on which the sign is located shall be prohibited and removed.
6. Unclassified Signs: The following signs are prohibited:
 - a. Signs which imitate an official traffic sign or signal which contains the words "stop," "go slow," "caution," "danger," "warning," or similar words, except as otherwise provided in this Article.

- b. Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstructs the view in any direction at a street intersection.
 - c. Signs which contain statements, words, or pictures of an obscene, pornographic or immoral character.
7. Protruding Signs – Signs shall not be permitted which extend at any angle by a suspension from any building wall.
 8. Outdoor Advertising or Billboard signs: shall not be permitted except by Special use Permit in the Commercial and Industrial Zoning Districts.

Section 23.05 Permitted Signs in all Residential Districts.

1. One identification sign shall be permitted for each public street frontage, for a subdivision, multiple family building development or mobile home park. Each sign shall not exceed twenty-five (25) square feet in area. One additional sign advertising “For Rent” or “Vacancy” may be placed on each public street frontage of a rental residential development provided that such sign shall not exceed nine (9) square feet in area and is incorporated into the identification sign. Each sign shall be located behind the right-of-way line of any public street.
2. One identification sign shall be permitted for each public street frontage for a vehicle entrance for a school, church, public building, or other authorized use or lawful nonconforming use, except home occupations. Each sign shall not exceed twenty-five (25) square feet in area and eight (8) feet in height.

Section 23.06 Permitted Signs in the C-1, C-2, C-3, I-1 and I-2 Districts.

On-site canopy or marquee signs, wall signs, and free-standing signs are allowed, subject to the following:

1. Signs permitted for single buildings on developed lots or a group of lots developed as one lot, not in a shopping center, not subject to Section 23.05, are subject to the following:
 - a. Each developed lot or parcel shall be permitted at least eight (80) square feet of sign area for all exterior on-site signs. The area of exterior on-site signs permitted for each lot or parcel shall be determined as two (2) square feet of sign area for each one (1) linear foot of building length which faces on a public street. The maximum area for all exterior on-site signs for each developed lot or parcel shall be 200 square feet. No free-standing identification sign shall exceed 100 square feet in area. No exterior wall sign for businesses without ground floor frontage shall exceed twenty-four (24) square feet in area.
 - b. Each developed lot or parcel shall be permitted two (2) exterior on-site signs. For every developed lot or parcel which is located at the intersection of two (2) collector or arterial streets or highways as classified in the “Master Plan” three (3) exterior on-site signs shall be permitted. Only one (1) free-standing identification sign shall be permitted on any single fronting street. All businesses without ground floor frontage shall be permitted one (1) combined exterior wall sign, in addition to the number of signs allocated to the developed lot or parcel. The total area of all exterior signs shall not exceed the total sign area permitted in Section 23.02.

- c. Each sign shall pertain exclusively to the name and type of business carried on within the building.
 - d. All signs shall not exceed twenty (20) percent of the wall space upon which the sign is located.
2. Signs permitted for a shopping center or other integrated group of stores; commercial buildings, office buildings, or industrial buildings not subject to Section 23.05 are subject to the following:
 - a. Each shopping center or commercial district shall be permitted one (1) free-standing identification sign for each collector or arterial street or highway, as classified in the "Master Plan" that it faces. Each sign shall state only the name of the shopping center and major tenants located therein. The sign area shall be determined as one (1) square foot for each one (1) linear foot of building which faces one public street. The maximum area for each free-standing sign shall be two hundred (200) square feet. Tenants of shopping center shall not permit individual free-standing identification signs.
 - b. Each business in a shopping or commercial district with ground floor frontage shall be permitted one exterior wall sign. The area for such an exterior wall sign shall be computed as one (1) square foot for each one (1) linear foot of building frontage occupied by the business. All businesses without ground floor frontage shall be permitted one (1) combined exterior wall sign not more than twenty-five (25) square feet in area. Each sign shall pertain exclusively to the name and type of business carried on within the building.
 3. Window signs shall be permitted and shall not be included in total sign area computation if said signs do not occupy more than twenty-five (25) percent of the total window area of the floor level on which displayed or exceeds a total of two hundred (200) square feet for any one building. If window signs occupy more than twenty five (25) percent of said window area or exceed a total of two hundred (200) square feet for any one building, they shall be treated as exterior signs and shall conform to Section 26.02.
 4. A time and temperature sign shall be permitted in addition to the above conditions, provided that ownership identification, or advertising copy does not exceed ten (10%) percent of the total sign area and further provided that the total area of the sign does not exceed thirty (30) square feet.
 5. In addition to the aforementioned provisions, an automobile service station may have one (1) additional sign for each public street or highway frontage for a vehicle entrance, for the purpose of advertising gasoline prices and other services provided on the premises. Said sign shall be mounted on a free-standing structure or on the structure of another permitted sign, provided that clear views of street traffic by motorists or pedestrians are not obstructed in any way. Said sign shall not exceed twelve (12) square feet in area and shall not advertise the brand name of gasoline or other materials sold on the premises.
 6. Mural signs shall be permitted with approval by the Planning Commission, following a public hearing.

Section 23.07 Temporary Signs.

On-site temporary exterior signs may be erected in accordance with the regulations of this Article.

1. In all districts, one (1) sign for each public street frontage advertising a recorded subdivision or development shall be permitted. Each sign not-to-exceed twenty-five (25) square feet in area. Each sign shall be removed within one (1) year after the sale of seventy (70%) percent of all lots or units within said subdivision or development.
2. In the RM Zoning District, one (1) sign on each public street frontage of a new multiple family development advertising the new dwelling units for rent or sale, not-to-exceed twenty-five (25) square feet in area shall be permitted. Each sign shall be removed within (60) days of the initial rental or sale of seventy (70%) percent of the dwelling units within the development.
3. One identification sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign not-to-exceed nine (9) square feet in area, with not more than a total of three (3) such signs permitted on one site. If all building contractors, professional design firms, and lending institutions combine together in one identification sign, such sign shall not exceed twenty-five (25) square feet in area with not more than one sign permitted on one site. Signs shall have a maximum height of ten (10) feet and shall be confined to the site of the construction, construction shed, or construction trailer and shall be removed within fourteen (14) days after final inspection of the development by the Zoning Administrator.
4. Temporary real estate direction signs, not exceeding three (3) square feet in area and four (4) in number, showing a directional arrow and placed back of the street right-of-way line, shall be permitted on approach routes to an open house. Signs shall not exceed three (3) feet in height.
5. Temporary signs announcing any annual or semi-annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur, shall be permitted. Maximum sign area shall not exceed twenty-five (25) square feet. Signs shall be allowed no more than twenty-one (21) days prior to the event or function. If building mounted, signs shall be flat wall signs and shall not exceed six (6) feet in height. Signs shall be set back in accordance with Section 26.02.4 of this Ordinance.
6. In all Residential Districts, one (1) temporary real estate "For Sale," "For Rent," or "For Lease" sign, located on the property and not exceeding nine (9) square feet in area shall be permitted. In the C-1, C-2, C-3, I-1 and I-2 Districts, one (1) sign of this type shall be permitted, provided it does not exceed twenty-five (25) square feet in area and is set back in accordance with Section 24.03, subsection 4, of this Ordinance. If the lot or parcel has multiple street frontage, one (1) additional sign not exceeding nine (9) square feet in area in the all Residential Districts and twenty-five (25) square feet in area in the C-1, C-2, C-3, I-1 and I-2 Districts is permitted. Under no circumstances shall more than two (2) such signs be permitted on a lot or parcel. Such signs shall be removed within seven (7) days following the sale, rent, or lease. In no case, shall a sign list the sale, rent, or lease of a building which is not located on the property on which the sign is located.
7. Banners, pennants, searchlights, balloons, or other gas-filled figures are permitted in C-1, C-2, C-3, I-1 and I-2 Districts for a period not to exceed thirty (30) consecutive days. Such signs and objects shall not obstruct pedestrian or vehicular view.

Section 23.08 Exempted Signs.

The following types of signs are exempted from all provisions of this Ordinance, except for construction and safety regulations and the following standards:

1. Signs of a noncommercial nature and in the public interest, erected by, or on the order of a public officer, in the performance of a public duty, such as directional signs, regulatory signs, warning signs, and informational signs.
2. Political campaign signs announcing candidates seeking public political office and other data pertinent thereto, except as prohibited in Section 23.04 providing that these signs shall be removed within seven (7) days after the date of the election for which they were posted, and shall not exceed nine (9) square feet in areas.
3. Names of brands, manufacturer's labels and logos, date of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, metal, or similar material or made of other permanent type construction and made an integral part of the structure.

Section 23.09 Nonconforming Signs and Sign Structures.

Nonconforming signs and sign structures may remain except as qualified below:

1. Other than sign maintenance, no nonconforming sign shall be reconstructed, remodeled, relocated, or changed in size unless such action will make the sign conforming in all respects. A nonconforming sign may be repainted, have sign panels replaced, and/or may replace the sign face content so long as no structural changes take place to the sign. Such changes shall be reviewed and approved by the Zoning Administrator, prior to the applicant making such changes.
2. Nothing in this Section shall be deemed to prevent keeping in good repair a nonconforming sign, including sign maintenance, repainting, and replacement of broken or deteriorated parts of the sign itself. Supporting structures for nonconforming signs shall not be replaced, unless such replacement will make the sign and sign structure conforming in all respects.
3. A nonconforming sign or sign structure which is destroyed or damaged by any casualty may be restored within six (6) months after such destruction or damage only after the owner has shown that the damage did not exceed fifty percent (50%), it shall be removed and shall not be reconstructed or replaced unless such action makes the sign and sign structure conforming in all respects.
4. A nonconforming sign or sign structure shall be removed within thirty (30) days of the building containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding fifty percent (50%) of the building's appraised value.
5. Each nonconforming sign and sign structure shall be allowed to be displayed for a period of time that provides a reasonable opportunity for the owner to benefit from the investment made in the sign. This period shall be seven (7) years. After this time period has expired, nonconforming signs and sign structures shall be removed or otherwise brought into compliance with this bylaw. Any signs not removed within the time limit herein stated shall be deemed a public nuisance, subject to the removal provisions of this Section, and shall be removed by the Township if the sign owner or property owner fails to do so after being ordered by the Zoning Administrator. Costs of said removal shall be borne by the sign and/or property owner and may be recovered by the Township, if necessary, in an action of contract in the District Court, or by placing a lien, in accordance with appropriate state law, on the property from which the sign has been removed.

6. **Removed Signs to be Stored:** A sign or sign structure removed by the Township shall be held not less than thirty (30) days by the Township during which period it may be recovered by the owner upon paying the Township for cost of removal and storage, and upon payment of any imposed fine. If not recovered within the thirty (30) day period, the sign or sign structure is hereby declared abandoned and title thereto shall be vested in the Township for disposal in any manner permitted by law.

Section 23.10 Permits and Fees.

1. Application for a permit to erect or replace a sign shall be made by the owner of the property, or his authorized agent, to the Zoning Administrator, by submitting the required forms, fees, exhibits, and information. Fees for sign permits for all signs erected pursuant to this Article shall be established by resolution of the Township Board.
2. An application for a sign permit shall contain the following information:
 - a. The owner's and applicant's name and address in full.
 - b. If the applicant is other than the property owner, the signature of the property owner concurring in a submittal of said application is required.
 - c. The address of the property.
 - d. An accurate scale drawing at 1" = 50' of the property showing location of all buildings and structures and their uses and location of the proposed sign.
 - e. A complete description and scale drawings of the sign, including all dimensions and the area in square feet.
3. All proposed sign locations or relocations shall be inspected on the site by the Zoning Administrator for conformance to this Ordinance prior to placement on the site foundations shall be inspected by the Zoning Administrator on the site prior to pouring of the concrete for the sign support structure.
4. A Zoning Permit for a sign shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. Said permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Planning Commission.
5. Painting, repainting, cleaning, and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.

Section 23.11 Removal of Signs.

Signs erected or maintained in violation of this Ordinance shall be removed.

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**ARTICLE XXIV
RESERVED**

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ARTICLE XXV
PLANNED UNIT DEVELOPMENT DISTRICT

Section 25.01 Intent

The planned unit development provisions of this Ordinance are intended to allow flexibility in the design of residential neighborhoods to encourage the conservation of natural features such as, but not limited to, woodlots, slopes, meadows, floodplains, and wetland areas and achieve economies of design related to vehicular and pedestrian circulation ways, utility construction, and dwelling unit siting. This Section provides for a mix of housing types provided that the overall project density does not exceed the density permitted by the underlying zoning district, based on the formula provided by this Section. Further, under certain circumstances and based on a comprehensive plan for the entire development, this Section allows for a mix of residential and compatible non-residential uses oriented toward the planned unit development residents but not exclusively for the residents of the planned unit development.

Section 25.02 Application of Planned Unit Development Provisions

1. Minimum Parcel Criteria: The provisions of this Section may be applied to any parcel of land twenty (20) acres or greater, located in any residential district, which is under single ownership and for which an application for a planned unit development is made as provided herein. In addition to the required residential land area, property zoned for commercial use, which is under the same ownership as the aforementioned residentially zoned property, may be included as a part of the overall planned unit development proposal.
2. Exceptions to Minimum Parcel Criteria: Notwithstanding the provisions of paragraph A., an application for a planned unit development on a parcel of land of less than twenty (20) acres may be submitted if the Planning Commission finds, based upon information provided by the landowner, that the minimum area requirement should be waived because a planned unit development is in the public interest and that one (1) or more of the following conditions exist:
 - a. The parcel of land, or the neighborhood in which it is located, has an unusual physical feature(s) that will be conserved by employing the provisions of this Article;
 - b. The parcel of land has a historical character of importance to the Township that will be protected by employing the provisions of this Article; or
 - c. The parcel of land is adjacent to, or across the road from, a parcel which has been developed as a planned unit development and such will contribute to the maintenance of the amenities and values of the neighboring development.
3. Application Criteria: An applicant for planned unit development must demonstrate all of the following:
 - a. Application of the planned unit development provisions will result in one of the following:
 - 1.) A recognizable and material benefit to the future residents of the project as well as the community, where such benefit would otherwise be unfeasible or unlikely without application of the planned unit development provisions; or

- 2.) The long-term conservation of natural features and the environmental character to the Township will be achieved; or
 - 3.) A nonconforming use shall be rendered more conforming to the zoning district in which it is situated.
- b. The proposed type and density of use shall not result in an unreasonable increased burden upon public services, facilities, and/or utilities in comparison to the use or uses otherwise permitted by the underlying zoning district.
 - c. The proposed planned unit development shall not result in any unreasonable negative economic impacts on the surrounding properties.

Section 25.03 Design Standards

A planned unit development proposal shall be consistent with the statement of purpose of this Article as well as the following general standards for the use of land, the type, bulk, design, and location of buildings, the density of use, common open space and public facility requirements, and the development of geographic divisions of the site.

1. Residential Dwellings: The plan may provide for a variety of permanent housing types, including both detached and attached single-family dwellings, manufactured homes, and multiple-family dwellings, but not mobile homes, as herein defined. Single-family attached and cluster housing as a means of conserving natural features and providing additional common open space.
2. Permitted Residential Density: The permitted residential density shall be determined based on the maximum density permitted by the underlying zoning district, as modified by the following formula:
 - a. Gross parcel area minus the area occupied by proposed or existing dedicated public right-of-ways, and minus eighty (80%) percent of the area occupied by any wetlands, and floodplain areas. The resulting land area shall be divided by the minimum lot size of the underlying zoning district to establish the maximum number of permitted dwelling units.
 - b. The minimum permitted lot size for a detached single-family dwelling in areas not served by public sewer and water shall be determined by the St. Clair County Health Department standards. The minimum permitted lot size for a detached single-family dwelling in areas not served by public sewer and water shall not be less than eleven thousand (11,000) square feet.
3. Common Open Space: All planned unit developments shall maintain a minimum of thirty (30%) percent of the parcel as common open space which is readily accessible and available to the residents of the planned unit development. A portion of the common open space requirement may be fulfilled by wetland, floodplain, and/or open water areas, provided that not more than twenty-five (25%) percent of the designated common open space area is wetland area, floodplain area, and/or open water.

4. Educational and Recreational Uses: Both public and private nonresidential uses of an educational or recreational nature, including but not limited to golf courses, tennis clubs, swim clubs, riding stables, and necessary accessory uses and structures, designed as an integral part of the overall planned unit development, may occupy appropriate portions of the site. The area so occupied may be applied, at the discretion of the Planning Commission and Township Board, to satisfy a percentage of the total common open space requirement. Developed recreational uses such as tennis clubs, swim clubs, riding stables, and the like, may be used to satisfy twenty-five (25%) percent of the common open space requirement. Golf courses may be used to satisfy up to sixty (60%) percent of the common open space requirement, provided such use is integrated into the overall development.
5. Commercial Uses: Commercial uses together with such other uses deemed consistent with the overall development plan, may occupy up to ten (10%) percent of the gross area of a parcel greater than twenty (20) acres.
 - a. The following commercial uses may be permitted within a planned unit development:
 - 1.) Professional offices including but not limited to the offices of a lawyer, accountant, insurance agent, real estate broker, architect, engineer, doctor, dentist or similar occupation.
 - 2.) Banks, credit unions, savings and loan associations, and similar financial institutions.
 - 3.) Retail businesses which supply commodities on the premises such as but not limited to groceries, meats, dairy products, baked goods, drugs, dry goods, clothing, notions, hardware, books, and similar establishments.
 - 4.) Personal service establishments which form services on the premises such as but not limited to repair shops (watches, electronics, shoes, etc.), tailor shops, beauty parlors, barber shops, photographic studios, and dry cleaners.
 - b. Adjacent property which is zoned commercial and included as part of the planned unit development proposal shall not be applied to this provision.
 - c. Planned commercial uses shall be accessed by public roads and sited in such a manner as to not encourage through traffic within the planned unit development or adjacent residential areas.
 - d. Approval of commercial uses shall be dependent upon the market potential or demand for the uses in the area. The developer shall submit sufficient evidence to justify the need for commercial uses within the planned unit development.
6. Off-Street Parking and Loading: Off-street parking and loading/unloading spaces shall be provided in accordance with Article 22 of this Ordinance.
7. Other Site Improvements: Signage, lighting, landscaping, exterior building materials, and other features of the project shall be designed and constructed with the objective of creating an integrated and controlled development, consistent with the character of the community, the surrounding developments, and the site's natural features.

8. **Perimeter Setback and Buffering:** The proposed location and arrangement of structures shall not be materially detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood. There shall be a perimeter setback and landscaping and/or berming, as recommended by the Planning Commission, for the purpose of buffering the adjacent properties from the planned unit development. The setback distance and buffering treatment need not be uniform at all points on the perimeter of the development.

However, in cases where nonresidential uses in the planned unit development are adjacent to residentially zoned property, such uses shall be visually screened by a landscape berm, evergreen screen, or a decorative wall.

9. **Phasing:** Each residential development phase shall be designed to stand alone and provide a residential environment which is compatible with the surrounding existing development. Deviations from the number of dwelling units per acre established for the entire planned unit development may be permitted within certain development phases as long as the number of dwelling units authorized per acre is not affected. Further, each development phase shall be designed to provide a proportional amount of common open space in each proposed phase.

A minimum of fifty (50%) percent of the total number of residential dwelling units in any planned unit development must be constructed and be ready for sale prior to the construction of any commercial portion of the planned unit development, except that site grading, road construction, and utility installations related to the commercial portions of the planned unit development may be undertaken concurrent with the development of residential units and public or private recreation uses. However, based on supportive evidence provided by a professional market study, the Planning Commission may authorize the construction of commercial uses prior to the completion of fifty (50%) percent of the total number of residential dwelling units.

10. **Planned Unit Development Agreement:** The plan shall contain such proposed covenants, deed restrictions, easements, and other provisions relating to the bulk, location, and density of such residential units, nonresidential uses and public facilities, and provisions for the ownership and maintenance of the common open space as are necessary for the welfare of the planned unit development and are not inconsistent with the best interests of the Township. Said covenants, deed restrictions, easements, and other provisions, which are a part of the plan as finally approved, may be modified, removed, or released only in accordance with regulations and standards as may be subsequently set forth by the Township Board. The enforcement of covenants, deed restrictions, and easements shall be carried out by an association formed by the residents of the planned unit development. Further, the bylaws of such association shall provide for the assessment of fees to finance enforcement actions undertaken by the association.

The landowner shall make such easements, covenants and other arrangements, and shall furnish such performance guarantees, as may be required, to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of proposed development before completion.

11. **Land Division Requirements:** All portions of the planned unit development, including single-family lots, multiple-family dwellings, commercial areas, and public and private recreational uses, and common open space areas shall be platted in conformance with the requirements of the state of Michigan Subdivision Control Act, PA 288 of 1967, as amended, and with the Clay Township Subdivision Control Ordinance; or prepared in conformance with the requirements of the state of Michigan Condominium Act, PA 59 of 1978 and the condominium provisions of this Ordinance.

Section 25.04 Procedure for Review and Approval

1. Optional Conceptual Planned Unit Development Submittal.

An applicant for planned unit development approval may prepare a conceptual planned unit development submittal to provide the Planning Commission with a general overview of the proposed planned unit development. The conceptual submittal shall be processed in accordance with the following procedures.

- a. The applicant shall provide twenty (20) copies of the conceptual submittal to Zoning Administrator at least fourteen (14) days prior to the meeting at which the submittal is to be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the conceptual submittal on the Planning Commission's agenda.
- b. The following minimum information must be provided as part of the concept submittal.

Statement of purpose, objectives, and development program including:

- 1.) Discussion of the rationale for employing the planned unit development provisions rather than developing the project conventionally.
- 2.) Total project area.
- 3.) Description of existing site characteristics.
- 4.) Description of proposed character of the development.
- 5.) Densities, areas and setbacks for various residential types.
- 6.) Area and percent of developed and undeveloped open spaces.
- 7.) Discussion of proposed means of serving the development with water, sanitary waste disposal, and storm water drainage.
- 8.) Proposed project phasing and estimated timing schedule by phase to completion.
- 9.) Statement of anticipated impact on natural features, public facilities and services such as but not limited to police and fire protection, roads, and schools.
- 10.) Generalized development plan and program, including:
- 11.) Overall map at a minimum scale of 1 inch equals 2,000 feet showing the relationship of the proposed planned unit development to its surroundings, including section lines, parcel boundaries, major roads, collector streets, among other landmarks.
- 12.) Generalized graphic depiction at a scale of 1 inch equals 200 feet showing the following:
 - a.) Major access roads serving the site, including right-of-way widths, and existing and proposed road surfacing.

- b.) Existing utility lines including sanitary sewer, storm sewer, water main, and gas and electric service.
 - c.) Existing adjacent land uses and structures within 200 feet of the proposed planned unit development boundary.
 - d.) Proposed internal pedestrian and vehicular circulation system.
 - e.) Areas to be developed for residential, commercial, recreational, and common open space uses and structure locations.
 - f.) Areas to be preserved in a natural state.
 - g.) Other data or graphics which will serve to further describe the proposed planned unit development.
- c. The Planning Commission shall review the concept plan with the applicant, shall inform the applicant of the Township's development policies, and shall make comments and suggestions about the proposed concept plan. The Planning Commission may refer appropriate portions of the submittal to the Township Attorney, Engineer, Planner and/or appropriate county agencies for review and comment, prior to making comments and suggestions to the applicant. The Planning Commission shall report the final results of this review in writing to the Township Board.

2. Preliminary Planned Unit Development Submittal

A preliminary planned unit development submittal shall be processed in accordance with the following procedures:

- a. The applicant shall provide twenty (20) copies of the preliminary planned unit development submittal to the Zoning Administrator at least fourteen (14) days prior to the meeting at which the submittal is to be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the preliminary submittal on the Planning Commission's agenda.
- b. The following minimum information must be provided by the preliminary planned unit development submittal. If the applicant did not prepare a conceptual submittal, the preliminary planned unit development submittal shall also include the information required by Section 25.04.1.b.

Existing Site Features

- 1.) An overall area map at a scale of not less than 1 inch equals 2,000 feet showing the relationship of the planned unit development to its surroundings such as section lines and/or major roads or collector streets.
- 2.) Physical development plan prepared at a minimum scale of 1-inch equals 100 feet.
- 3.) Boundaries of proposed planned unit development, section or corporation lines within or adjacent to the tract, and overall property dimensions.

- 4.) Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the proposed planned unit development site, including those of areas across abutting roads.
- 5.) Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the proposed planned unit development site, including those located across abutting roads.
- 6.) Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the proposed planned unit development site.
- 7.) Topography drawn at a two (2) foot contour interval. Topography must be based on USGS datum and be extended a minimum distance of two hundred (200) feet outside the proposed planned unit development boundaries.
- 8.) Proposed Development Features
- 9.) Layout of internal roads indicating proposed road names, right-of-way widths, and connections to adjoining platted roads, and also the widths and location of alleys, easements, and pedestrian ways.
- 10.) Layout, numbers, and dimensions of single-family lots, including building setback lines.
- 11.) Layout of proposed multiple-family dwellings, including setbacks, buildings, drives, parking spaces, pedestrian ways, and landscaping.
- 12.) Location and function of both developed and undeveloped open spaces, as well as the layout of facilities to be included on developed open spaces.
- 13.) Depiction of major wooded areas and description of means to be employed to preserve them.
- 14.) An indication of ownership, and existing and proposed use of any parcels identified as "excepted."
- 15.) An indication of the proposed sewage, water supply, and storm drainage system. If county drains are involved, the proposed drainage shall be acceptable to the St. Clair County Drain Commissioner.
- 16.) Conceptual site grading and conceptual landscaping plans.
- 17.) Depiction of proposed development phases.
- 18.) Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements.

Tabulations

- 19.) Total site acreage and percent of total project in various uses, including developed and undeveloped open space.
- 20.) Total site density of single-family and multiple-family dwellings and percent of ground area covered by structures other than detached single-family dwelling units.

21.) Acreage and number of single-family lots, multiple-family dwellings (including number of bedrooms) to be included in development phases.

Planned Unit Development Agreement

22.) Legal description of the total site.

23.) Statement of developer's interest in the land proposed for development.

24.) Statement regarding the manner in which open space is to be maintained.

25.) Statement regarding the developer's intentions regarding sale and/or lease of all or portions of the planned unit development, including land areas, units, and recreational facilities.

26.) Statement of covenants, grants of easements (including easements for public utilities), and other restrictions to be imposed upon the uses of the land and structures.

27.) Statement of required modifications (variances) to the regulations which are otherwise applicable to the site.

28.) Schedule indicating the time within which applications for final approval of each phase of the planned unit development are intended to be filed.

- c. Planning Commission accepts the submittal and refers the appropriate portions to the Township Attorney, Engineer, Planner, and appropriate county agencies for review and recommendation.
- d. The Planning Commission reviews preliminary planned unit development submittal as well as the comments from the Township Attorney, Engineer, Planner and appropriate state and county agencies and then sets a public hearing to receive citizen input on the proposed planned unit development. Notice of such public hearing shall be given in accordance with applicable State law and Township policies and procedures.
- e. Planning Commission holds a public hearing. After the public hearing, the Planning Commission submits a report on the public hearing and the Commission's recommendation to the Township Board. Before recommending preliminary approval to the Township Board, the Planning Commission shall determine that the stated purpose of the Planned Unit Development Ordinance and the specific conditions of Section 25.02 exist and the requirements of Section 25.03 have been met.
- f. The Township Board reviews the public hearing report and the Planning Commission recommendation and either approves, approves with modifications, or denies the preliminary planned unit development submittal.
- g. Following approval of the preliminary planned unit development submittal, the Township Board authorizes the developer to prepare the planned unit development agreement and the final planned development submittal.
- h. The developer prepares a planned unit development agreement which is reviewed by the Township Attorney, Planner, and Engineer.
- i. The Township Board reviews the planned unit development agreement and either approves, approves with conditions, or denies the planned unit development agreement.

- j. A final planned unit development submittal for some portion of the planned unit development must be submitted within twenty-four (24) months following approval of the preliminary planned unit development. If no final planned unit development submittal is accepted within that period, approval of the preliminary planned unit development is automatically rescinded and the underlying zoning will take effect. However, the Township Board, upon written application by the developer, may extend the designation for successive two (2) year periods; except that no more than two such twenty-four (24) month extensions may be granted.

3. Final Planned Unit Development Submittal

The final planned unit development submittal for all or a portion of the total planned unit development is reviewed by the Planning Commission and acted upon by the Township Board to assure substantial compliance with the preliminary planned unit development submittal.

- a. The final planned unit development submittal must be prepared as one of the following:

- 1.) Subdivision Plat as Defined by the Subdivision Control Act

The final planned unit development submittal must be prepared in the form of a preliminary plat in detail sufficient to be granted tentative preliminary plat approval in conformance with the state of Michigan Subdivision Control Act, the Clay Township Subdivision Ordinance, and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.

Construction of the initial phase of the planned unit development shall be completed within two (2) years following final preliminary plat or condominium plan approval by the Township Board. This limit may be extended for a reasonable period to be determined by the Township Board, upon written application by the developer for cause shown. If, however, this time limit is not met and an extension is not granted, the planned unit development agreement is automatically rescinded.

- 2.) Condominium Plan as Defined by the Condominium Act

The final planned unit development submittal must be prepared in the form of a condominium plan pursuant to the requirements of the Condominium Act in detail sufficient to be granted approval in conformance with the condominium provisions of this Ordinance and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.

- b. The following minimum information must be provided by the developer at the time of filing of a final planned unit development submittal for all or a portion (phase) of a planned unit development:

- 1.) Detailed grading plan.
- 2.) Detailed landscaping plan.
- 3.) Detailed utilities layout.

Tabulations showing:

- 4.) Total phase acreage and percent of total planned unit development.

- 5.) Acreage and percent of portion of phase and total planned unit development occupied by single-family, multiple-family, and developed and undeveloped open space.
- 6.) Total phase density and percent of total planned unit development.
- 7.) Number of bedrooms per multiple-family dwelling unit by type (i.e., efficiency, one bedroom).
- 8.) Percent of ground area covered by structures other than detached single-family dwelling units.

Supporting materials:

- 9.) Legal description of the total phase, each use area, and dedicated open space.
 - 10.) Copies of covenants, easements, and other restrictions to be imposed.
 - 11.) Proposed dates of construction start and completion of phase.
- c. The final planned unit development submittal shall not:
- 1.) Vary the proposed gross residential density or intensity of use in any portion of the planned unit development by more than ten (10) percent; or
 - 2.) Involve a reduction of the area set aside for common space; or
 - 3.) Increase by more than ten (10) percent the floor area proposed for nonresidential use; or
 - 4.) Increase by more than five (5) percent the total ground area covered by buildings.
- d. The final planned unit development submittal shall be processed in accordance with the following procedures:
- 1.) The applicant shall provide twenty (20) copies of the final planned unit development submittal to the Zoning Administrator at least fourteen (14) days before the meeting at which the submittal will be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the preliminary submittal on the Planning Commission's agenda.
 - 2.) The Planning Commission accepts plan and refers the appropriate portions of the submittal to the Township Attorney, Engineer, Planner as well as the appropriate state and county agencies for review and recommendation.
 - 3.) The Planning Commission reviews the final planned unit development submittal to assure conformance with the approved preliminary planned unit development submittal and planned unit development agreement. Within thirty (30) days following receipt of the final planned unit development submittal, the Planning Commission shall approve or, if the final planned unit development submittal deviates from the preliminary planned unit development submittal by more than the limits prescribed in this Ordinance, require modifications to assure conformance.

- e. Before either the Planning Commission recommends final approval or the Township Board grants final approval to any planned unit development, the Planning Commission and Township Board shall, respectively, determine that:
 - 1.) Provisions, satisfactory to the Township Board, have been made to provide for the financing of any improvements shown on the plan for open spaces and common areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the Township Board.
 - 2.) The cost of installing all streets and necessary utilities has been assured by a means satisfactory to the Township Board.
 - 3.) The final plan for any phase is in conformity with the overall comprehensive plan of the entire neighborhood acreage. Any changes or amendments requested shall terminate the overall planned unit development approval until such changes and/or amendments have been reviewed and approved as in the instance of the preliminary submittal.
 - 4.) Proceeding with a planned unit development should only be permitted if it is mutually agreeable to the Township Board and the developer.
- f. Following approval of a final planned unit development submittal by the Planning Commission, the developer begins processing the plat through the Township Board in conformance with the Subdivision Control Act and the Clay Township Subdivision Ordinance or the condominium plan through the Planning Commission and Township Board in conformance with the Condominium Act and condominium provisions of this Ordinance.

Section 25.05 Appeals.

No decision or condition related to a planned unit development submittal shall be taken to the Zoning Board of Appeals.

Section 25.06 Fees.

Fees for the review of a conceptual, preliminary or final planned unit development submittal shall be in accordance with the schedule of fees adopted by resolution of the Township Board. Before final approval is granted, the cost of review fees shall be paid for by the applicant/developer.

ARTICLE XXVI PLANNING COMMISSION

Section 26.01 Township Planning Commission.

The Clay Township Planning Commission was created by resolution as specified in Section 3, Act 168 Public Acts of Michigan, 1959, as amended, being the Township Planning Act. All powers, duties, and responsibilities provided by Act No. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, for zoning boards created thereunder are transferred to the Planning Commission by resolution of the Township Board as provided in Section 11 of Act 168 of the Public Acts of 1959, as amended. The Planning Commission shall perform the duties of said planning commission/ zoning board as provided in these Acts, together with such other powers and duties as are given to such Planning Commission by the provisions of this Ordinance, including authority to act on all matters requiring the approval or recommendation of such Planning Commission.

Section 26.02 Membership, Compensation, and Funding.

1. The Planning Commission shall consist of 9 members who shall be representative of major interests as they exist in the Township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry. All members shall be qualified electors and property owners of the Township. One member of the Township Board shall be a member of the Planning Commission. All members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board. Members may be removed by the Township Supervisor, after a hearing, with the approval of the Township Board. The term of each member shall be for 3 years, except that of the members first appointed, 1/3 shall serve for 1 year, 1/3 for 2 years and 1/3 for 3 years. All vacancies for unexpired terms shall be filled for the remainder of such term. A member shall hold office until his or her successor is appointed.
2. Members of the Planning Commission may be compensated for their services as provided by the Township Board. The Planning Commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the Township Planning Commission, including attendance at conferences and meetings.

Section 26.03 Officers, Meetings, Professional Advisors and Rules.

1. The Planning Commission shall elect a chairman, vice chairman and secretary from its members and create and fill such other offices or committees as it may deem advisable. The Commission may appoint advisory committees outside of its membership. The terms of all officers shall be one (1) year.
2. The Planning Commission shall schedule and hold at least four (4) regular meetings each year and by resolution shall determine the time and place of such meetings. Special meetings may be called by two (2) members upon written request to the Secretary or by the Chairman. The Secretary shall send written notice of any special meeting to all members at least forty-eight (48) hours in advance of the meeting. All meetings shall be open to the public. If there is no business to come before the Planning Commission meeting, said meeting may be cancelled by the Planning Commission Chairperson with appropriate notice.
3. The Township Board, upon recommendation of the Planning Commission, may employ a planning director or other planning personnel, contract for the part-time or full-time services of planning and engineering consultants, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.

4. The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolution, transactions, findings and determinations. It shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

Section 26.04 Responsibility for Preparation and Adoption of Land Use Plan; Plan Content.

1. The Planning Commission shall make and adopt a land use plan as a guide for the development of unincorporated portions of the Township. The land use plan shall include maps, plats, charts and descriptive, explanatory and other related matter and shall show the Planning Commission's recommendations for the physical development of the unincorporated area of the Township.
2. The land use plan shall include those of the following subjects which reasonably can be considered as pertinent to the future development of the Township:
 - a. A land use plan and program, in part consisting of a classification and allocation of land for agriculture, residence, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forest, wildlife refuges, and other uses and purposes.
 - b. The general location, character and extent of streets, roads, highways, railroads, bridges, waterways and waterfront developments; flood prevention works, drainage, sanitary sewer and water supply systems; works for preventing pollution and works for maintaining water levels; and public utilities and structures.
 - c. Recommendations for implementing any of its proposals.

Section 26.05 Approval of Public Improvements

1. After the Planning Commission has adopted the land use plan of the Township, no street, square, park or other public way, ground or open space, or public building or structure, shall be constructed or authorized in the Township or in the planning section and district until the location, character and extent thereof shall have been submitted to and approved by the Planning Commission.
2. The Planning Commission shall communicate its reasons for approval or disapproval to the Township Board, which shall have the power to overrule the Planning Commission by a recorded vote of not less than a majority of its entire membership.
3. If the public way, ground, space, building structure, or utility is one, the authorization or financing of which does not, under the law governing same, fall within the province of the Township Board, then the submission to the Planning Commission shall be by the Board, Commission or Body having jurisdiction, and the Planning Commission's disapproval may be overruled by resolution of the Board, Commission or Body by a vote of not less than a majority of its membership.
4. The failure of the Planning Commission to act within sixty (60) days after the official submission to the Commission shall be deemed approval.
5. The Planning Commission shall promote public understanding of an interest in the land use plan and shall publish and distribute copies of the plan and of any report, and may employ such other means of publicity and education as it determines necessary.

Section 26.06 Approval of Plats

The Township Board shall refer plats or other matters relating to land development to the Planning Commission before final action thereon by the Township Board and may request the Planning Commission to recommend regulations governing the subdivision of land. The recommendations may provide for the procedures of submittal, including recommendations for submitting a preliminary subdivision design, the standards of design, and the physical improvements that may be required.

Section 26.07 Nonconforming Uses

Substitution of Uses: A nonconforming use may be changed to another nonconforming use upon approval of the Planning Commission subject to the following conditions:

1. 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.
2. Once a nonconforming use is changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.
3. 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 26.08 Special Use Permits

The Planning Commission shall have the authority to issue special use permits for the uses for which this Ordinance requires the obtaining of such permits.

Section 26.09 Other Authorities, Duties, and Responsibilities

The Planning Commission shall have additional authority, duties, and responsibilities as provided elsewhere in this and other ordinances of the Township, and as provided for in the Township Planning Act. The Planning Commission shall undertake other studies and make recommendations on other subjects as the Township Board may from time to time request.

ARTICLE XXVII ZONING BOARD OF APPEALS

Section 27.01 Statement of Purpose.

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

Section 27.02 Creation and Membership.

1. Establishment: A Zoning Board of Appeals (ZBA), first established by Ordinance 25 of 1967, is hereby retained in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. The Zoning Board of Appeals shall consist of five (5) members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the Township. A member of the Township Board may serve on the Zoning Board of Appeals but shall not serve as the chairperson. The Zoning Administrator or other employee or contractor of the Township Board may not serve on the Zoning Board of Appeals.
2. Alternate Members: The Township Board may appoint two alternate members for the same term as regular members of the Zoning Board of Appeals. An alternate member may be called to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member will be unable to attend one or more meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member 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 three (3) year terms except in the case of Planning Commission and Township Board members, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. When members are first appointed, the appointments may be for less than three years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has been expired. Vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed. A member of the Zoning Board of Appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 27.03 Organization.

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. The Zoning Board of Appeals shall annually elect a chairperson, a vice chairperson, and a secretary.
2. Meetings and Quorum: Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Zoning Board of Appeals' Rules of Procedure may specify. A majority of the total membership of the Board shall comprise a quorum. The Township Board of Appeals shall not conduct official business unless a majority of the regular members of the Board is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act, PA 267 of 1976.

3. Oaths and Witnesses: The chairperson may administer oaths and compel the attendance of any witness in order to ensure a fair and proper hearing.
4. Records: The minutes of all meetings 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 conclusions drawn by the Zoning Board of Appeals for every case, along with the vote of each member and the final ruling on each case. The Zoning Board of Appeals shall file its minutes in the office of the Township Clerk.
5. Legal Counsel: An attorney for the Township shall act as legal counsel for the Zoning Board of Appeals pursuant to procedures established by the Township Board.

Section 27.04 Jurisdiction.

The Zoning Board of Appeals shall act upon questions as they arise in the administration of this Ordinance. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters for which this Ordinance provides an administrative review, interpretation or variance. Within this capacity, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, or any official administering or enforcing the provisions of this Ordinance. This jurisdiction shall not include the hearing of appeals related to special land uses or planned unit development (PUD) decisions.

Section 27.05 Authorized Appeals.

The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

1. Administrative Review: The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the aggrieved party that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official or by the Planning Commission in administering or enforcing the provisions of this Ordinance. This authority shall not include review of Special Use or PUD decisions of the Planning Commission.
2. Interpretation of the Ordinance: The Zoning Board of Appeals shall hear and decide upon requests to:
 - 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 the Ordinance, the Article in which the language in question is contained and all other relevant provisions in the Ordinance. All interpretations made by the ZBA shall be forwarded to the Planning Commission by the member of the Planning Commission who also serves on the ZBA. Interpretations shall be maintained as an appendix attachment to the zoning ordinance.
 - b. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator.

3. Variance: The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, and sign requirements of this Ordinance, provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.
 - a. The strict enforcement of the provisions of this Ordinance would cause a practical difficulty and deprive the owner of rights enjoyed by all other property owner owning property within the same zoning district.
 - b. There are conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.
 - c. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
 - d. The requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.
 - e. The requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.
4. A variance under this Ordinance shall not be granted which permits a use not otherwise permitted within the zoning district, upon the property for which a variance is being requested.
5. Conditions: The ZBA may impose conditions upon an affirmative decision. The conditions may include, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent land uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:
 - a. Be designed to protect natural resources, the health, safety, and welfare, as well as social and economic well being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use, or activity, and the community as a whole.
 - b. Be related to valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - c. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
 - d. The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions.
6. Rehearing: No rehearing on an application denied by the Zoning Board of Appeals shall be reconsidered except upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found upon inspection by the Zoning Board of Appeals to be valid. A rehearing shall be processed in the same manner as the original application, including payment of the required fee. A request for rehearing shall be made on behalf of the applicant by either the Township Board or Zoning Board of Appeals within eight (8) days. No land use permit shall be granted which relies upon a variance before eight (8) days following the decision of the Zoning Board of Appeals have expired.

7. Reapplication: After eight (8) days following a decision by the Zoning Board of Appeals, no application for a variance, Ordinance interpretation, or appeal which has been denied, wholly or in part, by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions found upon inspection by the Board to be valid.

Section 27.06 Procedures.

1. Notice of Appeal: Appeal requests for Ordinance interpretation and requests for variances may be made to the Zoning Board of Appeals by a person aggrieved, or by an officer or department of the Township, by filing a written Notice of Appeal with the Township Clerk on forms established for that purpose and accompanied with such information as is necessary to decide such request. At a minimum, eight (8) copies of the information required to be submitted for a land use permit (either a plot plan or site plan) shall be submitted. Upon receipt of a Notice of Appeal, the Township Clerk shall promptly transmit the records concerning the appealed action, as well as any related information to the chairperson of the Zoning Board of Appeals. Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be filed within ten (10) days after the date of the Zoning Administrator's decision.
2. Hearing: Upon receipt of a Notice of Appeal, or of an application for Ordinance interpretation, or variance request, the chairperson of the Zoning Board of Appeals shall schedule a reasonable time and date for a public hearing.
3. Notice of Hearing: When the chairperson of the Zoning Board of Appeals schedules a public hearing, notice of the hearing shall be provided as required by State law and any applicable Township policies and procedures.
4. Appearance: Upon the hearing, any party may appear in person or by agent or attorney. The Zoning Board of Appeals may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.
5. Stay: An appeal shall postpone all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with he or she, that by reason of facts stated in the certificate a postponement would, in the Zoning Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be postponed except by a restraining order, which may be granted by the Zoning Board of Appeals, or, on application, by court of record.
6. Performance Guarantee: In authorizing any variance, or in granting any temporary dwelling permits, the Zoning Board of Appeals may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of conditions or improvements associated with a project for which zoning approval is sought, be deposited with the Township Clerk to insure faithful conformance with the conditions or completion of the improvements. Whenever a cash deposit is required, the Township shall establish a reasonable rebate of such cash deposit based on a proportion of work completed versus the total work required. This section shall govern whenever a financial guarantee is required by authority of this Ordinance notwithstanding any provisions to the contrary.
7. Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals, or, on application, by court of record.

8. Fee: A fee as established by the Township Board, shall be paid to the Township Treasurer at the time the petitioner files an application with the Zoning Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if the Zoning Administrator, Planning Commission, or Township Board is the initiating party.
9. Decision: The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of a Notice of Appeal, or application for Ordinance interpretation or variance, unless in the opinion of Zoning Board of Appeals, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a majority of the total membership of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant on any matter upon which they are required to pass under or to effect any variation in this Ordinance. Any decision of the Zoning Board of Appeals shall not become final until the expiration of eight (8) days from the date of entry of such order, unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

Section 27.07 Review by Circuit Court.

The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the circuit court for the county in which the property is located as provided under Section 6.06 of Public Act 110 of the Public Acts of Michigan 2006, as amended.

ARTICLE XXVIII
ADMINISTRATION AND ENFORCEMENT

Section 28.01 Violations.

A violation of this ordinance is deemed to be a municipal civil infraction pursuant to MCLA 125.1523(3), and the fine shall be levied in accordance with the schedule of municipal civil infraction fines determined by the Township Board, as amended from time to time and which shall be posted at the Municipal Ordinance Violations Bureau located at the Township Hall. Each and every violation of the provisions of this Ordinance shall constitute a separate municipal Civil Infraction offence as described in Section 8 of the Clay Township Municipal Civil Infractions Ordinance No. 117. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law. The imposition of any fine shall not exempt the offender from compliance with the requirements of this Ordinance. Uses of Land, and dwellings, buildings, or structures including tents, trailer coaches and mobile homes, used, erected, altered, razed, or converted in violation of any provision of the Ordinance are hereby declared to be a nuisance per se.

Section 28.02 Administrative Official

- a. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator and/or his deputies, and/or such other official or officials as may be designated by the Township Board.
- b. The Zoning Administrator's signature on a building permit application shall also constitute zoning compliance. The Zoning Administrator shall make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator or 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 comply with this Ordinance and all applicable building codes.
- c. Under no circumstances is the Zoning Administrator or Building Inspector permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out their duties.
- d. The Building Inspector or Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are met despite violations of deed restrictions, covenants or contracts which may exist.
- e. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing, the person responsible for such violation, or the owner of record of the lot upon which such violation is taking place, indicating the nature of the violation. The Building Inspector and/or Zoning Administrator, based on their authority, shall order discontinuance of the illegal use of any lot or structures; or if illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 28.03. Permits Required.

a. General Provisions. The following shall apply in the issuance of any permits:

- 1) Permits Not to be Issued. 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, which is not in accordance with all provisions of this Ordinance.
- 2) Permits for New Use of Land. No vacant land shall be developed or used or an existing use of land be changed to a use of a different class or type of use unless a certificate of occupancy is first obtained.
- 3) Permits for New Use of Building. 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 and site plan approval is first obtained for the new or different use.
- 4) Permits Required. 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, stairway 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 of Clay Building Code, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

b. Zoning Compliance. To determine satisfactory compliance with requirements of the Zoning Ordinance the application shall be accompanied by two (2) sets of site/plot plans drawn to scale and specifications conforming to the requirements of this Article as hereinafter set forth showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of structures already existing, if any, and the location and dimensions of the proposed structure(s) or alteration(s).

c. Building Permit. All applications for building permits shall be accompanied by two (2) sets of building/construction plans drawn to scale, meeting the specifications of this Article, and conforming to the adopted building code. The applications shall include such other information as lawfully may be required by the Building Inspector, including data on existing or proposed structure(s) or alteration(s); existing or proposed uses of the structure and lot; the location of existing or proposed wells, septic systems or drains; the number of families, housekeeping units or rental units the structure is designed to accommodate. No permit shall be required for roofing repairs, siding or painting, or interior repairs, provided that such repairs shall not be construed to include the cutting away of any stone or masonry wall, the addition or removal of any beam or support, or the removal, change or closing of any staircase, ingress or egress, or of any chimney or window.

One (1) copy of the plans shall be returned to the applicant by the Building Inspector after he shall have marked such copy either as approved, or disapproved, and attested to same by his signature on such copy. One (1) copy of the plans, similarly marked, shall be retained by the Building Inspector and Zoning Department.

- d. Certificates of Occupancy. It shall be unlawful to use, or occupy, or permit the use, or occupancy of any structure or premises, or parts thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy shall have been issued therefore by the Building Inspector and a certificate of zoning compliance shall have been issued by the Zoning Administrator.
- 1) No certificate of occupancy shall be granted until the water and sewer facilities are approved by the Township, County or State.
 - 2) No change of use shall be made in any building, or premise or land or part thereof now or hereafter erected, altered or used that is not consistent with the provisions of this Ordinance and no such change of use or occupancy shall be made without the issuance of a certificate of occupancy and compliance for such new use.
 - 3) A certificate of occupancy shall be issued after the erection or alteration of such building is completed in such a manner as to meet or exceed the Building Code and the Zoning Ordinance, when applicable. Where a certificate of use and occupancy is required not in conjunction with the issuance of a building permit, the same shall be issued on forms furnished by the Building Inspector and or Zoning Administrator. Every change of use shall require the issuance of a certificate of occupancy.
 - 4) A temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during alterations for partial occupancy of a structure pending completion of such alterations, provided that such temporary certificate may include such conditions and safeguards as will protect the safety and health of the occupants and the public.
 - 5) The Zoning Administrator shall maintain a record of all certificates of zoning compliance.
 - 6) Failure to obtain a certificate of occupancy shall be a violation of this Ordinance and punishable under the applicable provisions of this Ordinance.

Section 28.04. Expiration Of Zoning Compliance Permits.

If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire, except as otherwise provided herein; it shall be cancelled by the Zoning Administrator; and written notice thereof shall be given to the persons affected.

If the work described in any zoning permit has not been completed within one (1) year from the date of issuance, the permit shall expire unless it is renewed. The Zoning Administrator may grant a six (6) month extension. If the work is progressing the Zoning Administrator may grant a second six (6) month extension.

Section 28.05. Inspections.

As work progresses under a building permit, the applicant shall request inspections of the Building Inspector according to the requirements of the applicable building codes. Each inspection shall be made as soon as possible following the receipt of notification. At the first inspection the Zoning Administrator shall determine to the best of his ability that the building or structure has been located in accordance with the site maps and that yard areas will comply with Township requirements.

Should the Building Inspector and/or the Zoning Administrator determine that the construction is not proceeding according to the plan filed or is in violation of any provision of this Code or any other applicable ordinance, regulation or law, he shall so notify the permit holder and further construction shall be stayed until correction has been effected and approved by the Building Inspector or upon notice and request for re-inspection duly made.

Section 28.06. Unlawful Structures.

Any uses of land or dwellings or construction or alteration of buildings or structure including tents or mobile home used, erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance per se. The Township Board is hereby authorized to apply to a court of equity to abate the nuisance created by such unlawful use or structure. Whenever the Building Inspector has declared a structure to be not conforming with the requirements contained in this Ordinance, the owner or occupant may be required to vacate such structure or premises and such structure or premises shall not again be used or occupied until it has been made to conform with this Ordinance.

**ARTICLE XXIX
VESTED RIGHTS**

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, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation, or protection of public health, safety and welfare.

**ARTICLE XXX
SEVERANCE CLAUSE**

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

ARTICLE XXXI
CONFLICTING PROVISIONS

The Clay Township Zoning Ordinance No. 123 passed by the Township Board on September 3, 2002, including any amendments thereto, is hereby repealed in its entirety. All other resolutions or ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are to the extent of such conflict, hereby repealed.

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

**ARTICLE XXXII
EFFECTIVE DATE**

Public hearing having been held herein, the provisions of this Ordinance are hereby given immediate effect upon passage by the Township Board pursuant to the provisions of Section 11, of Act 637 of the Public Acts of 1978 as amended.

Public Hearings: March 14, 2007

Township Planning Commission
recommendation for approval: April 25, 2007

St. Clair County Metropolitan
Planning Commission review: June 20, 2007

Township Board Adoption: August 20, 2007

TEXT AMENDMENTS

No. 126-02	Article III	Accessory Buildings, Structures, And Uses (Section 3.01)	Township Board Adoption	07/07/08
No. 126-03	Article XXVI	Planning Commission	Township Board Adoption	07/07/08
No. 126-04	Article VII Article XX	Ferry Landings and Accessory Parking/Storage (Section 7.03) Ferry Landings and Accessory Parking/Storage (Section 20.53)	Township Board Adoption	09/02/08
No. 126-05	Article III	Open Space Preservation (Section 3.28)	Township Board Adoption	12/15/08

APPENDIX: “A”

APPENDIX: "B"

APPENDIX: "C"

**ADDITIONS & TEXT AMENDMENTS
AS OF JANUARY 1, 2009**

Text Amendment #126-05 – Addition to Article III

Section 3.28 Open Space Preservation.

1. Developments meeting the residential Open Space Preservation provisions herein, shall be considered a Permitted Use in the RS-1 and RS-2 Zoning Districts. Residential Open Space Preservation developments shall also be considered a Permitted Use in the R-1L, if the development is serviced by or proposed to be serviced by public sanitary sewer. Residential Open Space Preservation developments shall also be considered a Permitted Use in the R-1, R-2, R-3 and R-4 Zoning Districts if the development is located in an area not serviced by and is not proposed to be serviced by public sanitary sewer and/or public water. This Residential Open Space option is expressly prohibited in the R-1, R-2, R-3 and R-4 Zoning Districts if the subject property is located in an area serviced by public sanitary sewer and/or public water. In no circumstance shall multiple-family residential development (attached units) of any type be permitted in a Residential Open Space Development.
2. **Intent.** The intent of this Section of the Zoning Ordinance is to provide an alternative to conventional single-family development regulations. All residential open space developments shall promote the following objectives:
 - a. Maintain the Township's open space and rural setting.
 - b. Preserve the Township's natural resources, including woodlands, wetlands, topography, floodplains and similar natural assets.
 - c. Preserve open space and agriculture.
 - d. Achieve a balance between agriculture, open space and growth.
 - e. Encourage a creative approach to the development of parcels exhibiting unusual characteristics and/or land use relationships.
 - f. Provide common areas with recreation opportunities of both a passive and active nature.
3. **Submission and Preservation Requirements.**
 - a. All natural assets and cultural/historic features on the site shall be identified on the plan. Such assets shall include natural stands of large trees, wetlands, floodplains, productive agricultural land, topography, bodies of water (i.e. streams, rivers), land which serves as a natural habitat for wildlife, or other natural assets which should be preserved. Regulated natural features such as, but not limited to, wetlands and floodplains must be identified through documentation from the appropriate Federal, State and/or local authorities. Cultural and historic features may include farmhouses, stone fence lines and buildings or foundations of historic value. Residential open space developments shall preserve all of the above amenities to the extent feasible and desirable to the Township.
 - b. A detailed map of the parcel identifying soil conditions shall be provided. Soil borings may also be required by the Planning Commission.

- c. A preservation and maintenance agreement for all open space areas and common elements, reviewed and approved by the Township Attorney shall be submitted. Approval of the development shall be conditioned upon the recording of appropriate conservation easements and/or other irrevocable instruments for the purpose of providing for maintenance and preservation of common elements, open space areas, wooded areas and/or other areas with natural resources or features to be preserved. All such maintenance agreements, deed restrictions, and the approved plans from the Township shall clearly indicate that open space maintenance shall be the responsibility of the homeowners or condominium association.

4. Density.

- a. The maximum number of units allowed shall be determined by the submission of a "Yield Plan". The Yield Plan shall be provided by the developer and shall be a feasible development under the requirement standards of the specified zoning district with regard to lot width, lot area, width-to-depth ratios, setbacks, frontage, and other applicable provisions of such district. The yield plan shall meet all applicable requirements of the State Land Division Act and all applicable Township ordinances. The yield plan shall also meet all requirements of the Clay Township Land Division Ordinance, as applicable to the type of development, and shall not utilize undevelopable property for lot area.

The Planning Commission may require soil and ground water perk tests for lots of a suspect nature. They may also require test wells if adequate well water is questionable. If it is determined through these tests that the number of housing lots proposed is unfeasible, the site plan will be revised and resubmitted, minus the number of house lots that failed the perk and/or water test. Detailed Engineering is not required at this stage.

5. Open Space Preservation Requirements.

- a. A minimum of fifty (50%) percent of the site shall be set aside in an undeveloped state for the common use and enjoyment of the residents of the entire development. The acreage required to be left in an undeveloped state shall not be met by land uses such as rights-of-way or easements designated for road purposes, areas within lots, detention/retention ponds, golf courses or other commercial recreational uses, or land area dedicated as limited commons.
- b. A minimum of 50% of all dwelling units within the development shall abut "land set aside in an undeveloped state", (hereinafter referred to an "undeveloped land").
- c. Access to undeveloped land shall be provided every one thousand (1,000') feet along the undeveloped land. A minimum of two access points shall be provided to the undeveloped land, unless waived by the Commission for smaller open areas. Access areas shall be a minimum of twenty (20') feet wide and shall include a pathway as described below in sub-section d. Homes abutting such access areas shall be set back thirty (30') feet from the nearest point of such access work.
- d. Pathways shall be located throughout the undeveloped land and shall link the internal sidewalk/walking path system of the housing development with the undeveloped land. Such pathways shall be a minimum of five (5') feet in width

and constructed of asphalt in upland areas and treated wood plank decking in wetland areas.

- e. The development shall include a minimum of a 110-foot roadway setback-buffer measured from the road centerline along any exterior regional, major, or secondary road with a right-of-way of 120-feet or less. For those roads with a right-of-way greater than 120-feet, the roadway buffer shall be increased one-half foot for each one foot over 120-feet.
- f. Non-agricultural open fields shall be planted with native prairie grass or similar types of ground cover. In addition, ten (10) trees shall be planted for each one (1) acre of open field. Deciduous trees shall be a minimum size of 2½" caliper and evergreen trees shall be a minimum of six (6') feet in height. Such trees shall be planted and maintained within the open field area and shall be native to Michigan. This provision shall be exempt in areas where the State of Michigan deems tree planting unlawful.

6. **Utilities.**

All utilities shall be placed underground when feasible. The applicant shall provide adequate sanitary sewage treatment, water supply and storm water drainage systems to serve the development. Evidence shall be submitted indicating that all such systems have received preliminary approval from appropriate County or State authorities. The Township shall have sole authority for final approval of any utility system. In the absence of a Township utility system, all utilities to serve the site shall be constructed and maintained by the applicant and any successors. A maintenance agreement, approved by the Township, shall be required.

7. **Roads.**

Roadways shall conform to the St. Clair County Road Commission standards.

8. **Street Trees.**

The entrance and roadways shall be landscaped and planted with street trees, to create an attractive vista. Such trees shall be planted no more than thirty (30) foot on center. The trees shall meet the size and species requirements of this Ordinance.

9. **Pedestrian Circulation.**

Sufficient right-of-way width shall be provided so that sidewalks may be installed on both sides of all streets. A five (5') foot wide concrete sidewalk shall be located one (1') foot from the property line (within the street right-of-way). This requirement may be waived by the Planning Commission when an acceptable and more imaginative solution to pedestrian circulation is proposed by the applicant.

10. **Setbacks.**

The following building setbacks shall be required:

- a. Thirty (30') feet from the edge of any interior road right-of-way or easement.
- b. Five (5') foot side yard setback. No two principal structures shall be located within thirty (30) feet of each other.

- c. Rear yard setbacks shall be a minimum of twenty (20') feet for lots with rear yards which abut open space or alleys. All other lots shall meet the rear yard setback of the zoning district for the site.
- d. No lot, property line or building site shall be located within an exterior roadway setback-buffer.

11. **Fencing.**

The use of perimeter fencing around building sites is prohibited except as permitted herein. Rear yards and side yards may be enclosed with split rail, picket-type, wrought iron, or other similar decorative fencing. Such fences shall not exceed forty-eight (48) inches in height. In no case shall view obscuring fences, privacy fences, chain-link fences or other similar wire fences be permitted on a site. Fences are prohibited in the front yard or street-side (front) yard.

12. **Dedication of Open Space and/or Development Rights.**

The dedicated open space shall be set aside in an irrevocable conveyance that is acceptable to the Township Attorney and approved by the Township Board, such as the following:

- a. A Conservation Easement as established by the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
- b. Master deed as established by the State of Michigan Condominium Act, Act 59 Public Act of 1978, as amended.

The above conveyance shall indicate all proposed uses of the dedicated open space, which shall also be shown on the approved open space community. The Township Attorney shall review the conveyance and assure the Township that such lands shall remain as open space for perpetuity. The conveyance shall also detail a maintenance schedule and funding for operation, maintenance and insurance for all common areas, facilities, projects and programs of the Open Space Community, and shall include methods of payments and collection. The homeowner or condominium association shall be responsible for maintenance of all open space areas. At the time the property is turned over to the association it shall be clean and free of debris.

13. Unless otherwise provided for in this Ordinance, all other applicable Zoning Ordinance provisions shall apply.

APPENDIX: "D"

**INTERPRETATIONS AS OF
JANUARY 1, 2009**

Interpretation of Section 3.08 – paragraph 1b (Fences)

December 18, 2008 – The Clay Township Zoning Board of Appeals interprets Clay Township Zoning Ordinance #126 Section 3.08 (1b) to mean chain link fencing is prohibited in the front yard.