

TITLE

An Ordinance enacted under Act 184, Public Acts of 1943, as amended, governing the unincorporated portions of the Township of Ira, St. Clair County, Michigan, to regulate and restrict the locations and use of buildings, structures and land for trade, industry, residence and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and determine the size of yards, courts, and open spaces; to regulate and to limit the density of population; and for said purposes to divide the Township into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions and boundaries of such districts to define certain terms used herein; to provide for enforcement; to establish a Board of Appeals; and to impose penalties for the violation of this Ordinance.

PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan; now therefore:

ENACTING CLAUSE

The Township of Ira Ordains:

ARTICLE I - SHORT TITLE

Section 100. SHORT TITLE:

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

ARTICLE II - DEFINITIONS

For the purposes of this Ordinance, certain terms, or words used herein shall be interpreted as follows:

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes the word "structure," and the word "dwelling" includes "residence," the word "person" includes "corporation," "copartnership," "association," as well as an "individual;" the word "shall" is mandatory and the word "may" is permissive; the word "lot" includes the words "plots" or "parcel;" the words "used" or "occupied" includes the words "intended," "designed" or "arranged" to be used or occupied.

Terms not herein defined shall have the meaning customarily assigned to them.

Accessory Building: A building or portion of a building subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. An accessory building must conform to all setback requirements of the primary use in non-residential districts.

Adult Bookstore: An establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as hereinafter defined, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Mini-Motion Picture Theater: An enclosure with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as hereinafter defined for observation by patrons therein.

Adult Motion Picture Theater: An enclosure with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as hereinafter defined for observation by patrons therein.

Adult Smoking or Sexual Paraphernalia Store: An establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug-related substances.

Alley: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

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

Apartment: A residential structure containing three (3) or more attached one (1) family dwellings.

Automotive Service Center: A place where automobile service may be carried out for minor repair and servicing of automobiles, together with the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, only when the location of such Automotive Service Center is architecturally designed and located on the site so as to become an integral part of a larger planned shopping center complex.

Auto Repair garage: A place where the following activities may be carried out: vehicle body repair, engine rebuilding or repair, undercoating, painting, tire recapping, upholstery work and auto glass work.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the average grade to the ceiling is over five (5) feet, such basement shall be rated as a first story. An approved earth-sheltered building shall not be considered a basement.

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

Billboard: A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises.

Boarding House: A dwelling where meals, or lodging and meals, are provided for compensation for three (3) or more persons by pre-arrangement for definite periods. A boarding house shall be distinguished from a hotel.

Boat House, Private: A private boathouse is a structure for the storage, shelter, and simple routine maintenance of a boat or boats, which are not for hire or sale and are owned by the immediate family.

Boat House, Commercial: A boathouse is a structure for the storage, shelter, and maintenance of a boat or boats and is used for revenue purposes.

Building: A structure, either temporary or permanent, having a roof supported by columns, or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind, (This shall include tents, awnings, or vehicles situated on private property and used for such purposes).

Buildable Area: The buildable area of a lot or parcel is the space remaining after yard, parking or any other requirements of this Ordinance have been met.

Buildable Land Area (For Density Computations and Habitation of Large Animals): The buildable area of a lot or parcel for the purpose of density calculations, and habitation by large animals such as horses and cows, shall be that area of the lot or parcel exclusive of land which is within the established flood plain, water course, floodway drainage course, wetland, or any other subaqueous area. In the case of large animals such as horses and cows, building area shall also be excluded from the land area if more than ten (10) percent of the buildable area is in buildings for the purposes of this definition and Ordinance.

Building Accessory: A subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.

Building, Earth-Sheltered: A building where a significant portion of the walls and/or roof are covered with earth, that is specifically designed and constructed to meet the requirements of this Ordinance and the building code for minimum floor area, light and ventilation, emergency egress, waterproofing, and similar requirements, and approved by the Building Inspector.

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

Building Height: The vertical distance measured from the established grade of the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Inspector: The Building Inspector or Official designated by the Township Board.

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

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

Commercial Use: "Commercial Use" related to the use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services and the maintenance or operation thereof of offices, or recreational or amusement enterprises.

Compost: A complex, highly stable material formed as a result of the breakdown or decomposition of compostable materials; the end product of the composting process; also known as humus.

Compostable Material: For the purpose of this Ordinance, compostable or organic matter and material shall include typical yard wastes and clippings, such as and limited to, leaves, grass, clippings, vegetable or other garden debris, shrubbery or brush, tree trimmings less than four (4') feet in length and two (2") inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, agricultural wastes, animal waste, sewerage sludge or garbage.

Composting: A yard waste management alternative to burning and/or landfilling in which compostable yard waste is collected, processed and recovered as a resource rather than disposed of. Involves the biological decomposition of organic matter under controlled conditions characterized by piles that generate heat under aerobic conditions. Sheet composting shall not be considered a permitted use.

Condominium Act: Act 59 of 1978, as amended.

Condominium Subdivision Plan: The site plan illustrating the existing site features and all proposed improvements pursuant to the requirements for site plan review.

Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

Condominium Master Deed: The condominium document recording the condominium project as approved by the Township, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the site.

Contaminants: Material received along with the yard wastes, which cannot be composted and, therefore, should be removed from the yard wastes in preparation for composting. Contaminants include, but are not limited to, plastic bags, string or wire used to bundle brush, cardboard boxes, burlap wrapping, etc.

District: A portion of the unincorporated part of the Township within which certain

regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

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

Drive-In Restaurant: A business establishment, for the serving of food and/or beverages, with driveways and approaches so developed and designed so as to serve patrons while in the motor vehicle, or permit patron self-service so that consumption within motor vehicles may be facilitated, as differentiated from a restaurant with indoor seating only.

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

Dwelling, One-Family: A building designed exclusively for and occupied exclusively by one (1) family.

Dwelling, Two-Family: A building designed exclusively for occupancy by two (2) families, living independently of each other.

Dwelling, Multiple Family: A building or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other. (Refer to "Apartments" definition for dwelling unit types.)

Erected: Any physical operations on the premises required for the construction or moving on and including construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.

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

Excavation: Excavation shall mean any breaking of the ground to hollow out by cutting, digging, or removing any soil or rock matter, except for common household gardening and general farm care.

Family: One or two persons or parents, with their direct lineal descendants and

adopted children, or a group of not more than six unrelated individuals, living together in a dwelling unit and comprising a single housekeeping unit.

Family Day-Care: Means a facility receiving more than six (6), but less than thirteen (13), pre-school or school-age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. Family day-care does not include a Sunday school conducted by a religious institution nor a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

Farm: The carrying on of any agricultural activity or the maintaining or the raising of domestic livestock, or small animals, when conducted on at least five (5) acres or more in an agricultural district. The keeping of a horse for the purpose of this Ordinance, shall also constitute a farm and require at least five (5) acres for the first horse with no more than two (2) horses on the first five (5) acres plus one (1) acre for each additional horse.

Fence: An artificially constructed structure of many materials or combination of materials erected enclosure, screen, separate, confine or project areas of land.

Fence, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Fence, Privacy: A view-obscuring fence erected for the purpose of separating property or enclosing the property within its perimeter and designed to fence the area behind it or within its confines from observation by persons outside its perimeter.

Filling: Filling shall mean the depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.

Firearm: An instrument that is capable of hurling a missile by means of exploding or burning powder.

Floor Area: The floor area of a residential dwelling unit is the sum of the horizontal areas of each story of the building as measured from the exterior walls; exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

Floor Area, Usable: For the purposes of computing parking, usable floor area is all ground and non-ground floor area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor

area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation of "Usable Floor Area." For the purposes of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

Garage, Private: A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located and with a capacity of not more than three (3) motor driven vehicles. The foregoing definition shall be construed to permit the storage on any one lot, for the occupants thereof, of not more than one commercial vehicle not exceeding a rated capability of three-fourths (3/4) ton. This shall not include the storage of large tractors, backhoes, bulldozers, other construction-type equipment or similar equipment.

Garbage: The word "garbage" shall be held to include every refuse, accumulation of all waste, animal, fish, fowl, fruit, or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables, including spoiled food, dead animals, animal manure and fowl manure.

Gasoline Service Station: A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and the servicing of and minor repair of automobiles.

Grade: The highest point of ground contacting any portion of the basement or foundation of a dwelling.

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

Gun Club: Any club, organization, individual, group of individuals, or use, whether operated for profit or not, which caters to or allows the use of firearms. A gun club shall include a shooting range.

Home Occupation: An occupation, activity or hobby that is traditionally or customarily carried on within the walls of a dwelling unit, provided that it is clearly incidental and secondary to the use of the dwelling for dwelling purposes, is not offensive, and does not change the character thereof.

Hospital: A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the Health Department and the State of Michigan.

Host or Hostess Establishment: Establishments or clubs offering socialization with a host or hostess for consideration to the host or hostess or for an admission or membership fee.

Hotel: A series of attached, semi-detached or detached rental units that provide overnight lodging and are offered to the public for compensation.

Industrial Use: Any land or building occupied or used for manufacturing or processing purposes.

Junk Yard: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards, and including any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Kennel, Commercial: Any lot or premises on which three (3) or more dogs, six (6) months old or over for sale, breeding, boarding, or training purposes, are either permanently or temporarily boarded for remuneration.

Laboratory: A place devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

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

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

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Township or County Officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

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

Lot, Canal: Any lot, which abuts a canal, shall be considered a canal lot. That portion of the lot abutting the canal shall be considered the canal setback.

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

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

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

Lot, Double Frontage: A lot which fronts on two parallel streets, or which fronts on two streets which do not intersect at the boundaries of the lot. Waterfront lots and canal lots shall not be considered to be double frontage lots.

Lot, Interior: Any lot other than a corner lot.

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

- (a) **Front Lot Line**: In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, the front lot line is that line separating said lot from the street, which is designated as the front street in the plat, and in the application for a building permit or zoning occupancy permits. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines.
- (b) **Rear Lot Line**: The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
- (c) **Side Lot Line**: Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot, Waterfront: Any lot, which abuts Lake St. Clair, shall be considered a waterfront lot. That portion of the lot abutting the lake shall be considered the waterfront setback.

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

Marina, Commercial: A dock or basin providing secure moorings for all types of watercraft that may also provide repair services, fuel, storage, and other similar facilities. The keeping of not more than three (3) boats owned by the occupants of a

single parcel of private property shall not constitute a commercial marina.

Marina, Private: A building, dock or basin or any combination of these providing safe berthing, mooring, and/or storage of private recreational watercraft and with a total capacity of not more than three (3) boats. This definition shall be construed to limit the berthing, mooring and/or storage of said watercraft to only those owned by the occupants of the property in question.

Massage Parlor: An establishment where persons conduct, or permit to be conducted or engaged in, massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol, or any other means of preparations to provide relaxation or enjoyment to the recipient.

Master Plan: A comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Migratory Labor Camp: Temporary facilities provided for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops, or for other essential, but temporary employment.

Motel or Motor Court: A series of attached, semi-detached or detached rental units which provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles as a facility for temporary residence.

Municipal and Commercial Composting Operations: A facility for the receipt and processing of organic materials, including only leaves, grass, twigs and wood chips. A composting facility shall not mean farms where composting is an ancillary part of operations and no product is removed for distribution, nor is the bulk of the composting material brought into the site from an off-site source or residence where composting is practiced on a small scale for the personal use of the owner to enrich gardens and lawns.

Nonconforming Building: A building or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the use provisions of the Ordinance, nor to the use regulations of the district in which it is located.

Nonconforming Use: A use which lawfully occupied a building or land at the time this Ordinance, or amendments thereto, became effective, that does not conform to the use regulations of the district in which it is located.

Occupied: Includes the meaning of intent, design or arranged for occupancy.

Occupancy Load: The number of individuals normally occupying a building or parts thereof or for which the existing facilities have been designed.

Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

Open Dance Hall: An establishment where open public dancing by patrons is available during at least four days per week, with or without partners furnished by the establishment.

Overnight Camping: The use of a tent, camper, travel trailer, or other recreational vehicle for overnight accommodations by anyone other than the owner of a principal residence on the same property.

Parking Space: A parking space is hereby determined to be an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

Pawnshop: An establishment where merchandise is left as security for a loan of money and abandoned if repayment of the loan has not been made within a specified period.

Pinball or Video Game Arcade or Establishment: Establishment where the principal business consists of customer-operated games or entertainment experience of a mechanical, electronic, physical or emotional nature for an admission fee or a fee for the use of the particular device or devices engaged by a customer.

Pool or Billiard Hall: An establishment having a substantial or significant portion of its space devoted to the game of pool, billiards, bumper pool, ping-pong, darts, dice, cards or similar activities.

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

Public Utility: Any person, firm or corporation, municipal department, board of commission duly authorized to furnish and furnishing under Federal, State, or Municipal regulations to the public: gas, steam, electricity, sewerage disposal, communication, telegraph, transportation or water.

Roadside Stands or Markets: A roadside stand or market is the temporary use of property or facilities for the selling of produce.

Rubbish: Rubbish means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

Sanitary Land Fill: Any operation which involves the piling, placing, storing, dumping or depositing, in a hole or trench, any material in the form of rubbish and/or waste materials.

Satellite Dish Antenna: An accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter relay located in planetary orbit.

Sauna, Hot Tub or Other Similar Health or Body Improvement Enterprise: Establishment where saunas, hot tubs, whirlpools, sun lamps and similar body relaxing, soothing or improving facilities are available for male and female customers with or without supervision or participation by employees or independent contractors of the business.

Secondhand Store: An establishment where used merchandise is offered for sale as a principal portion of the business of the establishment.

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

Sign: The use of any words, numerals, figures devices, designs, or trademarks by which anything is made known (other than billboards) such as are used to show an individual, firm, profession or business, and are visible to the general public. Accessory signs pertain to uses or activities conducted on the premises where the signs are located.

Specified Anatomical Areas:

1. Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state even if completely and opaquely covered.

Specified Sexual Activities:

1. Acts of human masturbation, sexual intercourse or sodomy.
2. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.
3. Human genitals in a state of sexual stimulation or arousal.

Stable, Private: A structure or shelter with the capacity for care and housing of horses which are not boarded and are not for hire or sale and are owned by the immediate family, only when conducted on a parcel which meets the minimum lot area requirements for a farm.

Stable, Commercial: A stable other than a private stable, where horses are boarded or are for hire or sale.

Story: That part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

Street: A public thoroughfare, which affords the principal means of access to abutting property.

Structure: Anything constructed, or erected and designed for a permanent location on the ground.

Temporary Building or Use: A structure or use permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

Tents: Tents as used in this Ordinance shall not include those used solely for children's recreational purposes.

Thoroughfares, Major: An arterial street which is intended to serve as a large volume trafficway for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term.

Thoroughfares, Secondary: An arterial street which is intended to serve as a trafficway serving primarily the immediate Township area and serving to connect with major thoroughfares.

Tourist Home: Any dwelling used or designed in such a manner that certain rooms other than those used by the family, and occupied as a dwelling unit are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

Trailer Court (or Mobile Home Park): Any plot of ground upon which two or more

mobile homes, occupied for dwelling or sleeping purposes, are or may be located.

Trailer Coach (Mobile Home): Any vehicle designed, used, or so constructed as to permit its ability to be transported upon the public street or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

Travel Trailer and/or Motor Home: A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

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

Use, Accessory: A use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

Utility Room: A utility room is a room used primarily for storage, for housing a heating unit, or for laundry purposes.

View- Obscuring: Having such qualities as to constitute a visual barrier to persons outside the perimeter of the view-obscuring object. Landscaping, flowers, shrubbery and similar materials which are less than two (2) feet in height shall not be considered as view-obscuring.

View-Obscuring Fence: A fence containing an opaque area in excess of twenty (20%) percent on the plane as established by the greatest two dimensions of the fence, or having such qualities as to constitute a complete visual barrier to persons outside the perimeter of the view-obscuring object.

View-Obscuring Landscape: Landscaping having such qualities as to constitute a visual barrier of greater than twenty (20%) percent to persons outside the perimeter of the view-obscuring object.

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

- (a) **Front Yard**: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- (b) **Rear Yard**: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

- (c) **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

Yard Waste: For the purpose of this Ordinance, yard wastes shall be limited to leaves, grass, clippings, vegetable or other garden debris, shrubbery or brush, tree trimmings less than four (4') feet in length and two (2") inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, agricultural wastes, animal waste, sewerage sludge or garbage.

ARTICLE III - ZONING DISTRICTS AND MAP

Section 300. DISTRICTS

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

AEC	Agricultural/Estates/Conservation
RS	Residential Suburban
RU	Residential Urban
RM-1	Multiple-Family Residential (low-rise)
RM-2	Multiple-Family Residential (low-rise)
RM-3	Multiple-Family Residential (high-rise)
MH	Mobile Home Park
B-1	Local Business
B-2	General Business
I-1	Light Industrial
I-2	Heavy Industrial
WM	Waterfront Marina

Section 301. BOUNDARIES

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

- (a) Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
- (b) Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Board of Appeals.

Section 302. ZONING OF VACATED AREAS

Whenever any street, alley or other public way, within the Township of Ira shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of the land formerly within such vacated street, alley or public way, shall automatically and without

further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used for that same use as is permitted under this Ordinance for such adjoining lands.

Section 303. DISTRICT REQUIREMENTS:

All buildings and uses in any district shall be subject to the provisions of the GENERAL PROVISIONS AND GENERAL EXCEPTIONS.

ARTICLE IV - (AEC) AGRICULTURAL DISTRICTS

PREAMBLE:

In establishing the reasons for and the intent of this District, reference is made to the Ira Township Master Plan, adopted on April 8, 1996, and its subsequent amendments. Certain areas of the Township have unique natural resources, productive soils, soils with development limitations, scenic beauty, and other reasons presented in the Master Plan as to why these lands should be preserved or used for specific land uses. Based upon the knowledge and technology presently available, it has also been determined through the Sewer Study that there are major parts of Ira Township that will never have the availability of, or necessary capacity in, the Township's public sanitary sewer system. Within those areas, the Township seeks to:

- Encourage the preservation of agricultural lands and agribusiness.
- Permit construction of single-family dwellings on estate-size parcels where on-site septic disposal is required to assure that sewage pollution will not occur off site.
- Encourage the preservation or conservation of floodplains, wetlands, marsh and wooded areas.
- Retain the open space and rural character.
- Encourage the dominance of natural resources and the environment as integral part of future man-made development.

Section 400. PRINCIPAL USES PERMITTED:

In the (AEC) Agricultural Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

- (a) Farms. Where any raising of animals is conducted, the minimum area of lots shall be five (5) acres, with a minimum frontage of three hundred (300) feet.
- (b) All principal uses permitted in the RS - Residential Suburban and RU - Residential Urban zoning districts, provided the minimum lot or parcel area is at least 3.5 acres and has at least 250 feet of frontage on a public road.
- (c) Churches, libraries and public community buildings or public recreation centers, and public and parochial schools.
- (d) Private stables.
- (e) Plant nurseries, without retail sales, except roadside stands as permitted in 1607 (i).
- (f) Garage sales, yard sales or similar types of sales, provided no such sale shall take place for a period exceeding fourteen (14) days and no residence shall be permitted more than two (2) such garage sales per year. A permit shall be obtained from the Township

Clerk for all garage sales, the fee for the permit to be established by resolution of the Township Board.

- (g) Uses similar to the above permitted uses, as determined by the Planning Commission.
- (h) Accessory buildings and uses customarily incident to one of the above permitted uses.

Section 401. SPECIAL LAND USES

The following special approval land uses shall be permitted only after proper notice has been given as required by State Law and after review by the Planning Commission and approval by the Township Board. Township Board approval shall be subject to the requirements and standards of Section 1621 and the submission of a site plan conforming to the requirements of Section 1615.

- (a) All special approval land uses permitted in Section 501 for RS and RU land uses, provided that the area, height and placement requirements of this zoning district are met.
- (b) Recreational areas of a non-commercial nature for private clubs, non-profit organizations, religious groups and charitable institutions when operated on sites of at least ten (10) acres, provided the location has been reviewed and recommendation made by the Planning Commission.
- (c) Home Occupations conducted in an accessory building, subject to the following:
 - 1) No person other than members of the family residing on the premises shall be engaged in such occupation.
 - 2) There shall be no sale of any goods manufactured elsewhere in connection with such home occupation.
 - 3) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
 - 4) No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or cause fluctuations in line voltage off the

premises.

- 5) Permitted signs shall be limited to one (1) sign not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the building.
- (d) Family Day-Care (7-12 persons), subject to the following:
- 1) The proposed use shall not be located closer than 1,500 feet to any of the following facilities, as measured along a street, road or other thoroughfare, excluding an alley:
 - a. Another licensed group day-care home.
 - b. Another adult foster care small group home or large group home, licensed by the State of Michigan.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, whether or not the State of Michigan licenses it.
 - d. A community correction center, resident home, halfway house or other similar facility, which houses an inmate population, under the jurisdiction of the Department of Corrections or a similar governmental authority.
 - 2) Front, rear and side yard minimums shall be the same as is applicable to the zoning district in which the special land use is requested.
 - 3) Maximum lot coverage shall be the same as for the zoning district in which the special land use is requested.
 - 4) On-site parking shall be provided for all employees, in addition to the required off-street parking for the residence. No off-street parking shall be permitted in the required front yard space.
 - 5) Fencing shall be required next to residential uses or districts in accordance with Section 1613 and enclose all outdoor play areas.
 - 6) Sufficient area shall be provided for automobiles waiting to

pick up children so those children being dropped off or picked up are not forced to wait or stand on any public street. Vehicles shall not be permitted to block traffic while waiting to drop off or pick up children.

- 7) All sites and buildings utilized or to be utilized by a special land use as family day-care, shall be consistent with the visible characteristics of the neighborhood. No group day-care home shall permit the modification of the exterior of the dwelling other than herein provided. No equipment may be located in the front yard.

(e) Bed and Breakfast Lodging Facilities, subject to the following:

- 1) Not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used for beds and breakfast sleeping room.
- 2) There shall be no separate cooking facilities used for the bed and breakfast stay.
- 3) Sufficient off-street parking has been provided to meet the requirements of the existing single-family structure as specified in Section 1604, as well as one (1) parking space per double-occupied room.
- 4) No retail or other sales shall be permitted.
- 5) Signage shall be limited to one (1) non-illuminated nameplate not more than two (2) square feet in area, containing only the name of the establishment.
- 6) The use will not alter the basic single-family residential characteristics of the surrounding area through the creation of nuisances, such as noise, odor, smoke, electrical disturbances, night lighting, excessive traffic or high public utility loads.

(f) Golf courses, driving ranges and related accessory uses may be allowed as a Special Land Use in the AEC, Agricultural Zoning District, subject to compliance with the review standards of Section 1621 and the following specific standards:

Golf Courses

1. All sites shall have a minimum area of 120 acres.
2. Access to the site shall be directly onto a major thoroughfare having an existing or planned right-of-way width of at least 120 feet as indicated on the Ira Township Master Plan.
3. The clubhouse and parking lot shall be set back at least 200 feet from the boundaries of any adjacent property zoned or developed for single-family purposes.
4. Maintenance yards and buildings shall be set back at least 100 feet from any abutting single-family zoned or developed site and screened from view by a landscaped greenbelt when visible from adjoining residential sites.
5. Tees, greens and cart paths shall observe a setback of 50 feet from all property lines.
6. Parking for golf course shall be provided as per the requirements of Section 1604 (L) 2 (h). (Six (6) spaces for each golf hole, plus one (1) for each employee). If a restaurant is provided, additional parking shall be required as specified in Section 1604 (L) 3 (f). (One (1) space for each 100 square feet of usable floor space.)

Driving Ranges

1. All sites shall have a minimum area of at least 20 acres.
2. Access to the site shall be directly onto a major thoroughfare having an existing or planned right-of-way width of at least 120 feet as reflected on the Ira Township Master Plan.
3. No activity shall take place within 30 feet of the perimeter of the site. All such activities shall be adequately screened from abutting property by either a protective wall or landscaped greenbelt.
4. Parking and buildings shall be set back at least 200 feet from the boundaries of any adjoining single-family property.
5. Related accessory uses may be permitted in conjunction with the driving range when it is clearly incidental to the principal use.

6. Hours of operation shall be specified.
 7. The use of loud speakers and perimeter netting or screening is prohibited.
 8. Exterior lighting may be permitted; provided that all such lighting is directed away from any abutting residentially developed or zoned property and arranged so as not to adversely affect driver visibility on adjoining thoroughfares. The maximum height of any site lighting shall be 25 feet.
 9. Parking shall be provided at the following ratio for driving ranges: one (1) parking space for each tee and one (1) space for each employee; additional parking shall be required for any accessory uses of the applicable ratio specified in Section 1604.
- (g) Accessory buildings and uses customarily incident to the above uses.
- (h) Uses similar to the above uses.

Section 402. AREA, HEIGHT AND PLACEMENT REQUIREMENTS

- (a) No lot or parcel shall be created which is less than three and one-half (3.5) acres in area, or has a lot width of less than three hundred (250) feet measured at the front setback line. Lots that legally existed and were recorded prior to the adoption of this amended Ordinance may be developed, provided they meet the yard setback requirements of this Article.
- (b) The maximum ratio of lot depth-to-ratio shall not exceed 4-to-1. The one remaining lot or parcel from the parent parcel may exceed the 4-to-1 ratio.
- (c) Front yard setbacks shall be at least fifty (50) feet from the proposed right-of-way line or from the private road easement line.
- (d) Side yard setbacks shall be at least twenty (20) feet from each side. In the case of a side yard abutting a rear yard of an adjacent lot, the side yard abutting a street shall not be less than the required front yard for that district.
- (e) Rear yard setbacks shall be at least sixty (60) feet.
- (f) Maximum height of structures: Two (2) stories: Twenty-five (25) feet.
- (g) Minimum floor area in square feet:

	<u>1st Floor</u>	<u>Total</u>
One (1) story:	1,200	1,200
Two (2) story:	650	1,200

Where a single-family home is constructed without a basement, an additional one hundred (100) square feet shall be added to the minimum required first floor area requirement to provide space for utilities, such as, but not limited to, furnace, hot water heater, laundry tubs and the like.

- (h) Maximum percentage of lot coverage by all buildings and structures is thirty-five (35%) percent.

ARTICLE V
ONE - FAMILY RESIDENTIAL
RS-RESIDENTIAL SUBURBAN AND RU-RESIDENTIAL URBAN DISTRICTS

PREAMBLE

These residence districts are designed to provide for one-family dwelling sites and the residentially related uses in keeping with the Master Plan of residential development in the Township. The RS Residential Suburban District includes those areas presently served by public water and sewer and those areas that the Township anticipates will be served by public sewers within the next two decades. The RU Residential Urban Districts includes the waterfront areas south of M-29, which were platted as small lots several decades ago and were served by public water and sewer. The uses permitted by right and as special land uses are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic influences.

Section 500. PRINCIPAL USES PERMITTED

In the RS and RU residential districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

- (a) One-family detached dwellings.
- (b) Publicly owned and operated parks, parkways and recreational facilities, and public and parochial schools.
- (c) Accessory buildings and uses customarily incident to any of the above permitted uses.
- (d) Garage sales, yard sales or similar types of sales, provided no such sale shall take place for a period exceeding fourteen (14) days and no residence shall be permitted more than two (2) such garage sales per year. A permit shall be obtained from the Township Clerk for all garage sales, the fee for the permit to be established by resolution of the Township Board.

Section 501. SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given as required by State Law and after review by the Planning Commission and approval by the Township Board. Review by the Planning Commission and approval by the Township Board shall be subject to the requirements and standards of Section 1621 and the submission of a site plan conforming to the requirements of Section 1615.

- (a) Utility and public service facilities and uses when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity (storage yards excluded), subject to review and recommended approval of location by

the Planning Commission.

- (b) Churches, public libraries, public buildings, and any uses normally incidental thereto (excluding storage yards), provided that ingress and egress from said site shall be directly onto a major or secondary thoroughfare. Wherever the parking plan is so laid out as to beam automobile headlights toward any residential land, an obscuring wall or fence four feet six inches (4'6") in height shall be provided along that entire side of the parking area.
- (c) Colleges, Universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, are subject to the following conditions:
 - 1) Any use permitted herein shall be developed only on sites of at least twenty (20) acres in area.
 - 2) All ingress and egress from said site should be directly onto a major or secondary thoroughfare.
 - 3) No building other than a structure for residential purposes shall be closer than fifty (50) feet to any property line.
- (d) Cemeteries when developed on sites of fifty (50) acres or more subject to review and recommended approval of location by the Planning Commission after first holding a hearing.
- (e) Non-public recreational areas and recreation facilities when not operated for profit and primarily intended to serve Township residents after recommended approval by the Planning Commission, after first holding a Public Hearing and further providing that one hundred percent (100%) of the property owners abutting the proposed site shall be given written notice of the hearing at least ten (10) days prior to the hearing.
- (f) Golf courses, not including driving ranges or miniature golf courses, which may or may not be operated for profit subject to the following:
 - 1) Major accessory uses such as a restaurant and bar shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures. No structure shall be located closer than seventy-five (75) feet from the lot line of any adjacent residential land and from any existing or proposed public right-of-way.

- 2) All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
 - 3) All ingress and egress from the site shall be directly onto a major or secondary thoroughfare.
 - 4) All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.
 - 5) Whenever included, swimming pools shall be provided with a protective fence not less than six (6) feet in height, and entry shall be provided by means of a controlled gate or turnstile.
- (g) Nursery schools, day nurseries and child care centers; provided that for each child so cared for, there is provided and maintained a minimum of one hundred (100) square feet of outdoor play area. Such play space shall have a total minimum area of at least one thousand (1,000) square feet and shall be fenced or screened from any adjoining residential land.
- (h) An orphanage or a home for the aged, indigent, or physically handicapped, a rest or convalescent home provided the following conditions are met:
- 1) All vehicular ingress and egress from the site shall be directly onto a major thoroughfare.
 - 2) The maximum extent of development shall not exceed thirty (30) children or patients per acre.
- (i) General hospitals, when the following conditions are met:
- 1) Approval shall be contingent upon a finding that:
 - 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
 - b. All the development features, including the principal building and accessory buildings open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any

adverse effects upon adjacent property.

- 2) 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.
 - 3) 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.
- (j) Modular homes, mobile homes, sectional constructed or prefabricated housing units are permitted in the AEC, RS and RU Districts, upon a finding that the plans meet the requirements of this Ordinance, Section 1621 and the following conditions:
- 1) A building permit issued by Ira Township shall be required before any modular, mobile, sectional constructed or prefabricated housing unit is moved into Ira Township or moved from a mobile home park to an individual lot or parcel within the Township.
 - 2) All modular, mobile sectional constructed or prefabricated housing units and additions thereto must be fastened to a minimum six (6) inch wide masonry foundation which is continuous around the perimeter of the unit to a depth of at least forty-two (42) inches, with anchors placed a minimum of every six (6) feet. In no instance will concrete piers, cement blocks without a proper footing, or the like be permitted as foundations.
 - 3) All modular, mobile, sectional constructed or prefabricated housing units must meet the minimum floor area and proportional requirements of this Ordinance. Any addition to such units must be designed and constructed by the original manufacturer or an architectural plan for a compatible addition may be submitted to the Planning Commission for review and recommended approval to the Township Board.
 - 4) All modular, mobile, sectional constructed or prefabricated housing units shall be compatible with nearby housing by demonstrating a similarity in the following features:
 - a. Total square footage.

- b. Value and quality of construction.
 - c. Use of exterior materials.
 - d. Style and design.
 - e. Roofline (Customarily hip, gable, shed or gambrel with a minimum 3/12 pitch).
 - f. Overhangs or eaves (customarily at least one (1) foot.
- 5) All modular, mobile, sectional constructed or prefabricated housing shall have a minimum width on all sides of twenty-four (24) feet. When the architectural style of any such housing unit incorporates sections that are less than twenty-four (24) feet, at least seventy-five percent (75%) of the unit's length must be twenty-four (24) feet in width.
- 6) In all instances, wheels, towing apparatus and exposed chassis shall be removed before occupancy of any modular, mobile, sectional constructed or prefabricated housing unit is permitted.
- 7) Minimum lot size, yard spaces, setbacks, parking and all other site requirements of the applicable zoning district shall remain the same for approved modular, mobile, sectional constructed or prefabricated housing units as they are for standard site-built dwellings.
- 8) Whenever a question arises concerning the quality of construction or regarding other standards of this section, the applicant shall provide the factory construction plans of the unit or the Building Inspector shall make a structural and mechanical inspection of the proposed unit and report his findings to the Township for use in making a determination whether or not a special land use approval should be granted. The Township and applicant may also use such other specialists and experts as determined necessary for the proper presentation and review of the special land use application.
- 9) Any modular, mobile, sectional constructed or prefabricated housing unit which is certified as meeting BOCA Basic Building Code shall not be required to seek Special Land Use approval under this section and may request a building permit under the same procedure as site-built dwellings.
- (k) Accessory buildings and uses customarily incident to any of the above permitted uses.
- (l) Uses similar to the above uses.

- (m) Family Day-Care (7-12 persons), subject to the requirements specified in Section 401 (g).
- (n) Bed and Breakfast Lodging Facilities, subject to the requirements specified in Section 401 (h).

Section 502. AREA, HEIGHT AND PLACEMENT REQUIREMENTS

- (a) Minimum size of each lot in square feet:

	RS		RU
	NO PUBLIC SEWER	WITH PUBLIC SEWER	
Lot Area (sq. ft.)	43,560	15,000	7,200
Lot Width (ft.)	150	100	60

- (b) Maximum height of structure:

	RS		RU
	NO PUBLIC SEWER	WITH PUBLIC SEWER	
In Stories	2	2	2
In Feet	25	25	25

- (c) Minimum yard setbacks:

	RS		RU
	NO PUBLIC SEWER	WITH PUBLIC SEWER	
Front *	30	30	30
Side, each **	15	15	10
Rear	40	40	35

*From the proposed right-of-way line or from the private easement line.

**In the case of a side yard abutting a rear yard of an adjacent lot, the side yard abutting a street shall not be less than the requires front yard for that district.

- (d) Minimum floor area in square feet:

	<u>1st Floor</u>	<u>Total</u>
One (1) story	1,200	1,200
Two (2) story	650	1,200

Where a single-family home is constructed without a basement, an additional one hundred (100) square feet shall be added to the minimum requires first floor area requirement to provide space for utilities such as, but not limited to, furnace hot water heater, laundry tubs, incinerators, and the like.

- (e) Maximum percentage of lot coverage by all buildings is thirty-five (35%) percent.
- (f) The maximum ration of lot depth-to-width shall not exceed 4-to-1. The one remaining lot or parcel from the parent parcel may exceed the 4-to-1 ratio.

**ARTICLE VI - RM-1 AND RM-2
MULTIPLE-FAMILY RESIDENTIAL (LOW-RISE) DISTRICTS**

PREAMBLE:

The Multiple-Family Residential Districts are designed to provide sites for multiple dwelling structures with height restrictions compatible with single-family residential districts to serve the limited needs for the apartment type of unit in an otherwise single-family residential community, and to provide zones of transition.

The RM-1 District is intended generally for the development of a planned complex of buildings on acreage parcels. The RM-2 District is intended for limited usage in areas where land use transition is desired, but where the existing pattern of platting is in small lots.

Section 600. PRINCIPAL USES PERMITTED

No building or land shall be erected or used except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

- (a) All principal and special land uses permitted and as regulated in the immediately abutting One-Family Residential District.
- (b) Multiple-Family dwellings.
- (c) Two-Family dwellings.
- (d) Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 601. REQUIRED CONDITIONS

In the case of multiple dwelling developments, all site plans shall be submitted to the Planning Commission for its review and recommendation, and shall require approval by the Township Board prior to issuance of a building permit.

Approval by the Township shall be contingent upon a finding that:

- 1) The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety; and
- 2) All the development features, including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent

property, such as, but not limited to: channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with police or fire equipment access. Public streets adjacent or through the proposed development shall be required upon a finding that it is essential to promoting and protecting public health, safety and general welfare.

Section 602. AREA AND BULK REQUIREMENTS

See SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted.

**ARTICLE VII - RM-3 MULTIPLE FAMILY
RESIDENTIAL (HIGH-RISE) DISTRICTS**

PREAMBLE

The RM-3 High-Rise Multiple Family Residential District is established to provide sites for higher density multiple dwelling structures characterized by height in excess of two (2) stories. This district is further designed to provide for extensive open space settings for multiple high-rise structures.

Section 700. PRINCIPAL USES PERMITTED

No building or land shall be erected or used except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

- (a) Multiple-family dwelling units in high-rise structures (three stories or greater) subject to the conditions herein imposed:
 - 1) All vehicular ingress or egress from the site shall be onto a major thoroughfare.
 - 2) The entire area of the site shall be treated so as to service only the residents of the multiple-family development, and any accessory buildings, uses or services shall be developed solely for the use of residents of the main building. Uses considered herein as accessory uses include parking structures, swimming pools, recreation areas, pavilions, cabanas, and other similar uses.
- (b) Business uses shall be permitted on the site when developed as retail or service uses clearly accessory to the main use, within the walls of the main structure, and obscured from view so as not to encourage patronage from beyond the RM-3 project development.
- (c) Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 701. REQUIRED CONDITIONS

In the case of multiple dwelling developments, all site plans shall be submitted to the Planning Commission for its review and recommendation and require approval by the Township Board prior to the issuance of a building permit.

Approval shall be contingent upon a finding that:

- 1. The site plan shows a proper relationship exists between local streets and any proposed

service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety; and

2. All the development features, including the principal building or buildings and any accessory building, or uses, open spaces, and any service roads, driveways, and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to: channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located to interfere with police or fire equipment access.

Public streets adjacent or through the proposed development shall be required upon a finding that it is essential to promoting and protecting public health, safety, and general welfare.

Section 702. AREA AND BULK REQUIREMENTS

See SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, minimum size of lot permitted by land use, and maximum density permitted.

ARTICLE VIII - (MH) MOBILE HOME PARK DISTRICTS

PREAMBLE

The (MH) Mobile Home Park Districts are established primarily to provide for a limited number of higher density residential districts which cater to the needs of individuals desirous of living in a single-family residential environment characterized by smaller lot sizes than found in a typical single-family residential subdivision.

Section 800. STATEMENT OF PURPOSE

This district is designed to permit the development of residential neighborhoods in planned mobile home park settings. The regulations contained herein recognize the unique physical characteristics of mobile home park communities and the regulation of these developments by the State of Michigan.

Unlike the typical single-family subdivision, in which the individual lot provides the open space and amenities necessary for family living, mobile home parks more closely resemble multiple-family development. Mobile home parks are constructed, managed and regulated by the developer. Streets, utilities, recreation areas and amenities are also similarly under the control of the developer. As a result of these similarities, mobile home parks should be designed to provide adequate space and land use separation consistent with their land use intensity relative to the Township's other residential zoning districts. The rules and regulations, as promulgated by the State of Michigan Mobile Home Commission, shall be applicable to the development of mobile home parks in Ira Township, except as modified by the following:

Section 801. PERMITTED USES

1. Mobile home parks, subject to the requirements as established and regulated by the Mobile Home Commission pursuant to Public Act 96, as amended, as well as all other applicable Township codes and ordinances referenced herein.
2. Accessory commercial uses may be conducted in a mobile home park in separate, permanent structures, and for such purposes as the office of the manager, laundry and dry cleaning facilities, or other services primarily for the residents of the park. The park proprietor or management may display mobile homes and accessories for sale, provided such accessories for sale may be displayed only in a mobile home or other approved permanent structure for this purpose.
3. Signs. One (1) sign, identifying the premises and use, and containing not more than thirty-two (32) square feet in area for identification (without additional advertising), may be placed at the main entrance of the mobile home park. One (1) sign, no larger than ten (10) square feet, limited to the same information as shown on the entrance sign, may be erected at any secondary entrance to a mobile home park which adjoins a public road. The identification sign shall be part of a permanent decorative

entranceway that shall be compatible with the surrounding areas. All signs shall observe the setback and height limitations cited in Section 1610 of this Ordinance.

Section 802. GENERAL SITE REGULATIONS

1. Minimum Site Size. Each mobile home park must have a site of not less than ten (10) acres of land.
2. Lot Size. The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. The 5,500 square feet for any one site may be reduced by twenty (20) percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required under RS25.1046, Rule 946 and RS25.1941 and RS25.1944, Rules 941 and 944 of the Michigan Administrative Code.
3. Setbacks. No mobile home or any other building within a mobile home park shall be closer to any road and no closer to the property line than thirty-five (35) feet.
4. Maximum Heights. The maximum height of service buildings and permitted office structures shall be two (2) stories, or twenty-five (25) feet.
5. Access to Public Roads. A mobile home park shall have direct access to a major public road by access roads that shall be hard surfaced.
6. Paving. All internal roads and parking facilities shall be provided with a paved surface in compliance with AASHTO specifications referenced in Rule 922 of the Mobile Home Commission Rules.
7. Sidewalks. Concrete walks, not less than three (3) feet wide and four (4) inches thick, shall be installed in the mobile home park from the public entrance to all mobile home lots, and to all required service facilities such as, but not limited to, central laundry, central parking, and central recreation and park areas.
8. Plumbing, Electrical, and TV. All electrical and telephone wiring shall be underground. The installation of all plumbing and electrical services to mobile home sites shall be in compliance with all applicable standards of the Mobile Home Commission.
9. Floor Space. There shall be not less than seven hundred twenty (720) square feet of floor space within each mobile home. The floor area of any porch, sun deck or other structure above the roof or outside the floor or walls of the mobile home shall not be counted as part of the seven hundred twenty (720) square foot minimum.

10. Screening and Greenbelt. When the mobile home park adjoins a site zoned or developed for single-family residential use, there shall be installed on the park site along the boundary line of such residential site a screening or a greenbelt, as required under Section 1609 of the Zoning Ordinance.
11. Storage and Skirting. There shall be no storage of any kind under a mobile home. Each such home shall be skirted within ninety (90) days after being placed on the lot.
12. Fences. All fences (other than the perimeter screening requirements) shall be uniform in height and shall be constructed and installed in such a manner as not to interfere with free access by firefighters to all sides of a mobile home and shall not exceed thirty-six (36) inches in height. Barbed wire shall not be used in any such fence. Two (2) access gates shall be provided to all fenced areas pursuant to the requirements of the Mobile Home Commission.
13. Storage. No personal property shall be stored outside or under any mobile home. Storage sheds may be used to store property, but need not be supplied by the owner of the mobile home development. Any storage sheds placed on individual mobile home sites shall be maintained in good condition and kept painted. Storage sheds shall be placed in side or rear yard areas.
14. Site Plan. In accordance with Section 11, 12 and 13 of the Mobile Home Commission Act, Public Act No. 96 of 1987, as amended, a person desiring to develop a mobile home park shall submit a preliminary plan to the Ira Township Planning Commission for review and approval. The preliminary plan shall include the location, layout, general design and a general description of the project. The preliminary plan does not need to include detailed construction plans.
15. Parking. A minimum of two (2) parking spaces shall be provided for each mobile home site. A minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking. Such parking shall be located convenient to the area served. If boats, boat trailers and utility trailers are permitted to be parked in the mobile home park, adequate parking spaces shall be provided in a central or collective parking area.
16. Smoke Alarms. Smoke alarms and fire extinguishers shall be installed in each mobile home unit pursuant to the requirements of Rule 703 of the Mobile Home Commission.
17. Water Supply and Sanitary System. Each mobile home occupied, as a dwelling unit on a lot shall be connected with a water supply and sewerage disposal system approved by the Michigan Department of Health.
18. Fuel Tanks. Individual fuel oil, liquid petroleum, and other fuel tanks shall not be permitted.

ARTICLE IX - (B-1) LOCAL BUSINESS DISTRICTS

PREAMBLE

The (B-1) Local Business Districts are designed to give the Township a business district that is somewhat more selective than a General Business District, and to provide for the establishment of neighborhood shopping areas, personal services and professional office areas that are primarily compatible with, and of service to, Township residential uses.

Section 900. PRINCIPAL USES PERMITTED

In a (B-1) Local Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

- (a) Office buildings for any of the following occupations: executive, administrative, professional, governmental and sales offices.
- (b) Medical and dental offices, including clinics.
- (c) Banks and financial institutions.
- (d) Any generally recognized retail business which supplies such commodities as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware.
- (e) Any personal service establishment which performs such services as, but not limited to: shoe repair, tailor shops, beauty parlors, barber shops, interior decorators, photographers, dry cleaners and self-service laundries.
- (f) Private clubs and lodge halls.
- (g) Churches.
- (h) Utility and public service facilities and uses when operating requirements necessitate the locating of said facilities within the District in order to serve the immediate vicinity.
- (i) All uses shall be subject to the following limitations:
 - 1) All business establishments shall be in retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
 - 2) All business, servicing or processing, except for off-street

parking or loading, shall be conducted within a completely enclosed building.

- (j) Accessory buildings and uses customarily incidental to the above permitted uses.
- (k) Other uses similar to the above uses.

Section 901. SPECIAL LAND USES:

The following special land uses shall be permitted only after proper notice has been given as required by State Law and after review by the Planning Commission and approval by the Township Board. Review by the Planning Commission and approval by the Township Board shall be subject to the requirements and standards of Section 1621 and the submission of a site plan conforming to the requirements of Section 1615.

- (a) Restaurants provided that:
 - 1) All lighting shall be shielded so as not to glare or reflect upon any residential district.
 - 2) All patrons are served while seated within the building occupied by such establishment, and where said establishment does not extend as an integral part of or accessory thereto, any service of a drive-in or open front store.
- (b) Hotels, Motels, cabin courts, and tourist lodging facilities provided:
 - 1) The use will not be detrimental or cause any nuisance to surrounding districts and uses.
 - 2) There is a direct access onto a major thoroughfare or secondary thoroughfare.
 - 3) The location is logical for attracting tourist or seasonal visitors passing through the Township.
 - 4) All lighting shall be shielded so as not to glare or reflect upon any residential district.
- (c) Accessory structures and uses customarily incident to the above permitted uses.
- (d) Uses similar to the above uses.

Section. 902. AREA AND BULK REQUIREMENTS

See SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, and the minimum size of lot permitted by land use.

ARTICLE X - (B-2) GENERAL BUSINESS DISTRICTS

PREAMBLE

The (B-2) General Business Districts are designed to provide sites for more diversified business types and are often located so as to serve passer-by, highway-oriented traffic.

SECTION 1000. PRINCIPAL USES PERMITTED

No building or land shall be used, and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

- (a) All principal uses permitted in the (B-1) Local Business District subject to all Requirements of the (B-2) General Business District.
- (b) Tourist facilities including, but not limited to: rooming houses, motels and hotels, cabin courts, and gift shops.
- (c) Wholesale uses and storage uses when in a completely enclosed building; except that new vehicles and/or earth moving equipment for sale may occupy a rear yard area.
- (d) Theaters, assembly halls and similar places of assembly when conducted completely within enclosed buildings.
- (e) Bottling works and food packaging.
- (f) New Automobile and boat sales or showroom.
- (g) Restaurants, supper clubs and taverns.
- (h) Bowling alleys, pool or billiard parlor or club.
- (i) Commercial printing and newspaper offices.
- (j) Business schools or private schools operated for profit.
- (k) Offices and showrooms of plumbers, electricians, decorators, or similar trades. The ground floor premises facing upon, and visible from any abutting street, shall be used only for entrances, offices or display. All storage of material or any incidental repair shall be within the confines of enclosed buildings.
- (l) Governmental offices or other governmental uses; public utility offices, and uses, utility exchanges, transformer stations, pump stations and service yards; and other public service facilities.

- (m) Veterinary Hospitals and Clinics provided that all animals are kept inside a building.
- (n) Accessory buildings and uses customarily incident to the above uses.
- (o) Uses similar in character to the above-listed uses.

Section 1001. SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given as required by State Law and after review by the Planning Commission and approval by the Township Board. Review by the Planning Commission and approval by the Township Board shall be subject to the requirements and standards of Section 1621 and the submission of a site plan conforming to the requirements of Section 1615.

- (a) Outdoors sales space for the exclusive sale of second-hand automobiles, house trailers, travel trailer rental subject to the following:
 - 1) All lighting shall be shielded from adjacent residential districts.
 - 2) Ingress and egress to the outdoors sales area shall be at least twenty-five (25) feet from a street intersection or residential district.
 - 3) When adjacent to districts zoned for residential use, there shall be provided a completely obscuring wall or fence four feet six inches (4'6") in height, measured from the surface of the ground of the abutting residential district.
- (b) Commercially used outdoor recreational space for adult or children's amusement parks, carnivals, rebound tumbling facilities, miniature golf courses, and golf driving ranges, subject to the following:
 - 1) All lighting shall be shielded from adjacent residential districts.
 - 2) Parking areas shall be provided off the road right-of-way and shall be fenced with a four foot six inch (4'6") wall or fence where adjacent to the use.
 - 3) Children's amusement parks must be fenced on all sides with a four foot six inch (4'6") wall or fence.
 - 4) Rebound tumbling facilities must be fenced on all sides used for trampoline activity. Said fence shall be no less than six (6) feet high.

Pits shall not exceed four (4) feet in depth, shall be drained at all times and filled with earth to grade when the use is discontinued. All manufacturers' specifications for spacing, safety and construction shall be complied with.

- 5) No loud speaker or public address systems shall be used except by the written consent of the Township Board wherein it is deemed that no public nuisance or disturbance will be established.

(c) Gasoline service stations subject to the following:

- 1) Entrances and exits shall be no less than thirty-five (35) feet from any street intersection or residential district.
- 2) All lighting shall be shielded so as not to glare or reflect upon any residential district or use.
- 3) There shall be provided on those sides abutting or adjacent to a residential district or use, a four foot six inch (4'6") completely obscuring masonry wall measured from the surface of the ground of the abutting residential district or use, and/or a fifteen (15) foot wide greenbelt with planting, all in accordance with Section 1609 and Section 1613.
- 4) Body repair and undercoating are expressly prohibited.
- 5) The storage of damaged or wrecked vehicles, or those waiting for minor repair or services, shall be obscured from public view in an area provided for such purposes on the site, and no vehicle of any kind shall be stored on-site for a period exceeding one (1) week.
- 6) Gasoline pumps, air and water hose stands, and other appurtenances, shall be set back not less than twenty (20) feet from all existing or proposed street right-of-way lines.

(c) Automobile laundries, car washes, subject to the following:

- 1) There shall be adequate off-street waiting space for all customers to prevent obstruction of traffic on a public right-of-way. To this end, there shall be provided on-site no less than three (3) waiting spaces for every one (1) space in the wash line.

- 2) Where a car wash also incorporates gasoline sales, all setback requirements of subsection (c) above shall be met.
 - 3) The greenbelt and screen/wall requirements of Section 1609 and 1613 shall be met.
- (e) Accessory buildings and uses customarily incident to above special land use.
- (f) Other uses similar to the above and regulated as special land uses.
- (g) Businesses utilizing outdoor storage, including the storage of machinery, vehicles, boats, building supplies and similar equipment, subject to the following:
- 1) The storage portion of the site for such use shall be in an area enclosed by a masonry wall or an obscuring fence, in accord with the requirements of Article XVI, Section 1613, of this Ordinance; and
 - 2) All storage areas shall be treated or surfaced so as to facilitate proper drainage and to prevent dust or dirt from blowing; and
 - 3) Storage areas shall be protected by posts, curbs or similar construction to prevent damage to the enclosure and encroachment upon adjacent property.
- (h) Because some uses are recognized as having a deleterious effect upon adjacent areas, causing blight, a chilling effect upon other businesses and occupants, and a disruption in neighborhood development, especially when concentrated in a confined area, it is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require, instead, their dispersal throughout the general business district to thereby minimize their adverse impact on any specific neighborhood.

For the reasons stated above, adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult smoking or sexual paraphernalia stores, massage parlors, host or hostess establishments offering socialization with a host or hostess for consideration, pool or billiard halls, open dance halls, pawnshops, taverns or cabarets providing live or projected entertainment where intoxicating liquors may or may not be sold for consumption on the premises ("projected entertainment" shall not include standard television reception), pinball or video game arcades or establishments, saunas, hot tubs, or other similar health or body improvement or enjoyment enterprises, or any combination of the foregoing, may be allowed as a special land use in the B-2 General Business District, subject to the following conditions:

- 1) No use shall be located within one thousand (1,000) feet of two such other uses.
- 2) No use shall be located within three hundred (300) feet of any residentially zoned district, as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed foregoing specified uses and activities, and between such uses and the adjoining residentially zoned districts.
- 3) The Township Board may waive the foregoing spacing requirements if it finds the following conditions exist:
 - a) The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location, and the spirit and intent of the purpose of the spacing regulations will still be observed.
 - b) The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other businesses and occupants, and a disruption in neighborhood development;
 - c) The establishment of the additional regulated use in the area will not be contrary to any program of neighborhood conservation, nor interfere with any program of urban renewal;
 - d) Where all other applicable regulations within the Township Zoning Ordinance or other pertinent Township ordinances will be observed.

Section 1002. AREA AND BULK REQUIREMENTS

See SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, and the minimum size of lot permitted by land use.

ARTICLE XI - (P-1) PARKING DISTRICT

PREAMBLE

This district is intended to accommodate vehicular off-street parking lots, publicly or privately owned, to serve nearby uses that are unable to provide adequate parking on the premises. The Parking District is also intended to aid in establishing a transition between business and residential zones.

Section 1100. PRINCIPAL USES PERMITTED

In the (P-1) Parking Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

- (a) Off-street parking lots, ramps, decks or structures.
- (b) Shelter for attendant, not to exceed fifteen (15) feet in height, and accessory gates, meters and signs.

Section 1101. SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given as required by State Law and after review by the Planning Commission and approval by the Township Board. Review by the Planning Commission and approval by the Township Board shall be subject to the requirements and standards of Section 1621 and the submission of a site plan conforming to the requirements of Section 1615.

- (a) Utility and public service facilities and uses when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity (storage yards excluded), subject to review and recommended approval of location by the Planning Commission.

Section 1102. REQUIREMENTS

- (a) All development in the (P-1) Parking District shall be separated from an abutting residential district by a 4 foot 6 inch (4'6") high masonry wall of face brick or precast masonry panels with a texture and color intended to duplicate face brick. If, in the opinion of the Planning Commission, the desired screening would be better provided by landscaping, they may recommend that the Township Board substitute a twenty (20) foot wide landscaped greenbelt incorporating a 4 foot 6 inch (4'6") high earth berm.
- (b) Parking lots shall be for short-term storage of passenger motor vehicles only, for periods not to exceed 36 hours. There shall be no storage of equipment, materials, wastes or disabled vehicles in any (P-1) Parking District.
- (c) All uses in a (P-1) Parking District shall require Site Plan Approval.

Section 1103. AREA AND BULK REQUIREMENTS

See SCHEDULE OF REGULATIONS limiting the height and bulk of buildings and minimum size of lot permitted by land use.

ARTICLE XII - (I-1) LIGHT INDUSTRIAL DISTRICTS

PREAMBLE

The (I-1) Light Industrial Districts are designed so as to primarily accommodate wholesale activities, warehousing, and industrial operations whose external, physical effects are restricted to the area of the district, and in no manner affect in a detrimental way any of the surrounding districts. The (I-1) Light Industrial District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material.

Section 1200. PRINCIPAL USES PERMITTED

In the (I-1) Light Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

- (a) Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.
- (b) Any of the following uses:
 - 1) Warehousing and wholesale establishments and trucking facilities.
 - 2) The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge, and machining shops.
 - 3) The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood, and yarns.
 - 4) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay.
 - 5) Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.

- 6) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
 - 7) Laboratories - experimental, film, or testing.
 - 8) Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
 - 9) Storage and transfer and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water and propane tank holders. Railroad transfer and storage tracks. Railroad rights-of-way.
 - 10) Storage facilities for building materials, sand, gravel, stone, lumber, or storage of contractor's equipment and supplies.
- (c) Central dry cleaning plants or laundries.
 - (d) Automotive repair garages, auto engine and body repair and undercoating shops when completely enclosed. The storage of damaged or wrecked automobiles on the site shall be obscured from public view and no vehicle of any kind shall be stored in the open for a period exceeding one (1) week.
 - (e) Non-accessory signs.
 - (f) Kennel, commercial (refer to Section 1500, Item (a) in footnotes).
 - (g) Other uses which are similar to the above uses.
 - (h) Accessory buildings and uses customarily incident to the above permitted uses.

Section 1201. SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given as required by State Law and after review by the Planning Commission and approval by the Township Board. Review by the Planning Commission and approval by the Township Board shall be subject to the requirements and standards of Section 1621 and the submission of a site plan conforming to the requirements of Section 1615.

- (a) Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to: lumberyards, building materials,

outlets, garage sales, upholsterer, cabinet maker, outdoor boat, or house trailer, automobile, or agricultural implement sales) or serve convenience needs of the industrial district (such as, but not limited to: eating and drinking establishments, banks, savings and loan associations, credit unions, gasoline service stations, motel or bowling alley, trade or industrial schools, or medical or other offices serving the district including an industrial clinic.)

- (b) Lumber and planing mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the "I-1" District.
- (c) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- (d) Accessory buildings and uses customarily incident to any of the above permitted uses.
- (e) Uses similar to the above uses.

Section 1202. AREA AND BULK REQUIREMENTS

See SCHEDULE OF REGULATIONS limiting the height and bulk of buildings and minimum size of lot permitted by land use.

ARTICLE XIII - I-2 HEAVY INDUSTRIAL DISTRICTS

PREAMBLE

The (I-2) Heavy Industrial Districts are established primarily for manufacturing, assembling, and fabrication activities, including large-scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts. The (I-2) Heavy Industrial District is so structured as to permit, in addition to (I-1) Light industrial uses, the manufacturing, processing and compounding of semi-finished or finished products from raw materials.

Section 1300. PRINCIPAL USES PERMITTED

In an (I-2) Heavy Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

- (a) Any principal and conditional use permitted in an "I-1" District, with the exception of retail uses allowable by the provisions of Section 1201, which shall require Planning Commission review and Township Board approval subject to the provision of said Section 1201 (a).
- (b) Tractor and trucking facilities including storage and repair.
- (c) Heating and electric power generating plants, and all necessary uses.
- (d) Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products which shall conform with the performance standards set forth in ARTICLE XVI, GENERAL PROVISIONS.
- (e) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay.
- (f) Freight yards and terminals.
- (g) Other uses which are similar to the above uses.
- (h) Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 1301. SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given as required by State Law and after review by the Planning Commission and approval by the Township Board. Review by the Planning Commission and approval by the Township Board shall be subject to the requirements and standards of Section 1621 and the submission of a site plan conforming to the requirements of Section 1615.

- (a) Junk yards, provided such are entirely enclosed within an eight (8) foot obscuring wall. There shall be no burning on the site and all industrial processes including the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.
- (b) Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
- (c) Accessory buildings and uses customarily incident to any of the above permitted uses.
- (d) Uses similar to the above uses.
- (e) Municipal or commercial composting operations for leaves and grass, subject to compliance with the following standards:

1. Site Requirements

- a. The minimum site shall be twenty (20) acres.
- b. A minimum area of one (1) acre shall be provided for each four thousand (4,000) cubic yards of organic material to be composted. These requirements shall only apply to that portion of the site used for the storage or processing of yard wastes. Additional space shall also be provided to accommodate required setbacks, office storage and service buildings, internal roads, storm water retention basins and other ancillary support activities.
- c. All ingress and egress shall be to Marine City Highway.
- d. All internal access roads leading to the compost processing and staging area shall be paved with a concrete surface, with a minimum width of twenty-four (24) feet. All other vehicle circulation areas shall have a dust-free surface area meeting the requirements of the Township Engineer.
- e. Only typical yard waste shall be composted or stored on site. These yard wastes typically include leaves, grass clippings, brush or shrub trimmings.

2. Application Requirements (may be shown on the site plan or as an

addendum to the plan).

- a. A site plan meeting the requirements of Section 1615.
- b. Name, address and telephone number of the person, firm or corporation who or which will be conducting the actual composting operation.
- c. Types of materials to be composted.
- d. Types and number of equipment used (i.e., shredders, front-end loaders, and windrow turning machine, screening and shakers).
- e. Location and sizes of staging area, windrows, curing area, screening area, finished product, shipping and loading.
- f. Location and dimensions of office control booths, maintenance and storage buildings. Plans shall show the location of all fuel storage facilities and shall detail all primary and secondary containment for all hazardous materials.
- g. Location, numbers types and cross-sections for landscaping, screening, berms and buffers.
- h. Location of any adjacent wetland or floodplain.
- i. On-site topography with elevations or contours not greater than two (2) feet.
The site shall be graded in such a fashion as to eliminate all ponding and have a uniform gradient of between two (2) and three (3) percent.
- j. A site drainage plan addressing the method of storm water runoff shall be provided for review and approval by the Township Engineer. Pondered water shall not be permitted to collect on site. A settling basin/detention pond or similar device shall be installed prior to the discharge off site.
- k. Soil types and water table.
- l. Water source.
- m. Personnel, number and classifications.

3. Ground and Surface Water Quality

- a. A composting facility shall not be allowed in any 100-year or 500-year floodplain, unless the Michigan Department of Natural Resources (MDNR) has approved the area for such operations. Permission from the MDNR stating where composting operations will be allowed in the floodplain shall be necessary before site plan review.
- b. A composting facility shall not be allowed in any protected wetland, as determined by the Michigan Department of Natural Resources. A wetland determination shall be made by the MDNR prior to site plan review.
- c. The site shall be compacted, graded and/or ditched to prevent contaminants from exiting to site via surface or groundwater.
- d. Sanitary facilities shall be provided in accordance with the requirements of the Township, St. Clair County **Health Department** or State of Michigan.
- e. To ensure that ground or surface waters are not contaminated, monitoring wells shall be installed by the owner/operator and/or lessee on site prior to construction of the composting facility in accordance with MDNR standards. The number and location of said wells shall be subject to the requirements of the Township Engineer.
- f. If any stream, swale, County drain or other natural watercourse is present on the site, it shall be buffered by a twenty (20) foot unoccupied setback measured from the outer edge of the floodplain or all alluvial soils. Approval from the St. Clair County Health Department and the designated agent responsible for the enforcement of the Soil Erosion Control Act (**the St. Clair County Department of Public Works**) shall be required, ensuring the stream is adequately protected from pollution.
- g. The surface and groundwater at a composting facility

shall comply with the water quality requirements of Act 245 of Public Acts of 1929, as amended, being Section 323.1 et.seq. of the Michigan Administrative Code.

- h. Sampling of groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two-year period after operations cease. The monitoring shall be done under the supervision of the MDNR. All costs for such monitoring shall be assumed by the owner/operator and/or lessee.
- i. Should test wells reveal the presence of contamination, the petitioner shall be required to install a groundwater redemption system. The system shall be based on one of the following:
 - 1) Purge well system, in which water is pumped at a sufficient volume to capture, contaminated groundwater by creating a cone of influence.
 - 2) Cutoff trench system, in which the trench intercepts, contaminated groundwater.
- i. Either system shall be installed to MDNR specifications. Contaminated water collected by either system shall be treated in accordance with MDNR specification to remove contaminants before discharge to a storm or sanitary system. Periodic monitoring of the system shall also conform to MDNR specifications. All costs associated with these procedures shall be assumed by the owner/operator and/or lessee.
- k. Surface water monitoring shall also be required in addition to groundwater monitoring to assess the adequacy of leachate containment and runoff control. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator and/or lessee.
- l. Analysis for all ground and surface water monitoring

events shall be submitted to the Health Department within sixty (60) days after analysis.

4. **Operational Requirements:**

The applicant shall submit an operational plan describing how the composting operation shall be conducted. The operational plan shall address each of the following items:

- a. Methods of composting to be used on site.
- b. Operation cycle and timetable from acceptance of material on site to disposition of the final product. This shall include shredding, aeration, moisture control, mechanical turning and screening.
- c. Proposed methods of disposing of the final product. The applicant shall show that sufficient contracts exist for the sale of the final product. The plan shall show the size and height of the storage area. The plan shall indicate the type of sales or distribution of product (i.e., retail, individual bags, truckloads or wholesale).
- d. All operational details shall be clearly delineated. The hours of operations and days of week the facility is open shall be stated.
- e. Use of any chemicals or accelerating agents, including bacteria, fungi, nitrogen or sewerage. **The location and storage characteristics of any hazardous substances shall be identified, including secondary containment measures to prevent spills.**
- f. Monitoring and control methods for environmental protection (odor, dust, anaerobic problems, methane production). Prior to the start of operation, the owner or operator shall provide a written control plan to the Township, which shall outline the steps necessary to reverse a breakdown in the system or a pollution problem. Upon a declaration by the Township that such a problem exists, the owner and operator shall be notified and given a reasonable time to correct the problem. If the problem is not corrected, the Township shall have the right to intervene, correct the problem,

and use the performance bond to pay for the services.

- g. Plan to ensure that trash and contaminants are not brought onto the site or, if they are, that there is a plan for proper disposal of non-yard wastes at an approved sanitary landfill.
- h. Plan for disposition of unmarketable compost.
- i. Yard waste shall be actively rotated. There shall be a maximum accumulation period of three (3) years.

5. Area, Height and Placement Requirements.

- a. **Front yard setbacks** (measured from the proposed right-of-way line) fifty (50) feet. No stockpiling shall be located closer than one hundred (100) feet from the right-of-way.
- b. **Side and Rear.** No composted material, stockpiling or processing shall be located closer than one hundred (100) feet from side or rear property lines.
- c. **Height.** The height of any composted material (windrows or stockpiling) shall be limited to eight (8) feet.
- d. **Distance to Housing.** No stockpiling, storage, transfer, loading or unloading, processing, windrows or composting shall take place within five hundred (500) feet of an existing residential dwelling unit.

6. Other Requirements

- a. **Screening.** That portion of the site used for composting or stockpiling, which is visible from the street or an adjacent residence or located adjacent to property zoned for residential or agricultural purposes, shall be enclosed, screened or buffered, as determined by the Planning Commission and meeting the requirements of Sections 1609 and 1613.
- b. **Trash Receptacles.** Adequate trash receptacles shall be provided and shall be completely obscured from

view by a screen fence or wall.

- c. **Signs.** There shall be no more than one (1) freestanding or ground sign, not to exceed thirty-two (32) square feet of sign area or exceed six (6) feet in height.
- d. **Parking.** A minimum of three (3) off-street parking spaces shall be provided and shall be laid out in such a way that they can be safely and conveniently used. The Planning Commission shall determine the number of additional parking spaces necessary based on the number of employees and the anticipated traffic that will be generated as proposed in the applicant's site plan and operational plan.
- e. **Performance Guarantees.** The Township Board shall require and establish the amount of any performance guarantees, such as bonds or letters of credit, to assure zoning and special approval compliance; to correct breakdowns in the composting system; and to guarantee restoration in the event of abandonment, hazardous waste or other environmental pollution.
- f. **Approvals.** The applicant shall provide letters from St. Clair County and the State Department of Natural Resources (DNR) that this operation, based on the proposed site plan:
 - 1) Is consistent with the St. Clair County Solid Waste Plan; and
 - 2) That the State DNR Waste Management Division has reviewed such plan and is not aware of any problems and does not have any environmental concerns from the proposed operation.
- g. **Annual Operational Permit.** All composting facilities and operations regulated by this Ordinance shall be subject to an annual operational permit issued by the Ira Township Board. Any violation of this Ordinance or any other appropriate State, County or local regulation, or noncompliance with the conditions

of the special land use approval, 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 Michigan Department of Natural Resources Waste Management Division and the County Health Department and compliance with and receipt of a performance guarantee as required in this Section.

- h. **Inspection.** An annual summer inspection for rodents, or one required upon a signed complaint of sighting, shall be performed by a licensed pest control company. Copies of the report shall be transmitted to the Township. If rodents are detected, appropriate measures shall be taken to capture or exterminate the rodents in an environmentally safe manner.

Section 1302. AREA AND BULK REQUIREMENTS

See SCHEDULE OF REGULATIONS limiting the height and bulk of buildings and minimum size of lot permitted by land use.

ARTICLE XIV - (WM) WATERFRONT MARINA DISTRICTS

PREAMBLE

The (WM) Waterfront Marina Districts are established primarily to accommodate boating, along with those activities and services related to harbor and waterway improvements, thereby facilitating navigation and providing safe and economical waterfront recreation development.

Section 1400. PRINCIPAL USES PERMITTED

In a (WM) Waterfront Marina District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

- (a) Federal, State or Municipal, or private development of either the berthing, protection, or servicing of recreational boats, yachts, cruisers, inboards, outboards and sailboats.
- (b) Commissary facilities for the provision of food, beverages and the like to be stored aboard boats.
- (c) Federal, State, Municipal or private beaches, and water-related recreation areas.
- (d) Retail businesses which supply commodities for persons using the facilities of the (WM) Waterfront Marina District, such as the sale of boats, engines and accessories, fishing equipment, general repair and similar items.
- (e) Restaurants, lounges or clubs.
- (f) Hotels, motels or other such facilities to provide temporary home port accommodations.
- (g) Accessory structures and uses customarily incident to the above permitted uses.
- (h) Other uses which are similar to the above permitted uses.
- (i) Boat fuel stations.
- (j) One accessory dwelling unit for the owner or caretaker of the marina, and such dwelling unit shall meet the minimum requirements of Section 1500 for a dwelling in the "R-3" District.

Section 1401. SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given as required by State Law and after review by the Planning Commission and approval by the Township Board.

Review by the Planning Commission and approval by the Township Board shall be subject to the requirements and standards of Section 1621 and the submission of a site plan conforming to the requirements of Section 1615.

- (a) Engine and hull repair shops.
- (b) Propeller and shaft repair shops.

Section 1402. REQUIRED CONDITIONS

All principal and conditional uses in the (WM) Waterfront Marina Districts shall conform to the following required conditions:

- (a) All requirements of Section 1608, PERFORMANCE STANDARDS, shall be strictly adhered to.

Section 1403. AREA AND BULK REQUIREMENTS

See SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, and the minimum size of lot permitted by land use.

ARTICLE XV – SCHEDULE OF REGULATIONS

Section 1500 – see last item “Section 1500 – Schedule of Regulations”

FOOTNOTES TO SECTION 1500

- (d) No multiple or two-family dwelling shall be erected on a lot or parcel of land which has an area of less than twelve thousand (12,000) square feet or has a width of less than one hundred (100) feet. The following minimum land area per dwelling unit type shall be met in "RM-1" and "RM-2" Multiple-Family Residential Districts:

DWELLING UNIT	RM-1 MINIMUM LAND AREA PER UNIT	RM-2 MINIMUM LAND AREA PER UNIT
Efficiency	3,200 sq. ft.	2,800 sq. ft.
One-Bedroom	3,800 sq. ft.	3,400 sq. ft.
Two-Bedroom	4,200 sq. ft.	3,800 sq. ft.
Three-Bedroom	4,600 sq. ft.	4,200 sq. ft.
Four-Bedroom	5,000 sq. ft.	4,600 sq. ft.

Plans presented which include a den, library, or extra room shall have such extra room counted as a bedroom for purposes of this Ordinance.

- (e) Yards abutting major thoroughfares in "RM-1" and "RM-2" Districts shall have a minimum depth of fifty (50) feet. For the purpose of yard regulations, Multiple Family dwellings shall be considered as one (1) building occupying one (1) lot. Front, side and rear yards relating to the spacing between buildings within "RM-1" and "RM-2" Districts shall have the following minimum overall dimensions:

Building Relationship	Overall Distance Between Buildings (Exclusive of Parking Area)
Front to side45 feet
Front to front	50 feet
Front to rear	*60 feet
Rear to rear	*60 feet
Rear to side	45 feet
Side to side	20 feet
Corner to corner	15 feet

*Parking may be permitted in 50% of the required rear yard provided that there shall be at least 15 feet of yard space between said parking area and the multiple family

dwelling.

Minimum distance between buildings in "RM-3" Districts shall be controlled as outlined in Footnote (n).

The front and rear of the multiple-family building shall be considered to be the face along the longest dimension of said building or front of the multiple-family building shall be considered to be the direction indicated on the drawings by the designer provided it is consistent with the floor plan of the individual unit; and the side of the multiple-family building shall be considered to be the face along the narrowest dimension of said building unless otherwise indicated on the drawings.

Every lot on which a multiple structure is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one (1) foot for each ten (10) feet or part thereof by which length the multiple structure exceeds forty (40) feet in overall dimension along the adjoining plot line provided that no multiple family structure shall exceed one hundred eighty (180) feet in length along any one face of the building. Any court shall have a width equal to not less than fifty (50) feet for the front yard and sixty (60) feet for the rear yard. The depth of any court shall not be greater than three (3) times the width.

Service drives shall have a width of at least twenty-two (22) feet and shall not be located in any required front yard.

- (f) Minimum floor areas for apartments shall be as follows:

Efficiency Apartment: The term, "Efficiency Apartment" shall mean a dwelling unit containing not over three hundred sixty (360) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining, and necessary sanitary facilities.

One-Bedroom Unit: The term, "One-Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least six hundred (600) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and necessary sanitary facilities.

Two-Bedroom Unit: The term, "Two-Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least seven hundred fifty (750) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining, and necessary sanitary facilities.

Three or More Bedroom Unit: The term, "Three or More Bedroom Unit" shall mean a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of one hundred fifty

(150) square feet to the minimum floor area of seven hundred fifty (750) square feet.

- (g) Planned developments involving three (3) acres or more under one ownership shall be subject to the approval of the Township Board after review by the Planning Commission, after public hearing, regarding modifications with respect to height regulations in "B-1," "B-2," and "B-3" Districts.
- (h) Parking may be provided in the front yard after approval of the parking plan layout and points of access by the Township Board after review by the Planning Commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines.
- (i) No side yards are required along the interior side lot lines, except as otherwise specified in an applicable Building Code. On the exterior side yard that borders on a residential district or street, there shall be provided a setback of not less than ten (10) feet on the side abutting the residential district or street.
- (j) Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building, and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
- (k) No building shall be closer than forty (40) feet to the outer perimeter (property line) of such "I-1" and "I-2" District when said property line abuts any residential district.
- (l) The Board of Appeals may, upon review of the proposed site plan, and after public hearing modify side and rear yard requirements upon a finding that (1) adequate ingress and egress for parking, loading, and fire and police protection needs are met, and (2) that any Building Code requirements relative to the relationship between buildings are met.
- (m) The maximum percentage of lot coverage shall be determined by the meeting of yard requirements by the actual use, and by the provision of required off-street parking and loading facilities.
- (n) No multiple-family dwelling in an "RM-3" District shall be erected on a lot or parcel of land which has an area of less than three (3) acres, or has a width of less than two hundred (200) feet. The following minimum lot area per dwelling unit type, by number of stories in the building, shall be met in "RM-3" Districts:

DWELLING	3-STORY	4-STORY	5 OR MORE
UNIT TYPE	BUILDING	BUILDING	STORY BUILDING

Efficiency	1,800 sq. ft.	1,200 sq. ft.	600 sq. ft.
One-Bedroom	2,400 sq. ft.	1,800 sq. ft.	900 sq. ft.
Two-Bedroom	3,000 sq. ft.	2,400 sq. ft.	1,200 sq. ft.
Three-Bedroom	3,600 sq. ft.	3,000 sq. ft.	1,500 sq. ft.
Four-Bedroom	4,000 sq. ft.	3,600 sq. ft.	1,800 sq. ft.

In an "RM-3" District, multiple-family buildings of two (2) stories or less in height shall conform to the requirements of the "RM-2" District.

In an "RM-3" District, the minimum distance between the fronts, sides, and rears of any two (2) buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than thirty (30) feet. A minimum distance of thirty (30) feet shall apply to corner-to-corner building relationships. The formula regulating the required minimum distance between the fronts, sides, and rears of any two (2) buildings in the "RM-3" District shall be as follows:

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

where,

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

LA = Total length of building A

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

LB = Total length of building B

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

HA = Height of building A

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

HB = Height of building B

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

In "RM-3" Districts, all exterior yards shall be at least equal to the height of the building; except that where a lot line abuts a street, one half (1/2) the width of the right-of-way of said street may be considered as yard setback provided that said yard shall not be less than fifty (50) feet in depth. In no instance shall more than thirty (30%) percent of any required yard be occupied by parking lots or drives.

NOTE: INFORMATION ON ANY REQUIRED SITE PLAN REVIEW, PARKING, WALLS, GREENBELTS, AND LOADING AREAS MAY BE FOUND AS FOLLOWS:

PARKING	Section 1604 and 1605
WALLS	Section 1613
GREENBELTS	Section 1609
LOADING AREAS	Section 1606
SITE PLAN REVIEW	Section 1615

Section 1501. SUBDIVISION OPEN SPACE PLAN

(a) Lot dimensions in the "R-S" and "RU" One-Family Residential Districts may be reduced in accord with the following schedule, provided the number of residential lots shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each One-Family District under Section 502.

1) All calculations of density for residential "RS" and "RU" shall be predicated upon the One-Family Districts having the following maximum net densities:

District	Gross Density
RS	3.2/acre
RU	3.9/acre

2) Lot widths and overall area shall not be less than the following:

District	Minimum Lot Width	Minimum Lot Area
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RS	90'	10,200 sq. ft.
RU	70'	8,400 sq. ft.

- 3) Minimum yard setbacks as indicated in Section 502 of this Ordinance shall be provided.
- (b) For each square foot of land gained under the provisions of paragraph 1 of this Section 1501, within a residential subdivision through the reduction of lot size below the minimum requirements, as outlined in the Section 502, equal amounts of land shall be conveyed to the common use of the lot owners in the subdivision in a manner approved by the Township or may, if approved, be dedicated to the Township.
 - (c) The area to be dedicated for the common use of the subdivision shall in no instance be less than four (4) acres and shall be in a location and shape approved by the Township. A parcel divided by a road or stream may be considered one parcel.
 - (d) Access shall be provided to areas dedicated for the common use of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrian accessways.
 - (e) In approving the application of the "Subdivision Open Space Plan," the Township shall consider the following objectives:
 - 1) To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
 - 2) To encourage developers to use a more creative approach in the development of residential areas.
 - 3) To encourage a more efficient aesthetic and desirable use of open area while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles on the site.
 - 4) To encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourages the development of recreational facilities.
 - (f) Under this "Subdivision Open Space Plan" approach, the developer or subdivider shall convey or dedicate the total park area (See item b) at the time of filing of the final plat on all or any portion of the plat, unless otherwise agreed to by the Township.
 - (g) Application for approval of a "Subdivision Open Space Plan" shall be submitted at the time of submission of the Plat.

ARTICLE XVI - GENERAL PROVISIONS

Section 1600. CONFLICTING REGULATIONS

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

Section 1601. SCOPE

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

Section 1602. NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND CONFORMING USES OF STRUCTURES AND PREMISES

(a) Intent:

It is the intent of this Ordinance to permit legal nonconforming lots structures or uses to continue until they are removed.

It is recognized that there exist within the districts established by this Ordinance uses which were lawful before this Ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible permitted uses in the Districts involved. It is further the intent of this Ordinance that nonconformity's shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment

of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

(b) Nonconforming Lots

- 1) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements of area, or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage are on record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, and said lots of record are or do become lots of single ownership, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. No portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this Ordinance.
- 2) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

(c) Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of

land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- 1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- 2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- 3) If such nonconforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

(d) Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1) No such structure may be enlarged or altered in a way which increases its nonconformity; for example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.
- 2) Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- 3) Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(e) Nonconforming Uses of Structures and Land

If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so

long as it remains otherwise lawful, subject to the following provisions:

- 1) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- 2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- 3) In any district, if no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another non-conforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.
- 4) Any structure, or structure and land combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- 5) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- 6) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(f) Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(g) Uses Allowed as Conditional Uses Not Nonconforming Uses

Any use, which is permitted as a conditional use, as provided in this Ordinance shall not be deemed a nonconforming use in such district.

(h) Change of Tenancy or Ownership

There may be a change of tenancy, or ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

Section 1603. ACCESSORY BUILDINGS

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

- (a) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to main building.
- (b) Buildings accessory to residential buildings shall not be erected in any required yard space except the rear yard.
- (c) Buildings accessory to residential buildings not exceeding one (1) story or fourteen (14) feet in height may occupy not more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any nonrequired rear yard provided that in no instance shall the accessory building exceed the ground floor area of the main building.
- (d) Accessory buildings shall comply with the following setback requirements:

- 1) No detached accessory building shall be located closer than ten (10) feet to any main building.
 - 2) Accessory buildings located in a required rear yard area shall not be located closer than three (3) feet to any side or rear lot line. Accessory buildings located in a non-required rear or non-required front yard area, shall observe the same side yard setback as required for the main building.
 - 3) In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line.
 - 4) In no instance shall an accessory building be located within a dedicated easement right-of-way.
- (e) No detached accessory building in "AEC," "RS" and "RU" Districts shall exceed one (1) story or fourteen (14) feet in height except buildings accessory to the operation of a farm, as defined.
- (f) When an accessory building is located on a corner lot where both adjoining lots have their front yard facing the street, it shall maintain the specified front setback from both streets as required for main buildings in the same zoning district.
- (g) No accessory building shall be erected prior to the construction of the main building, except as provided in Section 1603 (h) below, unless approved by the Zoning Board of Appeals. The Board of Appeals shall require that a cash performance guarantee be posted to insure completion of the main building, as a condition of approval of prior construction of an accessory building.
- (h) Where a building in any district is accessory to a use of land, it shall comply with all setback requirements for a main building.
- (i) The total floor area of all detached residential accessory buildings in "RS" "RU" and "AEC" districts shall not exceed the ground floor area of the main residence or 1,200 square feet, whichever is larger. This shall not include agricultural buildings accessory to a working farm.
- (j) When an accessory building is a boathouse, a boatwell, or is substantially over the water, whether it be a river, lake, or canal:
- 1) No more than thirty (30%) percent of the building area may have flooring, be it earth, concrete, wood, or any flooring material other than water.

- 2) Boathouses shall not exceed the area of the primary (residential) building, nor shall the sum of a boathouse and any other accessory building exceed the lot coverage requirements of Article XV, Section 1500.
 - 3) A commercial use of a boathouse is not permitted unless it is located within a commercial district.
 - 4) A second floor shall not be permitted in a boathouse. Any sanitary facilities located therein shall be self-contained.
 - 5) All boathouses, which exceed fourteen (14) feet in height, or with wells to accommodate more than two (2) boats, shall be subject to prior approval of the Zoning Board of Appeals.
 - 6) A building permit for a boathouse shall not be issued unless and until the applicant has:
 - a) Complied with all the provisions of this Ordinance, the Township Building Code, and the Inland Lakes and Streams Act of 1972, as amended; and
 - b) Secured the written approval from the U.S. Army Corps of Engineers and the Michigan Department of Natural Resources when such permits are required and within the jurisdiction of those agencies.
- (k) By definition, an accessory building is clearly incidental to the principal building housing the main use; therefore, the Building Inspector shall not issue a building permit for an accessory structure prior to the issuance of a building permit for the main or principal building, and no rough framing of an accessory building shall begin until the rough framing of the principal building has been completed.
- (l) In the event that a situation arises where the principal building is demolished, leaving an accessory building on the site, said accessory building shall not be used for any purpose other than that originally permitted and allowed by the provisions of this Ordinance.

Section 1604. OFF-STREET PARKING REQUIREMENTS

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

- (a) Off-street parking may be located within any non-required yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted in a required front or side yard setback unless otherwise provided in this Ordinance.
- (b) Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- (c) Residential off-street parking shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of Section 1603, ACCESSORY BUILDINGS, of this Ordinance.
- (d) Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere, except that, eighty (80%) percent of the parking area required for uses in the "WM" Waterfront Marina District may be used for winter storage of recreational boats after review of the parking and winter storage layout by the Planning Commission and approval by the Township Board as a part of site plan review. Further, no parking lot in the "WM" District shall be occupied by stored boats during the period from June 15 to September 15. All such storage shall be arranged in an orderly manner and at least one-half (1/2) of the parking area shall be conveniently available for customer parking by June 1.
- (e) Off-Street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- (f) Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- (g) In the instance of dual-function off-street parking spaces, where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
- (h) The storage of merchandise, motor vehicles for sale, trucks or repair of vehicles is prohibited.
- (i) For those uses not specifically mentioned the requirements for off-street parking facilities shall be in accord with a use, which the Planning Commission considers is similar in type.

- (j) When units or measurements determining the number of required parking space result in the requirements of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one parking space.
- (k) For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA shall govern.
- (l) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
------------	---

1) RESIDENTIAL

- | | |
|--|--|
| a) Residential
One-family &
Two-family | Two (2) for each dwelling unit |
| b) Residential,
Multiple-family: | |
| Efficiency Unit | Two (2) for each dwelling unit |
| 1-Bedroom Unit | Two (2) for each dwelling unit |
| 2-Bedroom Unit | Two (2) for each dwelling unit |
| 3 or more
Bedroom Unit | Two and one-half
(2 1/2) for each dwelling unit |

In addition to the above minimum parking requirements for 1, 2, and 3 or more bedroom units, one-half (1/2) space per unit shall be provided for visitor parking.

- | | |
|-------------------------------|---|
| c) Housing for
the Elderly | One (1) for each two (2) units and one (1) for each for each employee. Should units revert to general occupancy, then one and one-half (1 1/2) spaces per unit shall be provided. |
| d) Mobile Home Park | Two (2) for each mobile home plus one (1) for each employee of the mobile home park. |

2) INSTITUTIONAL

- | | |
|---------------------------|---|
| a) Churches or
Temples | One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship. |
| b) Hospitals | One (1) for each one (1) bed. |

- c) Homes for the Aged/Convalescent Homes One (1) for each two (2) beds.
- d) Elementary and Junior High School One (1) for each one (1) teacher, employee, or administrator, in addition to the requirements of the auditorium.
- e) Senior High One (1) for each one (1) teacher, employee, or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.
- f) Private Clubs Lodge Halls One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes.
- g) Private Golf Clubs, Tennis Clubs, or other similar uses One (1) for each two (2) member families or individuals.
- h) Golf courses open to the general public except miniature or "par-3" courses Six (6) for each one (1) golf hole and one (1) for each one (1) employee.
- i) Fraternity or Sorority One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater.
- j) Stadium, Sports Arenas, or similar place of outdoor assembly. One (1) for each three (3) seats or six (6) feet of benches.
- k) Theaters and Auditoriums One (1) for each three (3) seats plus one (1) for each two (2) employees.

3) BUSINESS AND COMMERCIAL

- a) Planned One (1) for each hundred Commercial or

- Shopping Center located in a "B" District (100) square feet of usable floor
- b) Auto Wash One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash for automobiles awaiting entrance to the auto wash shall be provided. Maximum capacity of the auto wash for the purpose of determining the required reservoir parking shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet in each wash line by twenty (20).
- c) Beauty Parlor or Barber Shop Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 1/2) spaces for each additional chair.
- d) Bowling Alleys Five (5) for each one (1) bowling lane.
- e) Dance Halls, Pool or Billiard Parlors, Pinball Arcades and similar game rooms, Roller or Skating Rinks, Exhibition Halls, and Assembly Halls without fixed seats. One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
- f) Establishments for sale and consumption on the premises of beverage, food, or refreshments. One (1) for each one hundred (100) square feet of usable floor space .
- g) Furniture and Appliance, One (1) for each eight hundred (800) square feet of usable floor area. (For

- Household Equipment Repair Shop, Showroom of a Plumber, Decorator, Electrician, or similar trade, Shoe Repair, and other similar uses. that floor area used in shops, showroom processing, one (1) space shall be for each additional space shall be provided for each two (2) persons employed therein.)
- h) Automobile Service Stations Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.
 - i) Laundromats and Coin-Operated Dry Cleaners One (1) for each two (2) machines.
 - j) Miniature "par-3" Golf Courses Three (3) for each one (1) hole plus one (1) for each one (1) employee.
 - k) Mortuary Establishments One (1) for each fifty (50) square feet of assembly room usable floor space, parlors and slumber rooms.
 - l) Motel, Hotel or other commercial lodging establishment One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.
 - m) Motor Vehicle Sales and Service Establishments One (1) for each two hundred (200) square service feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room.
 - n) Retail Stores except as otherwise specified herein One (1) for each one hundred fifty (150) square feet of usable floor space.
 - o) Waterfront Marinas On shore, in-and-out or rack storage, and boat rentals. Three-quarters (.75) of a space for each boat stored or rented. Where launching from a boat trailer is

permitted, 24 vehicle/trailer spaces (10' x 40')
Shall also be provided for each launching ramp
as part of any parking plan.

In-water boat wells or marinas (rental/lease)

One (1) space for each boat, plus one (1) for every
two (2) employees in the largest working shift, plus
one (1) for every fifteen hundred (1,500) square feet
of indoor storage or work floor space.

In-water boat wells (Dockominiums)

Two (2) spaces for each watercraft moored in the
water or hoisted individually above the well.

- p) Drive-In Restaurants One (1) for each twenty-five (25) square feet
of floor area plus one (1) employees.

4) OFFICES

- a) Banks One (1) for each one hundred (100) square feet
(of usable floor space).
- b) Business offices or Professional Offices except as
Indicated in the following item (c) One (1) for each two hundred (200) square
feet usable floor space.
- c) Professional Offices of Doctors, dentists,
Or similar chair or professions. One (1) for each one hundred (100) square
feet of usable floor area in waiting rooms,
and one (1) for each examining room, dental
similar use area.

5) INDUSTRIAL

- a) Industrial or Research Five (5) plus one (1) for every one and
one-half (1 1/2) establishment's employees
in the largest working shift, or one (1) for
every five hundred and fifty (550) square feet
of usable floor space, whichever is greater.
Space on site shall also be provided for all
construction workers during period of plant.

- b) Wholesale Establishments Five (5) plus one (1) for every one employee in the largest working shift, or one construction. (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

Section 1605. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

Wherever the off-street parking requirements in Section 1604 above require the building of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- (a) No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector or Official. Applications for a permit shall be submitted in such form as may be determined by the Building Inspector or Official, and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
- (b) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0 parallel parking	12'	8'	23'	20'	28'
30 to 53	12'	8'6"	20'	32'	52'
54 to 74	15'	8'6"	20'	36'6"	58'
75 to 90	24'	9'	20'	44'	64'

- (c) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- (d) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single family residential use.
- (e) All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.

- (f) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet away from any adjacent property located in any single-family residential district.
- (g) The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4'6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district and shall be subject further to the requirements of Section 1613, ARTICLE XVI, GENERAL PROVISIONS.

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

(h) Surfacing Requirements

- 1) In "RM-1," "RM-2," "RM-3," "MH," "B-1," "B-2," "B-3," AND "WM" Districts and for all special land uses, the entire parking area, including all parking spaces and maneuvering lanes, required under this section, shall be provided with asphalt or concrete surfacing in accordance with specifications approved by the Township Board. The parking area shall be surfaced within one (1) year of the date the certificate of occupancy is issued.
- 2) In "I-1" and "I-2" districts only, parking areas need not have a paved surface if the following requirements and standards are met:
 - a) Engineering plans shall be submitted for review by the Township Engineer that show proper design including removal of topsoil, a compacted base course, a compacted dust-free top course, and proper grading plan to insure positive drainage.
- 3) Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the Township Board.
- 4) In the case of seasonal and temporary uses, or institutional, religious and similar buildings, where the building or use will only be occupied on an infrequent basis (that is, generally less than twenty-four (24)

hours in any one week) the Township Board may waive the hard surfacing requirements for a specific period not to exceed two (2) years. All such uses shall provide an entrance drive and parking area in accordance with the standards listed in Section 1605 (h) 2, above.

- (i) All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
- (j) In all cases where a wall extends to any alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
- (k) The Board of Appeals, after recommendation of the Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

Section 1606. OFF-STREET LOADING AND UNLOADING

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

- (a) All spaces shall be provided as required in ARTICLE XV, SCHEDULE OF REGULATIONS, noted after minimum rear yards, except as hereinafter provided for "I" Districts.
- (b) All spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in "I" Districts shall be provided in the following ratio of spaces to floor area:

<u>GROSS FLOOR AREA (IN SQUARE FEET)</u>	<u>LOADING AND UNLOADING SPACE REQUIRED IN TERMS OF SQUARE FEET OF USABLE FLOOR AREA _____</u>
0 - 1,400	None
1,401 - 20,000	One (1) space
20,001 - 100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001 square feet.

100,001 and over

Five (5) spaces

Section 1607. USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, the Township Board shall permit them as a special land use after review and recommendation for a permit by the Planning Commission. Each of the following special land uses shall submit a site plan in conformance with Section 1615 and shall meet all requirements of Section 1621 and the following specific requirements for each use:

(a) Outdoor Theaters

Because outdoor theaters possess the unique characteristic 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 be permitted in "I" Districts only after review by the Planning Commission and Township Board approval. Outdoor theaters shall further be subject to the following conditions:

- 1) The proposed internal design shall receive approval from the Building Inspector or Official as to adequacy of drainage, lighting and other technical aspects.
- 2) Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares of one hundred and twenty (120) foot right-of-way or greater, and shall not be available from any residential street.
- 3) All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space in the ratio of one (1) space for every ten (10) viewing spaces within the drive-in. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.

(b) Radio, Television, Satellite Dish and Communications Antennae.

- 1) Any antenna or tower having a height greater than fifty (50) feet above grade shall be permitted only in "I" Districts and only after Special Land Use Approval. No guide wires or other accessories shall cross, encroach, or otherwise project beyond any lot line or over any electric power lines. All attendant facilities shall be housed in a building that shall comply with all setback requirements of the district in question.

- 2) In a residential district, no antenna shall be located between the principal building and the front lot line. The maximum overall height for a ground-mounted antenna, including mounting hardware, shall be fifteen (15) feet. The maximum diameter for satellite dish antennae shall be twelve (12) feet. Only perforated or mesh-type satellite dishes shall be permitted when mounted on or above a building roof. Roof mounted satellite dishes shall not exceed the height limit of the zoning district. Ground mounted satellite dishes shall be set back the height of the antenna from all lot lines and no satellite dish shall overhang any lot line. All satellite dishes shall be mounted at least twelve (12) feet from any electric wires.
- 3) In a non-residential zone, no satellite dish antenna shall be located between any principal building and the front lot line. All satellite dish antennae over twelve (12) feet in diameter and all ground mounted satellite dishes over fifteen (15) feet in overall height shall require Special Land Use approval by the Township Board. Roof mounted satellite dishes shall not exceed the zoning district height limit. Where placement of the satellite dish will cause it to be visible from a residential district or a public right-of-way, it shall be screened from view. The screening may consist of structures, plant materials, earth berms and/or fences. At least 75% of the antenna, to a height of six (6) feet above the average ground elevation, must be screened from view of the abutting lot or right-of-way.

(c) Auto Race Track (including midget auto and karting tracks)

Because auto race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas, and cause noise levels which may project beyond the property so used, they shall be permitted in the "I" Districts after review by the Planning Commission and Township Board approval when located adjacent to a major thoroughfare, and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following conditions and such other controls as the Township Board deems necessary to promote health, safety and general welfare in the Township.

- 1) All parking shall be provided as off-street parking within the boundaries of the development and shall meet the requirements of Sections 1604 and 1605.
- 2) All access to the parking area shall be provided from a major thoroughfare.
- 3) All sides of the development not abutting a major thoroughfare shall be

provided with a twenty (20) foot wide greenbelt planting, and fence or wall, so as to obscure from view all activities within the development. Said planting shall be in accord with Section 1609.

(d) Fairgrounds, Horse and Dog Race Tracks

Because horse and dog race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and require sizeable land areas which would be incompatible with business or residential districts, they shall be permitted in the "I" Districts after review by the Planning Commission and Township Board approval, when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following conditions and such other controls as the Township Board deems necessary to promote health, safety and general welfare in the Township.

- 1) All parking shall be provided as off-street parking within the boundaries of the development.
- 2) All access to the parking areas shall be provided from a major thoroughfare.
- 3) All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot wide greenbelt planting, and fence or wall, so as to obscure from view all activities within the development. Said planting shall be in accord with Section 1609.

(e) Riding Academies and Stables

Facilities for horseback riding, accessory trails and stables may be allowed by the Township Board after Planning Commission review on parcels of ten (10) acres or more, or on parcels zoned "AEC," "I-1" and "I-2," provided that animal housing facilities or enclosures are located at least two hundred and fifty (250) feet from any residential structure. Under a temporary permit basis, riding trails may extend into the rugged and/or undeveloped portions of the "AEC" and "R" Districts.

(f) Airports and Related Uses

Airports, landing fields, and platforms, hangars, masts, and other facilities for the operation of aircraft, may be permitted in "AEC" and "I" Districts after review by the Planning Commission and Township Board approval and shall be subject to the following conditions:

- 1) The plans for such facility shall be given approval by the Federal

Aviation agency prior to submittal to the Planning Commission and Township Board for their review and action.

- 2) The standards for determining obstruction to air navigation as announced in the FAA Technical Order N-18, April 26, 1950 (as amended July 30, 1952) and any other amendments thereto shall be complied with. This standard shall be applied by the class of airport as determined by the FAA.
- 3) The area of the "clear zone" (see FAA definition) shall be provided for within the land area under airport ownership, and in no instance shall the "clear zone" be above property zoned "RS," "RU," "RM," or "MH."

(g) Kennels, Commercial

The raising for profit of any fur bearing animals or commercial kennel shall be permitted by the Township Board after Planning Commission review on a farm of five (5) acres or more in size and the pens and cages shall be located not less than one hundred (100) feet from any front, side or rear property line and further provided that such use shall not be injurious to the surrounding neighborhoods. Commercial kennels may also be allowed in "I-1" and "I-2" Districts if District regulations of Section 1500 are met. Further, all requirements of Section 1608 shall be adhered to. In the case of all temporary kennels, a temporary permit shall be obtained from the Board of Appeals (refer to Section 1903, Item (f,2)).

(h) Overnight Camping Facilities

Overnight camping facilities, such as recreational campgrounds for tents, campers, and travel trailers may be allowed in "AEC" and "B-2" Districts, only after a public hearing and Special Land Use Approval, provided the following special standards are met:

- 1) There will be no permanent storage of tents, campers and/or travel trailers.
- 2) Where the use abuts property zoned residential, there shall be no activities within thirty (30) feet of the property line. Adequate fencing and a landscaped greenbelt shall be provided to screen the use from all adjoining residential zones.
- 3) All principal and accessory buildings shall be set back at least one hundred (100) feet from all property lines.

(i) Roadside Markets

Because roadside markets are seasonal in character and utilized on a temporary basis, roadside markets may be allowed in "AEC" Districts by the Township Board and provided the following provisions are met:

- 1) The sale of farm products in a roadside market shall not take place within the dedicated right-of-way of any thoroughfare within the Township, and assurances shall be made to the Township that ample off-street parking has been provided, and adequate ingress and egress provided to the market.
- 2) No permanent structure of any type shall be erected, and upon discontinuance of the temporary use, the temporary structures shall be removed from the roadside.
- 3) All requirements of Section 1903, Item (f), 1, shall be met.

(j) Waste Lagoon Ponds

Because waste lagoon ponds are industrially oriented and permanent in character, and because of technical treatments necessary for the proper operation of lagoons, ponds, they shall be permitted in "I-2" Districts and in "AEC" Districts (if related to an agricultural use) only after review by the Planning Commission and Township Board approval, provided the following conditions are met.

- 1) In no instance shall a waste lagoon pond be closer than one hundred and fifty (150) feet to an existing or proposed street right-of-way or abutting residential district.
- 2) An eight (8) foot wall or fence shall be erected around the entire site, and control gates for ingress and egress shall be installed.

(k) Hog Farms

Because of the nature of hog farms and piggeries, they may be allowed in "AEC" Districts only, after review by the Planning Commission and Township Board approval, provided the following requirements are met:

- 1) All requirements of Section 1608 shall be strictly adhered to.
- 2) Pens and cages shall be located no closer than one hundred and fifty (150) feet to any existing or proposed public right-of-way, or any adjacent property line.

(l) Mushroom Plants and Farms

Because of the nature of the process for growing mushrooms, mushroom growing plants may be allowed in the "I-2" Districts only, after review by the Planning Commission and Township Board approval, provided the following conditions are met:

- 1) The plant structure shall be located no closer than one hundred and fifty (150) feet to any existing or proposed public right-of-way, or to any adjacent property.
- 2) The area utilized for the dispensing of waste material shall be no closer than three hundred (300) feet to any existing or proposed public right-of-way or to any adjacent property line.
- 3) All requirements of Section 1608 shall be strictly adhered to.
- 4) No residential structure, either permanent or temporary shall be placed closer than five hundred (500) feet to any mushroom growing plant.

(m) Gun Clubs

Gun Clubs, whether operated for profit or not, may be permitted in "I" Districts only, after review by the Planning Commission and approval of a permit by the Township Board, provided the following conditions are met:

- 1) All Federal, State, County and Township codes and ordinances in regard to firearms shall be strictly adhered to.
- 2) In no instance shall a firearm be discharged closer than one thousand (1,000) feet to an existing residence.
- 3) In no instance shall a firearm be discharged on any range in any gun club without the presence of an employee of the gun club for supervision.
- 4) A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission for review in compliance with Section 1615, and clearly indicating all safety provisions to assure that any missile fired within the confines of a gun club shall not carry into or over any adjacent district or area.
- 5) A six (6) foot chain link fence shall be provided around the entire gun club site to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged.
- 6) Any other provision which the Township Board and Planning

Commission deem necessary to assure the health, safety and general welfare of the inhabitants of Ira Township and adjacent communities.

(n) Quarry and Stripping Operations

The Township Board may permit the winning of topsoil, clay, sand, gravel, rock or aggregates from any land use district. In granting such approval, the Board may grant a permit for an initial period not to exceed five (5) years, with the granting of subsequent two (2) year renewal extensions being permissible, and shall be subject to the following:

- 1) The Board shall first seek the finding and recommendation of the Planning Commission clearly demonstrating that the winning of natural resources will not permanently impair the intended land use potential of the property in question.
- 2) The Board shall issue said permit only after a proper notice shall have been made and only after a public hearing shall have been held.
- 3) The Board shall find that all requirements set forth in the Township Board's resolution establishing standards, operating requirements, application and review procedures, and the posting of bonds shall have been met.

a) Quarry Excavation:

1. Where an excavation in excess of five (5) feet will result from such operations, the applicant shall erect a fence with warning signs completely surrounding the portion of the site where the excavation extends, said fence will be of wire mesh or other suitable material and to be not less than five (5) feet in height complete with gates, which shall be kept locked when operations are not being carried on.
2. When operations cease at any quarry, the entire excavation shall be fenced with a suitable eight (8) foot high chain link or comparable fence, upon which there shall be placed and maintained appropriate signs warning the public of

danger.

3. Where quarrying operations result in a body of water, the owner, operator and/or permittee shall place appropriate "KEEP OUT - DANGER" signs around said premises not more than two hundred (200) feet apart.
4. Any road used for the purpose of ingress or egress to said excavation site which is located within three hundred (300) feet of occupied residences shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.
5. No cut or excavation shall be made closer than one hundred (100) feet from the nearest street or highway right-of-way line, nor closer than one hundred (100) feet to any property line, nor nearer than two hundred and fifty (250) feet to the nearest residence providing that where the cut reaches any limitations as above set forth, a chain link or comparable fence eight (8) feet in height shall be erected and in case of an adjoining residence or Residential District, a twenty (20) foot wide greenbelt, inside the fence, shall be maintained in good condition by the property owner; provided further, that the Board may prescribe more strict requirements in order to give sublateral support to surrounding properties where soil or geographic conditions warrant it.
6. The slope of the banks within the second one hundred (100) feet measuring from the near edge of a public highway, or within the second one hundred (100) feet measuring from

the property line of an adjoining land owner, or within the second two hundred and fifty (250) feet to the nearest residence, shall not exceed one (1) foot vertical drop to each seven (7) feet horizontal.

7. The Board may require such other performance standards where, because of peculiar conditions, they deem it necessary for the protection of health, safety, morals and well being of the citizens of Ira Township.

b. Regulations for Stripping or Removal Operations Not Incident to Quarry Operations

1. No soil, sand, gravel, clay or similar materials shall be removed below a point twelve (12) inches above the mean elevation of the center line of the nearest existing or proposed street or road established or approved by the St. Clair County Road Commission, except as required for the installation of utilities and pavements; provided further that where approved county drain ditches exist and/or are adjacent to the property under permit, that the grade and slope of removal will meet all requirements and approval of the St. Clair County Drain Commission.
2. Any road used for the purpose of ingress or egress to said excavation site which is located within three hundred (300) feet of occupied residences shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.
3. No soil, sand clay, gravel or similar materials shall be removed in such manner as to cause water to collect or

to result in a place of danger or a menace to the public health or safety. The premises shall at all times be graded so that surface water drainage is not interfered with.

4. Wherever topsoil exists, suitable for growing turf or for other land uses, at the time the operations begin a sufficient quantity of topsoil shall be stockpiled on said site so that the entire site, when stripping or removal operations are completed, may be recovered with a minimum of four (4) inches of topsoil and the replacement of such topsoil shall be made immediately following the termination of the stripping or removal operation. In the event, however, that such stripping or removal operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored topsoil over the stripped areas as he progresses. Such replacement shall be in a manner suitable for growing turf or for other land uses.
5. The Board may require such other and further requirements as is deemed necessary in the interest of the public health, safety, morals and general welfare of the citizens of Ira Township.

Section 1608. PERFORMANCE STANDARDS

No use otherwise allowed shall be permitted within any District that does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area.

- (a) Smoke

It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No.

1 of the Ringlemann Chart; provided that the following exceptions shall be permitted; smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period, or periods aggregating four minutes in any thirty minutes.

Method of Measurement: For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the Unbrascoppe readings of smoke densities may be used when correlated with Ringlemann's Chart.

(b) Dust, Dirt and Fly Ash

No person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.

(c) Open Storage

The open storage of any industrial or commercial equipment, industrial or commercial vehicles and all industrial or commercial materials including wastes, except new merchandise for sale and/or display, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of an obscuring wall or obscuring fence not less than the height of the equipment, vehicles and all materials to be stored. Whenever such open storage is adjacent to a residential zone or mobile home park in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring wall or obscuring fence of at least six (6) feet in height.

(d) Glare and Radioactive Materials

Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

(e) Fire and Explosive Hazards

The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended.

(f) Noise

Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

(g) Odors

Creation of offensive odors shall be prohibited.

(h) Wastes

No waste shall be discharged in the public sewer system that is dangerous to the public health and safety. The following standards shall apply at the points wastes are discharged in the public sewer.

- 1) Acidity or Alkalinity shall be neutralized within an average pH range of between 5 1/2 to 7 1/2 as a daily average on the volumetric bases, with a temporary variation of pH 4.50 to 10.0.
- 2) Wastes shall contain no cyanides. Wastes shall contain no chlorinate solvents in excess of .1 p.p.m.; no fluorides shall be in excess of 10 p.p.m.; and shall contain no more than 5 p.p.m. of hydrogen sulfate and shall contain not more than 10 p.p.m. of sulfur dioxide and nitrates; and shall contain not more than 25 p.p.m. of chromate.
- 3) Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceed a daily average over 500 p.p.m. or fail to pass a number eight standard sieve or have a dimension greater than 1/2 inch.
- 4) Wastes shall not have chlorine demand greater than 15 p.p.m.
- 5) Wastes shall not contain phenols in excess of .05 p.p.m.
- 6) Wastes shall not contain any grease or oil or any oil substance

in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.

(i) Waste and Rubbish Dumping

No garbage, sewerage, filth, refuse, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes, and crates or other offensive or obnoxious matter shall be piled, placed, stored, or dumped on any land within the Township until the operator has obtained a landfill permit from the Michigan Department of Natural Resources under the rules and regulations of Public Act 641 of 1978, as amended. Such uses shall be located only on land that has been shown as a landfill site on the adopted St. Clair County Waste Management Plan.

All uses in every zoning district shall place waste materials in an appropriate covered container and properly dispose of it at least once each month in accordance with State Law and Township Ordinance. Nothing contained herein shall prevent the reasonable use of fertilizers, manure's and similar materials for the improvement of land utilized for agricultural purposes where such use does not constitute a public or private health hazard.

Section 1609. PLANT MATERIALS

Whenever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. All required greenbelts shall be at least ten (10) feet in width and no plant materials shall be located closer than four (4) feet to the property line. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

(a) Plant Material Spacing

- 1) Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
- 2) Where plant materials are placed in two or more rows, plantings shall be staggered in rows.
- 3) Evergreen trees shall be planted not more than thirty (30) feet on centers.
- 4) Narrow evergreens shall be planted not more than six (6) feet on centers.
- 5) Deciduous trees shall be planted not more than thirty (30) feet on centers.

- 6) Tree-like shrubs shall be planted not more than ten (10) feet on centers.
- 7) Large deciduous shrubs shall be planted not more than four (4) feet on centers.

(b) Suggested Plant Materials

Minimum Size

- | | |
|---|---|
| <ul style="list-style-type: none"> 1) Evergreen trees <ul style="list-style-type: none"> a. Juniper b. Hemlock c. Fir d. Pine e. Spruce f. Douglas Fir 2) Narrow Evergreens <ul style="list-style-type: none"> a. Column Hinoki Cypress b. Blue Columnar Chinese Juniper c. Pyramidal Red Cedar d. Swiss Stone Pine e. Pyramidal White Pine f. Irish Yew g. Douglas Arbor Vitae h. Columnar Giant Arbor Vitae 3) Tree-like Shrubs <ul style="list-style-type: none"> a. Flowering Crabs b. Russian Olives c. Mountain Ash d. Dogwood e. Redbud f. Rose of Sharon g. Hornbeam h. Hawthorn i. Magnolia 4) Large Deciduous Shrubs <ul style="list-style-type: none"> a. Honeysuckle b. Viburnum c. Mock Orange | <p>Five (5) feet in height</p> <p>Three (3) feet in height</p> <p>Four (4) feet in height</p> <p>Six (6) feet in height</p> |
|---|---|

County, State or Federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.

- 3) No signs otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located, except that for a planned commercial or shopping center development involving three (3) acres or more under one (1) ownership, the Board of Appeals may modify the height limitation.
- 4) All directional signs required for the purpose of orientation, when established by the Township, County, State, or Federal government, shall be permitted in all use districts.
- 5) Accessory signs shall be permitted in any use district.
- 6) Non-accessory signs shall be permitted only in "I" Districts; except that non-accessory signs pertaining to real estate development located within the Township and designed to promote the sale of lots or homes within a subdivision located within the Township may be permitted on a temporary basis in any district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all codes and ordinances of the Township and approved by the Building Inspector or Official and a temporary permit issued.
- 7) Signs used for advertising land or building for rent, lease, and/or for sale shall be permitted when located on the land or building intended to be rented, leased, and/or sold.
- 8) Accessory freestanding signs may be located in the required front yard except as otherwise provided herein.
- 9) Portable and vehicle advertising signs are hereby prohibited regardless of form, size, character, or placement. A portable sign is a freestanding sign not permanently anchored or secured to either a building or the ground. A vehicle sign is a vehicle advertising sign when the vehicle upon which the sign is painted or attached is parked or placed upon the premises primarily for advertising purposes.
- 10) There shall be no flashing or intermittent illumination on any sign, nor interference with clear driver vision along any street. There shall be no temporary or portable signs nor moving signs or sign components, except for minor elements of clocks or thermostats. There shall be no streamers, windblown devices, spinners, pennants or flags, except flags such as those of the United States, Michigan, or other flags approved

by the Township Board.

- (b) In addition to the above, the following requirements shall apply to signs in the various use districts as follows:

USE DISTRICT

REQUIREMENTS

"AEC", "RS", "RU"	For each dwelling unit, one name plate not exceeding two (2) square feet in area, indicating name of occupant.
"AEC", "RS", "RU" and "RM"	For structures other than dwelling units, one (1) identification sign not exceeding ten (10) square feet, except a church bulletin board, not exceeding eighteen (18) square feet.
"AEC", "RS", "RU" and "RM"	For rental and/or management offices, one (1) identification sign not exceeding six (6) square feet.
RM" Districts	Signs indicating the name of multiple housing projects shall be permitted provided that no such to any property line in any adjacent single-family district.
"B" Districts	No sign shall project beyond or overhang the wall, or any permanent architectural features, by more than one (1) foot, and shall not project above or beyond the highest point of the roof or parapet.
"B" Districts	Freestanding, accessory signs or advertising pylons shall not be placed closer than one hundred (100) feet to any adjacent residential district.
"B" Districts	Freestanding, accessory signs or advertising shall not be over one hundred (100) square feet in area.
"B" and "I" Districts	Freestanding accessory signs may be located in the required front yard.
"I" Districts	Freestanding, accessory signs or advertising pylons shall not be placed closer than two hundred (200) feet to any adjacent residential district.
"I" Districts	Freestanding, accessory signs shall not be over three hundred (300) square feet in area.

"I" Districts Non-Accessory signs shall be permitted but shall be spaced no closer than one thousand (1,000) feet between signs on the same side of the right-of-way.

"I" Districts Freestanding, non-accessory signs, not to exceed three hundred (300) square feet in, are allowed but shall comply with all requirements of ARTICLE XV, SCHEDULE OF REGULATIONS, of this Ordinance.

Section 1611. EXTERIOR LIGHTING

All lighting for parking areas or for the external illumination of buildings and uses shall be directed from and shall be shielded from adjacent residential districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.

Section 1612. CORNER CLEARANCE

In all districts, no fence, wall, shrubbery, sign or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed by the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

Section 1613. WALLS AND FENCES

(a) Those use districts and uses listed below shall be required by the Township Board upon the recommendation of the Planning Commission to construct and maintain on those sides abutting or adjacent to a residential district as specified below one (1) or a combination of the following:

- An obscuring masonry wall.
- An obscuring fence.
- Fence together with a landscaped greenbelt.
- An obscuring landscaped greenbelt.
- Fencing.

Use

- 1) Off-Street Parking Areas
- 2) "B-1," "B-2," "B-3," and "RM" Districts

- 3) "I-1," "I-2" and "WM" Districts
- 4) Utility buildings stations and/or substations; except that in cases where all equipment is contained within a building or structure constructed so as to be similar in appearance to the residential buildings in the surrounding area, the Board of Appeals may waive the wall requirements

Minimum Dimension Requirements

- (1) Walls: 4'6" high
 - (2) Fences: 4'6" high
 - (3) Obscuring Fences:
4'6" high
 - (4) Fence and greenbelt:
4'6" high and 10' wide
 - (5) Landscaped greenbelt:
4'6" high and 10' wide
- (b) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts. Required walls may, upon approval of the Board of Appeals, be located on the opposite side of an alley right-of-way from a non-residential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Board of Appeals in reviewing such request.
- (c) Such walls and screening barrier shall have no openings for vehicular traffic or other purposes except as otherwise provided in this Ordinance and except such openings as may be approved by the Building Inspector. All walls herein required shall be constructed of materials approved by the Building Inspector to be durable, weather resistant, rust proof and easily maintained; and wood or wood products shall be specifically excluded.

Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the Building Inspector and shall not be less than four (4) inches wider than the wall to be erected.

Masonry walls may be constructed with openings above thirty-two (32) inches above grade provided such openings are not larger than sixty-four (64) square inches, provided that the openings shall be so spaced as to maintain the obscuring character

required, and shall not reduce the minimum wall height requirement.

- (d) The Board of Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches (4'6") in height.

In consideration of requests to waive wall requirements between non-residential and residential districts, the Board shall refer the request to the Planning Commission for a determination.

In such case as the Planning Commission determines the residential district to be a future non-residential area, the Board of Appeals may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting the subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as herein before described, for each subsequent waiver prior to the granting of such waiver by the Board.

The Planning Commission may recommend and the Township Board may require fences, obscuring walls, or berms to be of a height higher than four feet six inches (4'6") where the four feet six inch (4'6") height does not accomplish the obscuring, screening, or protective objective. The Planning Commission may recommend and the Township Board may require the location of obscuring walls, fences, or berms to be at alternative locations other than on the property line. The Planning Commission may recommend and the Township Board may require various materials such as steel, wood, chain link, masonry, plant materials, poured concrete slab, or other suitable materials necessary to achieve the obscuring, screening or protective objective, and the Planning Commission may recommend and the Township Board may require any combination as provided in Item a. above, to achieve the obscuring, screening or protective objective, provided that the increased height requirement, alternative location, materials, or combination, is within reason.

- (e) Whenever a fence is proposed in other than a residential or agricultural district, it shall comply with the following:
 - 1) The maximum height for all fences, including security fences and obscuring fences, shall be six (6) feet, unless otherwise provided for in this Ordinance.
 - 2) Open, wire fences shall be of a chain-link variety only. Plastic, vinyl, aluminum or wood slats, or similar devices placed through the wire fence, shall not be used to satisfy the requirements of this Ordinance for screening or an obscuring fence.
 - 3) When an obscuring wood fence is proposed, it shall be constructed

entirely of pressure treated wood or metal posts and pressure treated wood panels, to assure durability and relative freedom from the need for regular maintenance.

Section 1614. USE RESTRICTION

No portion of a lot or parcel once used in complying with the provisions of this Ordinance for yards, lot area per family, density as for a development in the multiple-family district, or percentage of lot occupancy, in connection with an existing or proposed building or structure, shall again be used as part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time.

Section 1615. SITE PLAN REVIEW

The Township Board shall submit a site plan for approval after review by the Planning Commission if one or more of the following conditions apply:

- (1) Whenever a building permit is required for the erection or structural alteration of a building (other than farm structures, a single-family dwelling and other accessory buildings to such dwellings).
- (2) Whenever a parking or storage area is to be used or constructed, or if no construction is undertaken, used for such purpose.
- (3) For any substantial change in use or class of use.

Whenever any such development requires site plan approval prior to the issuance of a building or occupancy permit, the procedures outlined below shall be followed and the use shall comply with the following requirements and standards:

- (a) Requirements - The required number of copies of the Site Plan review and/or Special Land Use application (obtainable from the Township Clerk) together with the same number of copies of all required drawings and illustrations shall be presented to the Township Clerk thirty (30) days prior to the next regular meeting of the Planning Commission to be forwarded to the Planning Commission, Community Planner, Township Engineer and/or Township Attorney where necessary. All of the following detailed information must be submitted:

Application Form

- 1) Applicant's name and address
- 2) Name of the proposed development
- 3) Common description of the property and complete legal description

- 4) Dimensions of land, width, length, acreage and frontage
- 5) Existing zoning and zoning of adjacent properties
- 6) Proposed use of land
- 7) Name, address, city and phone number of:
 - a) Firm or individual that prepared site plan
 - b) Legal owner of property
 - c) Applicant (including basis of representation)
- 8) Signature of legal owner if not the applicant

Site Plan Drawings and Illustrations (fully dimensioned)

- 1) Location map drawn at a scale of 4" = 1 mile (showing site in relation to nearest major intersection).
- 2) A minimum drawing sheet size of eighteen by twenty-four inches (18" x 24").
- 3) A scale of not less than 1" = 30' if the developed portion of the property is five (5) acres or less, and 1" = 100' if over five (5) acres.
- 4) Date and north point.
- 5) Location of all existing and proposed structures and uses.
- 6) All aisles, drives and parking areas (include the number of spaces in each).
- 7) Screening and/or protective walls. (See Section 1613).
- 8) Principal and accessory buildings.
- 9) Location of existing and proposed rights-of-way, widths of all abutting streets, alleys and easements.
- 10) Types of facing materials to be used on structures.
- 11) Elevations (front, sides and rear views) of all sides of the building(s).
- 12) A floor plan drawing showing the specific use areas of all existing and

proposed buildings on-site.

- 13) Density calculations.
- 14) Existing buildings or improvements on the site and on all land adjacent to the site within 100 feet.
- 15) Designation of units by type of buildings.
- 16) Interior sidewalks and sidewalks within right-of-way.
- 17) Exterior lighting locations and methods of shielding.
- 18) Trash receptacle location and method of screening.
- 19) Landscape Plan. (See Section 1609)
- 20) Drive or street approaches including acceleration, deceleration and passing lanes, if appropriate.
- 21) All utilities located on or serving the site.
- 22) Loading and unloading area.
- 23) Total floor area.
- 24) Designation of fire lanes.
- 25) Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension, noise, vibration and emission levels and other data of all such equipment or machinery.
- 26) Location and extent of development of recreation areas, where necessary.
- 27) Seal of a Professional Architect, Landscape Architect, Civil Engineer, Community Planner or Land Surveyor who prepared the site plan drawing. The Planning Commission or its designee may waive this requirement when it is determined that the scope of the project would be minor in nature.
- 28) Existing and proposed contours shall be provided at an interval of one (1) foot. These shall clearly indicate the proposed Grading and Drainage Plan and shall identify any areas of reclaimed or filled land and areas proposed to be dredged and back-filled.

Sign Information

Separate drawings of the proposed sign(s) to be erected on the site may be submitted at the time of site plan review or at a later date. The location of all signs shall be shown on the site plan but the following detailed information may be deferred until later:

- 1) Height of the sign above the ground.
 - 2) Surface of the sign (material and dimensions).
 - 3) Area of sign surface.
 - 4) Lettering of sign drawn as it will appear on the erected sign need not be in the style of the finished sign but must be neatly printed in the size and of a weight approximating that of the final constructed sign.
 - 5) Method of illumination, if any.
- (b) Procedures - If the petition is received at least fifteen (15) days prior to a regular Planning Commission meeting, it will be placed on the agenda of the next regular meeting of the Planning Commission and a recommendation for acceptance, revision or disapproval will be made to the Township Board provided the Commission has received a report from all Township Departments, Community Planner, Township Engineer and/or Township Attorney, where necessary. The plan will then be forwarded to the Board for final action at a meeting of the Township Board.
- 1) Upon determination of the Township Board that a site plan is in compliance with the Zoning Ordinance as amended and other plans or regulations, it will be so indicated on the site plan.
 - 2) Upon determination of the Township Board that a site plan is in compliance except with minor revisions, said changes shall be so indicated. When these changes have been adequately provided, the petitioner may resubmit the site plan to the Planning Commission for review prior to final approval by the Township Board, or
 - 3) If extensive revisions to the site plan are necessary to meet the ordinance, plan and regulation requirements, the site plan shall be disapproved and the applicant requested to prepare an alternate site plan. In this case "DISAPPROVAL" shall be written on the plan and reasons for disapproval indicated. If the applicant desires to prepare an alternate plan, the same procedure as outlined under subsection (a) "Requirements" above must be met.

- 4) In the process of reviewing the site plan, the Planning Commission shall consider:
 - a) Single-family development on the basis of a subdivision.
 - b) The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic. The traffic circulation features, within the site and location of automobile parking areas; and may make such requirements with respect to any matter as will assure:
 - (1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - (2) Satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - c) Upon approval of a site plan by the Township Board, the petitioner shall request a building permit within twelve (12) months or the site plan shall be declared to be invalid. Upon receipt of a building permit, reasonable construction shall be commenced within six (6) months, and reasonably continued, or the site plan and building permit shall be declared to be invalid, unless the petitioner requests an extension and obtains a renewed building permit from the Building Inspector.

Section 1616. RESIDENTIAL ENTRANCEWAY

In "RS" and "RU" Districts, so-called entranceway structures, including but not limited to walls, columns and gates, marking entrances to single-family subdivisions, multiple housing projects, or mobile home parks, may be permitted and may be located in a required yard except as provided by Section 1612. CORNER CLEARANCE provided that such entranceway structures shall comply to all codes and ordinances of the Township and be approved by the Building Inspector or Official and a permit issued.

Section 1617. DOCK AND SEA WALLS

All dredging, construction and/or development of docks and sea walls shall be subject to the

requirements of all subject codes and Ordinances of the Township of Ira.

Section 1618. ACCESS REQUIREMENTS

All uses in every use district shall abut and have direct access to a public street with a minimum right-of-way width of sixty-six (66) feet. Private streets and roads shall not be permitted.

Section 1619. SWIMMING POOLS, PRIVATE

- (a) Application for Building Permit. The application for building permit to erect a swimming pool shall include: the name of the owner; a plot plan and location of adjacent buildings, fencing, gates, public utilities; specifications and plans to scale of pool walls, slope, bottom, walkway, diving boards; type and rating of auxiliary equipment, piping and valve layout; and any other detailed information affecting construction as required by the State Health Department.
- (b) Pool Location. Swimming pools shall not be located in any front yard, waterfront yard or canal yard setbacks. Pool locations shall observe the side yard requirements of Article XV, Section 1500. Rear yard setbacks shall not be less than four (4) feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line, or less than four (4) feet between the pool wall and any building on the lot.
- (c) Enclosure. For the protection of the general public, all pools shall be completely enclosed by a fence, wall or building located not less than four (4) feet from the perimeter of the pool. The fence shall be of a type described in Section 1613, and not less than four (4) feet high. Any openings in such enclosure shall be equipped with a self-closing, self-latching gate or door which shall be securely locked when the pool is not in use.
- (d) Electrical Installation. All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, applicant shall provide written proof of satisfactory arrangements with the utility involved for the relocation of such wires before a permit shall be issued for the construction of a swimming pool.
- (e) Swimming Pool Construction. All in-ground or public swimming pools erected in the Township shall be erected by a contractor licensed to install swimming pools.

Section 1620. PERFORMANCE GUARANTEE

Whenever improvements such as paving of parking areas, greenbelts, screen walls, or other improvements are required by this Ordinance, they shall be shown on a site plan for the proposed use. In addition, the owner of the subject property shall deposit with the Township Clerk a cash

performance guarantee in the amount of \$500.00 or 10% of the estimated cost of the required improvements, whichever is the larger amount. The cash performance guarantee shall be a requirement of a temporary occupancy permit. The entire sum shall be returned to the owner upon satisfactory completion of the required improvements within the time limits specified herein.

Section 1621. SPECIAL LAND USE APPROVAL REQUIREMENTS

(a) General Requirements.

For all special land uses, a site plan shall be submitted for review by the Planning Commission and approval by the Township Board and shall conform to the requirements and procedures for site plan review set forth in Section 1615. If the plans meet the required standards of this Ordinance Article and applicable Section and indicate no adverse effects which, in the opinion of the Township Board, cause injury to the residents, users or adjoining property or the Township as a whole, the Board shall approve the use. The Planning Commission shall hold a public hearing on the requested special land use and make a recommendation to the Township Board. The Township Board shall have the sole authority to approve or disapprove all special land uses. In consideration of all applications for special land use approval, the Township Board shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed special land use if it is to be approved. Such uses shall be subject to conditions, restrictions and safeguards deemed necessary within the scope of the law as set forth below.

- 1) The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
- 2) The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
- 3) The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- 4) The proposed use shall be such that the proposed location and height

of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

- 5) The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
- 6) The proposed use is necessary for the public convenience at the proposed location.
- 7) The proposed use is so designed, located, planned and operated that the public health, safety and welfare will be protected.
- 8) The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

(b) Approval.

If the Township Board determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular use(s) which have been allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the Township not later than one hundred twenty (120) days thereafter, or such approval shall automatically be revoked, provided, however, the Township Board may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate.

(c) Denial.

If the Township Board shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial. The decision to deny the special land use may be appealed before the Ira Township Zoning Board of Appeals. The Board of Appeals shall prepare a transcript

of the proceeding of any such appeal that shall constitute the official record of the appeal.

(d) Record.

The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision, and any conditions imposed.

(e) Hearings.

The Township Board authorizes the Planning Commission to investigate the circumstances of each request for special land use approval and to hold a public hearing on each such request as required by State law and/or its Rules of Procedure.

(f) Conditions.

The Township Board may impose such conditions or limitations in granting approval as may be permitted by State law and this Ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include limitations necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration and be necessary to insure compliance with those standards.
4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving

authority and the landowner. The Township Board shall maintain a record of changes granted in conditions.

Section 1622. WATERCRAFT OCCUPANCY PROHIBITED

No watercraft shall be used as a permanent dwelling and furthermore, no watercraft shall be continuously occupied for more than six (6) consecutive days except from April 1st through October 31st when said watercraft may be occupied for longer periods of time. In those instances where watercraft occupancy is allowed by this Section, it shall occur only at a facility with water and sewer hook-ups or an approved sewerage pump-out facility.

Section 1623. ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In an Agricultural District or a One-Family Residential District there shall not be more than one (1) single-family or two-family dwelling on a recorded lot or parcel of land. Every parcel of land which is created for the purpose of erecting another dwelling shall meet the lot area and width requirements of the applicable zoning district.

Section 1624. EARTH-SHELTERED BUILDINGS

Because of the unique nature of earth-sheltered and underground buildings, all such buildings including single family residences shall submit the following for approval by the Building Inspector:

- (a) Structural integrity of the building, particularly the increased wall and roof loads involved in building underground, shall be certified by a Registered Architect or Professional Engineer licensed by the State of Michigan.
- (b) Special attention shall be given to the design of systems for waterproofing all areas of the building to be located underground. The system should be impermeable, able to bridge cracks and accommodate minor structural movements, resist temperature extremes, soil chemicals and aging in underground service, and have the ability to localize a leak should it occur. Where necessary, the Building Inspector may seek the advice of the Township Engineer in evaluating such systems.
- (c) Guardrails should be provided on or near the edge of any accessible roof where there is a grade change greater than thirty (30) inches.
- (d) Alternative fire fighting entrance provisions should be made for interior courts below grade, such as a stairway within the court leading directly to the exterior ground level.
- (e) Total window area must exceed 8% of total habitable floor area, but individual rooms may be windowless where ventilation and exit requirements are met.
- (f) Setbacks shall be the same as those for aboveground buildings.

Section 1625. WIND-POWERED ELECTRIC GENERATORS

Wind-powered electric generators are permitted in all districts subject to the following:

- (a) All towers and supporting structures shall be anchored to the ground in a manner that enables them to withstand high winds.
- (b) Plans submitted shall include a certification by a Registered Professional Engineer that the rotor design and tower design are structurally compatible.
- (c) The base of the tower shall be set back at least five (5) rotor diameters from the nearest downwind property, based on the prevailing winds, and three (3) rotor diameters from all other adjoining properties.
- (d) The minimum height for the lowest part of the wind generator shall be thirty (30) feet above the highest existing structure or tree within two hundred fifty (250) feet.
- (e) The wind generator shall be equipped with both automatic and manual overspeed controls.
- (f) The installation of all-electrical wiring and equipment shall comply with the National Electrical Code. All wiring between the tower and the principal building shall be underground.

Section 1626. HOME OCCUPATIONS

- (a) No person other than members of the family residing on the premises shall be engaged in such occupation.
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used for the purposes of the home occupation, and shall be carried out completely within such dwelling.
- (c) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupations, other than one (1) sign not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the dwelling.
- (d) There shall be no sale of any goods manufactured elsewhere in connection with such home occupation.

- (e) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
- (f) No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.

Section 1627. CONDOMINIUM SUBDIVISIONS

- (a) Intent.

The intent of these requirements is to ensure that all condominium subdivisions are developed in compliance with accepted planning and engineering standards applicable to similar forms of development, as reflected in the ordinances and requirements of Ira Township. Single-family detached condominiums may be allowed as a permitted use in the (AEC) agricultural and the RS and RU One-Family Residential zoning districts.

- (b) Submission Requirements.

All subdivisions shall be submitted and comply with the requirements of the Ira Township Subdivision Ordinance, Ordinance No.49.

All condominium subdivision plans shall be submitted for review as required by Section 1615 of this Ordinance and Section 66 of the Condominium Act, and include the following additional information:

- 1) Name, address and telephone number of all persons, firms, corporations and partnerships that have an interest in the land, with a description of their interest (fee simple, land contract, purchaser or optionee).
- 2) A survey of the condominium subdivision site.
- 3) A survey or drawing delineating all natural features on the site including, but not limited to, ponds, streams lakes, drains, floodplains, wetlands and woodland areas.
- 4) The location size, shape, area and width of all condominium units and common elements, and the location of all proposed streets.

- 5) A generalized plan for the provision of utilities and drainage systems.
- 6) A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project.
- 7) A utility plan showing all sanitary sewer, water, and storm drainage improvements, plus all easements granted to the Township for installation, repair and maintenance of all utilities.
- 8) A street construction, paving, and maintenance plan for all streets within the proposed condominium subdivision plan.
- 9) A storm drainage and stormwater management plan, including all line, swales, drains, basins, and other facilities.

(c) Review.

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans shall require approval by the Planning Commission before units may be sold or site improvement initiated. The review process shall consist of the following two steps:

- 1) Preliminary Plan Review - In the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provision of the Ira Township Zoning Ordinance and Master Land Use Plan. Plans submitted for preliminary review shall include information specified in items 1-5 of the Submission Requirements.
- 2) Final Plan Review - Upon receipt of Preliminary Plan Approval, the applicant should prepare the appropriate engineering plans and apply for Final Review by the Planning Commission. Final plans shall include information as required by items 1-9 of the Submission Requirements. Such plans shall be reviewed by the Township Attorney and the Township Engineer. Further, such plans shall be submitted for review and comment to all applicable Local, County and State agencies as may be appropriate. Final approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on said plans.

(d) District Requirements

The development of all condominium subdivisions shall observe the applicable yard setback and minimum floor area requirements of the district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided pursuant to the Subdivision Control Act, P.A. 288 OF 1967, as amended.

(e) Design Standards

All development in a condominium subdivision shall conform to the design standards of the Ira Township Subdivision Ordinance. This includes the requirement that all streets and roads be dedicated to the public. Street connections shall be required, where necessary, to provide continuity to the public road system.

(f) Utility Easements

The condominium subdivision plan shall include all necessary public utility easements granted to Ira Township to enable the installation, repair and maintenance of all necessary public utilities to be installed. Appropriate dedications for sanitary sewers, lines, and storm drainage improvements shall be provided.

(g) Final Acceptance.

The Township shall also require all the appropriate inspection. After construction of the condominium subdivision, an as-built reproducible mylar of the completed site is to be submitted to the Township for review by the Township Engineer. A final certificate of occupancy and any building bonds will not be released to the developer/owner until said as-built mylar has been reviewed and accepted by the Township.

Section 1628. PONDS

Farm, fish or aesthetic private ponds may be allowed as a permitted use in any zoning district, subject to compliance with the following:

- (a) The applicant shall obtain a permit from the Zoning Administrator, which application for permit shall contain the following:
 - 1) The name of the owner(s) of the property.
 - 2) The legal description of the property, along with commonly known address.
 - 3) A site plan prepared with drafting instruments and drawn to a

scale suitable to demonstrate compliance with applicable regulations.

(b) Requirements:

- 1) All ponds shall be located on a contiguous parcel of at least two (2) acres.
- 2) All soils removed to create the pond must remain on site.
- 3) Ponds shall only be of an excavation type as defined by the Soil Conservation Service (SCS) engineering standard and all ponds shall be constructed to the SCS standards. (See circular 378 of the Soil Conservation Service.)
- 4) No commercial activities including public (paid or unpaid) fishing shall be allowed.
- 5) The pond and any incidental structures and uses shall be a minimum distance of fifty (50) feet to the property line of abutting lands and/or public rights-of-way. A three (3) foot high berm shall be constructed between the pond and the adjoining property line.
- 6) Ponds shall be provided with a drainage system to protect adjacent properties from water overflow.
- 7) A pond shall not be greater than twenty-five (25) feet in depth.
- 8) A pond may occupy up to a maximum of twenty (20) percent of the lot or property upon which it is placed.
- 9) A pond shall be a minimum of fifty (50) feet from any dwelling, septic field or well. This requirement shall take precedence over any setback requirement herein specified.
- 10) If the pond is intended for swimming, the swimming area shall be free of all underwater obstacles, such as sudden drop-offs, deep holes, trees, stumps, brush, rubbish, wire, junk machinery, and fences. The swimming area, if any, shall be marked with a float line.
- 11) A pond shall be located so as to prevent sewerage or run-off from barnyards from draining into the pond.

- 12) A dry hydrant shall be installed for fire protection purposes. The hydrant shall be placed so as to be as accessible as possible for fire-fighting equipment. The location of the hydrant shall be shown on the plans.
- (c) No pond shall be constructed without first obtaining a permit from the Michigan Department of Natural Resources (DNR) IF such pond would be:
- 1) Five (5) acres or greater in area, or
 - 2) Connected to an existing lake or stream, or
 - 3) Located within five hundred (500) feet of the ordinary highwater of an existing inland lake or stream.

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

Section 1629. WATERFRONT LOTS

- (a) Waterfront Lots - For those lots with frontage on Lake St. Clair, that portion of the lot fronting on Lake St. Clair, that portion of the lot fronting on the lake shall be subject to a waterfront setback. The required waterfront setback shall remain open and unobstructed. The location of fences, accessory buildings (excluding boathouses) and view-obscuring landscaped screening shall be prohibited from this area. Boat hoists unenclosed boathouses and docks may be permitted within this required setback, subject to compliance with the requirements of Section 1603(j).
- (b) Canal Lots - For those lots with frontage on a canal, that portion of the lot fronting on the canal shall be considered to be a canal yard. Fences, accessory buildings, boat houses/hoists and view-obscuring landscaping may be permitted within these canal yard areas, subject to compliance with the applicable requirements contained herein.
 - (1) Accessory buildings, boathouses, boat hoists and docks.
 - (2) Landscaping, trees, shrubbery, flowers, flag poles, bird houses and similar items, provided such are not view-obscuring landscaping.
 - (3) For the protection of the public, some fences must be permitted. Therefore, fences not to exceed four feet six inches(4'6") in height, constructed in a manner as not to be view-obscuring, i.e., chain-link, cyclone, wrought-iron, may be permitted in the canal yard setback.
- (d) Privacy Fences, View-obscuring Fences, or View-Obscuring Landscaping--

when permitted, shall not be located within the waterfront or canal yard setbacks.

- (d) **Measuring Waterfront and Canal Lot Setbacks-** The required waterfront or canal yard shall be forty (40) feet for property zoned RS and thirty-five (35) feet for property zoned RU. These setback provisions may be modified where a majority of the waterfront or canal setbacks of lesser depth exist upon residential properties within five hundred (500) feet of the property in question. The depth of the setback thereafter placed on any waterfront or canal lot shall not be less than the average depth of such lots within five hundred (500) feet on each side and may be so reduced only if reviewed and approved by the Building Inspector in accord with the foregoing guidelines.

Section 1630. BUILDING APPEARANCE

In any case where a principal commercial or industrial building or accessory building is erected or placed within two hundred (200) feet of the front property line, the front walls of said building or accessory building shall be constructed of stone, face brick, or other decorative material approved by the Township Board as part of site plan review upon receipt of a recommendation by the Planning Commission.

Section 1631. DECKS

- (a) Decorative decks may be permitted as an accessory structure in any residential zoning district. Decks may be allowed to project not more than fifteen (15) feet into the required rear yard or open space provided that the following conditions are met:
- 1) The deck does not encroach into any easement.
 - 2) The deck conforms with applicable side yard setback requirements.
 - 3) The deck is located not less than ten (10) feet from any detached accessory building. (This separation shall not apply to any accessory structure.)
 - 4) Any additional structure attached to the deck, such as a gazebo, shall be located at least ten (10) feet from the principal residential structure. A swimming pool, including any deck constructed to serve the pool, shall be located at least five (5) feet from the principal residence.
 - 5) The deck and all other appurtenant facilities shall conform with any applicable codes and ordinances.
 - 6) No deck shall be constructed higher than the grade elevation of

the first floor of the house.

ARTICLE XVII
GENERAL EXCEPTIONS AS TO AREA, HEIGHT AND USE

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

Section 1700. ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other Ordinances of the Township.

Section 1701. VOTING PLACE

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

Section 1702. HEIGHT LIMIT

The height limitations of this Ordinance shall not apply to farm silos, chimneys, church spires, flag poles or public monuments; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a special land use.

Section 1703. LOT AREA

Any lot existing and of record at the time this Ordinance became effective may be used for any principal use permitted, other than conditional uses for which special lot area requirements are specified in this Ordinance, in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance, except as provided in Section 1602, b.2., "NONCONFORMING LOTS" of this Ordinance. Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

Section 1704. LOT ADJOINING ALLEYS

In calculating the area of a lot that adjoins an alley or land, for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) of the width of such alley abutting the lot shall be considered as part of such lot.

Section 1705. YARD REGULATIONS

When yard regulations cannot reasonably be complied with, as in the case of a planned development in the multiple-family district, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.

Section 1706. MULTIPLE DWELLING SIDE YARD

For the purpose of side yard regulations, a row house or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.

Section 1707. PORCHES AND DECKS

An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies. A deck shall not be exempt from the setback requirements of this Ordinance when it is constructed above the average grade (see Section 1631).

Section 1708. PROJECTIONS INTO YARDS

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

Section 1709. RESIDENTIAL YARD FENCES

All residential yard fences shall conform to the following requirements:

- (a) Side and Rear Yard Fences. Fences constructed within a side or rear yard shall not be higher than six (6) feet, except as provided herein.
- (b) Front Yard Fences. Only decorative nonconfining fences (excluding chain link or opaque wooden fences) shall hereafter be located in the required front yard of a lot having frontage on a public or private street, road or highway. No fence, hedge or other landscaping located in a required front yard area shall interfere with visibility from a driveway approach.

Section 1710. ACCESS THROUGH YARDS

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

ARTICLE XVIII - ADMINISTRATION AND ENFORCEMENT

Section 1800. ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Building Inspector or by such deputies of his department as the Building Inspector may delegate to enforce the provisions of this Ordinance.

Section 1801. DUTIES OF BUILDING INSPECTOR

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

The Building Inspector shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Section 1602.

Under no circumstances is the Building Inspector permitted to make changes in this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Inspector.

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

Section 1802. PLOT PLAN

The Building Inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

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

Section 1803. PERMITS

The following shall apply in the issuance of any permit:

(a) Permits NOT to be issued:

No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this and other Ordinances.

(b) Permits Required

No building or structure, or part thereof, shall be hereinafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress, and ingress, or other changes affecting or regulated by the Township Building Code, Housing Law of Michigan or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

Construction plans for water mains, sanitary sewers, paving, storm drainage facilities and site grading, approved by the Township Engineer, shall also accompany an application for a building permit where necessary.

Section 1804. CERTIFICATES

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

(a) Certificate for New Use of Land

No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.

(b) Certificate for New Use of Buildings

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.

(c) Certificates NOT to be Issued

No Certificate of Occupancy shall be issued for any building, structure, or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.

(d) Certificates Required

No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a Certificate of Occupancy shall have been issued for such building or structure.

(e) Certificates including Zoning

Certificates of Occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute Certificates of Occupancy as required by this Ordinance.

(f) Certificates for Existing Buildings

Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.

(g) Records of Certificates

A record of all certificates issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

(h) Certificates for Dwelling Accessory Buildings

Buildings or structures accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.

(i) Application for Certificates

Application for Certificates of Occupancy shall be made in writing to the Building Inspector on forms furnished by him, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structures or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

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

Section 1805. FINAL INSPECTION

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

Section 1806. FEES

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

Section 1807. INTERPRETATION

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

Section 1808. ZONING COMMISSION

The Township Planning Commission is hereby designated as the Commission specified in Section 11, of Act 168 of the Public Acts of 1959, and shall perform the duties of said commission as provided in the statute in connection with the amendment of this Ordinance.

Section 1809. PLANNING COMMISSION APPROVAL

In cases where the Planning Commission is empowered to recommend approval for certain uses of premises under the provisions of the Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.

The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, as required under its rules of procedure. The Planning Commission may recommend imposing such conditions or limitations in recommending approval as may in its judgment be necessary to fulfill the spirit and purpose of this Ordinance.

Section 1810. CHANGES AND AMENDMENTS

The Township Board may from time to time, on recommendation from the Planning Commission, on its own motion, or on petition, amend supplement or change this Ordinance in accordance with the procedure established.

Section 1811. FEES - PETITION FOR AMENDMENT

Upon presentation of petition for amendment of the Zoning Ordinance by the owner of the real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the Township Board and shall be paid to the Township Clerk to partly defray the expense of publishing the required notices of public hearings and the expenses of said public hearing.

Section 1812. VIOLATIONS

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five Hundred (\$500.00) Dollars and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

Section 1813. PUBLIC NUISANCE PER SE

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

Section 1814. FINES, IMPRISONMENT

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

Section 1815. EACH DAY A SEPARATE OFFENSE

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

Section 1816. RIGHTS AND REMEDIES ARE CUMULATIVE

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

Section 1817. VARIANCE

A zoning variance is a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are undue hardship, and unique circumstances, applied to property. A variance is not justified unless all of these elements are present in the case.

Section 1818. EXCEPTION

An exception is a use permitted only after review by the Planning Commission, Township Board, or Board of Appeals of an application, such review being necessary because the provisions of the Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by Ordinance.

ARTICLE XIX - BOARD OF APPEALS

Section 1900. CREATION AND MEMBERSHIP

There is hereby established a Board of Appeals, hereinafter called the "Board," which shall perform its duties and exercise its powers as provided in Act 184, of the Public Acts of 1943, as amended, and in such way that the objectives of this Ordinance shall be observed, public safety and welfare secured and substantial justice done. The Board shall be composed of the five following members:

- (a) One member of the Board of Appeals shall be a member of the Township Planning Commission for the period of his term of office.
- (b) The remaining members shall be selected by the Township Board from among the electors residing outside of incorporated cities and villages, for a term of three (3) years.
- (c) One member of the Board of Appeals may be a member of the Township Board, for the period of his term of office.

An elected officer of the Township shall not serve as chairperson of the Board of Appeals.

An employee or contractor of the Township Board may not serve as a member of the Board of Appeals.

- (d) The Township Board may appoint two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from, or unable to attend, two or more consecutive meetings of the Zoning Board of Appeals, or for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member, having been appointed, shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

Section 1901. MEETINGS

All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

Section 1902. APPEAL

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

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

A fee shall be paid to the Township Clerk at the time the notice of appeal is filed, which the Clerk shall forthwith pay over to the Township Treasurer to the credit of the general revenue fund of the Township. The fees to be charged for appeals shall be set by resolution of the Township Board.

Section 1903. JURISDICTION

The Board of Appeals shall have the following powers and it shall be its duty:

- (a) To hear and decide on all matters referred to it upon which it is required to pass under this Ordinance.
- (b) To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Building Inspector in the enforcement of this Ordinance.
- (c) In hearing and deciding appeals, the Board of Appeals shall have the authority to grant such variance therefrom as may be in harmony with their general purpose and intent so that the function of this Ordinance be observed, public safety and welfare secured and substantial justice done, including the following:
 - 1) May interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the Plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.

- 2) May permit erection and use of a building or use of premises in any use district for public utility purpose, upon recommendation of the Planning Commission.
- 3) May permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
- 4) May permit modification of wall requirements only when such modification will not adversely affect or be detrimental to surrounding or adjacent development.
- 5) May permit, upon proper application, temporary uses not otherwise permitted in any district, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible, and uses which do not require the erection of any capital improvement of a structural nature.

The Board, in granting permits for the above temporary uses, shall do so as near as possible to the following conditions:

The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.

The granting of the temporary sue shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.

All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township, shall be made at the discretion of the Board of Appeals.

In classifying uses as not requiring capital improvements, the Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments such as, but not limited to: golf-driving ranges, and outdoor archery courts, or structures which do not require foundations, heating systems or sanitary connections.

The use shall be in harmony with the general character of the district.

No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in Section 1905 of this Ordinance.

- (d) Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or cause unnecessary hardship, within the meaning of this Ordinance, the Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:
- 1) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or classes of uses in the same district or zone.
 - 2) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
 - 3) That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
 - 4) That the granting of such variance will not adversely affect the purpose of objectives of the comprehensive Plan of the Township.
- (e) In consideration of all appeals and all proposed variations to this Ordinance, the Board of Appeals shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector, or to decide in favor of the

applicant any matter upon which it is authorized by this Ordinance to render a decision.

Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority or grant to the Board of Appeals the power or authority to alter or change the Zoning Ordinance or the official Zoning Map, such power and authority being reserved to the Township Board in the manner hereinafter provided by law.

(f) May permit the following temporary uses upon proper application:

- 1) Roadside markets for periods not to exceed six (6) months provided the provisions of Section 1607, Item i, are met, such permits are automatically renewed until the land is sold then the new owner must apply for a new permit.
- 2) Kennels for periods not to exceed six (6) months, such permit being renewable every six (6) months.
- 3) Migrant worker housing on farms provided such housing shall not be occupied for more than eight (8) months in any calendar year, and then only for the housing of migratory seasonal farm laborers, while engaged in farm work. Such temporary housing shall not be located less than two hundred (200) feet from the center of the nearest road, provided that in such case adequate sanitary facilities shall be provided for the disposal of garbage, excreta and other waste, and provided that an adequate water supply is available to the occupants of the migrant worker housing. Such permit may be renewable every twelve (12) months.
- 4) Carnivals, public meeting tents and circuses.

Swimming pools, whether public or commercial, provided a building permit is obtained. Plans and construction shall meet the requirements of the State Health Department. Swimming pools shall not be constructed or placed nearer to the street than the established front building line and the property on which they are located must be securely fenced with a substantial chain link or other non-climbable fence. Fence gates shall be of a self-closing type. All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof

before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.

Section 1904. EXERCISING POWERS

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

Section 1905. NOTICE

The Board of Appeals shall make no recommendation except in a specific case and after a hearing conducted by said Board. A written notice of the time and place of such public hearing shall be mailed to the owners of all lots or parcels of land, or portion thereof, lying within three hundred (300) feet of the property in question. Such notice shall be served by regular U.S. Mail, at least seven (7) days prior to the date of the hearing.

Section 1906. MISCELLANEOUS

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

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

ARTICLE XX - VESTED RIGHT

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

ARTICLE XXI - SEVERANCE CLAUSE

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

ARTICLE XXII - CONFLICTING PROVISIONS REPEALED

All other ordinances and parts of ordinances in conflict with this Ordinance to the extent of such conflict and no further, are hereby repealed. The Zoning Ordinance for the Township of Ira, St. Clair County, Michigan, effective and as amended, is specifically repealed in its entirety.

ARTICLE XXIII - ENACTMENT AND EFFECTIVE DATE

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, welfare and morals of the people of the Township of Ira, and are hereby ordered to be given immediate effect from and after the date of its passage by the Township Board and subsequent publication as required by law.

I, Rita Roehrig, the Township Clerk of the Township of Ira, do hereby certify that this Ordinance was adopted by the Ira Township Board, by authority of Act 184 of the Public Acts of 1943, as amended, at a meeting of the Ira Township Board held at the Township Hall, on the 5th day of March A.D., 1973. Zoning Ordinance shall take immediate effect.

Rita Roehrig
Township Clerk

CERTIFICATION OF CLERK

I, Frieda M. Blackstock, Ira Township Clerk, do hereby certify that the foregoing Ordinance was duly adopted by the Ira Township Board at a Special Meeting held April 20, 1987 by the following votes:

Ayes: Jones, Hammer, Meldrum, Blackstock, Jeannette

Nays: None

Abstain: None

Effective immediately

I further certify that the synopsis of this Ordinance was published as required by law in The Bay Voice, which is a newspaper of general circulation within the Township of Ira, on April 29, 1987.

Frieda M. Blackstock
Ira Township Clerk