

ARTICLE 5 PLANNING COMMISSION

Section 5.1. Authority

The Township Planning Commission is hereby designated as the Commission specified in the Township Planning Act 168 of 1959 of the State of Michigan, as amended, and shall perform the duties of such Commission as provided in the statute in relationship to this Ordinance.

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

Section 5.2. Site Plan Review

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

RM	Multiple-Family Residential District
PUD	Planned Unit Development
CR	Commercial Recreation District
B-1	Neighborhood Business District
B-2	General Business District
I-L	Light Industrial District
I-H	Heavy Industrial District

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

- c. Sanitary sewers and pumping stations.
 - d. Storm water control facilities and structures including storm sewers, swales, retention and detention basins, drainage ways, and other facilities, including calculations for sizes.
 - e. Location of all easements.
3. All buildings with dimensional floor plans, setback and yard dimensions, and typical elevation views of proposed structures.
 4. Dimensional parking spaces and calculations, drives, and method of surfacing with proposed cross section.
 5. Exterior lighting locations and illumination patterns.
 6. Location and description of all existing and proposed landscaping, berms, fencing, and walls.
 7. Sidewalks and bike paths.
 8. Trash receptacle pad location and method of screening.
 9. Transformer pad location and method of screening.
 10. Dedicated road or service drive locations.
 11. Entrance details including sign locations and size.
 12. Designation of fire lanes.
 13. Any other pertinent physical features.

C. Natural Features.

1. Existing topography with a maximum contour interval of two (2) feet indicated. Topography on the site and beyond the site for a distance of one hundred (100) feet in all directions shall be indicated.
2. A grading plan showing finished contours at a maximum interval of two (2) feet, correlated with existing contours so as to clearly indicate required cutting, filling, and grading.
3. Location of existing drainage courses, lakes, ponds, wetlands, rivers and streams, including their water surface elevation, flood plain elevation, and ordinary high water mark.
4. Location of other existing and proposed natural resource features, including woodlands.

D. Additional Requirements for Multiple-Family, and PUD Developments.

1. Density calculations by type of unit by bedroom count.
2. Designation of units by type of unit in each building.
3. Carport locations and details where proposed.
4. Specific amount of recreation space and locations.
5. Type of recreation facilities to be provided in recreation space.
6. If proposed, details of community building and fencing of swimming pool.

E. Additional Requirements for Commercial and Industrial Developments.

1. Loading/unloading areas.
2. Gross and useable floor area.
3. Number of employees in peak usage.

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

A. Submittal. All site plans shall be submitted to the Township at least twenty-one (21) days prior to the next regularly scheduled meeting of the Planning Commission and must contain the following to be accepted:

1. A signed and complete application including the following:
 - a. The applicant's name and address in full.
 - b. A statement that the applicant is the owner or acting in his behalf.
 - c. The address or property description of the property involved.
2. Twelve (12) copies of the site plan.
3. All items as required by this article shown on the site plan.
4. Required fees.

B. Acceptance. Upon acceptance of the site plan, the Township shall:

1. Forward a copy of the site plan and application to the Township Planner or Engineer for review.
2. Place review of the site plan on the next Planning Commission agenda.
3. Forward a copy of the site plan and application to each Commission member.

- C. Review. Upon receipt of the site plan the Planning Commission shall review the plan at their next regular meeting and thereafter approve or deny the site plan as follows:
1. If extensive revision to the site plan is necessary to meet the Ordinance and regulation requirements, the site plan shall be denied or tabled and the applicant requested to prepare an alternate site plan.
 2. Upon determination of the Planning Commission that a site plan is in compliance except with minor revisions, the Planning Commission may grant conditional approval. All revisions must be clearly delineated on copies required to be filed with the Township.
 3. When a site plan has been reviewed by the Planning Commission and all steps completed, three (3) copies of the application and plans will be marked approved or denied for the following distribution:
 - d. One copy forwarded to the Township Clerk for permanent record.
 - e. One copy forwarded to the Code Enforcement Officer.
 - f. One copy forwarded to the applicant.
- 5.2.5. EFFECT OF APPROVAL. When an applicant receives final site approval, he must develop the site in complete conformity with the approved site plan and the following requirements:
- A. The site plan approval shall be valid for a period of one (1) year.
 - B. If the project is not under construction with a building permit at the expiration of the approval time, the site plan approval becomes null and void and the developer shall make a new application for approval.
 - C. Should a building permit be issued, site plan approval shall continue for a period of one (1) year from the date of issuance of the permit.
 - D. Should construction not be completed within the one (1) year period, site plan approval shall become null and void and the developer shall make new application for approval.
 - E. Time extension to site plan approval may be granted by the Township Board upon receipt of a written request, prior to expiration.
 - F. No Certificate of Occupancy shall be granted until all improvements shown on an approved site plan have been completed in accordance with it, provided, that upon a finding by the Building Official that certain improvements cannot be completed due to seasonal or other factors beyond the control of the developer and that temporary occupancy prior to completion will involve no health or safety hazard, he may issue a Temporary Certificate of Occupancy bearing an expiration date, which date shall allow reasonable time for completion.
- 5.2.6. AS-BUILT PLANS. Prior to issuance of a final certificate of occupancy, one set of as-built plans must be submitted to St. Clair Township by a registered architect or engineer containing the following:
- A. As-built storm system plans shall indicate the offset of storm sewers from the property lines and shall include, but not be limited to, length of sewer, invert elevation, rim elevation, percentage of grade, manhole location, sewer material and joints used. Locations shall be shown on the plans with an accuracy of \pm one (1) foot.
 - B. As-built sanitary sewer system plans shall indicate the offset of sanitary sewers from property lines and shall include, but not be limited to, length of sewer, invert elevation, rim elevation, percentage of grade, manhole location, sewer material and joints used. Locations shall be shown on the plans with an accuracy of \pm one (1) foot.
 - C. As-built water system plans shall indicate the offset of water mains from property lines and shall locate gate valves, hydrants and all water system appurtenances from the nearest property corner. In addition, all underground appurtenances, such as gate valve wells, meter pits, pressure reducing valve pits, etc., shall be located from the nearest hydrant that is connected to the same water main as the appurtenance. Locations shall be shown on the plans with an accuracy of \pm one (1) foot.

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

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

A. No Certificate of Occupancy shall be granted until all improvements shown on the approved site plan have been completed in accordance with the requirements imposed by the Planning Commission and the Ordinance with the following exception. Upon a finding by the Building Official that certain improvements cannot be completed due to seasonal or other factors beyond the control of the developer and that temporary occupancy will involve no health or safety hazard, a Temporary Certificate of Occupancy may be issued.

B. A Performance Guarantee may be required by the Planning Commission under the provisions of this Ordinance to assure completion of all required improvements.

C. Existing or proposed developments which have received approval from the Planning Commission, as required herein, shall not be changed unless the proposed revisions are approved as originally required. This provision shall apply to the specific improvements depicted on the approved site plan, such as but not limited to the following:

- 1. Principal and/or accessory buildings or structures including swimming pools.
- 2. Parking lots and service drives.
- 3. Rubbish pick-up areas.
- 6. Landscaping

Section 5.3. Special Use Approval Review.

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

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

- A. It will be in accordance with the general objectives, intent and purposes of this Ordinance and the Master Plan.
- B. It will be designed, constructed, operated, maintained and managed so as to insure compatibility with existing or intended character of the general vicinity and to promote the use of land in a socially and economically desirable manner.
- C. It will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or that persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- D. It will not be hazardous or disturbing to existing or future neighboring uses.
- E. It will be in accordance with all required conditions of the District in which it will be located.

5.3.2. **AUTHORITY.** The Planning Commission shall have the authority to grant special use permits, subject to such conditions of design, operation and safeguards as the Township may determine, for all special approval uses specified in the various provisions of this ordinance

5.3.3. REQUIREMENTS. Requests for Special Use Approvals shall contain the following:

- A. Application. All applications for special use approval shall be submitted to the Township at least twenty-one (21) days prior to the next regularly scheduled meeting of the Planning Commission and must contain the following to be accepted:
 - 1. A signed and complete application including the following:
 - a. The applicant's name and address in full.
 - b. A statement that the applicant is the owner or acting in his behalf.
 - c. The address or property description of the property involved.
 - 2. Twelve (12) copies of all exhibits and information.
 - 3. Required fees.
- B. Site Plan. The submittal of a site plan shall be required for Special Use Approval, in compliance with all the conditions listed in the Ordinance for site plan approval, with the following exception:
 - 1. The Planning Commission shall have the authority to grant special use approval subject to submittal and approval of a Site Plan provided sufficient information is submitted to adequately describe the nature of the special land use request.

5.3.4. PROCEDURE. An application for special use approval shall be processed in the following manner.

- A. Acceptance. Upon acceptance of the site plan, the Township shall:
 - 1. Forward a copy of the site plan and application to the Township Planner or Engineer for review.
 - 2. Place review of the site plan on the next Planning Commission agenda.
 - 3. Forward a copy of the site plan and application to each Commission member.
- B. Public Hearing and Notice. The Planning Commission shall hold a public hearing upon acceptance of an application for a special use approval. A notice of the public hearing shall be made not more than fifteen (15) days, but not less than five (5) days preceding the date of the hearing and shall:
 - 1. Be published in a newspaper of general circulation in the township.
 - 2. Be sent by mail or personal delivery to:
 - a. The owners of the property to be considered .
 - b. All persons to whom real property is assessed within three hundred (300') feet of the boundary line of the property in question .
 - c. The occupants of all structures within three hundred (300') feet.
 - 3. Contain the following:
 - a. Describe the nature of the special land use request.
 - b. Indicate the property which is the subject of the request.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
- C. Review. Upon receipt of the special use approval request, at the public hearing, the Planning Commission shall within thirty (30) days deny, approve, or approve with conditions, a request for special land use approval as follows:
 - 1. Deny the request if the facts in the case do not establish beyond a reasonable doubt that the intent and standards of the Ordinance will be met.
 - 2. Approve the request if the applicant has submitted a site plan for a proposed use in compliance with the Ordinance or is located in an existing facility and the proposed use will be in full compliance with the stated purpose and intent of the Ordinance.
 - 3. Approve with additional conditions deemed necessary to ensure compliance with the stated purposes of this Ordinance.
- D. Statement. A statement shall be recorded containing the conclusions relative to the special land use specifying the basis for the decision and any conditions imposed. Upon approval, a Special Approval Use Permit shall be issued to the applicant. The Planning Commission shall forward a copy of the permit to the applicant, Township Clerk and the Zoning Administrator.

- 5.3.5. **EFFECT OF APPROVAL.** When an applicant receives special use approval, he must develop the site in complete conformity with the approved site plan and the following requirements:
- A. **Voiding of Special Approval Use Permit.** Any approval given by the Planning commission shall lapse and cease to be in effect as follows:
 - 1. Special use approval granted under condition of site plan review, during which time site plan approval is not received within 6 months.
 - 2. Expiration of site plan approval as listed in the ordinance for site plan review.
 - B. **Extension.** The Planning Commission may grant the applicant one (1) three (3) month extension of time upon receipt of written request, when requested prior to expiration.

Section 5.4. Special Approval Uses.

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

- 5.4.1. **OUTDOOR THEATERS.** Outdoor theaters are allowed in the General Business (B-2), Light Industrial (I-L) and Heavy Industrial (I-H) Districts subject to the following extra standards:
- A. Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall only be permitted when the site in question is surrounded by a non-residential District.
 - B. The proposed internal design shall receive approval from the Building Inspector as to adequacy of drainage, lighting, screening and other technical aspects.
 - C. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares and shall not be available from any residential street.
 - D. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be permitted to wait or to stand within a dedicated right-of-way.
 - E. The area will be laid out so as to prevent the movie screen from being viewed from residential area or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed so as to be confined within, and directed onto the premises of the outdoor theater site.
 - F. All sides of the development not abutting a major thoroughfare shall be screened with a fence or wall so as to obscure from view all activities within the development.
- 5.4.2. **RACE TRACKS, AUTO, DOG, HORSE, ETC...** Race tracks (including midget, auto, motorcycle and go-kart tracks) are allowed in the Heavy Industrial (I-H) District subject to the following extra standards:
- A. Because race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas and cause noise levels which may project beyond the property so used, they will be permitted when located adjacent to major thoroughfare and will be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question.
 - B. All parking shall be provided as off-street parking within the boundaries of the development.
 - C. All access to the parking areas will be provided from a major thoroughfare.
 - D. All sides of the development not abutting a major thoroughfare shall be screened with a fence or wall so as to obscure from view all activities within the development.
- 5.4.3. **ADULT BOOKSTORE, ADULT MOTION PICTURE THEATER, MASSAGE PARLOR AND CABARET CONTROLS.** The above uses where permitted are allowed in the General Business (B-2) District subject to the following extra standards:
- A. Recognizing that because of their nature, some uses have objectionable operational characteristics, especially when concentrated in small areas, and recognizing that such uses may have a harmful

effect on adjacent areas, special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. For the purpose of these regulations the following terms are defined as follows:

1. Adult Bookstores: An establishment wherein more than twenty (20%) percent of its stock in trade is comprised of books, magazines, or any such printed or photographic media having as dominant theme matter, depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as hereinafter defined.
 2. Adult Motion Picture Theater: An enclosed building used exclusively for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical areas" as hereinafter defined for observation by patrons therein.
 3. Cabaret: Any place wherein food and any type of alcoholic beverage is sold or given away on the premises and the operator thereof holds a yearly license to sell such beverages by the glass and which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.
 4. Massage Parlor: An enterprise of a non-medical nature specializing in the manipulation of body tissues (as by rubbing, stroking, kneading or tapping) with the hand or an instrument.
 5. Specified Anatomical Areas: Human genitals, pubic regions, buttock, and female breast less than completely and opaquely covered; human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 6. Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- B. It shall be unlawful to establish any adult bookstore, adult motion picture theater, massage parlor or cabaret except in the General Business (B-2) District.
- C. No such uses may be permitted in the General Business (B-2) District within one thousand (1,000') feet of any residential District measured from the lot line of the location of the proposed use.
- D. Any of the above stated uses shall not be located within a one thousand (1,000') foot radius of any other such use.
- E. The Planning Commission may waive this location provision if the following findings are made:
1. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this Ordinance will be observed.
 2. That the character of the area shall be maintained.
 3. That all applicable regulations of this Ordinance will be observed.
 4. That no adult bookstore, adult motion picture theater, massage parlor or cabaret is located within one thousand (1,000') feet of the proposed location.
- F. Anything herein to the contrary notwithstanding, the Planning Commission shall not consider the waiver of the locational requirements as herein above set forth until a petition shall have been filed with the Township Clerk and verified as to sufficiency. Such petition shall indicate approval of the proposed regulated use by fifty-one (51%) percent or more of the persons owning property within a radius of one thousand (1,000') feet of the location of the proposed use as measured from the lot line. The petitioner, or his agent, shall attempt to contact all eligible property owners within this radius and must maintain a list of all addresses at which no contact was made.
- G. The petition required above shall contain an affidavit signed by the party circulating such petition attesting to the fact that the petition was circulated by him and that the circulator personally witnessed

the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon and that the circulator believes that the signers of such petition are persons owning property within one thousand (1,000') feet of the premises mentioned in said petition. Such petition shall also comply with such other rules and regulations as may be promulgated by the Planning Commission.

5.4.4. QUARRIES. Because the commercial removal of soil, sand, gravel, stone and other earth materials is likely to involve substantial amounts of nuisance (primarily noise and dust, with resulting air pollution) and large amounts of trucking and in some (but not necessarily all) cases the land is spoiled for any subsequent use with resulting loss of taxable revenues, such use shall be permitted only in the Heavy Industrial (I-H) or Rural (RU) Districts and shall further be subject to the following extra standards:

- A. There shall be not more than one (1) entrance way from a major thoroughfare to said lot for each five hundred (500') feet of street frontage.
- B. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before 7:00 a.m. or after sunset.
- C. On said lot, no digging or excavating shall take place closer than one hundred (100') feet to any lot line or public right-of-way.
- D. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100') feet of an lot line shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
- E. Any odors, smoke, fumes or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lots as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road and shall conform to the Township Ordinance "Performance Standards"
- F. Such removal processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, water-course, or water body outside the lines of the lot on which such use shall be located.
- G. Such removal processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
- H. All fixed equipment and machinery shall be located at least one hundred (100') feet from any lot line and five hundred (500') feet from any residential zoning District, by that in the event the zoning classification of any land within five hundred (500') feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100') feet from any lot line or right-of-way.
- I. If a commercial removal of soil, sand, gravel, stone or other earth materials by reasons of its depth or other conditions constitutes or is reasonably likely to constitute a danger to public health, safety or welfare, then a fence shall be erected around it. The fence shall be six (6') feet in height, shall be adequate to prevent trespass, and shall be placed no closer than fifty (50') feet to the edge of any slope.

- J. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.

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- K. The operator shall file with the Planning Commission and the Township Board a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5') feet, steps which shall be taken to conserve topsoil, proposed and final landscaping, and the location of future roads, drives, drainage courses and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Planning Commission or Township Board. The anticipated cost of carrying out the plans for restoration shall be included with said plans.

- L. The operator shall file with the Township of St. Clair a performance bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall be fixed by the Township. The bond shall be released upon written certification of the Building Inspector that the restoration is complete and in compliance with the restoration plan.

5.4.5. JUNK YARDS, AUTOMOBILE SALVAGE OR WRECKING YARDS, WASTE OR SCRAP RECYCLING OPERATIONS AND REFUSE TRANSFER FACILITIES. These uses are permitted in the Heavy Industrial (I-H) District subject to the following extra standards:

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

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

- A. The dumping of garbage or other putrid wastes in the Township of St. Clair shall be accomplished by the sanitary landfill method of filling land by depositing in a trench excavated for the above stated waste materials and covering same with no less than six (6") inches of dirt.
- B. The dumping of said waste materials shall be done in accordance with the licensing requirements under PA 641 of 1978, Solid Waste Disposal Act, all State regulations generally and specifically appended to the individual permit and the following conditions:
1. The dumping of garbage or other putrid wastes in areas zoned other than Heavy Industrial (I-H) is prohibited provided that no permit to dump such waste materials shall be allowed where there are

occupied permanent residences within one thousand (1,000') feet of the property line of the dumping site.

2. The use of combustible construction refuse in filling or reclamation of land is prohibited in any area other than a sanitary landfill.

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3. All approach roads to the dumping or filling sites shall be oiled, hard topped or otherwise treated to reduce annoyance to surrounding properties by reason of dust, noise and traffic congestion.

4. Burning or picking over of rubbish is absolutely prohibited and the operator shall be held responsible to provide adequate personal at all times it is necessary to carry out this and other provisions of this Ordinance.

5. All trucks or other vehicles used to transport rubbish or other refuse or waste materials shall be tightly enclosed so as to prevent waste materials from dropping or blowing off transporting vehicles.

6. Any fine ash or soot-like type of materials that tend to be blown by the wind shall be immediately covered with backfill and shall remain so covered at all times.

7. The Township Board may, upon recommendation of the Planning Commission, require a fence at least eight (8') feet in height completely enclosing said dumping or filling operations where, in its opinion, a hazard to the public health, safety and general welfare occurs. The Township Board may, in lieu of said fence, require the operator to construct an earth embankment at least eight (8') feet in high completely surrounding said operations for the purpose of minimizing annoyance to the surrounding residents.

8. In no event shall the operations of a sanitary landfill project above the established grade of surrounding properties.

9. The Township Board may, upon the recommendation of the Planning Commission, require the posting of a performance bond to insure such filling operation will not pollute the waters of the Township or cause stagnant water to collect, or create a health hazard, or leave the surface of the land at the completion of such operation in an unstable condition or unfit for the growing of turf or other land uses permitted in the zone in which such filling occurs.

5.4.7. PUBLIC UTILITY BUILDINGS, INCLUDING TELEPHONE EXCHANGE AND STATIC TRANSFORMER STATIONS, GAS REGULATOR STATIONS, AND OTHER SIMILAR USES. These uses will be allowed in all districts subject to the following extra standards:

A. There is no public business office nor any storage yard or storage building operated in connection therewith.

B. The exchanges, transformer stations or transformer mats are located not less than fifteen (15') feet from any interior side property line, twenty-five (25') feet from its front property line, and thirty (30') feet from its rear property line.

C. All required yards are to be landscaped and maintained.

5.4.8. CHICKENS, RABBITS, SMALL ANIMALS AND OTHER FOWL AS AN ACCESSORY USE. These uses are allowed in the Suburban Residential (RS), Mobile Home (MH), Commercial Recreation (CR), Neighborhood Business (B-1), General Business (B-2), Light Industrial (I-L) and Heavy Industrial (I-H) Districts subject to the following extra standards:

A. The structure housing such a use does not contain more than one hundred and twenty (120) square feet of floor area.

B. The structure housing such a use is placed in the rear yard.

- C. The structure and area housing such a use is kept in a clean, healthful, and inoffensive manner.
- D. All such animals must be confined within a structure or fenced area at all times.
- E. May be allowed only on parcels on land of 2.5 acres or more.

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5.4.9. **AUTOMOBILE SERVICE STATIONS AND REPAIR GARAGES.** In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of automobile service stations; to regulate and control the adverse effects which these and other problems incidental to the automobile service station may exercise upon adjacent and surrounding areas; and to control the problem of abandoned stations which are a nuisance as well as a blighting influence on surrounding properties, the following additional regulations and requirements are provided herein for automobile service stations located in the Commercial Recreation (CR), Neighborhood Business (B1), Light Industrial (I-L) Heavy Industrial (I-H) Districts. All automobile service stations erected after the effective date of this Ordinance shall comply with all requirements of this Section. No automobile service stations existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this Section than existed on the effective date of this Ordinance.

A. Site requirements.

1. An automobile service station shall be located on a lot having a frontage, along a principal street, of not less than one hundred forty (140') feet, and having a minimum area of not less than fourteen thousand (14,000) square feet.
2. An automobile service station located on a lot having an area of fourteen thousand (14,000) square feet shall include not more than eight (8) gasoline pumps and two (2) enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two (2) gasoline pumps and/or (1) enclosed stall may be included with the provision of each additional two thousand (2,000) square feet of lot area.
3. Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than fifteen (15') feet from all street right-of-way lines.
4. Driveway widths entering the gasoline station shall have a minimum width of thirty-five (35') feet.
5. Curbs, in accordance with standard Township specifications, shall be constructed on all streets adjacent to the gasoline station site.
6. No signs, storage nor display of any kind shall be allowed within the street right-of-way.
7. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
8. There shall be no parking of damaged motor vehicles except on a temporary basis for seventy-two (72) hours or less. Junk parts and junk vehicles shall not be kept on the outside of the building.
9. The parking of tow trucks shall be permitted only in areas designated on a site plan per approval of the Planning Commission.
10. There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of a gasoline station for retail sale during the house of operation of the gasoline station
11. All repair activities and equipment shall be enclosed entirely within a building.
12. Where an automobile service station adjoins property located in any residential zone, a masonry wall six (6') feet in height shall be erected and maintained along the service station property line.

All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.

- B. Safeguard. All new automobile service stations or filling stations constructed after the effective date of this Section shall be required to post cash, a certified check or letter of credit with the Township of St. Clair in an amount equal to the estimated cost of demolition and clearance of improvements on the

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premises. Failure to comply with one (1) of the above mentioned three (3) alternatives shall empower the Township to utilize said monies for the demolition and clearance of the premises in question.

- 1. When a structure designed and used for automobile service station or filling station purposes ceases to operate on a continuing basis for a period of one hundred eighty (180) consecutive days, the owner of the premises shall be served written notice by the Zoning Administrator of the requirement within sixty (60) days of the date of said notice, to either (a) resume operation of the premises on a continuing basis as a lawful automobile service station or filling station, or (b) lawfully convert said structure to another permitted use in that District, or (c) demolish said structure and completely remove the debris from the premises.
- 2. Abandoned automobile service or filling stations may be converted to a Principal Permitted Use in the District in which such station is located, provided they meet all the required conditions listed in the ordinance for the use proposed.

5.4.10. CHURCHES. Churches and other facilities normally incidental thereto are allowed in the Suburban Residential (RS), Multiple-Family Residential (RM), Rural (RU), Mobile Home (MH) and Neighborhood Business (B-1) Districts provided:

- A. The site is so located as to have at least one (1) property line abutting a major thoroughfare of not less than one hundred and twenty (120') feet of right-of-way width, either existing or proposed, and all ingress and egress to the site shall be directly onto said major thoroughfare or a marginal access service drive thereof.
- B. The subject property contains a minimum of one (1) acre and is located outside a half-mile radius of an existing church site. (This provision does not apply to churches in the Suburban or Multiple-Family Residential Districts.)
- C. The depth of the front and rear yard and width of each side yard shall not be less than fifty (50') feet.
- D. Off-street parking shall be provided in accordance with the requirements of the provisions of this ordinance as listed under the off-street parking and loading requirements.
- E. Whenever an off-street parking area is located within fifty (50') feet of an adjoining residentially zoned property line, a continuous and obscuring screen at least four feet six inches (4'6") in height, but not more than (6') feet in height, shall be provided along the sides of the parking area adjoining such residentially zoned land.
- F. The site shall not be used for dwelling purposes except that residential dwelling facilities may be provided for full time employees of the church and their families. For the purposes of this Ordinance such employees will be considered "full-time" if they receive at least fifty (50%) percent of their annual "earned" income from the church.

5.4.11. GOVERNMENT OWNED OR OPERATED BUILDINGS OR USES. Government buildings and uses are allowed as special approval uses in the Suburban Residential (RS), Rural (RU), Mobile Home (MH), and Commercial Recreation (CR) Districts provided:

- A. The depth of the front and rear yard and the width of each side yard shall not be less than fifty (50') feet.

- B. Off-street parking shall be provided in accordance with the requirements of the provisions of this ordinance as listed under the off-street parking and loading requirements.
- C. Whenever an off-street parking area is located within fifty (50') feet of an adjoining residentially zoned property line, a continuous and obscuring screen at least four feet (4') in height, but not more than six (6') feet in height, shall be provided along the sides of the parking area adjoining such residentially zoned land.

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5.4.12. **GOLF COURSES.** Golf courses are allowed as special approval uses in the Suburban Residential (RS), Rural (RU), Mobile Home (MH) and Commercial Recreation (CR) Districts provided:

- A. The site is so located as to have at least one (1) property line abutting a major thoroughfare of not less than one hundred and twenty (120') feet of right-of-way width, either existing or proposed, and all ingress and egress to the site shall be directly onto a major thoroughfare or a marginal access drive thereof.
- B. All development features including the principal building and any accessory buildings or structures are so located and related to minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of two hundred (200') feet to the property line of abutting residentially zoned lands and public rights-of-way provided where topographic conditions are such that the building would be screened from view, the Planning Commission may modify this requirement.
- C. Major accessory uses which are generally of a commercial nature, such as a restaurant and bar, shall be housed in a single building with a club house. Minor accessory uses which are strictly related to the operations of the golf course itself, such as maintenance garage and pro shop, may be located in separate buildings.
- D. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6') feet in height and entry shall be by means of a controlled gate or turn style.
- E. Off-street parking shall be provided in accordance with the other provisions of the Ordinance.

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

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

5.4.14. **COMMERCIAL PICNIC GROUNDS, MINIATURE GOLF COURSES, GOLF DRIVING AND ARCHERY RANGES.** Commercial picnic grounds, miniature golf courses, golf driving ranges, archery ranges or similar uses for physical and outdoor exercises are allowed as special approval uses in the Rural (RU) District provided such use is on open land and does not impair the residential appearance or character of such land. Special use approval and site plan approval may be granted by the Planning Commission, for a

period not to exceed two (2) years, upon a finding that the use will not be injurious to the surrounding area, not contrary to the spirit and purpose of this Ordinance and that:

- A. The subject property is located on a major thoroughfare.
- B. The subject property will act as a buffer or transitional area between a residential development and a non-residential development.

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C. The subject property is so located as not to hinder the natural and presumed residential development of the area.

D. The residential character of the area shall be maintained.

E. Any capital improvements upon the subject property shall be of a temporary nature to preclude any unreasonable financial loss should the grant not be renewed upon expiration.

5.4.15. PUBLIC, PRIVATE OR COMMERCIAL STABLES, KENNELS AND VETERINARY CLINICS. Public, private or commercial stables containing three (3) or more horses; kennels and veterinary clinics are allowed as special approval uses in the Rural (RU) District provided:

A. The subject property is so located as not to hinder the natural and presumed residential development of the area.

B. The subject property contains a minimum of five (5) acres.

C. The stable, barn or kennel is located one hundred (100') feet from any neighboring residential use.

D. If the use is of a commercial nature, that off-street parking shall be provided in accordance with the requirements of the provisions of this ordinance as listed under the off-street parking and loading requirements.

5.4.16. NURSERY SCHOOL, DAY NURSERY, AND CHILD CARE CENTERS. Nursery schools, day nurseries, and child care centers may be allowed subject to all State and Federal licensing and regulation requirements when the following conditions are met:

A. that for each child cared for there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area.

B. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district.

C. Any such used shall not be permitted in the interior of any residential block and shall be located on a lot fronting a major thoroughfare or collector street as these terms are defined in the Township's Comprehensive Development Plan.

5.4.17. PUBLIC AND PRIVATE SCHOOLS. Public and private schools offering curriculum having to do with general or liberal rather than technical or vocational education are allowed as special approval uses in the Rural (RU) District provided:

A. The subject property is so located as not to hinder the natural and presumed residential development of the area.

B. The subject property contains a minimum of five (5) acres.

C. The depth of the front and rear yard and the width of each side yard shall not be less than fifty (50') feet.

- D. Off-street parking shall be provided in accordance with the provisions of Sections 1801, 1802 and 1803.
- E. Whenever an off-street parking area is located within fifty (50') feet of an adjoining residentially zoned property line, a continuous and obscuring screen at least four feet six inches (4'6") in height, but not more than six (6') feet in height, shall be provided along the sides of the parking area adjoining such residentially zoned land.

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- 5.4.18. **BOARDING AND LODGING HOUSES.** Boarding and lodging houses, as defined in this ordinance are allowed as a special approval use in the Multiple-Family Residential (RM) District provided the maximum extent of development shall not exceed twenty (20) roomers per acre of land.
- 5.4.19. **HOSPITALS.** Hospitals, as defined in this ordinance are allowed as special approval uses in the Multiple-Family Residential (RM) District when the following conditions are met:
 - A. The site plan does show that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety, and all development features including the principal building and any accessory buildings, open spaces, and service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property.
 - B. All such hospitals shall be developed on sites consisting of at least five (5) acres in area for the first one hundred (100) beds or less plus one (1) acre for each additional twenty-five (25) beds.
 - C. The proposed site shall have at least one property line abutting a major thoroughfare and vehicular ingress and egress to the site shall be directly onto said thoroughfare.
- 5.4.20. **RECREATION CENTERS.** Recreation centers similar to bowling alleys, skating rinks, archery ranges, amusement areas, arcades and similar forms of commercial recreation or amusement are allowed in the General Business (B-2) District provided they are conducted wholly within a completely enclosed building.
- 5.4.21. **MOTOR VEHICLE WASHING, CONVEYOR OR NON-CONVEYOR TYPE.** Motor vehicle washing, conveyor or non-conveyor type, is allowed in the General Business (B-2) District when completely enclosed in a building, excepting points of ingress and egress, and subject to the following extra standards:
 - A. All cleaning operations shall be completely enclosed within a building.
 - B. A hard-surfaced driveway of one (1) or more lanes shall be constructed on the parcel in such a manner as to provide for a continuous movement of cars into the washrack.
 - C. The driveway so provided shall be not less than ten (10') feet wide for a single lane and not less than ten (10') additional feet in width for each additional lane.
 - D. Where only a single lane is provided, it shall be used for no other purpose than to provide access to the wash-rack. All lanes provided shall be suitably protected from interference by other traffic.
 - E. The total length of the required lane or lanes so provided for a conveyor type washrack shall be determined by the overall length of the building, including areas having side walls but no roof. In any building where the washing operation moves in other than a straight line, the length of the building, for the purposes of this section, shall be the distance measured along the centerline of the conveyor or wash line from the point of entry to the point of exit from the building. The overall length of the required lane or lanes, as measured along the centerline, shall be determined in accordance with the following formula:
 - F. Where the building is eighty (80') feet or less in overall length, the total required lanes shall be not less than four hundred (400') feet in length. Where the building exceeds eighty (80') feet in length, the length of the required lane or lanes shall be increased fifty (50') feet for each ten (10') feet of or fraction thereof by which the building exceeds eighty (80') feet in overall length.

- G. For a non-conveyor type auto wash, five (5) waiting spaces, each twenty (20') feet in length, shall be provided for each washing stall on the entrance side of the stall and two (2) spaces per stall shall be provided on the exit side for a drying area.
- H. The site shall be designed in such manner that no operations are conducted off the parcel.

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- I. A building setback of at least sixty (60') feet is required to be maintained from the proposed or existing street right-of-way.
- J. Ingress and egress points shall be located at least sixty (60') feet from the intersection formed by the existing or proposed right-of-way lines, whichever is greater, and shall be directly from a major thoroughfare.
- K. The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property.
- L. Gasoline sales shall be permitted on the property provided there is compliance with the requirements of this section and the requirements listed for automobile service stations and repair garages.

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

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

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

- A. There shall be provided and maintained a total minimum of not less than 1,800 square feet of outdoor play area.
- B. Such outdoor play area located at the facility providing care for more than six (6) children shall be screened from any adjoining residential lot in any district.

- C. Any such facility providing care for more than six (6) children shall:
 - 1. Not be permitted in the interior of any residential block and shall be located on a lot fronting a major thoroughfare or collector street as these terms are defined in the Township's Comprehensive Development Plan.
 - 2. Provide parking as required in the ordinance for off street parking requirements.

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

- A. A setback of at least sixty (60') feet from the right-of-way line of any existing or proposed street must be maintained.
- B. Ingress and egress points shall be located at least sixty (60') feet from the intersection of any two (2) streets and shall be directly from a major thoroughfare.
- C. There shall be provided an unpierced brick wall six (6') feet in height on all sides of the premises so used except as provided below; provided said wall or fence, if required, shall be protected by means of precast concrete wheel stops or their equivalent, not less than three (3') feet from said wall.
- D. On the side of the property adjacent to the major thoroughfare, the above described wall shall be reduced to a height of three feet six inches (3'6").
- E. A cyclone fence may be used in lieu of a brick wall on those lines not adjacent to a street or alley but contiguous to property zoned in an Industrial classification.
- F. No wall shall be required on that portion of a lot line where there is a building or structure serving the purpose of a wall. Any such building or structure located on adjacent property shall be protected from damage by means of precast concrete wheel stops as specified in item 3 above.
- G. When a building or portion of building is used for said purposes, it must be located not less than five hundred (500') feet from residentially zoned property.

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

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

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

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

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

- A. It must be located on a parcel of five (5) acres or more in area.

- B. The said parcel must be located at least two hundred and fifty (250') feet from a lot line of any adjacent residential District.
- C. All ingress and egress from said parcel must be directly from a public road.
- D. Off-road parking must be provided.

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- E. No on-road parking shall be permitted.
- F. All new gun clubs, shooting and archery ranges and any additions to such uses shall be designed by an Engineer or Architect licensed by the State of Michigan.
- G. All new shooting ranges shall meet the design standards of the National Rifle Association.

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

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

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

A. General Regulations.

1. All such utility lines shall follow existing utility corridors, where possible and reasonable, as determined by the Township Board after review and recommendation of the Planning Commission.
2. The loss of any active agricultural use on property shown as Prime or Unique Farmland on the Soil Conservation Service's Important Farmland Map of St. Clair County shall be minimized to the greatest extent feasible consistent with the public interest and common good as determined by the Township Board after review and recommendation of the Planning Commission.
3. Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities, and similar facilities. Existing vegetation shall be maintained, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.
4. Non-compliance with any part of this Ordinance, or any other Township Ordinance, shall be grounds for the Township acting to withdraw its approval or conditional approval of any use regulated hereunder and to order such use to be discontinued.

5. Prior to commencement of construction, any approvals granted hereunder are not transferable to others or to successors in interest, without first applying for such to the Township Board after review and recommendation of the Planning Commission.
6. The person or company granted privileges hereunder shall inform the Township Clerk on a continuing basis of the name, address and phone number of its employee who is responsible for receiving complaints and communications from the Township.

7. The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.

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

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

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

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

9. During the construction or repair of any facilities approved hereunder, the following shall be required:

a. All internal roads shall be kept dust free by chemical treatment,

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b. Any damage to public or private roads, fences, structures or facilities shall be required immediately.

c. No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete.

d. All construction operations shall be confined to daylight hours, Monday through Saturday, unless permitted in writing by the Township Board.

10. At the time a request is made for approval under this section, the person, partnership, corporation or public utility shall submit an estimated time-table for completion of the construction plans to the Township Board, and specifications of all equipment and facilities proposed for installation. The Township Board, after review and recommendation of the Planning Commission, may require a performance bond with surety or an irrevocable bank letter of credit as a guarantee of completion of all approved facilities, and an agreement to indemnify, defend and hold harmless the Township from any claims arising out of the construction or operation of a project approved herein.

11. When such lines or systems interfere with a public road by crossing such or paralleling such, any person or company, upon five (5) days notice, shall be required to raise such lines for necessary passage of any barn, building, house, or other object over the public ways.

12. If any Court or the Michigan Public Service Commission or other government body finds that such lines and systems are not necessary, such shall, upon exhaustion of appeals, be dismantled under regulation by the Township Board.

13. The Township may make reasonable requests to require the person or company granted privileges hereunder to file written reports of the current status of research on high-voltage electricity, and such reports shall be true and complete. Any privilege granted hereunder is subject to a continuing representation by the holder of such that such lines and systems are safe and have no chance of being detrimental to the health or safety of any person or the environment.

14. After the construction of the line is completed and before regular operation is begun, the operating company shall retain the services of an independent testing laboratory, which shall test said line for compliance with the standards contained herein, and submit a report of the test results to the Township.

5.4.30. PERSONAL USE AIRCRAFT LANDING FIELDS. Landing field for the personal use of the property owner are allowed in the RU Rural District subject to the general standards set forth under this ordinance and the following provisions:

A. Said landing field is subject to all rules and regulations of the Federal Aviation Administration and the Michigan Aeronautics Commission which agencies shall approve the preliminary plans submitted to the Township Planning Commission.

B. No landing field for personal use shall be established within five (5) miles of a public use facility certified by the Michigan Aeronautics Commission without approval of said Commission. No landing field for personal use shall be established within a two (2) mile radius of another landing field.

C. All landing fields shall have a runway with a 1,800 foot landing length in each direction from a clear approach slope of 20:1 and a 100 foot usable width with an additional 50 foot minimum width on each side which is free of obstructions. The approach slope with a width of not less than 200 feet free of

obstructions. The approach slope with a width of not less than 200 feet shall be based on a clearance of all objects within the approach area, including a roadway clearance of 15 feet or 17 feet over a interstate highway, a railway clearance of 23 feet, and a clearance at the property line of 25 feet. The landing area shall be marked in accordance with Michigan Aeronautical Commission standards.

- D. No landing field shall be approved that would interfere with the right of nearby and adjacent owners and occupants of property to the peaceful enjoyment of their property.

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- E. Hazards to Navigation. No obstruction of whatever character, object of natural growth, or use of land, upon the premises of the landing field which prevents the safe use of such facilities for the take off or landing of aircraft shall be permitted.

- F. Yard and Placement Regulations:

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

- G. Performance Requirements:

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

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

- A. Requirements and Standards

1. Site Characteristics

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

- c. Spacing of Facilities: Minimum spacing of two thousand (2,000) feet shall be maintained between individual composting operations.
- d. Access: The site must have direct access to an all-season public road and all-season route. The access route must avoid residential areas.

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

APPROPRIATE SOILS FOR COMPOSTING OPERATIONS AND REQUIRED DRAINAGE

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

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

- (1) standing water;
- (2) seasonal high water tables of less than (1) foot; and
- (3) restricting operation of equipment on the site.

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- h. Flood plains and Wetlands: Composting operations shall not be permitted within a 100-year floodplain, or within fifty (50) feet of a defined wetland. The application and site plan submitted in conjunction with a special approval request shall include a statement and the boundary of wetlands and/or the 100-year floodplain as appropriate. Final determinations on the location of wetlands shall be made by the Michigan Department of Natural Resources (MDNR).
 - i. Surface Water: Composting operations must be isolated from navigable waterways and surface waters including inland rivers, ponds, water courses, and county drains. Setbacks shall be provided as further required under the other sections of this ordinance.
 - j. Airports: The Federal Aviation Administration, (FAA), in Order 5200-5A, prohibits the establishment and operation of any waste disposal facility (including yard waste composting operations) within five thousand (5,000) feet of the end of a runway (end of pavement) used only by piston powered aircraft, and within ten thousand (10,000) feet of any runway end of a runway used by turbine powered aircraft. If the proposed facility falls within these distances, a letter of compliance from the appropriate FAA office must be filed with the Township prior to the consideration of an application for a special approval use permit.
2. Site Development. Site development standards are to ensure the orderly and efficient use of land for composting off-site yard wastes. Orderly and efficient use of the land encompasses the mitigation of adverse impacts on the community as a whole, surrounding land uses, the physical or natural resources common to this site as well as surrounding lands, the environment, and minimal expenditure of public dollars. These standards shall be used as a tool or guide by the Planning Commission in objectively assessing continued compliance with this ordinance.
- a. Site Plan: A site plan must be submitted, reviewed, and approved in accordance with the Site Plan Review requirements of this Ordinance. A site management plan shall be submitted along with the site plan, following the format found in these provisions. Improvements to the site shall be contained within the site plan. The site plan must illustrate compliance with all requirements of this and other pertinent ordinances of St. Clair Township. The site plan also must illustrate the configuration of activities as well as the flow of materials (compostable material) within the site. An "as built" site plan shall be submitted by the developer to the Township Clerk upon completion of all required improvements, as required herein. The "as built" site plan shall be certified by a licensed professional engineer and clearly illustrate consistency with the approved site plan and compliance with all requirements of this and other pertinent ordinances of the Township. A determination of consistency and compliance shall be made by the Township Clerk. A determination of compliance must be made prior to the release of any portion of the performance guarantee, submitted by the developer as required by this section, and issuance of a certificate of occupancy as required by the Township Zoning Ordinance.
 - b. Setbacks:
 1. Structures. All structures must be illustrated on the site plan and be set back in accordance with the standards established for the Heavy Industrial (I-H) District and any additional standards contained herein.
 2. Operation. The operation itself shall comply with the following setback requirements:
 - i. Potable Water Supply. All operations associated with composting shall be set back a minimum of two hundred (200) feet from existing wells and/or well casings.

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

2. Identification. Front yards and setbacks shall be landscaped with grass, trees, and/or bushes and berms. Required setback landscaping shall be illustrated on the site plan, identifying the location and species being planted.
- e. Access: Site access shall be controlled by a locking gate at the entrance to the facility. Gate and accompanying fencing shall be designed as to reduce the probability of after-hours and illegal dumping on the site.

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

Department and MDNR, upon review of analyzed data submitted by the independent testing laboratory, that soil or groundwater is contaminated above acceptable levels, or BOD levels are found to be at an unacceptable level, St. Clair Township shall revoke the special approval use permit. In addition, the annual operational permit, as required in paragraph B.2, shall not be renewed. The special approval use permit and annual operational permit shall be reissued once a finding has been made by the MDNR that the site can once again be actively occupied for this use.

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

B. Additional Requirements

- 1. Administrative Guidelines. The following data regarding operation of the compost facility shall be maintained and available at all times for review by the local Fire Inspector, County Health Department officials, or St. Clair Township.
 - a. The name and address of the company and individual making a delivery as well as the source of the material (i.e., residential, commercial, agricultural), and the city or township of origination for the waste generated.
 - b. Type and quantity of compostable material received from each delivery accepted at the facility.
 - c. Quantity, type, and disposition of contaminants received each month.
 - d. Number of vehicles entering site each day.

- e. List of end-product users.
- f. A windrow log shall be kept recording the location of each windrow, the date or days that the windrow was established, daily temperature and moisture content readings taken at several locations in the windrow, and comments on the presence of odors.

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- g. The approximate amount of compost and the date compost is transferred from one stage of the procedure to another, i.e., windrows to screening, screening to curing piles, and final product produced and subsequently shipped.
 - h. Log of complaints received (if any) and response or action.
2. Application, Site Management Plan, Closure Plan, Review Fee, and Annual Operational Permit.
- a. Application: Applications for special approval use permits shall consist of:
 - 1. A site plan as described herein,
 - 2. A complete site management plan following the guidelines provided in the section below;
 - 3. Letters of consistency and approval from the St. Clair County 641 Solid Waste Committee, St. Clair County Health Department, and the MDNR Water Quality Division and Waste Management Division. In addition to letters of consistency, the applicant shall submit a letter of acknowledgment from the St. Clair County Road Commission which indicates that they are fully aware of the proposed project, the potential impact of the proposed project on the County road system, that an understanding has been reached between the developer and the Road Commission concerning mitigation of potential impacts, and that the County Road Commission has no objections to the project as proposed;
 - 4. The required application fee; and
 - 5. Any other material as may be required by St. Clair Township necessary for making an informed and objective determination on the ability of the proposed operation/facility to comply with the intent and standards of this Ordinance.

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

- b. Site Management Plan: Applicants shall submit a site management plan as a component of their application for a special approval use permit. The site management plan shall contain, at a minimum, the following information:
 - 1. Name, address, and telephone number of the owner or owners of the land of the subject site;
 - 2. Name, address, and telephone number of the applicant making a request for the special approval use permit;
 - 3. Name, address, and telephone number of person, firm or corporation who, or which, will be managing the actual composting operation;
 - 4. An outline of the management structure complete with names, titles, addresses, and telephone numbers;
 - 5. Location, size, and legal description of the total land area proposed for such use;

- 6. The projected capacity of the facility, including shredded leaves, grass, and brush. Targeted quantities to be processed, incoming and outgoing;
- 7. A statement on the population intended to be serviced by the facility (where will the compostable material be received from, evidence of contracts shall be included), and how this material will be brought to the site;

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- 8. Types of materials to be composted and what format the material will be accepted in. Procedures for monitoring incoming and outgoing material, controlling the disposal or refusal of unacceptable materials.
- 9. Method of composting to be used (sheet composting is prohibited);
- 10. Types and number of equipment used (i.e., shredders, front-end loaders, windrow turning machine, screening and shakers, etc.).
- 11. The location, type, size, and proposed contents of all fuel storage facilities, and detail on primary and secondary containment systems for all hazardous materials stored on site;
- 12. Personnel: number to be employed and duties of each;
- 13. An outline of the operational cycle and timetable beginning with acceptance of material on-site to the disposal of the final product. This outline shall include plans for the pre-processing or staging of material (i.e., chipping, mixing materials, windrow formation, material layering, watering), the compost activity (i.e., windrow turning, monitoring moisture content and temperature, windrow combining, curing and finishing, including screening), and the distribution of the final product;
- 14. Operational details shall be stated, including the hours of operation and days of the week that the facility will be open throughout the year;
- 15. List of the chemicals or accelerating agents to be used, including bacteria, fungi, or nitrogen. Include established guidelines for use and storage of these agents;
- 16. A statement on the methods to be used to monitor and ensure protection of the environment (odor, dust, noise, blowing trash, anaerobic problems, methane production). This shall include an outline of the necessary steps which will be taken to reverse a breakdown in the composting system or pollution problem;

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

- i. Odors
 - a. The emission of noxious odors, odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to four or more volumes of clean air or as to produce a public nuisance or hazard beyond lot lines, is prohibited.
 - b. All water used by the composting facility shall be drawn from streams, wells, ponds, or the municipal supply, and be otherwise free from sulfur or agents which will cause odor.
- ii. Noise. The pressure level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

SOUND	ADJACENT	WHERE
<u>LEVEL</u>	<u>USE</u>	<u>MEASURED</u>

65dBA	Residential/Agricultural	Property Line*
75dBA	Commercial/Office	Property Line
80dBA	Industrial/Other	Property Line

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

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- b. The sound levels shall be measured using a weighted decibel measurement and with a type of audio out meter approved by the National Institute of Standards and Technology.
- c. Objectionable noise as determined by the Board of Trustees, of an intermittent nature, or high frequency sounds, even if falling below the aforementioned decibel readings, shall be muffled so as not to become a nuisance to adjacent uses.
- iii. Vibration. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 0.003 inches as measured at any property line of its source.
- iv. Light. Exterior lighting shall be so installed that the surface of the source light shall not be visible from any bedroom window, and shall be so arranged as to reflect light away from any residential use. In no case shall more than 1-foot candle power of light cross a lot line five feet above ground into a residential district.
17. Plans for the disposition of nonmarketable compost;
18. A plan for the disposition of the final products. This plan shall encompass targeted users, projected quantities to be produced and distributed, and the manner of distribution and sales (i.e., retail, individual bags, truckloads, or wholesale). The applicant shall present to the Township, a copy of their registration issued by the Michigan Department of Agriculture as evidence of compliance with PA 634 of 1976, the Commercial Fertilizer Regulation Act;
19. Evidence on the previous use, or nonuse, of this site for waste disposal;
20. Statements indicating that the applicant is aware of, has read, and understands as it applies to the proposed composting operation, Public Acts of the state of Michigan, including PA245 of 1929 as amended, the Water Resources Commission Act; PA 348 of 1965 as amended, the Michigan Air Pollution Control Commission Act; PA 116 of 1974, the Michigan Farmland and Open Space Preservation Act; PA634 1976, the Commercial Fertilizer Regulation Act; and PA 198 of 1975, the Fertilizer Act. This plan shall also include a copy of the applicant's soil erosion and sedimentation control permit, as evidence of compliance with Act 347 of 1972 of the Public Acts of the State of Michigan; and
21. A contingency operations plan which addresses action to be taken in the event of a natural disaster, equipment failure, extended adverse weather, sewer storms, unauthorized receipt or dumping of hazardous material, or a breakdown in the composting process resulting in odor, dust, or off-site surface of groundwater contamination. These plans shall address reserve or alternate equipment, alternative handling methods, agencies to be contacted or alerted, and alternative operational plans.
22. An off-site road maintenance plan which addresses, at a minimum the following:
- a. Method of dislodging mud and/or composting materials from the vehicles. Trucks shall be cleaned as often as necessary to prevent nuisances caused by the tracking of materials off-site.

- b. An on-site traffic control pattern.
- c. Method of removing soil, dust, and debris from off-site roads within 2,500 feet of the composting area entrances and exits.
- c. Closure Plan: A closure plan shall be submitted which shall detail the final end use of the

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property should use of the facility be discontinued for more than six (6) months. The plan should describe:

1. How the existing site will be cleaned up.
 2. How and where the existing surface debris will be disposed.
 3. What the final disposition of the land will be.
- d. Review Fee: A fee shall be established by the Township for the review of a special approval use application. The fee may be sufficient to cover all costs incurred by the Township in completing its review of the application. The fee shall be established and periodically reviewed by the Township Board of Trustees.
 - e. Annual Operational Permit: All composting facilities and operations regulated by this Ordinance shall be subject to an annual operational permit issued by the Township Board of Trustees. Any violation of this Zoning Ordinance, or any other appropriate state, county, or local regulation, or noncompliance with the conditions of the special approval use permit, shall be grounds for the denial of an operational permit or its renewal. Renewal of an annual operational permit shall not be given without receipt of a letter of compliance from the MDNR Waste Management Division, and from the County Health Department, as may be required by this section and compliance with and receipt of a performance guarantee as required in paragraph B.3., of this section.
3. Performance Guarantee, Required Improvements. St. Clair Township shall require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with the project as a guarantee for their completion. These improvements shall mean those features and actions associated with the project which are considered necessary, by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project, or project area. Improvements shall include roadways, grading on and off-site, utilities, fencing, berming, screening, drainage, and source of water. Improvements do not include the entire project which is the subject of zoning approval. This performance guarantee shall be returned to the developer upon completion of required improvements and receipt of an "as built" site plan, as required by this ordinance.
 - a. St. Clair Township shall also require and establish the amount of a performance guarantee, such as an irrevocable bank letter of credit, or surety bond acceptable to the Township to assure zoning and special approval use compliance, to correct breakdowns in the composting system, and to guarantee restoration in the event of abandonment, the presence or contamination of the site by hazardous wastes, or other environmental pollution. A minimum amount of \$5,000 shall be established and held as a performance guarantee. This performance guarantee shall be renewed each year in conjunction with the renewal of the operational permit.
 4. Consistency with State and County. The proposed facility and operation shall be consistent with solid waste planning efforts of the State of Michigan and County of St. Clair. This consistency shall be evidenced by a letter of consistency issued to the applicant by the MDNR Waste Management Division and from the St. Clair County 641 Solid Waste Committee. Approval of the special approval use permit, and the initial operational permit, shall not be granted without receipt of these letters of review/approval and compliance with this section.

5. Availability of Facility. The proposed facility must be available for use by all residents of St. Clair County during regular operating hours. The facility shall be open to County residents each Saturday of the month for a minimum of six (6) hours from April 1st to December 1st. The operator may charge County residents a fee for tipping and purchase of finished product.

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

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

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

- A. The specific foster or other care home use must be clearly identified, registered and licensed by the appropriate State or Federal agency and may only be changed or altered with Planning Commission special use approval.
- B. All access to the site shall be directly onto a major road with a minimum 66 foot right of way.
- C. All such facilities shall be developed on sites consisting of at least two (2) acres or more, with a minimum of one hundred sixty five (165) foot lot width.
- D. No structures shall be constructed on the site other than structures designed as residential buildings or accessory uses. The main building must not be located closer than forty (40) feet to any property line.
- E. The maximum extent of the development shall not exceed twelve (12) residents.
- F. In addition to providing off-street parking, loading space and service drives as required per the site plan approval, there shall also be provided on the site, not less than fifteen hundred (1500) square feet of open space for each bed in the home. This land area shall provide for fencing, berms, landscaping

and accessory used as determined necessary by the Planning Commission upon site plan review. This area shall not include the area covered by main or accessory buildings.

G. Facilities may not be located within a 1500 foot radius of any existing foster or other care home.

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

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

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

- A. Radio, Television and Cellular Telephone Towers and Equipment.
 - 1. Setback. The tower will be setback from all property lines and adjacent right-of-ways not less than a distance equal to the height of the tower, with no zoning ordinance restrictions on tower height.
 - 2. Structural Integrity and Inspection. The building inspector must approve all plans and may require periodic inspections as follows to ensure structural integrity:
 - a. Monopole towers once every 10 years.
 - b. Self-support towers once every 5 years.
 - c. Guide towers once every 3 years.
 - d. Inspections shall be conducted by a certified testing agency, engineer or architect licensed by the State of Michigan. The reports of such inspections shall be provided to the township and based upon the results of the inspection, the township may require repair or removal of the tower.
 - 3. Equipment facilities and Accessory Uses. These facilities may not include offices, vehicle or other outdoor storage, or broadcast studios or other uses that are not primarily enclosure or shelters of the above essential service equipment. The architectural design must be approved by the Planning Commission as compatible with the surrounding or abutting districts.
 - 4. Location. No Tower will be permitted to be located within a 2 and 1/2 mile radius of another existing tower, or proposed tower having received approval from the Township.
 - 5. All future construction of towers are to be Monopole Towers only.
 - 6. Fencing. A security fence at least six (6) feet in height shall be constructed and set away from the base of the tower and other on site structures, at least (10) feet in all directions, as determined necessary by the Planning Commission.

7. Lighting and Security. When lighting is required or permitted by the Federal Aviation Administration or other Federal or State authorities, it shall be oriented so as not to project onto surrounding residential property. Prior to site plan review and approval the applicant shall provide documentation that the proposed tower has been reviewed and is not been determined to be a hazard by the FAA.
8. Abandonment. Any such tower standing unused for twelve (12) months or more may be required to be removed at the expense of the tower owner.

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B. Wind Energy Conversion Systems.

1. Definitions:
 - a. Wind Energy Conversion Systems (hereinafter referred to as WECS): Any device which converts wind energy to mechanical or electrical energy.
 - b. Wind Rotor: The blades plus hub to which the blades are attached used to capture wind for purposes of energy conversion.
 - c. Tower Height: The height of the actual tower, plus one-half the rotor diameter on horizontal axis installations, and on vertical axis installations, the distance from the base of the tower to the top of the unit.
 - d. Survival Wind Speed: The maximum wind speed a WECS in automatic, unattended operation (not necessarily producing power) can sustain without damage to structural components or loss of the ability to function normally.
2. Permitted Zones. In any zoning district, the Planning Commission shall have the power to grant a special permit to allow wind energy conversion systems, subject to the restrictions contained within this Ordinance. Any special permit denied by the Planning Commission may be heard by the Zoning Board of Appeals upon the request of the petitioner for the special permit.
3. Applicability of Ordinance. The standards which follow shall apply to systems intended for the provision of the electrical or mechanical power needs of the owner/operator of the system; also, such a system shall be for one main building and its accessory buildings only. For systems intended for uses other than the above, Planning Commission approval shall be required. Said approval shall cover the location of the system (shown on a survey of the property) on the site, the noise generated by the system, assurances as to the safety features of the system, and compliance with all applicable state and federal statutes and regulations. Planning Commission approval shall specifically be required for arrays of more than one wind energy conversion system and for systems wherein one wind energy conversion system is intended to provide the electric power for more than one main building.
4. Standards for and Regulation of WECS.
 - a. Construction: Tower construction shall be in accordance with the latest edition of the Township Building Code, and any future amendments and/or revisions to same.
 - b. Electric-Magnetic Interference (EMI): Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause harmful interference with radio and/or television broadcasting or reception, and shall comply with the provisions of Title 47, Chapter 1, Part 15 of the Federal Code of Regulations and subsequent revisions governing said emissions.
 - c. Setbacks: The structural design shall be signed and sealed by a professional engineer, registered in the State of Michigan, certifying that the structural design complies with all of the standards set forth for safety and stability in all applicable codes then in effect in the State of Michigan and all sections referred to herein above. The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to the height of such tower, that is, the property setback shall be on a one to one ratio with tower height.

- i. The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the WECS or its supporting structure will not cause any portion of it fall within five (5') feet of utility lines.
- d. Maximum Height: The maximum height permitted (without variance from the Zoning Board of Appeals) shall be forty (40') feet unless otherwise prohibited by any state or federal statutes or regulations.

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- e. Minimum Blade Height: The minimum distance between the ground and any protruding blades utilized on a WECS shall be fifteen (15') feet, as measured at the lowest point of the arc of the blades.
- f. Labeling Requirements: A minimum of one sign shall be posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the WECS.
 - i. The maximum power output of the system and the wind speed at which it is achieved.
 - ii. Nominal voltage and maximum current.
 - iii. Manufacturer's name and address, serial number and model number.
 - iv. Maximum survival wind speed and the emergency and normal shut down procedures.
- g. Utility Company Notification: The Detroit Edison Company shall be notified in writing of any proposed interface with that company's grid prior to installing such interface and shall conform with any legislated requirements governing installations of WECS so as to comply with the Utility Tariff specifications.
- h. Safety: The WEC's manufacturers shall document that the WECS model has been tested and certified by Underwriter's Laboratory, or other such applicable independent accrediting agency, and that when installed in accordance with recommended specifications shall have a maximum survival wind speed of not less than eighty (80) miles per hour.
- i. Noise: The maximum level of noise to be generated by a WECS shall be fifty (50) decibels, as measured on the dBA scale, measured at the property line.
- j. Miscellaneous.
 - i. All electric line/utility wires shall be buried under ground.
 - ii. Any mechanical equipment associated with and necessary for operation, including a building for batteries and storage cells shall be enclosed with a six (6') foot fence. The supporting tower shall also be enclosed with a six (6') foot fence unless the base of the tower is not climbable for a distance of twelve (12') feet.
 - iii. When a building is necessary for storage of cells or related mechanical equipment the building may not exceed one hundred forty (140) square feet in area nor eight (8') feet in height, and must be located at least the number of feet equal to the height of the tower from any property line.
 - iv. The tower and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the tower and related structure shall be dismantled and removed from the property within sixty (60) days.
 - v. Every WECS shall be insured with minimum liability insurance of one hundred thousand dollars (100,000) for each occurrence. Proof of insurance shall be furnished to the Township.

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

- A. The used automobile and truck sales must be located on a major thoroughfare, on a site having frontage of not less than one hundred (100') feet and an area of not less than ten thousand (10,000) square feet.

- B. Ingress and egress to the outdoor sales area shall be at least sixty (60') feet from the intersection formed by the existing or proposed right-of-way lines, whichever is greater.
- C. No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.
- D. A fifteen (15') foot landscaped setback shall be provided between any existing or proposed right-of-way line, whichever is greater, and any outdoor display of used automobiles or trucks.
- E. All lighting shall be shielded from adjacent residential districts and the use of open or base bulbs shall be prohibited.
- F. No outside loud speaker or outside public address system shall be used.

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Section 5.5. Planned Unit Development.

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

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

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

- A. Applicable Zoning Districts. Planned unit development treatment may be applied in any zoning district.
- B. Applicable Uses. Any land use authorized in this Ordinance may be included in a planned unit development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development for the purpose of effectively dividing varied land uses which have been joined in and/or are adjacent to the development.
- C. Conditions. The applicant for a planned unit development must demonstrate all of the following as a condition to being entitled to planned unit development treatment:
 - 1. Grant of the planned unit development will result in one of the following:
 - a. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 - b. Long-term protection and/or preservation of natural resources and natural features of a significant quantity and/or quality in need of protection or preservation on a local, state, and/or national basis; or
 - c. A non-conforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
 - 2. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, and utilities in relation to the use or uses otherwise permitted by this Ordinance, and shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment.

3. The proposed development shall be consistent with the public health, safety and welfare of the Township.
4. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
5. The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this Ordinance.

5.5.3. PROJECT DESIGN STANDARDS.

- A. Residential Density. Residential uses shall be permitted with the following maximum density, based upon the zoning district in which the property is situated immediately prior to classification under this article.
 1. Eight (8) dwelling units per gross acre in R-U.
 2. Ten (10) dwelling units per gross acre in RS-1.
 3. Twelve (12) dwelling units per gross acre in RS-2.
 4. Fourteen (14) dwelling units per gross acre in RM.
- B. Non-residential Uses. Non-residential uses shall be permitted as part of a common development with residential units to the extent the applicant demonstrates by expert analysis, and the Planning Commission finds, in its discretion, that the non-residential uses shall principally serve the persons residing in the residential units in the project, provided, the non-residential uses, including without limitation, parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.
- C. District Applications. For non-residential uses, minimum lot area requirements of the district in which a use is a permitted principal use shall apply, subject to the provisions of the immediately following paragraph. All ambiguities shall be resolved by the Planning Commission.
- D. Zoning Regulations. All regulations applicable to lot size, lot width, setback, parking and loading, general provisions, and to other requirements and facilities, shall be met in relation to each respective land use in the development based upon regulations of the zoning district in which the property is situated immediately prior to classification under this article. For all special uses, regulations applicable to the respective uses shall apply. The Planning Commission, in its discretion, shall resolve all ambiguities as to applicable regulations. Notwithstanding the immediately preceding provision of this paragraph, deviations with respect to such regulations may be granted as part of the overall approval of the planned unit development, provided there are features or elements deemed adequate by the Planning Commission designed into the project plan for the purpose of achieving the objectives of this article.
- E. Increased Residential Density. Additional density of up to 25 percent greater than specified in the ordinance for residential uses may be allowed in the discretion of the Planning Commission based upon a demonstration by the applicant of design excellence in the planned unit development resulting in a material benefit to all or a significant portion of ultimate residential uses of the project, including, without limitation, development of innovative design producing significant energy efficiency, pedestrian or vehicular safety, or long-term aesthetic beauty.
- F. Natural Resource Preservation. To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features. In the interpretation of this provision, natural resources and natural features may be impaired or destroyed only if it is clearly in the public interest to do so. In determining whether action is in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of the natural resources or features. To accomplish this balancing, the following criteria shall be applied: The availability of feasible and prudent alternative methods of

accomplishing the development; the extent and permanence of the beneficial or detrimental effects of the proposed activity; the size, quality and rarity of the natural resources or natural features which would be impaired or destroyed.

- G. **Buffer Requirements.** There shall be a perimeter setback and berming, as found to be necessary by the Planning Commission, for the purpose of buffering the development in relation to surrounding properties. If the planned unit development project includes non-residential uses adjacent to a district authorizing residential uses, and/or if the project is larger than one acre in area, such perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet in the discretion of the Planning Commission, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.

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- H. **Standards.** Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
- I. **Utilities.** Where feasible, there shall be underground installation of utilities, including electricity and telephone.
- J. **Separate Pedestrian Provisions.** In all cases where separation can be accomplished without significantly reducing the kind and density of uses, the pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares and ways.
- K. **Features.** Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
- L. **Screening.** In all cases where non-residential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The Planning Commission, in its discretion, shall review and approve the design and location of such mechanisms in regard to maximizing, to a reasonable extent, the achievement of the screening objectives.

5.5.4. PROCEDURE FOR REVIEW AND APPROVAL.

- A. **Rezoning Amendment.** The grant of a planned unit development application shall require a rezoning by way of an amendment of this Ordinance.
- B. **Preliminary Site Plan Review.** Prior to the submission of an application for planned unit development approval, the applicant may submit to the Planning Commission a preliminary site plan of the proposed planned unit development, as well as the following information:
1. Total number of acres in the project;
 2. a statement of the number of residential units, if any;
 3. the number and type of non-residential units, if any;
 4. the number of acres to be occupied by each type of use;
 5. the known deviations from ordinance regulations to be sought;
 6. the number of acres to be preserved as open or recreational space;
 7. all known natural resources and natural features to be preserved.
- C. **Preliminary Response.** The Planning Commission shall review the preliminary site plan, and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review, the Planning Commission shall provide the applicant with written comments, which shall be part of the official minutes of the Planning Commission.
- D. **Recommendation for Amendment.** Within six (6) months following receipt of the Planning Commission comments on the preliminary plan, the applicant shall submit to the Code Enforcement Officer, four (4) copies of a final plan conforming with the application requirements below. This plan shall constitute an application to amend this Ordinance, and shall be noticed for public hearing before the Planning

Commission, and otherwise acted upon by the Planning Commission, and the Township Board, as and to the extent provided by law. With and in addition to the regular report submitted by the Planning Commission in connection with a rezoning application, the Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the planned unit development project, including, without limitation, recommendations with respect to matters on which the Township Board must exercise discretion.

5.5.5. APPLICATIONS. Final plans shall include the following:

- A. Site Plan. All requirements for Site Plan Review as listed in this Ordinance.
- B. Use Plan. A plan showing the type, location, and density of all uses.

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

5.5.6. CONDITIONS.

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

5.5.7. PHASING AND COMMENCEMENT OF CONSTRUCTION.

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

second phase of non-residential construction; and completion of 100 percent of all residential construction prior to the third phase of non-residential construction. For purposes of carrying out this provision, the percentages shall be approximations as determined in the discretion of the Planning Commission.

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

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

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

Section 5.6. Condominium Development Standards.

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

- 5.6.1 **APPLICATION.** A site plan must be submitted to the Planning Commission showing all buildings, parking areas, recreation areas, limited common elements, general common elements, and landscaping on a scale sufficient to permit study of all elements of the plan. The site plan shall be in compliance with all the requirements for Site Plan review as listed in the Ordinance and shall include:
- A. The name, address and telephone number of:
 1. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 2. All engineers, attorneys, architects or licensed surveyors associated with the project.
 3. The developer or proprietor of the condominium project.
 - B. The legal description of the land on which the condominium project will be developed together with tax identification numbers.
 - C. The acreage content of the land on which the condominium project will be developed (acreage to be dedicated as public right-of-way shall be noted).
 - D. The purpose of the project (for example, residential, commercial, industrial, etc.)
 - E. The number of condominium units to be developed on the subject parcel.
 - F. Preliminary plans for a community water system.
 - G. Preliminary plans for a community sewer system.
 - H. A flood plain plan, when appropriate.
 - I. A site plan showing the location, area and dimensions of all building envelopes, building sites (limited commons area, and general commons areas), roads, driveways, landscaping, and recreational facilities.

- J. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township for installation, repair and maintenance of all utilities.
- K. Storm water management plan, including all lines, swales, drains, basins, and other facilities including appropriate documentation as well as existing and proposed topographic features.
- L. All natural areas including trees and wetlands to be preserved or modified shall be indicated on the submitted site plan.

5.6.2 STANDARDS. The following standards shall be adhered to during the review, approval and development of the proposed Condominium.

- A. Streets. All streets shall be constructed to the specifications of the St. Clair County Road Commission and the Township Engineers recommendation.

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- B. Utilities. Utilities, including sanitary sewers, storm sewers and freshwater systems shall be constructed in accordance with existing State, County, Township and City public utility requirements and to the Township Engineers recommendations. All utilities, except essential services, shall be placed underground.
- C. Conformance with Subdivision Regulations. All condominium project plans shall conform to the design, layout and improvement standards and all other requirements as established by St. Clair Township based on the recommendations of the Township Engineer.
- D. Setbacks and Lot Areas. All condominium or site condominium projects shall conform to the pertinent zoning district schedule of regulations except as otherwise noted. Setbacks and minimum lot areas for a single family detached site condominium shall be measured from the perimeter boundary of the building site property line. Building site property size requirements may be modified from the minimum lot size requirements upon approval of the Planning Commission provided:
 1. The number of dwelling units per acre do not exceed the minimum lot size requirements per acre as listed.
 2. Designated open spaces are provided for preservation of natural assets, recreational areas and the like.
- E. Open Spaces. Open spaces, including preserves, recreational areas, and the like, and each purpose proposed for such areas shall be clearly indicated on the plans.
- F. Buffer Requirements. There shall be a perimeter setback and berming, as found to be necessary by the Planning Commission, for the purpose of buffering the development in relation to surrounding properties. If the condominium development project includes non-residential uses adjacent to a district authorizing residential uses, and/or if the project is larger than one acre in area, such perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet in the discretion of the Planning Commission, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.
- G. Compliance with other Statutes and Ordinances. All condominium projects shall comply with federal state and local laws, statutes and ordinances.
- H. Master Deed. The project developer shall furnish the Zoning Administrator with copies of the proposed consolidated Master Deed, bylaws, and proposed plans.

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

- A. Phased Development. Condominium projects may be constructed in phases. However, any phased plan shall show the total proposed with phases clearly identified. Building permits for a phase thereof will not be issued until all streets and utilities have been constructed for that phase.

- B. Expansion and Conversion. Prior to expansion or conversion of a condominium project to additional land, any new phase must be approved by the Planning Commission.

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

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

5.6.5. AS-BUILT PLAN AND OCCUPANCY. Submission of an as-built plan of a condominium unit is required prior to occupancy. The zoning administrator may allow occupancy of the project before all improvements required are installed provided that a bond is submitted to the Township Clerk, sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the Township. The amount of the bond shall be determined by the Township Engineer.

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

Section 5.8 Open Space Preservation Option.

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

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

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

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

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

- A. Application. The application form shall be submitted a minimum of 28 days in advance of the next regularly scheduled meeting of the Planning Commission. The applicant shall pay all application fees and deposits necessary to cover review fees by all departments and/or consultants. This may include a requirement for the submittal of a computerized plan and/or additional transparencies that are compatible with the current systems in use by the Township or St Clair County. The applicant shall be required to provide any and all other information or materials necessary to ensure compliance with this ordinance despite any failure on the part of the Township to notify the applicant.
- B. Existing Conditions Drawing. An existing conditions drawing must be prepared to an engineer scale of one (1) inch equals 100 ft., 200 ft., 300 ft., 400 ft. or 500 ft., by a registered land surveyor or registered civil engineer. It must show in detail all the natural features of the property, including streams, lakes, ponds, wetlands, stands of trees and topography at two (2) foot intervals, utility easements and other easements, roads, lanes, driveways, rights-of-way, buildings and structures.

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It must also indicate the amount of the general acres of the site that contain areas of environmental significance, such as wetlands, lakes, ponds, streams, stands of trees and steep topography and the percent each makes up of the total acreage of the property.

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

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

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

5.8.4 PRELIMINARY SITE PLAN REVIEW. Upon acceptance of an application for review, the Township shall stamp each plan with the date received and forward copies to the appropriate personnel and agencies for review and set for preliminary review by the Planning Commission. Following its review, the Planning Commission may;

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

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

Acts.

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

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

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

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

5.8.7 LOT AREA, LOT WIDTH AND BUILDING SETBACK REQUIREMENTS.

The following minimum lot area, lot width and building setback requirements, by zoning district shall apply.

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

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

- A. Amount. Land to be set aside as open space within the development shall not be less than fifty (50) percent of the land area of the property used to compute dwelling density as set forth in elsewhere in this ordinance, and as stipulated in Michigan Public Act 177 of 2001.
- B. Recreation Area. A portion of the property is encouraged to be set aside as an active recreation area for the residents of the development. This area, if possible, should contain sufficient flat land to permit the informal playing of field sports. This land may be provided in addition to, or as a part of the open space preservation area stipulated in this ordinance.
- C. Dedication. All land set as open space shall be set aside for that purpose and that purpose only. Once established and dedicated as open space, no part of any open space so established shall be converted to land for development. Other uses or purposes of the open space may be established or converted to with the express approval of the Township and the residents living in the development and provided the proposed use is in compliance with the Spirit and Intent of this Ordinance. In no event shall any reduction in open space area result in less open space being provided on the property than the minimum open space required by statute (PA177).
- D. Inclusion. The open space portion of the property shall include any lakes, ponds, streams, agricultural lands, wetlands, woodlands, or stands of trees, areas of steep topography, and areas of active recreation open space.
- E. Design. Open space shall extend to as many lots within the development as physically possible

except:

1. No lot line shall be placed closer than fifty five (55) feet to any projected right-of-way line of any road that is designated as a major collector or arterial street on the Township Master Plan.
2. At least some portion of the open space area shall extend to each peripheral property line so that the open space in one development may be connected to open space in an abutting development. Such open space connections shall not be short dead end spaces, but shall be designed and laid out to permit the potentially continuous interconnecting of open space areas in one development with the open space areas in other developments. No open space area shall be less than fifteen (15) feet wide so that it can adequately accommodate a trail or bikepath extending uninterrupted from one open space to another.

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3. Where a preservation open space development shall border an existing commercial development, or land that is zoned or master planned for commercial development, open space be provided. of sufficient width to permit connecting the two sites together via a trail or bikepath, shall
 - F. Perpetuity. All open space areas shall be clearly stipulated in any covenants placed on the development as area to be set aside in perpetuity as open space.

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

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

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

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

accordance with the following requirements.

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

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

- A. Natural Foliage Screen. If dense natural screening exists along the property's thoroughfare road frontage, it shall be preserved. Where deemed appropriate or necessary, it shall be augmented by new planting materials placed to enhance the natural foliage screen within the minimum required setback buffer area between the lot line and the right of way. Any screening buffer so applied may count towards meeting the minimum open space requirement of this Section.
- B. Topographic Screen. If an effective screen of natural foliage does not exist along a site's thoroughfare frontage, but a pronounced change in topography of at least eight (8) feet in height does exist within the minimum setback buffer area described in Subsection 5.8.9 E.1 of this Section, the upward change in elevation may serve as a buffer.
- C. Artificial Screen. In the event that dense foliage or a pronounced change in topography does not exist along the property's thoroughfare an eight (8) foot high undulating earth berm shall be erected within the minimum setback buffer area. The maximum steepness of the side slope of the earth berm shall not exceed a ratio of 3:1 (3 feet of horizontal plain for each foot of vertical rise) and the slopes of the berm shall be stabilized against erosion by the use of extensive ground cover consisting for the most part, of trees and shrubs.
- D. General Landscaping. For common areas, including any entrance designs or buffering requirements as set for in this subsection, that may be required or are proposed, a detailed landscape planting plan, drawn to the same scale as the site plan, shall be submitted. The landscape planting plan shall show the location of all planting materials or landscape features and shall identify all such features, including the specie of each live planting material, their location and their size or spread at the time of planting and when they reach full growth. A statement shall be placed on the landscape planting plan explaining how all landscaping so placed, will be maintained in a living growing condition, as required by ordinance.
- E. Lot Orientation. All lots shall be placed with a back lot or side lot orientation to any buffer area required in the Subsection.

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

- A. Preliminary Site Plan Approval. The granting of Preliminary Site Plan Approval by the Planning Commission shall be good for one (1) year, commencing on the date of approval and terminating on the date one (1) year later.
- B. Final Site Plan Approval. The granting of Final Site Plan Approval by the Planning Commission shall be good for one (1) year, commencing on the date of approval and terminating on the same date one (1) year later.
- C. Extension. If between the granting of Preliminary or Final Site Plan Approval and the termination

date of that approval, a revised site plan is submitted and approved by the Planning Commission, the one (1) year expiration date will be extended one (1) year to the day from the date of revised site plan approval.

SECTION 5.9 RANGE ROAD CORRIDOR OVERLAY

5.9.1 INTENT

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

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- (a) Maximize the capacity of the road by limiting, and controlling the number, and location of driveway; and requiring alternate means of access through shared driveways, service drives, and access from side streets.
- (b) Preserve future right-of-way needs in a timely manner and minimizing disruption of existing businesses through preservation of additional right-of-way that maybe necessary to widen the road
- (c) Promote alternative means of transportation through development of non-motorized pathways along Range Road and provide for transit-friendly site design.
- (d) Facilitate high—quality development and redevelopment of commercial business districts through quality architecture, efficient site design and landscaping.
- (e) Require low level signs to minimize motorist distraction, avoid blight, and clutter, promote aesthetics and unify signage with the overall character desired in the corridor while providing property owners and businesses with an appropriate mechanism in which to identify their location and business.
- (f) Require landscaping on sites along the corridor as they develop and redevelop to attain the desired green space, buffering between uses and the high quality appearance of the corridor.
- (g) Promote preservation of existing natural features, including woodlands and wetlands, which provide important ecological and aesthetic functions to the communities along the corridor.

5.9.2 APPLICABILITY

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

development within the overlay zoning district where the proposed development meets the warrants for such traffic impact study. The warrant for a traffic impact study and the standards listed in preparing and approving such traffic impact study shall be based upon standards adopted by the Range Road Advisory Committee. The traffic impact study may be forwarded to the Range Road – Advisory Committee for review and recommendation prior to approval by the Planning Commission.

5.9.3 BUILDING DESIGN

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

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Permitted Building Material	Maximum Percent of Wall that may be Covered by Certain Building Material	
	Commercial Or Office	Industrial
Brick or face brick	100%	100%
Cut or cast stone	100%	100%
Scored or split-face block	50%	100%
Vinyl siding	50%	50%
Wood siding	50%	0%
EIFS, Dyvit or Stucco	25%	25%
Metal	25%	25%
Other material not listed above	10%	10%

- (c) **Roof.** Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. Buildings shall be designed with a pitched roof or shall incorporate a decorative cornice along the top of a parapet wall enclosing a flat roof. All rooftop mounted equipment shall be screened from view.
- (d) **Front Facade.** Buildings shall front towards and have their primary pedestrian entrance facing the public street. The Planning Commission may permit buildings which face towards a side yard, provided that defined pedestrian access routes are provided to the public street. Blank walls may not face a public street and buildings must have windows and architectural features commonly associated with the front facade of a building on walls that face Range Road.
- (e) **Setbacks and Building Walls.** Buildings shall be located to create a defined streetscape through uniform

setbacks and proper relationship to adjacent structures. The predominate surface plane of all building walls over one-hundred (100) feet in length shall be varied through the use of one or more of the following: varying building lines, windows, architectural accents or landscaping.

- (f) **Site Elements.** Signs, landscaping, walls, lighting and other site elements shall be coordinated and compatible with the building design. as well as harmonious with other nearby developments.

5.9.4 Signs

- (a) **Monument Sign.** Each business along Range Road shall be permitted one monument sign, a maximum of six feet in height and sixty (60) square feet. of sign area. An additional forty (40) square feet of sign area shall be permitted for frontages of over three-hundred (300) feet. Corner lots with the minimum required

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frontage on two public roads shall be permitted two monument signs - one per frontage. The Planning Commission may permit up to a ten percent (10%) increase in the maximum permitted ground sign area if extensive landscaping and a descriptive brick base consistent with the materials of the principal building are provided.

- (b) **Wall Signs.** Wall signs shall be allowed up to ten percent (10%) of the front building facade and shall not project beyond or overhang the wall and shall not project above the roof or parapet wall of the building.
- (c) **Entrance Signs.** Entrance signs shall be permitted to a maximum of thirty-six (36) square feet in area and a maximum height of six (6) feet identifying developments such as office complexes, industrial parks, schools, subdivisions, apartment complexes, condominium communities. Senior housing complexes, mobile home parks and similar uses.
- (d) **Prohibited Signs.** The following signs shall be prohibited: pole signs, billboards, commercial vehicles used as signs, exterior string lights, portable or temporary signs, signs using high intensity or flashing lights, spinners or animated devices and signs that obstruct motorist or pedestrian vision.
- (e) **Other Signs.** The following signs shall be permitted as provided for in the underlying zoning district: construction signs, flags, garage sale and estate sale signs, gas station pump island signs historical markers, menu boards for drive-thru restaurants, non-commercial directional signs, addresses, office tenant/occupant name signs, political signs, real estate signs, parking lot regulatory signs, traffic regulatory signs and street signs.

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

- (a) **Frontage Greenbelt.** Within all zoning districts, site plans and subdivision plats shall provide twenty (20) foot wide greenbelt planted adjacent to and outside of the road right-of-way. Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except where paved pedestrian or vehicular access are used. All existing trees six (6) inches caliper or greater within the greenbelt shall be preserved, except where necessary to install vehicular, pedestrian and utility access points. The greenbelt shall be planted with the following-landscaping:
 - (1) Within any zoning district that permits commercial or office uses, a minimum of one (1) deciduous

canopy tree and four (4) shrubs shall be planted for each thirty (30) lineal feet, or portion thereof, of required greenbelt length. Trees may be planted at uniform intervals, at random, or in groupings. The Planning Commission may approve substitution of evergreen trees for up to fifty percent (50%) of the required trees.

- (2) Within all other zoning districts, including industrial and residential districts, a minimum one (1) deciduous canopy tree, one (1) evergreen tree and four (4) shrubs shall be planted for each thirty (30) lineal feet, or portion thereof, of required greenbelt length. Trees may be planted at uniform intervals, at random, or in groupings.

(b) **Buffer Zones.** In order to provide protective screening and buffers between abutting land uses, a landscaped buffer zone shall be provided along all side and rear lot lines in accordance with the following:

REQUIRED BUFFER ZONES				
The Proposed Use Will Be:	Proposed Use Will lie Adjacent To:			
	Single Family District	Multiple Family District	Commercial District	Industrial District
Single Family Residential (I)	None	B	B	A
Multiple Family Residential	B	C	B	A
Commercial Office	B	B	C	B
Industrial	A	A	B	C

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

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

C) Landscaping of Off-street Parking Areas.

- (1) All off-street parking areas shall be landscaped with one deciduous canopy tree for each ten parking spaces. Landscaping may be located within interior landscape islands or around the perimeter of the parking lot, provided that a minimum of one-third of the required parking lot trees shall be located within landscape islands.
- (2) Landscaped areas in parking lots shall be no less than ten (10) feet in any dimension and no less than one hundred fifty (150) square feet in area- Landscaped areas shall be protected with curbing or other means to prevent overhang encroachment of vehicles. Landscaped areas shall be covered by grass or other living ground cover. Wood chips or similar material, a minimum depth of three (3) inches is permitted for planting beds surrounding plant material.

- (3) Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and help direct smooth traffic flow within the lot. Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area. Landscape islands shall be located to define and protect pedestrian walkways leading to the building entrance.
- (4) Where off-street parking areas are visible from a public street, a hedge row shall be provided within the yard between the parking lot and the road right-of-way. The hedge row shall be planted with two foot tall evergreen or deciduous shrubs, 2-1/2 feet on center. As an alternative to a hedge row, the Planning Commission may permit a three (3) foot tall brick wall with shrub plantings along the brick wall.

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

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

5.9.6 Driveway Access

(a) Driveways in General

- (1) Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
- (2) Driveways, including the radii but not including turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved the St. Clair County Road Commission and upon written certification from the adjacent property owner agreeing to such encroachment
- (3) Any driveway design utilized must allow for an entering vehicle speed of fifteen (15) miles per hour to help reduce interference with through street traffic.
- (4) Driveway design and placement must be in harmony with internal circulation and parking design so that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period as determined by a traffic survey method approved by the Planning Commission.
- (5) There must be sufficient on-site storage to accommodate at least five (5) queued vehicles waiting to park or exit without utilizing any portion of the street right-of-way or in any other way interfere with street traffic or on-site circulation.

- (6) Provisions for circulation between adjacent parcels should be provided through coordinated and/or joint parking systems, or other methods. determined at the time of the site plan review.
- (7) Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
- (8) Driveway placement should be such that loading and unloading activities will in no way hinder vehicle ingress or egress.
- (9) Direct access driveway placement must be such that an exiting vehicle has an unobstructed sight distance from the stop bar in accordance the County Road Commission standards.
- (10) All commercial driveways shall be designed according to the standards of the St. Clair County Road Commission.

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- (11) For high traffic generators, or for commercial driveways along roadways experiencing or expected to experience congestion, the Planning Commission may require two (2) egress lanes.
- (12) Where a boulevard entrance is desired by the applicant or Planning Commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. The minimum area of the island shall be one-hundred eighty (180) square feet. The Planning Commission may require landscaping on the section outside the public right-of-way. Such landscaping shall be tolerant of roadway conditions.

(b) Driveway Spacing Standards

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

(c) Number of Commercial Driveways

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

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- (4) Two one-way driveways may be permitted where the frontage is at least one-hundred twenty-five (125) feet.

(d) Shared Driveways, Frontage Roads And Service Drives

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

5.9.7 Right-of-Way Preservation and Setbacks

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

Sec. 5.9.8 Non-motorized Transportation

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

5.9.9 Lighting

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

