

ZONING ORDINANCE

LASALLE TOWNSHIP, MONROE COUNTY, MICHIGAN

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**ZONING ORDINANCE
LaSALLE TOWNSHIP
MONROE COUNTY, MICHIGAN**

PURPOSE

AN ORDINANCE to establish zoning districts within the unincorporated portions of the Township of LaSalle, Monroe County, Michigan, in accordance with Act 110 of the Public Acts of 2006, as amended and to regulate and encourage or prohibit certain use of the land therein; to encourage local participation in water management efforts; and to regulate and limit the location, size, area and height of buildings thereon; and to provide for administration of this Ordinance, its enforcement and penalties for the violation thereof.

PREAMBLE

WHEREAS, It is hereby declared that within the unincorporated portion of the Township of LaSalle, Monroe County, Michigan, it is necessary for the public interest, health, convenience and the preservation of the public peace, safety, morals, health and the general welfare to enact an Ordinance applicable thereto.

ENACTING CLAUSE

THE TOWNSHIP OF LASALLE, MONROE COUNTY, MICHIGAN, PURSUANT TO THE AUTHORITY VESTED IN IT BY THE SAID ACT 110 OF THE PUBLIC ACTS OF 2006, AS AMENDED, ORDAINS:

ARTICLE I

SHORT TITLE AND ENABLING AUTHORITY

SECTION 1.1. SHORT TITLE.

This Ordinance shall be known as the Zoning Ordinance of LaSalle Township.

SECTION 1.2. ENABLING AUTHORITY.

This Ordinance shall be read and facilitated in conjunction with the Michigan Zoning Enabling Act, that being Act 110 of the Public Acts of 2006, as amended.

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ARTICLE II

CONSTRUCTION OF LANGUAGE

SECTION 2.1. CONSTRUCTION OF LANGUAGE.

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

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

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ARTICLE III

DEFINITIONS

SECTION 3.1. DEFINITIONS.

For the purpose of this Ordinance the terms and words herein are defined as follows:

Accessory Dwelling Unit: A dwelling unit for not more than two (2) persons which is an integral part of a single family detached dwelling.

Accessory Use, Building or Structure: A use of land, building or structure which is clearly or customarily incidental and subordinate to the principal use of the land, building or structure and is located on the same zoning lot as the principal use to which it is exclusively related.

Adult Regulated Uses; Definitions: As used in this Ordinance, the following definitions shall apply to adult-regulated uses:

- (a) **Adult Book Store:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and novelty items which are distinguished or relating to "specified sexual activities" or "specified anatomical areas", (as defined below), or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- (b) **Adult Mini Motion Picture Theater:** An enclosed building with a capacity for less than 50 persons used commercially for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", (as defined below), for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- (c) **Adult Motion Picture Theater:** An enclosed building with a capacity of 50 or more persons used commercially for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", (as defined below), for observation by patrons herein. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- (d) **Amusement Gallery/Arcade:** Any business which provided on its premises four or more machines which upon the insertion of a coin, slug or token may be operated for use as a game, contest, or amusement of any description, not including musical devices.

- (e) **Cabaret:** An establishment which features any of the following: Topless dancers and/or bottomless dances, go-go dancers, strippers, male and/or females or similar entertainers or topless and/or bottomless waitresses or employees.
- (f) **Halfway House:** A facility established by the Michigan Department of Corrections in connection with a jail, prison, or other correctional institution or facility as a residence for three or more persons committed to the jail, prison, or correctional institution prior to full release from supervision including any period of parole.
- (g) **Massage Parlor:** A building, room, place or establishment other than a regularly licensed hospital or dispensary where non-medical and non-surgical manipulative exercises are practiced on the human body for other than cosmetic or beautifying purposes with or without the use of mechanical or bathing devices by anyone not a physician or surgeon or similarly registered status.
- (h) **Modeling Studio:** An establishment which furnishes facilities to the public for the taking of photographs of males and/or females with specified anatomical areas, as defined below, exposed or makes such models available for any other purposes.
- (i) **Specified Anatomical Areas** are defined as:
 - 1. Less than completely and opaquely covered:
 - a. Human genitals, pubic region,
 - b. Buttock,
 - c. Female breast below a point immediately above the top of the areola; and
 - 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (j) **Specified Sexual Activities** are defined as:
 - 1. Human genitals in a state of sexual stimulation or arousal;
 - 2. Acts of human masturbation, sexual intercourse or sodomy; and
 - 3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Agriculture: The use of land for tilling of the soil, the raising of field or tree crops or animal husbandry as a principal means of livelihood.

Agri-Tourism: A form of commercial enterprise that links agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm owners. Examples include, but are not limited to, cider mills, wineries, and farm-based entertainment facilities.

Alley: A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alterations: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as wall, partitions, columns, beams, girders; any substantial changes in the roof or exterior walls; any change in the location of a building; or any change which may be referred to herein as "altered" or "reconstructed".

Apartment: A room or suite of rooms used as a dwelling for one family which does its cooking therein.

Apartment House: A residential structure containing three or more attached apartments.

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

Automobile Repair: General repair, engine building, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, vehicle rustproofing and any related activities.

Automobile Service Station: A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including pumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing, where the primary use of the premises is such, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sale related to service station use.

Automobile Wash Establishment: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

Balcony: A platform, no part of which is roofed, and which is attached to a primary structure such as a house. Balconies, which are typically completely supported by the main structure and typically extend from floors other than the first, are considered part of the primary structure and are not permitted in required yards.

Basement: That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement. (See illustration entitled "basement and story".)

Bed-n-Breakfast Inn: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provision for a morning meal only and for overnight guests only.

Bedroom: A room in a dwelling unit for or intended to be used solely for sleeping purposes by human beings.

Billboard: Any non-accessory sign, device, design, words, letters, number or trademark which makes anything known to the general public and is the principal use of the lot or parcel on which it is located.

Block: The property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating; or between the nearest such street, unsubdivided acreage, or between any of the foregoing and any other barrier to the continuity of development.

Boarding House: A dwelling where meals, or lodging and meals are provided for compensation to three or more persons by pre-arrangement for definite periods of not less than one week. A boarding house is to be distinguished from a hotel, motel, or a convalescent or nursing home.

Buildable Area: The buildable area of a lot is the space remaining after the minimum open space requirements of this Ordinance have been complied with.

Building: An independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures.

Building Inspector: This term shall refer to the Building Inspector of the Township of LaSalle, or his authorized representative.

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

Building Permits: A building permit is the written authority issued by the Building Inspector of the Township of LaSalle permitting the construction, removal, repair, moving, alteration or use of a building in conformity with the provisions of this Ordinance.

Building Setback Line: The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance. Such line when adjacent to a building is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

Campground: A place where sites are made available for temporary lodging in a tent, travel trailer, truck camper, motor home, folding tent trailer, or other similar recreational vehicle. Accessory facilities commonly associated with campgrounds include swimming pools, athletic courts and fields, beaches, picnic pavilions, boat launches and docks, club houses, and game rooms.

Canal: An artificially constructed or excavated channel intended to connect two bodies of water; used for navigation purposes or boat docks; as a means of ingress or egress to other bodies of water; or for building lots on the banks thereof, shall be known as a canal and must have a minimum width of 75 feet and a minimum depth of water at the centerline of 10 feet. All banks must be at a minimum angle of 45 degrees and completely sodded to prevent wash or erosion thereof. Provided that variations in minimum width and depth of a canal may be permitted

by the Zoning Board of Appeals acting on application to it and hearing thereon, at which time the advice of a consulting registered engineer shall be secured by the Zoning Board of Appeals.

Child Care Center: A facility, other than a private home, receiving one or more preschool and school age children for care for periods of less than 24 hours a day, and where the parents are not immediately available to the child, as defined in Public Act 116 of 1973, as amended. May also sometimes be referred to as a nursery school, day nursery, or day care center.

Clinic: A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one professional, such as a physician, dentist, or the like.

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

Cluster Subdivision: A subdivision of single-family structures arranged in closely related groups, wherein the developer is allowed to reduce the minimum lot size requirements below the minimum permitted in the zoning district in which the subdivision is located, if the land thereby gained is preserved as permanent open space.

Commercial Use: A commercial use relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises, or garage, base mantles conducted on residential premises for more than six calendar days during a given one year period.

Commission: This term, and the term "Planning Commission", shall mean the Township of LaSalle Planning Commission.

Condominium: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, such as yards, foundations, basements, floors, walls, hallways, stairways, elevators and all other related common elements, together with individual ownership in fee of a particular unit or apartment in such building. Condominiums shall be established and approved in conformance with the Michigan Condominium Act, Act 59 of the Public Acts of 1978, as amended.

Condominium Act: Means Public Act 59 of 1978, as amended, MCLA 559.101 et.seq.

Condominium Documents: The Master Deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the Master Deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

Condominium Lot: That portion of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in this Zoning Ordinance.

The Condominium Lot is also referred to as the condominium building site and includes the building envelope and limited commons area.

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

Condominium Building Envelope: The area in which the principle residential structure and any attached accessory structures are built.

Condominium Project: A condominium development containing either residential, commercial, office, industrial or other structures or improvements for uses permitted in the zoning district in which they are located.

Condominium Building Site: See Condominium Lot.

Consolidating Master Deed: The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

Contractible Condominium: A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Conversion Condominium: A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

Convertible Area: A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Expandable Condominium: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and accordance with this Ordinance and the Condominium Act.

Dockominium Project: A condominium project where docks or boat slips are intended to be located upon separate sites which constitute individual condominium units.

Mobile Home Condominium Project: A condominium project where mobile homes are intended to be located upon separate sites which constitute individual condominium units.

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

Condominium Subdivision Plan: The drawings and information prepared in accordance with Section 66 of the Condominium Act.

Condominium Front Yard Setback: The distance between the front yard area line and the condominium dwelling measured from the outer limits of the building site to the building envelope.

Condominium Rear Yard Setback: The distance between the rear yard area line and the condominium dwelling measured from the outer limits of the building site to the building envelope.

Condominium Side Yard Setback: The distance between the side yard area line(s) and the condominium dwelling measured from the outer limits of the building site to the building envelope.

Site Condominium: A condominium project designed to function in a similar manner, or as an alternative, to a platted subdivision, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed herein defined as a condominium unit, as described in the Master Deed. A site condominium shall be considered as equivalent to a platted subdivision for purposes of the regulations in this Ordinance and may be referred to as a "condominium subdivision".

Convalescent or Nursing Home: A convalescent home or nursing home is a licensed facility for the care of the aged, impaired, and persons suffering from permanent and/or extended physical disorders and illness, wherein two or more persons receive care.

Deck: A platform, no part of which is roofed and which is commonly constructed of wood. A deck may extend from the building or be attached to the ground, and is typically designed or used for outdoor leisure activities. No part of a deck may project more than four feet above the first floor level of the building its serves, measured at the point the deck abuts the building.

Density: The number of dwelling units permitted on an acre of land.

District: A portion of the Township within which, on a uniform basis, certain uses of land and/or building are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

Drive-In Establishment: A business establishment so developed that its principal 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 (e.g., restaurants, cleaners, banks, theaters).

Dwelling Unit: A dwelling unit is any house or building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall an automobile chassis, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings. Garage space, attached or detached, shall not be deemed a part of a dwelling for area requirements.

Dwelling, Multiple: A multiple dwelling is a building used for and as a residence for three or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including mobile home parks.

Dwelling, Single-Family: A detached building occupied by one family and so designed and arranged as to provide living, cooking and kitchen accommodations for one family only.

Dwelling, Row, Terrace, or Townhouse: A row of three or more attached one- family dwellings, not more than two and one-half stories in height, in which each dwelling has its own front entrance and rear entrance.

Dwelling, Two-Family: A detached two-family dwelling occupied by two families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.

Efficiency Unit: An efficiency unit is a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than 350 square feet of floor area.

Erected: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith, as shall be reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare, but not including storage yards, cellular telephone towers, commercial reception towers, air quality monitoring stations, school bus parking yards, sales or business offices, or buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

Excavating: Excavating shall be the removal of sand, stone, gravel or fill dirt below the average grade of the surrounding land and/or road grade whichever shall be highest.

Exotic Animal: An animal from a species which is not commonly domesticated, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive character or other characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner.

Family: One or more persons related by blood, adoption or marriage, living and cooking together as a single non-profit housekeeping unit, inclusive of household servants. A number of persons living and cooking together as a single non-profit housekeeping unit having a continuing non-transient domestic character though not related by blood, adoption or marriage, shall be deemed to constitute a family. This definition shall not include any society, club, fraternity, sorority, group of students, association, lodge, combine, federation, group, coterie, or organization which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort/seasonal or similar to a boarding house, motel or hotel, or for an anticipated limited duration of a school term or terms on a similar determinable period.

Farm: All of the contiguous neighboring or associated land, buildings, and machinery operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided further that a farm operation shall follow generally accepted agricultural and management practices as defined by the Michigan Commission of Agriculture including: 1) tree fruit production, 2) small fruit production, 3) field crop production, 4) forage and sod production, 5) livestock and poultry production, 6) fiber crop production, 7) apiary production, 8) maple syrup production, 9) mushroom production and 10) greenhouse production. The following shall not be considered "farms" under this definition: Establishments involved in industrial like processing which changes the form of agricultural products, dog kennels,

stockyards, slaughterhouses, stone quarries, gravel or sand pits or the removal and sale of topsoil, fertilizer works, boneyards, or the reduction of animal matter, or for the disposal of garbage, sewage, rubbish, junk or offal.

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

Feedlot: A confined area or structure used for feeding, breeding, or holding livestock for eventual sale in which animal waste may accumulate but not including barns, pens, or other structures used in a dairy farm operation.

Fence: An unroofed man-made structure designed as a barrier. It may be made of wood, metal or other material. It may be ornamental or intended for or capable of: enclosing a piece of land, preventing ingress and egress, dividing, bounding or simply marking a line.

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

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The "floor area" of a building shall include the basement floor area when more than one-half of the basement height is above the established curb level or finished lot grade, whichever is higher (see Basement definition). Any space devoted to off-street parking or loading shall not be included in "floor area". Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included. (See illustration entitled "floor area terminology".)

Floor Area, Usable: The measurement of usable floor area shall include that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, excluding utility or mechanical equipment rooms, or sanitary facilities. In the case of a half-story, the usable floor area shall be considered to be only that portion having a clear height above it of five feet or more. (See illustration entitled floor area terminology.)

Furbearing Animal: An animal that bears fur of commercially desired quality and is raised for the principal purpose of yielding its pelt including beaver, chinchillas, coyote, fox, mink, otter, rabbit, raccoons or sable but not including cattle, deer, goats, llamas or sheep.

Game: Wild animal species native to the State of Michigan, which are or have been hunted for sport, food, pelts or hide, including bear, buffalo, deer, elk or moose.

Garage, Commercial: Any premises except those described as a private, community or storage garage, available to the public, used principally for the storage of automobiles or motor driven vehicles, for remuneration, hire or sale, where any such vehicle or engine may also be equipped for operation, repaired, rebuilt or reconstructed, and where vehicles may be greased, washed or serviced.

Garage, Community: A community garage is a space or structure or series of structures for the storage of motor vehicles having no public shop or service operated in connection therewith, for the use of two (2) or more owners or occupants of property in the vicinity.

Garage, Private: A single building used primarily for the storage of self-propelled vehicles for the use of the occupants of a residentially zoned lot on which such building is located and with a capacity of not more than three motor vehicles. The foregoing definition shall be construed to permit the storage on any lot, for the occupants thereof, of not more than one commercial vehicle not exceeding a rated capacity of three-fourths ton.

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 storing of meat, fish, fowl, fruit and vegetables, including spoiled food, dead animals, animal manure and fowl manure.

Grade: The building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially unlevel ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.

Greenbelt: A strip of land which is planted with trees or shrubs acceptable in species and caliper to the Planning Commission.

Height, Building: The vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridge of gable, studio hip and gambrel roofs; and 75 percent of the height of an "A" frame. (See illustration entitled, "building height requirements")

Home Business, Limited: A limited home business means and includes an accessory use of a dwelling unit for gainful employment which:

- (a) Is clearly incidental and subordinate to the use of a dwelling unit as a residence.
- (b) Is carried or solely within the main dwelling and does not alter or change the exterior character of the dwelling.
- (c) Is located in zoning districts designated for such use and approved by the Planning Commission under Section 5.47 SPECIAL APPROVAL REQUIREMENTS and Section 5.48 LIMITED HOME BUSINESS.

Home Occupation: Any occupation conducted within a dwelling unit and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby. Provided further, that:

- (a) No article or service shall be sold or offered for sale on the premises except such as is produced by such occupation.
- (b) No home occupation shall be conducted in any accessory building.

- (c) Such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customarily in residential areas.
- (d) No home occupation shall generate other than normal residential traffic either in amount or type.
- (e) Parking needs generated by a home occupation shall be provided for in an off-street parking area, located other than in a required front yard.
- (f) One non-illuminated nameplate, not more than two square feet in area, may be attached to the building which shall contain only the name and occupation of the resident of the premises.
- (g) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- (h) Day-care centers, tea-rooms, veterinarian's office, tourist homes, animal hospitals, kennels, millinery shops, barbershops and beauty shops, among others, shall not be deemed to be home occupations.
- (i) Home occupations may include giving instruction in a craft or fine art within the residence.

Hospital: An institution providing health services, primarily for in- patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices and operating under license by the Health Department of the State of Michigan.

Hotel: A building occupied as a more or less temporary abiding place for individuals, who are lodged with or without meals in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan and in which there are more than 10 sleeping rooms.

Junk: For the purpose of this Ordinance, the term "junk" shall mean motor vehicles, machinery, appliances, product, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or in a condition which renders them incapable of performing the function for which they were rendered.

Junkyard: The term "junkyard" includes automobile wrecking yards and salvage areas and include any are of more than 200 square feet for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings which are in conformance with all other provisions of this Ordinance.

Kennel: Any lot or premises on which three or more dogs, four months or more old, are permanently or temporarily boarded, or are kept for the purpose of breeding or selling.

Laboratory: A place devoted to experimental, routine study or basic study such as testing and analytical operations and in which manufacturing of product or products, except prototypes, is not performed.

Livestock: Any of various bird or animal breeds, long ago domesticated by man so as to live and breed in a tame, docile, tractable condition useful to man, including horses, ponies, mules, donkeys, cattle, llama, swine, sheep, goats, chickens, ducks, geese, and turkeys.

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

Lot: A lot is a piece or parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under the Ordinance, and having its frontage upon a public street or road either certified by the County Road Commission or designated on a recorded subdivision. Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, and in such case, the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof. This latter parcel is then often referred to as a "zoning lot". (See illustration entitled "corner, interior, and double frontage lots".)

Lot Area: The total horizontal area within the lot lines, as defined, of a lot. For lots fronting or lying adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating the lot from the private street, and not the centerline of said street.

Lot, Corner: A corner lot is a lot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than 135 degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

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

Lot, Depth: The depth of the lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line.

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

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

Lot, Lake: A lot having any frontage directly upon a lake, natural or man-made. The yard adjacent to the water shall be designated the front yard of the lot, and the opposite side shall be designated the rear yard of the lot.

Lot Lines: Any line dividing one lot from another or from the right-of-way, and thus constitutes property lines bounding a lot.

- (a) **Lot Line, Front:** In the case of an interior lot abutting on one public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from the street which is designated as the front street in the plat and/or in the request for a building permit.
- (b) **Rear Lot Line:** That lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 10 feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Planning Commission shall designate the rear lot line.
- (c) **Side Lot Line:** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds as of December 16, 1976 or a lot or parcel described by metes and bounds, the description of which has been so recorded in the Office of the Register of Deeds for Monroe County, as of December 16, 1976.

Lot, Width: The horizontal distance between the side lot lines, measured at the two points where the side lot lines intersect the front lot line. Exception: see Article XVIII (Schedule of Regulations).

Major Thoroughfare: An existing paved highway having a right-of-way of not less than 120 feet.

Manufactured Housing: A mobile home, residential building, modular home, dwelling unit, a dwelling room or rooms, or a building component, assembly, or system that is manufactured in a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction, which is either wholly or substantially manufactured at an off-site location, and the installation of which is to be wholly or partially on-site in accordance with building standards established for the construction and installation of pre-manufactured units under Act No. 230 of the Public Acts of 1972, as amended, being section 125.1501 to 125.1531 of the Michigan Compiled Law.

Marina: A boat basin with facilities for berthing and securing all types of recreational craft, as well as providing adequate supplies, provisions, and service and a facilities.

Minimum Landscaped Open Space: The percentage of lot area which must be maintained in grass or other living vegetation.

Mobile Home: A movable or portable dwelling constructed to be towed on its own chassis and designed for permanent year-round living as a single-family dwelling. Provided, however, that the term "mobile home" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for

temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and portable water utilities.

Mobile Home Park: A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Mobile Home Site: A designated lot within a mobile home park for the exclusive use of occupants of a single mobile home.

Mobile Home Subdivision: A subdivision designed and/or intended for the sale of lots for residential occupancy by mobile homes in accordance with standards established under Act No. 288 of Public Acts of 1967, as amended.

Modular Home: A residential structure assembled in total or in several sections at a factory, and transported over the road by truck to its destination. A modular home shall be permanently situated on a foundation, and be compatible in design and appearance with on-site built homes.

Motel: A series of attached, semi-detached, or detached rental units which may or may not be independently accessible from the outside parking area, containing bedroom, bathroom and closet space and designed for or occupied primarily for transients. No kitchen or cooking facilities are to be provided without the approval of the Township Planning Commission, with the exception of units for use of the manager and/or caretaker.

Motor Home: A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not apply to mobile home.

Nonconforming Building: A nonconforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions (e.g., setbacks, height, lot coverage) of this Ordinance in the zoning district in which it is located.

Nonconforming Site: Any site containing a conforming use and building which does not meet all of the various site improvement-related regulations of this Zoning Ordinance for landscaping, parking lot paving and other non-safety site-related items, either at the effective date of this Ordinance or amendments thereto.

Nonconforming Use: A non-conforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located. (See illustration entitled "non-conforming use".)

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for wholesale or retail sale including products used for gardening or landscaping. The definition of nursery within the meaning of the Ordinance does not include any space, building, or structure used for the sale of fruits, vegetables or Christmas trees.

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

Open Air Business Uses: Business uses not conducted entirely within an enclosed building. Open air business uses shall include the following business uses:

- (a) Retail sale of trees, shrubbery, plants, flowers, seed, soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- (b) Retail sale of fruit and vegetables.
- (c) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
- (d) Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale; rental or repair services.
- (e) Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

Open Front Space: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter said structure.

Open Space: Any area (open to the sky) on a lot not covered by a principal or accessory building.

Open Storage: All outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

Parking Space: An area of not less than 10 feet wide by 18 feet long, for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

Pet: A domesticated dog, cat, canary, parakeet, parrot, gerbil, hamster, guinea pig, turtle, fish, rabbit, and similar animals.

Planned Unit Development (PUD): A development which is planned to integrate residential use with collateral uses and in which lot size, setback lines, yard areas, and dwelling types may be varied and modified to achieve particular design objectives and to make provisions for open spaces, common areas, utilities, public improvements, and collateral non-residential uses.

Planning Commission: As used in this Ordinance, means the Township Planning Commission.

Porch: A structure, attached to the ground, which may be a covered entrance to a building, which projects out from the main building.

Porch, Enclosed: A covered entrance to a building or structure which projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Unenclosed: An entrance to a building or structure which is unenclosed and projects out from the main wall of said building or structure and does not extend vertically more than four feet above the first floor level of the building it serves, measured at the point the unenclosed porch abuts the building.

Porch, Open: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with a principal building or structure to which it is attached.

Poultry: Any of various breeds of birds long ago domesticated by man so as to live and breed in a tame, docile, tractable condition useful to man for meat and eggs, including chickens, ducks, geese, guinea fowl and turkeys not including game fowl.

Public Utility: Any person, firm, municipal department or board duly authorized to furnish or furnishing under federal, state, or municipal regulations a service which is of public consequence and need. The principal distinctive characteristic of a public utility is that of a service to or readiness to serve an indefinite public (or portion of a public as such), which has a legal right to demand and receive its services or commodities. Services or commodities for the purposes of this ordinance include gas, electricity, steam, water, sewage, transportation and telephone.

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

Restaurants:

- (a) **Dining Room:** A structure which is maintained, operated and advertised or held out to the public as a place where food and beverage are served, and consumed, primarily within the structure. Such food and beverage are served primarily in non-disposable (reusable by the restaurant) containers.
- (b) **Drive-In Restaurant:** A drive-in restaurant is any establishment where food, frozen dessert, and/or beverages are served to customers while seated in their motor vehicles upon the premises. It shall also include any establishment where the customers may serve themselves and are permitted to consume food and beverages in a motor vehicle parked on the premises or at other facilities which are provided for the use of the patron for the purpose of consumption and which are located outside of the building or structures.
- (c) **Fast Food Restaurant:** A structure which is maintained, operated, and advertised or held out to the public as a place where food, beverage, and/or desserts are served to customers from a serving counter in disposable (not reusable by restaurant) containers or wrappers. Such food, beverage, and/or desserts may be consumed: inside the building; outside, at facilities provided; or "carried out" for consumption off the premises.
- (d) **Carry-out Restaurant:** A structure which is maintained, operated, and/or advertised or held out to the public as place where food, beverage, and/or desserts are served in disposable containers or wrappers from a serving counter for consumption exclusively off the premises.

Roadside Stands: A roadside stand is a temporary or permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family, and its use shall not make into a commercial district land which would otherwise be agricultural, nor shall its used be deemed a commercial activity. Such stand, if of a permanent character, shall not be more than one story high nor larger than 20 feet by 20 feet, and must be set back from the nearest right-of-way line at least 25 feet.

Rubbish: 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.

Satellite Antenna: An accessory structure which at its widest dimension is in excess of 36 inches; an earth based station, the purpose of which is to receive signals from orbiting satellites and other extraterrestrial sources, together with other equipment related to such purposes.

Separate Ownership: Ownership of a parcel of property wherein the owner does not own adjoining vacant property. Owner of a property may include dual or multiple ownership by a partnership, corporation or other group. Provided that the owner of any number of contiguous lots of record for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof.

Setback: The minimum horizontal distance required to exist between the front line of the building, excluding steps or unenclosed porches and the front street or right-of-way line.

Sign, Outdoor Advertising: Any card, cloth, paper, metal, glass, wood, plaster, stone or sign of other material of any kind, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term "placed" as used in the definition of "Outdoor Advertising Sign", and "Outdoor Advertising Structure" shall include erecting, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing or making visible from a public street, park or right-of-way. The following shall be excluded:

- (a) Signs not exceeding two square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- (b) Flags and insignia of any government except when displayed in connection with commercial promotion.
- (c) Legal notices; identification, informational, or directional signs erected or required by governmental bodies.
- (d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- (e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Signs, Number and Surface Area: For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements

organized, related, and composed to form a unit. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

Soil Removal: Shall mean removal of any kind of soil or earth matter, including topsoil, sand gravel, clay or similar materials, or combination thereof, except common household gardening and general farm care.

Solar Energy System:

- (a) **Small, Accessory Use:** A single residential or small business-scale solar energy conversion system (photovoltaic cell) consisting of roof panels or ground-mounted solar panels or arrays and associated control or conversion electronics, generating up to but not exceeding the manufacturer's rating of one hundred kilowatt (100 kW).
- (b) **Commercial Use Not Under the Authority of PA 233:** A utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows, and associated control or conversion electronics that will be used to produce electrical power to off-site customers. Said commercial use solar energy system may or may not be owned by the owner of the property upon which it is placed.
- (c) **Large, Commercial Use Under the Authority of PA 233:** A utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows, and associated control or conversion electronics, with a nameplate capacity of fifty (50) megawatt (MW) or more and falling under the authority of PA 233 that will be used to produce electrical power to off-site customers. Said solar energy system may or may not be owned by the owners of the parcels upon which it is placed.

Stable, Public: A use for the breeding, rearing and housing of more than two horses, ponies, and similar animals, and including riding academies and stables to which the public is admitted for a fee to ride and/or board horses.

Stable, Private: Any building or structure and adjacent lands used or designed for the boarding, breeding, or care of not more than two horses, ponies and similar animals, other than horses used for farming or other agricultural purposes. A private riding stable may include areas and facilities for training, riding, or driving of horses and for offering of lessons to teach the riding and driving of horses for a fee to a limited number of persons having a direct interest in said horses.

State Equalized Valuation: The value shown on the Township assessment roll as equalized through the process of State and County equalization.

State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, PA 218 of 1979, or the Child Care Licensing Act, PA 116 of 1973. This definition includes adult foster care facilities, foster care family homes, foster care family group homes, family day care homes, and group day care homes.

(a) **Adult Foster Care Facility:** A residential structure that is licensed to provide foster care, but not continuous nursing care, for unrelated adults over the age of 17. Adult foster care facilities are subject to all applicable provisions, definitions, and regulations of Michigan Public Act 218 of 1979, as amended (MCL 400.701 et seq.).

1. Foster care means the provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, for two or more consecutive weeks for compensation.

2. Adult foster care facility does not include any of the following:

a. A licensed child caring institution, children’s camp, foster family home, or foster family group home, subject to the limitations contained in section 3(4)(f) of Michigan Public Act 218 of 1979, as amended (MCL 400.703).

b. A licensed foster family home that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of Michigan Public Act 116 of 1973, as amended (MCL 722.115).

c. An establishment commonly described as an alcohol or substance abuse rehabilitation center; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home; or a hotel or rooming house that does not provide or offer to provide foster care.

d. A veterans’ facility created by Michigan Public Act 152 of 1885, as amended (MCL 36.1 to 36.12).

3. The following types of adult foster care facilities are provided for by this Ordinance:

a. **Adult Foster Care Family Home:** A private home with the approved capacity to receive not more than six adults to be provided foster care. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

b. **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity of not more than 12 adults to be provided with foster care.

c. **Adult Foster Care Large Group Home:** An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

d. **Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

- (b) **Family Day Care Home:** A private home in which one but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.
- (c) **Foster Family Home:** A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, are given care and supervision for 24 hours a day, for four or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- (d) **Foster Family Group Home:** A private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (e) **Group Child Day Care Home:** A private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

Story: That portion of a building included between the upper surface of any floor, and the upper surface of any floor above; or any portion of a building between the topmost floor and the roof having a usable floor area to at least 50 percent of the usable floor area of the floor immediately below it. A top floor area under a sloping roof with less than 50 percent of the usable floor area is a half story. The first story shall be considered the lowest story of which the ceiling is more than four feet above the average contact ground level at the exterior walls of the building. (See illustrations entitled "basic structural terms and building height".)

Story, Half: The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed 50 percent or less than the floor area below it. (See illustration entitled "basic structural terms".)

Street: A public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfares, except an alley.

Structure: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

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

Structure, Outdoor Advertising: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign or billboard may be placed, including outdoor advertising statuary.

Swimming Pool: The term "swimming pool" shall mean any structure or container intended for swimming or bathing, located either above or below grade designed to hold water to a depth of greater than 24 inches. A pond created by the excavation of an earthen pit shall not be considered a swimming pool.

Temporary Uses, Buildings or Structures: A use, structure, or building permitted by the Township to exist during periods of construction of the main building or use or for special events, not to exceed the approved length of time.

Tents: Tents as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

Tourist Home: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, without provision for meals.

Township Board: Whenever in this Ordinance appears the words "Township Board" it shall mean the Township Board of LaSalle Township.

Toxic or Hazardous Materials: Waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material which because of its quality; concentration; or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or increase in serious irreversible illness or serious incapacitation, but reversible illness, or pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed.

Travel Trailer: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging, but which does not exceed eight feet in width or 25 feet in length. This term also includes folding campers and truck-mounted campers but not mobile homes.

Truck, Combined, Semi-or Tractor Trailer: A vehicle used to haul goods and materials for commercial purposes with a trailer attached to a tractor with a swivel hitch.

Use: The purpose for which land or premises of a building thereon is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased.

Utility Room: A utility room is a room in a dwelling, not located in the basement, the use of which is primarily for storage or for housing a heating unit, or for laundry purposes.

Variance: A modification of the literal provisions of the Zoning Ordinance which is granted when strict enforcement would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted. Practical difficulty based solely on economic considerations are not grounds for a variance.

Vehicle, Commercial: Any vehicle used to carry people, goods, material or equipment for commercial purposes, such vehicle having a combined gross vehicle weight rating of 26,001 pounds, a motor vehicle carrying hazardous materials and on which is required to be posted a placard as defined and required under the Michigan Vehicle Code, PA 300 of 1949, or a motor vehicle designed to transport 16 or more passengers, excluding school buses.

Wind Energy Conversion System (WECS): Also commonly referred to as a wind energy facility, wind generating tower, windmill, or wind-powered generator. It shall mean a combination of:

- (a) The surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical or electrical generating powers; and
- (b) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
- (c) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- (d) The tower, pylon, or other structure upon which any, all or some combination of the above are mounted.

A wind energy conversion system can also include other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system such as substations, anemometer towers (MET), cables and wires and other buildings accessory to such facility.

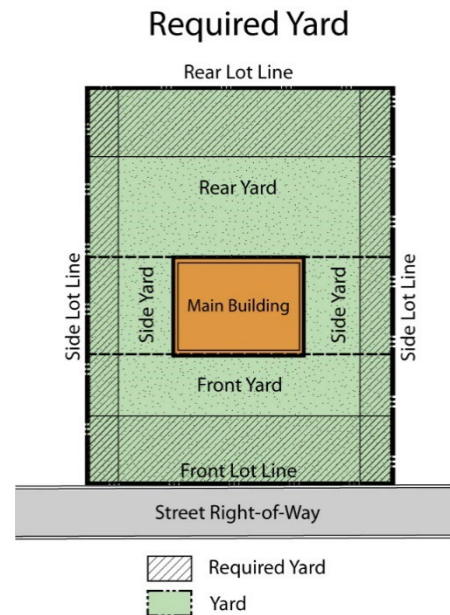
Yard: An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight foot height clearance is provided above the adjacent ground level. (See illustration entitled "yard terms and yard requirements".)

Yard, Front: A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

Yard, Rear: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

Yard, Side: A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

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



ARTICLE IV

MAPPED DISTRICTS

SECTION 4.1. DISTRICTS.

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

AG-1, Restricted Agricultural District
AG-2, Agricultural District
RE, Rural Estate District
R-1, Single-Family District
R-2, Multiple-Family District
C-1, Neighborhood Commercial District
C-2, General Commercial District
MD, Marina District
M-1, Light Industrial District
M-2, General Industrial District

SECTION 4.2. ZONING MAP.

- (a) The boundaries of these districts are shown upon the map attached hereto and made a part of this Ordinance, which map is designated as the Zoning Map of the Township of LaSalle. The Zoning Map attached hereto and on file in the office of the Clerk of the Township of LaSalle and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if said Zoning Map and all such notations, references, and other information shown thereon were fully set forth or described herein.
- (b) Except where reference on said Map to a street or other designated line by the dimensions shown on said Map, the district boundary lines follow lot lines or the centerlines of the streets or alleys or such lines extended and the Township boundaries, as they existed at the time of the adoption of this Ordinance.
- (c) Questions concerning the exact location of district boundary lines shall be determined by the Zoning Board of Appeals according to rules and regulations which may be adopted by it.

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ARTICLE V

GENERAL PROVISIONS

Except as hereinafter specifically provided, the following general regulations shall apply:

SECTION 5.1. CONFLICTING REGULATIONS.

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

SECTION 5.2. SCOPE.

No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered and maintained, and not new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

SECTION 5.3. STREETS, ALLEYS, AND RAILROAD RIGHT-OF-WAY.

All streets, alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, or railroad right-of-way. Where the center line of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

SECTION 5.4. PERMITTED USES.

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purposes other than is permitted in the district in which the building or land is located.

SECTION 5.5. PERMITTED AREA.

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any open spaces surrounding any building of the district in which the building is located. No lot shall have less than 50 percent of its area maintained as landscaped open space.

SECTION 5.6. PERMITTED HEIGHT.

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that

roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, roof-mounted small-scale wind energy conversion systems, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than 15 feet the height limits of the district in which it is located; nor shall such structure have a total area greater than 25 percent of the roof area of the building, nor shall such structure be used for any residential purpose or any commercial purpose other than a use incidental to the main use of the building.

Communication Towers and Wind Energy Conversion Systems approved by the Township may be allowed to exceed the height limit of the zoning district provided they adhere to the standards and requirements in this Ordinance and do not create a hazard to the public health, safety, or welfare.

SECTION 5.7. ZONING LOT.

Every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot as herein defined, and in no case shall there be more than one such building on one lot unless otherwise provided in this Ordinance.

SECTION 5.8. LOT AREA, YARDS, AND OPEN SPACE REQUIREMENTS.

Space which has been counted or calculated as part of a side yard, rear yard, front yard, court, lot area or other open space to meet the requirements of this Ordinance for a building, shall not be counted or calculated to satisfy or comply with a yard, court, lot area or other open space requirement for any other building. An unenclosed porch or paved terrace may occupy a required front yard or rear yard, and a deck may occupy a required rear yard, provided that those not serving pools project no more than 16 feet into rear yards and no more than five feet into front yards. Back yard decks and paved terraces that serve pools may extend up to 40 feet into the rear yard provided they extend no closer than four feet from the rear lot line.

SECTION 5.9. PROJECTIONS INTO YARDS.

Certain architectural features may project up to a maximum of three feet into the required front yard and five feet into the required rear yard. The following table identifies permitted projections into these yards:

PERMITTED PROJECTIONS INTO REQUIRED YARDS

Projection	Front Yards	Rear Yard
Arbors and trellises	Y	Y
Awnings and canopies	Y	Y
Bay windows	Y	Y
Decks ^{1,2}	Y	Y

Projection	Front Yards	Rear Yard
	Y	Y
Gutters	Y	Y
Laundry drying equipment	--	Y
Paved terraces and open porches ¹	--	Y
Stairways, open unroofed	Y	Y
Steps/Stoops	Y	Y

Y = Permitted

¹ See Section 5.8.

² Decks off accessory buildings must meet accessory building setback requirements.

SECTION 5.10. USE OF YARD SPACES AND OTHER OPEN AREAS FOR STORAGE.

There shall be no outside storage of unlicensed vehicles, which are required to be registered by law, permitted in any residential lot. This shall not be applicable to new or used car lots and junk yards. No machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks or other materials either discarded, unsightly or showing evidence of a need for repairs, with or without a current license, shall be stored, parked, abandoned or junked in any open area that is visible from the street, public place or adjoining residential property; and should such use of land occur, it shall be declared to be a nuisance. If such nuisance is not abated within 10 days after the owner of such land is notified by the Township, then the Township may perform the necessary work to eliminate the nuisance at the expense of the property owner; and in the event the property owner fails to reimburse the Township within 30 days after receiving notice of the amount due from the Township Treasurer, then the amount shall become a lien upon said property.

SECTION 5.11. ESSENTIAL PUBLIC SERVICE FACILITIES.

Essential public service facilities reasonably necessary for the furnishing of adequate service by public utilities or departments or commissions, or for the public health or safety or general welfare, but not including buildings or other than such buildings as are primarily enclosures or shelters of the above essential public service equipment shall be permitted as authorized under any franchise in effect within the Township, subject to regulation as provided in any law of the State of Michigan.

SECTION 5.12. STREET ACCESS.

No dwelling, building or use shall be erected on any lot or parcel of land in the Township of LaSalle that does not abut on a public street, road or highway certified by the Monroe County Road Commission (MCRS), or an existing private road unless the following provisions are complied with:

- (a) The required right-of-way, as specified by the MCRC, shall have been properly dedicated to the Township, or if a private road, listed as an existing private road in Section 5.01.A entitled Existing Private Roads, of the Township Ordinance; and
- (b) A performance guarantee, adequate to reimburse the Township for the cost of road construction to MCRC standards for any right-of-way dedicated to the Township shall have been provided in accordance with the provisions of Article V, Section 5.45, PERFORMANCE GUARANTEES.

This Ordinance shall not be the basis for preventing the issuance of a building permit for ordinary repair or maintenance of any building that is already erected on the date of the adoption of this Ordinance upon a lot or parcel of land that does not so abut such a street or highway, except those which were part of a platted subdivision as of this date.

SECTION 5.13. VISIBILITY.

No structure, wall, fence, shrubbery or trees shall be erected, maintained or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shrubbery and low retaining walls and fences not exceeding 36 inches in height above the curb level and shade trees where all branches are not less than eight feet above the street level will be permitted. For residential corner lots, this unobstructed area will be a triangular section of land formed by the two street curb lines and a line connecting them at points 25 feet from the intersection of said curb lines.

SECTION 5.14. DWELLINGS IN NON-RESIDENTIAL DISTRICTS.

No dwelling unit shall be erected in the C-1, C-2, MD, M-1 or M-2 Districts. However, the sleeping quarters of a watchman or a caretaker may be permitted in said districts in conformance with the specific requirements of the particular district.

SECTION 5.15. ONE SINGLE-FAMILY OR MANUFACTURED HOME STRUCTURE PER LOT.

On lots located outside of mobile home parks, no single-family dwelling, either on-site built or a manufactured home, may be erected upon the same lot with another single-family dwelling or manufactured home.

SECTION 5.16. OCCUPANCY: TEMPORARY GARAGES, ACCESSORY BUILDINGS, BASEMENT APARTMENTS PROHIBITED.

Buildings erected after the effective date of this Ordinance as garages or accessory buildings, shall not be occupied for dwelling purposes. No basement or cellar apartment shall be used or occupied for dwelling purposes at any time, except when a one-year permit is issued by the Zoning Board of Appeals.

SECTION 5.17. ACCESSORY USES, BUILDINGS AND STRUCTURES.

Accessory uses, buildings and structures, except as otherwise permitted in this Ordinance shall be subject to the following regulations. The regulations in this section do not apply to farm buildings that are principal structures being used as part of a farm operation.

(a) Agricultural and Single Family Residential Districts.

1. Location.

Except where additional setbacks are specifically required for larger accessory buildings and structures later in this section, agricultural and single family residential accessory buildings and structures shall meet the following location requirements.

- a. An attached residential accessory building shall be subject to and must conform to all building codes and regulations of this Ordinance applicable to main or principal buildings.
- b. Detached accessory buildings shall not be located in front of the line established by the front of the house. In a row house development or apartment buildings, off-street parking in the form of covered bays may be permitted in the front of principal buildings if the location is approved by the Planning Commission during site plan review.
- c. Detached accessory buildings shall not be erected in any required yard except a rear yard, providing further that in no instance shall such a building be nearer than 10 feet to any side or rear lot line.
- d. No detached accessory building shall be located closer than 10 feet to a principal building.
- e. In the case of double frontage or corner lots, detached accessory buildings shall observe front yard set-back requirements on both street frontages.

2. Size.

- a. The total area of all residential accessory buildings, including attached (i.e. an attached garage) and detached, may not exceed a total of 2,800 square feet, except as provided for in 5.17.a.2.c. below.
- b. A detached accessory building shall not exceed one story or 17 feet in mean height, and may not occupy more than 25 percent of a required rear yard, plus 40 percent of any non-required rear yard, except as provided for in 5.17.a.2.c below. If the total of all detached accessory buildings exceeds 750 square feet in area, then any additional accessory building shall be located no closer to any lot line or principal building than a distance equal to the height

of the detached accessory building.

- c. On single-family lots zoned RE and R-1, and with an area two and one-half acres or greater or in AG-1 and AG-2 Districts where the principal use is residential and area is two and one-half acres or greater, an accessory building may exceed the above area requirements identified in 5.17.a.2.a-b. above, provided:
 - (1) The total area of all residential accessory buildings, including attached and detached, shall not exceed 4,000 square feet in total floor area.
 - (2) All detached accessory buildings over 750 square feet shall be located in a rear yard no less than 150 feet from the front lot line.
 - (3) All detached accessory buildings shall be set back 15 feet from any side or rear lot line.

3. Other Requirements.

- a. All accessory buildings shall be built in accordance with the Monroe County Sanitary code.
- b. All accessory buildings shall be built in accordance with all other applicable Federal, State, County, and Local Codes.

(b) Commercial, Marina, and Industrial Districts.

1. Location.

Commercial, marina and industrial accessory buildings and structures shall meet the following location requirements.

- a. An attached accessory building shall be subject to and must conform to all building codes and regulations of this Ordinance applicable to main or principal buildings.
- b. Detached accessory buildings shall not be located in front of the line established by the principal building.
- c. Detached accessory buildings shall not be erected in any required yard except a rear yard, providing further that in no instance shall such a building be nearer than 10 feet to any side or rear lot line.
- d. No detached accessory building shall be located closer than 10 feet to a principal building.
- e. In the case of double frontage or corner lots, detached accessory buildings shall observe front yard set-back requirements on both street frontages.

2. **Other Requirements.**

- a. Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards, as required.
- b. Typically temporary buildings and structures, including but not limited to, semi-truck trailers, storage crates, and shipping containers shall not be permitted unless proposed to be used for a temporary purpose and permitted subject to the requirements of Section 5.22 of this Ordinance.
- c. All accessory buildings shall be built in accordance with the Monroe County Sanitary code.
- d. All accessory buildings shall be built in accordance with all other applicable Federal, State, County, and Local Codes.

SECTION 5.18. PARKING AND STORAGE OF CAMPERS, TRAVEL TRAILERS, AND BOATS.

Campers, travel trailers, motorized homes, snowmobiles and trailers of any type, and boats may be parked or stored outdoors in any zoning district on occupied lots subject to the following requirements:

- (a) No more than one camper or travel trailer, and no more than one boat, and no more than two snowmobiles may be parked on a lot of record which is zoned and used for residential purposes, and ownership of same must be in the name of a member of the immediate family of the lot's owner, tenant or lessee.
- (b) Campers and travel trailers may be parked anywhere on the premises for loading or unloading purposes for a period not to exceed 48 hours.
- (c) Campers, travel trailers, snowmobiles, trailers, boats and the like, where parked or stored, shall not be located in front of the line established by the front of the house, and shall only be located in the non-required side or rear yards. In addition, the location shall conform to the required yard space requirements for accessory buildings in the zoning district wherein located with all setback requirements being met. On a lake lot such a vehicle may be parked on either the lake or street side but not both. A vehicle so stored must be set back 20 feet from either the lake or street front lot line and shall conform to the required yard space requirements for accessory buildings in the zoning district wherein located with all setback requirements being met.
- (d) The maximum permitted lot coverage of all buildings plus any camper, travel trailer, or boat parking or storage space, shall not be exceeded.
- (e) Recreational equipment parked or stored shall not be connected to electricity, water, gas or sanitary facilities, and at no time shall same be used for living, lodging or housekeeping purposes.

- (f) All recreational equipment must be kept in good condition and have a current year's license and/or registration.
- (g) The parking or storage of a manufactured home unit outside of a mobile home park, under these provisions, is expressly prohibited, EXCEPT IN CONFORMANCE TO ALL THE PROVISIONS OF ARTICLE V, Section 5.44.

SECTION 5.19. AUTOMOBILE SERVICE STATIONS AND PUBLIC GARAGES.

In order to regulate and control the problems of noise, odor, light, fumes, vibrations, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of automobile service stations; to regulate and control the adverse effects which these and other problems incidental to the automobile service station may exercise upon adjacent and surrounding areas; and to control the problem of abandoned stations which are a nuisance, as well as a blighting influence on surrounding properties, the following additional regulations and requirements are provided herein for automobile service stations located in any zone. All automobile service stations erected after the effective date of this Ordinance shall comply with all requirements of this section. No automobile service station existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of this Ordinance.

- (a) An automobile service station shall be located on a lot having a frontage along the principal street of not less than 150 feet, and having a minimum area of not less than 15,000 square feet.
- (b) An automobile service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than 40 feet from any street lot line.
- (c) All driveways providing ingress to or egress from an automobile service station shall not be more than 30 feet wide at the property line. No more than one curb opening shall be permitted for each 50 feet of frontage or major function thereof along any street, and no more than two curb openings are permitted on any street. No driveway or curb opening shall be located nearer than 25 feet to any corner or exterior lot line, as measured along the property line.
- (d) A raised curb six inches in height shall be erected along all street lot lines, except for driveway openings.
- (e) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.
- (f) An automobile service station located on a lot having an area of 15,000 square feet shall include not more than eight gasoline pumps and two enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two gasoline pumps and/or one enclosed stall may be included with the provision of each additional 2,000 square feet of lot area.
- (g) All gasoline pumps shall be located not less than 15 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.

- (h) Where an automobile service station adjoins property located in any residential zone, a masonry wall five feet in height shall be erected and maintained along the service station property line. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.
- (i) All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
- (j) When a structure designed and used for automobile service station or filling station purposes ceases to operate on a continuing basis for a period of one year within any period of 18 months, the owner of the premises shall be served written notice by the Building Inspector of the requirement within 60 days of the date of said notice, to either (1) resume operation of the premises on a continuing basis as a lawful automobile service station or filling station, or (2) lawfully convert said structure to another permitted use in that district, or (3) demolish said structure and completely remove the debris from the premises.

All new automobiles service stations or filling stations constructed after the effective date of this Ordinance shall be required to post a bond with the Building Inspector in an amount equal to the estimated cost of demolition and clearance of improvements on the premises. Failure to comply with one of the above-mentioned three alternatives shall empower the Building Inspector to utilize said bond for the demolition and clearance of the premises in question.

If there should be declared a national emergency which would curtail the operation of motor vehicles or if the Planning Commission should determine that there exists a state of general economic depression or hardship, the provisions of this subsection (j) shall not apply.

- (k) Abandoned automobile service stations or gasoline filling stations may be converted to Principal Permitted Use in the District in which such station is located, provided the following conditions are met:
 1. The use shall not be out of harmony with the surrounding neighborhood by reason of its character or quality of development.
 2. All gasoline pumps and signs shall be removed, and underground gasoline storage tanks shall be abandoned in conformance with prescribed Township, County and State fire safety provisions.
 3. All buildings shall meet all applicable requirements of the Township Building Code for safety and structural condition.
 4. There shall be adequate off-street parking provided in accordance with Article VII.
 5. No outside storage areas shall be permitted.
 6. The use shall meet all area, height, bulk and placement requirements of the district in which such use is located in accordance with Article XVIII.

7. The use shall comply with all other requirements of the applicable district unless otherwise provided in this Ordinance.
- (l) All automobile service stations shall conform to the regulations set forth in Act 207 of the Public Acts of 1941, State of Michigan, as amended, pertaining to the regulations of flammable liquids.

SECTION 5.20. DRIVE-IN ESTABLISHMENTS.

- (a) When a drive-in establishment adjoins property located in any residential district, an ornamental masonry wall, five feet in height shall be erected and maintained along the interior lot lines, or if separated from the residential zone by an alley, then along the alley lot line. In addition, all outside trash areas shall be enclosed by said five foot masonry wall. Said wall shall be protected from possible damage inflicted by vehicles using the parking area by means of pre-cast concrete wall stops at least six inches in height, or by firmly implanted bumper grounds not attached to the wall, or by other suitable barriers.
- (b) The entire parking area shall be paved with a permanent surface of concrete or asphaltic cement. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, in a neat and orderly fashion at all times, and separated from the paved area by a raised curb or other equivalent barrier.
- (c) Before approval is given for any use, a site plan shall first be submitted to the Planning Commission for review as to suitability of location of entrances and exits to the site, parking area, screening, lighting and other design features.

SECTION 5.21. BUILDING GRADES.

- (a) Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of water to run away from the walls of the structures thereon. The balance of yard spaces shall be graded and adequate drainage provided where necessary to deflect proper drainage of surface waters from the said premises.
- (b) When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades.
- (c) Final grade shall be approved by the Building Inspector only after a "certificate of grading and location of building within the Township of LaSalle" has been duly completed.

SECTION 5.22. TEMPORARY USES, BUILDINGS AND STRUCTURES.

Temporary uses, buildings and structures shall comply with the following requirements:

(a) **Temporary Structures for Dwelling Purposes.**

A mobile home, trailer coach, or other approved living quarters may be occupied as a residence on a temporary basis on a site during the period of construction, major repair, or remodeling of a single family dwelling. Only the owner of the dwelling site and the owner's family may be permitted to occupy the temporary residence located at the construction site provided that the owner intends to occupy the permanent dwelling unit as a residence upon completion of its construction.

1. **Permit Duration.**

Permits for temporary occupancy may be issued by the Planning Commission for up to six months in duration and may be renewed for a period of up to six months, provided that work is proceeding in an expeditious manner. The total duration of a temporary permit shall not exceed 12 months.

Before a certificate of occupancy shall be issued the temporary structure shall be removed from the site.

2. **Application Requirements.**

Application for the temporary occupancy permit shall be made to the LaSalle Township Building Inspector. Prior to issuance of a temporary occupancy permit, the applicant shall present:

- a. A land use permit for the dwelling to be erected.
- b. Evidence to demonstrate the requirements of subsections 5.22.A.5 through 5.22.A.7 below have been satisfied.

3. **Setbacks.**

Temporary dwellings shall comply with the setback requirements for the district in which they are located.

4. **Accommodations.**

A temporary dwelling shall contain sleeping accommodations, flush toilet(s), and tub or shower bath adequate to serve the occupants thereof.

5. **Sanitary Facilities.**

The sanitary facilities for the temporary dwelling for the disposal of sewage and waste shall be properly connected to the available sewage system or septic tank and drain field available at such premises, approved by the

Monroe County Health Department for the dwelling to be constructed at the location.

6. **Water Facilities.**

The fresh water facilities of the temporary dwelling shall be properly connected to a source approved by the Monroe County Health Department for the dwelling to be constructed on the premises.

7. **Refuse.**

No occupant of the temporary dwelling shall cause or permit waste to be discharged upon the ground surface of the premises or cause or permit refuse to accumulate or remain upon the ground surface.

8. **Performance Guarantee.**

The permit fee established by the LaSalle Township Board shall be paid and a performance guarantee shall be provided in an amount approved by the Township Attorney and deposited with the Township Treasurer to insure removal of the temporary dwelling at the termination of the permit period. The guarantee shall be good for 90 days beyond the date of permit expiration.

(b) **Other Temporary Uses, Buildings and Structures.**

Temporary buildings, construction trailers, semi-truck trailers, used or modified to be used, as a building for the purpose of the shelter of persons or animals, the sale or storage of merchandise or equipment, and/or other similar structures used as a field office in conjunction with construction work may be permitted in any district during such time that the construction work is in progress, provided that no structure shall be used for overnight sleeping accommodations, that adequate arrangements for sanitary facilities are made, that any such temporary field office shall be certified as such and as being in conformance with this Ordinance by the Building Inspector, and provided further that any such temporary facilities shall be removed upon completion of construction work.

1. **Permit Duration.**

Permits for temporary uses, buildings and structures may be issued by the Planning Commission. Each permit granted hereunder shall be valid for a period of not more than 30 days from the date of it becoming effective.

2. **Application Requirements.**

Application for the temporary permit shall be made to the LaSalle Township Building Inspector. Prior to issuance of a temporary permit, the applicant shall present:

- a. The name in full, date of birth, permanent and current addresses, telephone numbers, driver's license number, and type of legal interest of all owners and/or operators.
- b. The business address and legal description of the location upon which the temporary use, building or structure is to be operated or maintained.
- c. The specific period of time, not to exceed 30 days, with dates inclusive, for which the permit is being requested.

In addition to the information required to be submitted in the application for permit, the following information shall be submitted to the Building Inspector with the application for permit upon request:

- d. A written report from the Monroe County Sherriff's Office indicating that no owner or operator has been convicted of any crime involving moral turpitude.
- e. A written report from the Monroe County Health Department indicating approval of all planned water usage, waste water disposal, and the proposed use, building or structure will fully comply with all applicable health code requirements.
- f. Proof of insurance with liability coverage in an amount sufficient to adequately cover the proposed use, building or structure, effective for the length of the temporary permit, and offered by an insurance company authorized to do business in the State of Michigan.
- g. A site plan accurately showing the location of any buildings, structures, equipment, machinery, and parking.

3. Adherence to Zoning Ordinance.

No application for nor granting of a permit hereunder may take place until the applicant or applicants have shown observance of and compliance with all pertinent standards, requirements, and regulations included in the LaSalle Township Zoning Ordinance.

4. Performance Guarantee.

The permit fee established by the LaSalle Township Board shall be paid and a performance guarantee shall be provided in an amount approved by the Township Attorney and deposited with the Township Treasurer to insure removal of the temporary dwelling at the termination of the permit period. The guarantee shall be good for 90 days beyond the date of permit expiration.

(c) **Circuses, Carnivals, Concerts, and Other Similar Enterprises.**

Circuses, carnivals, musical concerts or other transient amusement enterprises may be permitted in any district, upon approval by the Zoning Board of Appeals, based upon a finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, and the general welfare; provided, however, the Zoning Board of Appeals may require the posting of a bond running to the Township in an amount sufficient to hold the Township free of all liabilities incident to the operation of such activity and to indemnify any adjoining land owner for any damages resulting from the operation of such activity, and which damages shall be provable before a court having jurisdiction over the premises on which the damages occurred and payable through such court. In order to protect the public, the Township government and adjacent property owners, the Zoning Board of Appeals shall impose conditions and restrictions to insure the following:

1. Adequate site and surrounding area clean up.
2. A minimum of one toilet for each 50 persons estimated to attend.
3. Closure of activity from midnight to 9:00 a.m.
4. One security person for each 50 persons estimated to attend.
5. No gambling or use of alcohol or controlled substances contrary to law.

(d) **Use as an Accessory Building or Structure.**

A temporary building or structure shall not be used as an accessory building or structure, excepted as permitted herein.

SECTION 5.23. BUILDINGS TO BE MOVED.

Any building or structure which has been wholly or partially erected on any premises within or outside the Township of LaSalle shall not be moved to and/or placed upon any premises in the Township unless a building permit for such building or structure shall have been secured under Section 19.3. Any such building or structures shall fully conform to all the provisions of this Ordinance in the same manner as a new building or structure.

SECTION 5.24. REMOVAL OF SOIL, SAND, CLAY, GRAVEL OR SIMILAR MATERIALS; QUARRY EXCAVATION; FILLING OPERATIONS.

From and after the effective date of this Ordinance or amendment thereto, it shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to engage in or conduct a quarry excavation as defined, or strip any topsoil, sand, clay, gravel or similar material or to use lands for filling within the unincorporated area of LaSalle Township without first submitting an application as prescribed to the LaSalle Township Planning Commission, and procuring a permit therefore from the Building Inspector. The following regulations shall be applicable:

(a) **Permits.**

No permits shall be required for excavation or filling for building construction purposes, pursuant to a duly issued building permit under the LaSalle Township Building Code.

(b) **Application.**

Prior to the approval and authorization of a building permit, the LaSalle Township Planning Commission shall review and approve such application. A separate permit shall be required for each separate site. Each application for a permit shall be made in writing to the Building Inspector and shall contain the following information:

1. Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
2. Full legal description of the premises wherein operations are proposed.
3. Location of all buildings on the site and within 500 feet of the perimeter of the site.
4. Detailed proposal as to method of operation, what type of machinery or equipment will be used, estimated period of time that such operation will cover, and all haul roads and truck entrance locations to be used.
5. Detailed statement as to exactly what type of deposit is proposed to be extracted or deposited.
6. A detailed restoration/relocation plan indicating how the natural resources area will be reused in a manner compatible with the Township's Land Use Plan.
7. Topographical survey map showing existing grades and final grades after, to be prepared by a registered civil engineer.
8. Location of all public drains on the site.
9. Such other information as may be reasonably required by the Township Planning Commission to determine whether a permit should be issued.

(c) **Fees.**

Application for a permit under this section shall be accompanied by a permit fee as established by the Township Board, the sum of which shall be used to defray administrative expenses occasioned by processing such application. A receipt shall be issued to the applicant showing the payment of said fee. Upon issuance of any permit, the fee therefore shall be paid into the General Fund of the Township.

Quarry excavation permits issued by LaSalle Township shall be for a period of one year from the date of the issuance, and shall be renewable upon payment of an annual inspection fee, the sum of which shall be established by the Township Board. Such permits shall be renewed as herein established, provided the permittee complies with all the provisions of this Ordinance and any other conditions set forth in the permit.

(d) **Issuance of Permit.**

The Township Planning Commission shall review, and approve or disapprove said application. A permit shall be issued only if the Planning Commission has determined that the issuance of the permit would not detrimentally affect the public health, safety, morals and general welfare of the citizens of LaSalle Township.

(e) **Mandatory Requirements.**

The following requirements shall be mandatory:

1. **Quarry Excavation.**

- a. Where an excavation in excess of five 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 is to be not less than five feet in height complete with gates, which gates shall be kept locked when operations are not being carried on.
- b. When operations cease at any quarry, the entire quarry excavation shall be fenced with a suitable fence, as required in above (1) approved by the Planning Commission upon which there shall be placed and maintained appropriate signs warning the public of danger.
- c. When 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 200 feet apart.
- d. Any roads used for the purpose of ingress or egress to said excavation site which re located within 300 feet of occupied residences shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.
- e. No cut or excavation shall be made closer than 100 feet from the nearest street or highway right-of-way line nor nearer than 500 feet to the nearest residence, nor closer than 100 feet to any property line; provided however, that the Planning Commission may prescribe more strict requirements in order to give sub-lateral support to surrounding property where soil or geographic conditions warrant it.

- f. The recommended slope of the banks within the second 100 feet measuring from the near edge of a public highway, or within the second 100 feet measuring from the property line of an adjoining land owner shall not exceed a minimum of one foot vertical drop to each seven feet horizontal and where permanent ponded water results from the quarry operation the slope of all banks adjoining the pond must be maintained at the 1 to 7 ratio above and must be extended into the water of such permanent pond to a water depth of at least five feet.
- g. The Planning Commission 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 LaSalle Township.

2. **Regulations for Stripping or Removal Operations.**

- a. No soil, sand, gravel, clay or similar materials shall be removed below a point 12 inches above the mean elevation of the centerline of the nearest existing or proposed street or road established or approved by the Monroe 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 Monroe County Drain Commission.
- b. Any roads used for the purpose of ingress or egress to said excavation site which are located within 300 feet of occupied residences shall be kept dust free by hard- topping with cement, bituminous substance or chemical treatment.
- c. 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.
- d. Wherever topsoil exists, suitable for growing turf or for other land use, 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 re-covered with a minimum of four 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 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.

- e. The Planning Commission 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 LaSalle Township.

3. Regulations for Filling Operations.

- a. The filling of land with rubbish or garbage or any other waste matter is hereby prohibited in all unincorporated areas of LaSalle Township EXCEPT that, such may be permitted pursuant to the terms and conditions of a permit that may be granted in a proper case by the Planning Commission. Provided that in no case shall any permit be issued for filling within any district, unless and until the proposer shall have obtained written consent from all land owners and residents within a one-half mile area measured from the outside perimeter of the parcel to be filled, to waive this prohibition.
- b. No rubbish or garbage shall be burned, permitted to burn or smolder as a result of voluntary igniting of said material or as a result of involuntary internal combustion of said rubbish or fill material deposited at the site of the permitted operation.
- c. The Planning Commission may require a temporary fence to be erected to prevent the scattering of rubbish, garbage and other waste material.
- d. All rubbish and garbage fill when deposited must be thoroughly compacted with heavy equipment weighing not less than 10 tons.
- e. All rubbish or garbage fill, within 24 hours of depositing in the place or places authorized in the permit shall be covered with a layer of soil matter 18 inches thick of a kind and texture that will be suitable for growing of turf or for other land uses permitted within the District. Provided that under certain acceptable circumstances applying the standards of public health, sanitation and welfare of LaSalle Township and Monroe County, the Planning Commission may extend the above 24 hour period to such longer period as satisfactory under the circumstances.
- f. All conveyance vehicles for rubbish or garbage shall not be open lid and while in transit shall be closed or covered so as to reduce odor and the scattering of the matter being carried. Any rubbish or garbage that is nevertheless dropped in transit shall be recovered by the carrier operator and the affected area restored to its prior condition. Further, any undue collection of soil matter deposited on the street or public highways by the tracking of the vehicles shall be removed by the carrier operator and the affected area restored to its prior condition.
- g. Any roads used for the purpose of ingress or egress to said excavation site which are located within 300 feet of occupied

residences shall be kept dust free by hard- topping with cement, bituminous substance or chemical treatment.

h. The Building Inspector may waive the regulations for filling operations above and the review by the Planning Commission and conduct an independent review to permit those filling operations which meet the following requirements:

- (1) The fill material does not include garbage, rubbish, or any other waste matter.
- (2) The actual area on which the filling operation is to be performed does not exceed 10,000 square feet and does not lie within 15 feet of any property line.
- (3) The fill does not alter the topography of drain easements or other public or private easements of record or cause an increase in stormwater runoff to adjacent properties. Final grades of the perimeter of the filled area must be compatible to existing grades offsite.
- (4) All requirements of the Michigan Department of Natural Resources must be met.
- (5) The Building Inspector may require such other requirements deemed necessary for the public safety, health and welfare of the citizens of LaSalle Township.
- (6) The filling operation must be in compliance with Act 641 and Monroe County Solid Waste Management Plan as it may be amended.

(f) **Surety Bond.**

The Township Planning Commission shall, to insure strict compliance with any regulations contained herein and required as a condition of the issuance of a permit either for quarrying, topsoil stripping and removal or filling operations, require the permittee to furnish a surety bond executed by a reputable surety company authorized to do business in the State of Michigan in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder. In fixing the amount of such surety bond, the Township Board shall take into account the size and scope of the proposed operating current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

SECTION 5.25. EXCAVATIONS OR HOLES.

The construction, maintenance or existence within the Township of LaSalle of any unprotected, unbarricaded, open or dangerous excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety or welfare, is hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued pursuant to this Ordinance, and provided further, that this Section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County of Monroe, the Township or other governmental agency.

SECTION 5.26. FARM PONDS.

Farm ponds which, unless otherwise determined by the Zoning Board of Appeals, shall be considered to be excavations more than two feet in depth and/or more than 1,000 square feet in area which are used in support of agricultural pursuits and shall be permitted as a special use on any farm (as defined in Article III) in any Agricultural District, subject to the issuance of a building permit, and provided they are set back at least 100 feet from all property lines and any dwellings, and further subject to applicable Department of Natural Resources and County Soil Conservation District requirements.

SECTION 5.27. SEWAGE DISPOSAL.

No human excreta or domestic, commercial or industrial wastes shall be deposited on the surface of the premises. Where a sewer system is available, all sanitary fixtures, such as water closets, lavatories, catch and slop sink, laundry trays and bath tubs shall be connected to such system. Where a sewer is not available, all facilities used in connection with the disposal of human excreta and water carried wastes shall be connected with and the wastes there from discharged into a private disposal system, the operation of which creates neither a nuisance nor pollutes a stream or lake or a water supply. All sewage disposal shall be in compliance with the Monroe County Sanitary Code.

SECTION 5.28. OUTSIDE PRIVIES.

Whenever earth pit outhouses, septic tank privies or chemical toilets are used for the disposal of human excreta for farm dwelling or for non-farm dwelling, the construction and maintenance shall comply with the provisions of the Monroe County, Michigan Sanitary Code, as presently established or hereafter amended, a copy of which is on file in the office of the Township Clerk.

SECTION 5.29. RESTORING UNSAFE BUILDINGS.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector or required compliance with this lawful order, except as provided in Section 6.6.

SECTION 5.30. CONSTRUCTION BEGUN PRIOR TO ADOPTION OF ORDINANCE.

Nothing in this Ordinance shall be deemed to require any change in the plans, construction or design use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance, and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within two years from the date of passage of this Ordinance.

SECTION 5.31. 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 municipal or other public election.

SECTION 5.32. APPROVAL OF PLATS.

No proposed plat of a new subdivision shall hereafter be approved by either the Township Board or the Township Planning Commission, unless the lots within such plat equals or exceeds the minimum size and width requirements set forth in the various districts of this Ordinance, and unless such plat fully conforms with the statutes of the State of Michigan and all other provisions of the LaSalle Township Code.

SECTION 5.33. COMMUNICATION TOWERS.

The following regulations shall be met by all commercial radio and television, microwave, mobile phone, public utility, television, and other transmitting or relay towers (towers hereafter). The regulations contained in this section shall not apply to antennae which are accessory to a residential structure and are for personal use by the occupant of such residence, including radio, television, satellite dishes and other non-commercial transmitting, relay or reception antennae; provided that such non-commercial antennae meet the requirements for the zoning district in which they are located.

- (a) Towers shall be permitted in any business, commercial, or industrial district. A site plan must be submitted for approval as outlined in Section 5.41. SITE PLAN REVIEW AND APPROVAL PROCEDURES. Towers which exceed the district height limit may be allowed subject to special approval of the Township Planning Commission as outlined in Section 5.47. SPECIAL APPROVAL.
- (b) Towers may be allowed in all other zoning districts subject to special approval of the Township Planning Commission as outlined in Section 5.47. SPECIAL APPROVAL, provided the maximum allowable height of a tower shall be 199 feet. A site plan must be submitted for approval as outlined in Section 5.41. SITE PLAN REVIEW AND APPROVAL PROCEDURES.
- (c) All towers shall meet the following conditions:
 - 1. The setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to the height of such tower. The setback shall be

the total the height of the tower and shall remain clear of any building or structure except an accessory utility building for the tower itself.

2. Any lighting on the tower shall be subject to Planning Commission approval.
3. No signs or logo visible from off-site shall be permitted on the tower,
4. The Planning Commission may require a security fence to prevent access to the tower.
5. The applicant shall demonstrate to the satisfaction of the Planning Commission that there are no existing towers that can practically accommodate, or be modified to accommodate, the communication equipment planned for the proposed tower.
6. The structure shall be constructed to accommodate the maximum number of foreseeable users technically practicable. The applicant shall provide the Township with a letter of intent to lease excess space on the tower and commit the tower owner and successors to:
 - a. Respond to any requests for information from another potential shared use applicants,
 - b. Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable, and
 - c. Make no more than a reasonable charge for a shared use lease.
7. The structural plans must be approved by the Township Engineer.

SECTION 5.34. OPEN AIR BUSINESS USES.

Open air business uses, where permitted in C-2, M-1 or M-2 District, shall be subject to the following regulations:

- (a) The minimum area of the site shall be 10,000 square feet.
- (b) The minimum street frontage shall be 100 feet.
- (c) There shall be provided around all sides of the site, except at entrances, exists and along sides of premises enclosed by buildings, a fence or all five feet in height in order to intercept wind-blown trash and other debris. Where the site abuts any residentially zoned district, the requirements for protective screening shall apply as specified in Section 5.35.
- (d) Off-street parking areas and aisles, as required under Article VII, shall be paved in accordance with the requirements of Section 7.3 (7).

- (e) Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or which will cast direct illumination on adjacent properties.
- (f) Before approval is given for any use, a site plan shall be first submitted to the Building Inspector for review as to suitability of location of entrances and exits to the site, parking area, fencing, lighting, and other design features.
- (g) All open-air business uses shall comply with all Township and County health regulations regarding sanitation and general health conditions.

SECTION 5.35. PROTECTIVE SCREENING OF NON-RESIDENTIAL AREAS FROM RESIDENTIAL AREAS.

In order to provide adequate protective screening for residential areas adjacent to non-residential areas, the following regulations shall apply:

- (a) Where a C-1, C-2, MD, M-1, or M-2 District abuts directly upon a residential district, those districts shall be screened from such contiguous, residentially zoned district by a solid, ornamental masonry wall five (5) feet in height above grade on the property line of the commercial or industrial use in the C-1, C-2, MD, M-1 or M-2 District.
- (b) Where required walls are provided on the business side of public alleys, wall requirements may be waived to provide necessary entrance to or exit from required off-street parking and loading areas.
- (c) If a legal commercial or industrial use, existing prior to the effective date of this Ordinance, is expanded, enlarged, moved or altered, the provisions of Section 5.35.1 and Section 5.35.2 shall be enforced.

SECTION 5.36. GREENBELTS.

Whenever a greenbelt is required in this Ordinance, it shall be completed prior to the issuance of any certificate of occupancy and shall thereafter be maintained with permanent plant materials, to provide a screen to abutting properties. Such greenbelts shall be planted and maintained with trees or shrubs deemed acceptable by the Planning Commission.

SECTION 5.37. FENCES, WALLS AND OTHER PROTECTIVE BARRIERS.

All fences, walls and other protective barriers (referred to in this Section as "fences") of any nature, description, located in the Township of LaSalle shall conform to the following regulations:

- (a) The erection, construction or alteration of any fence shall be approved by the Building Inspector in compliance with the provisions of this Ordinance.
- (b) Fences in or adjacent to residential uses and/or districts, unless specifically provided otherwise, shall conform to the following requirements:

1. No fence shall hereafter be erected in any required yard space in excess of six (6) feet in height above the grade of the surrounding land, unless approved by the Zoning Board of Appeals and with the exception of security fences as required in Section 5.33 (c) (4) for communication towers and Section 5.59 (d) (7) for solar facilities.
 2. Fences hereafter located in the required front yard shall not exceed four (4) feet in height.
 3. All fences hereafter erected shall be of an ornamental nature unless used for the keeping of livestock. Ornamental fences shall include post and rail, picket, board-on-board, shadow box, or other types, constructed with materials including redwood, cedar, pressure-treated wood, vinyl, iron, steel, brick, or stone. Flexible welded wire steel or plastic mesh fencing materials designed to enclose livestock or poultry are not permitted unless used in combination with an approved material. Other materials may be acceptable as approved by the Building Official and/or Planning Commission.
 4. The finished side of the fence shall face abutting properties
 5. Fences shall not constitute a hazard to persons who come near them. Barbed wire, spikes, nails or any other sharp instrument of any kind are prohibited on top or on the sides of any fence, except that barbed wire cradles may be placed on top of fences enclosing public utility buildings or equipment in any district or wherever deemed necessary in the interests of public safety.
- (c) Fences may be located along a property line, outside of a road right-of-way provided that such fences shall be maintained in a good condition and shall not constitute a hazard.
- (d) In the case where a fence is to be located along a shared property line, the applicant must locate the property pins or obtain a certified boundary survey of their parcel to ensure the location of the fence.
- (e) No fence shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection in accordance with Section 5.13 of the Zoning Ordinance.
- (f) All fences shall be maintained in good condition. Maintenance shall include any needed repairs to the fence materials and upkeep of the paint or finish. Maintenance shall also include the upkeep of the ground along the fence in a neat and weed-free condition.

SECTION 5.38. OUTDOOR TRASH CONTAINERS.

Outdoor trash containers shall be permitted in the R-2, C-1, C-2, M-1 and M-2 Districts provided that they comply with the following requirements:

- (a) Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby.
- (b) A solid ornamental screening wall or fence shall be provided around all sides of trash containers which shall be provided with a gate for access and be of such height as to completely screen said containers, the maximum height of which shall not exceed six feet.
- (c) The trash container(s), the screening wall or fence and the surrounding ground area shall be maintained in a neat and orderly appearance, free from rubbish, wastepaper or other debris. This maintenance shall be the responsibility of the owner of the premises on which the containers are placed.
- (d) There shall be compliance with all Township, County and State health ordinances and statutes.

SECTION 5.39. PRIVATE SWIMMING POOLS.

All swimming pools erected in the Township of LaSalle shall comply with the requirements of this Section.

(a) **Application.**

The application for a building permit to construct and maintain a swimming pool shall include the name of the owner, a plot plan and location of adjacent buildings, fencing, gates, public utilities, plan and specifications to scale of pool walls, slope, bottom, walkways, and diving boards, type and rating of auxiliary equipment, piping and valve layout, and any other detailed information affecting construction and safety features affecting the public health deemed necessary by the Building Inspector.

(b) **Pool Location.**

Minimum side yard setback shall comply with the provisions of the respective districts as set forth in this Ordinance. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than four feet as measured from the outside wall of the pool to the rear property line, or less than the established easement width at the rear property line. There shall be not less than four feet between the wall of the pool and any building on the lot.

(c) **Fence.**

Fences shall meet the requirements of all applicable building code requirements.

(d) **Wiring.**

All electrical installations or wiring in connection with below-grade swimming pools shall conform to the provisions of the LaSalle Township Electrical Code. If service drop conductors or other utility wires cross under or over the 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 the swimming pool.

(e) **Permit.**

Upon compliance with all requirements of this Section and upon determination by the Building Inspector and the Monroe County Health Department that the proposed swimming pool will not be injurious to the general public health, safety and welfare of the Township and its citizens, the Building Inspector shall issue a permit conditioned upon compliance of the permit holder with the requirements of this Section.

(f) **Supervision.**

No person shall maintain an outdoor swimming pool on his premises without providing adequate supervision at all times when the pool is in use so that no person may be injured or drowned therein.

(g) **Sanitation.**

No outdoor swimming pool shall be used unless adequate public health measures are periodically taken to insure that the use thereof will not cause the spread of disease. The water of all pools shall be sterilized by chlorinated water. The current standards set by the State Department of Public Health to protect public health in the use of such swimming pools are hereby adopted and made a part of this Ordinance.

SECTION 5.40. COMMERCIAL BULK STORAGE OF FLAMMABLE SUBSTANCE.

No commercial bulk storage of gasoline or flammable liquid or toxic/hazardous substance, as defined in this ordinance, shall be made in tanks or other containers unless said tanks or containers are completely below the ground level and are leak proof.

SECTION 5.41. SITE PLAN REVIEW AND APPROVAL PROCEDURES.

(a) **Statement of Purpose.**

The purpose of site plan review is to provide for consultation and cooperation between the land developer and the Township in order to accomplish the developer's land utilization objectives in harmony with the existing and prospective use and development of adjacent properties. It shall be the further purpose of this section to insure that each proposed use and its components, appearance, and function is in compliance with this ordinance, other township ordinances and state and federal statutes. Further purposes of site plan approval shall include: privacy, efficiency for the public and local government servicing, preservation of the natural landscape, emergency access, effective drainage, vehicular and pedestrian safety

and conveniences, control of temporary flooding, preventing stagnant water and ponding in intensively used areas; prevention of air, water and noise pollution; limitation of obnoxious odors, reduction of glare; exposure to toxic particles, substances and wastes.

(b) **Site Plan Review Required.**

In the district and uses cited, no erection of any building, structural alteration of use, creation or the addition of a new use, expansion of off-street parking, or filling, grading or excavation shall be undertaken until the Township has reviewed and approved a site plan for each use. A structural alteration shall be defined as one that changes the location of the exterior walls and/or the area of the building. Filling, grading or excavation which causes more than five cubic yards of earth material to be disturbed shall require a site plan approval, unless a building permit is in effect.

(c) **Districts and Uses Requiring Site Plan Review**

1. Permitted and Special Approval Uses in:

Multiple-Family Residential District

Neighborhood Commercial District

General Commercial District

Marina District

Light Industrial District

General Industrial District

2. All Special Approval Uses in All Districts.

3. Any Use Abutting a Major Thoroughfare except single family residential.

4. Any rezoning petition which, in the opinion of the Planning Commission, may produce a subsequent request to the Zoning Board of Appeals for a difficult or complex variance or numerous variances.

5. Uses which are regulated elsewhere in this ordinance where site plan approval is specifically required.

(d) **Required Information.**

The site plan shall contain the following information:

1. Name of development, general location sketch, name, address and phone number of owner(s), developer and designer. Date drawn and revision dates shall be indicated on the site plan.

2. The seal of one of the following professionals registered in the State of Michigan: Registered Architect, Registered Civil Engineer, Registered Landscape Architect, or Registered Professional Community Planner. The architectural plans of the buildings shall be prepared by and bear the seal of the Registered Architect. A site plan for an alteration or addition to existing structures may be prepared by the builder or contractor.
3. A legal description and address of the property in question.
4. Boundary dimensions (to the nearest foot) of the property clearly indicated on the site plan, differentiated from other contiguous property.
5. Existing zoning classification of the parcel and adjacent land uses and zoning. If the parcel is a part of a larger parcel, boundaries of total land holding.
6. To facilitate determination of off-street parking needs and similar matters, the applicant shall indicate the name and nature of the establishments proposed to occupy the buildings if this has been determined, and should indicate cases where exact occupancy has not yet been determined.
7. All plans shall include a north arrow and scale. The scale of the site plan shall be not less than 1" = 20' if the subject property is less than three acres, and 1" = 100' if three acres or more. The area of the site in square feet and acres, excluding all existing and proposed public rights-of-way.
8. The dimensions of all lots and property lines, showing the relationship of the subject property to abutting properties and all required minimum setbacks from the existing or proposed right-of-way and from adjacent properties.
9. The location and dimension of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
10. The location and right-of-way widths of all abutting streets and alleys, and driveway locations across abutting public streets.
11. Traffic and pedestrian circulation patterns, both within the site and on the public streets adjacent to the site and the proposed location and dimensions of any required pedestrian sidewalks.
12. Parking lots including layout and typical dimensions of parking spaces, number of spaces provided (including how computed, per ordinance requirements) and type of surfacing. (If carports, so designate).
13. Existing ground elevations on the site of an appropriate grid or contours, including existing ground elevations of adjacent land within 100 feet of the subject property and existing building, drive and/or parking lot elevations or any adjacent unusual surface conditions.

14. Proposed finish grade of buildings, driveways, walkways, parking lots and lawned areas.
15. With residential proposals a site summary indicating the number and location of one bedroom units, two bedroom units, etc., typical floor plans with the square feet of floor areas; density computation, recreation facilities, open spaces, street names and lot coverage.
16. With nonresidential proposals, the number of offices, number of employees, the number of floors and typical floor plans and cross sections.
17. Proposed sanitary sewer facilities and location of all existing utilities, easements, vacations and the general placement of lines, manholes, tap ins, pump stations, and lift stations.
18. Proposed storm sewer facilities (sewers and appurtenances) including outlets (enclosed or open ditches) and proposed methods of storm water retention on site, if any.
19. Sufficient off-site drainage basin data and estimated run off in cubic feet per second to permit review of any proposed retention of off site drainage swale.
20. Proposed water service including any proposed tap ins, main extensions for adequate fire hydrant spacing, and/or considerations for extensions to loop other public water mains in adjacent public rights-of-way.
21. Locations of existing and proposed fire hydrants with reasonable access thereto for fire fighting, police and other emergency equipment.
22. Location and typical dimensions of rubbish storage areas and screening construction.
23. Elevations of proposed buildings and proposed type of building materials, roof design, projections, canopies and overhangs, screen walls and accessory buildings, and any other outdoor mechanical equipment, such as: air conditioning, heating units and transformers that will be visible from the exterior.
24. Required easements for public right-of-way, utilities, access and shared access.
25. Notation of any variances which have been secured.
26. Performance guarantees to be provided, amounts, type and length of time.
27. Soil erosion and sedimentation control measures.
28. Detailed landscaping plan indicating location, types and sizes of material, a maintenance plan and schedule for pruning, mowing, watering, fertilizing, and replacement of dead or diseased materials. Cross section of berms shall be provided.

29. Location of all existing trees over 12 inches in diameter.
30. The dimensions and locations of all signs, free-standing signs and lighting structures and shielding.
31. Types of soils; location of floodplain and wetland, if any.
32. All proposed screen and freestanding architectural walls, including typical cross-sections and the height above ground on both sides.
33. The location of any outdoor storage of material(s) and the manner in which it shall be screened or covered.
34. Proposed toxic and/or hazardous waste storage and disposal plan.
35. Inventory of toxic/hazardous substances stored on site, quantity of substances, and substance names and characteristics.
36. Information on proposed method of toxic/hazardous waste storage. If an underground tank is used, the location, size, construction and use of the tank shall be specified in the site plan. A monitoring plan for underground tank usage and safety shall be included for tanks in excess of 500 gallons.
37. Proximity of toxic/hazardous waste storage facilities to natural features such as groundwater aquifers, wetlands, surface waters, etc.
38. Proximity of toxic/hazardous waste storage facilities to existing man-made features such as wells, storm sewers, storm drains, sanitary sewers, etc. Proximity to planned man-made features should also be reviewed.
39. Plan for the transfer and/or transport of toxic/hazardous wastes by a licensed toxic/hazardous waste hauler to a licensed disposal facility or to a local holding facility if one exists.
40. Information and special data which may be critical to the adequate review of the proposed use and its impact on the site or Township. Such data requirements may include traffic studies, market analysis, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services and estimates of potential costs to the Township due to failures as a basis for performance guarantees.
41. Information and statement of how applicant proposes to comply with State, Local and Federal laws, as applicable to this site or use.
42. The names of any Township officials or employees who will benefit financially from the approval of the site plan shall be disclosed.
43. Other data which the Township may reasonably deem necessary for adequate review.

(e) **Criteria for Township Approval of Site Plans.**

The following criteria shall be used by the Planning Commission as a basis upon which site plans will be reviewed and approved.

The Township shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards:

1. All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding properties for uses permitted on such property.
2. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements as set forth in the Schedule of Regulations unless otherwise provided in this ordinance.
3. The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.
4. There shall be reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users.
5. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
6. Where possible and practical, drainage design shall recognize existing natural drainage patterns.
7. There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to insure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities, and other uses that generate considerable amounts of pedestrian movement.
8. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. Streets and drives that are a part of an existing or planned street system serving adjacent developments shall be of an appropriate width to the volume of traffic they are planned to carry and shall have a dedicated right-of-way equal to that specified in a Township recognized source of reference. The applicant may be required to dedicate adequate land and improvements to the Township in order to achieve access which is safe and convenient.

9. Appropriate measures shall be taken to insure that the removal of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm-water facilities, and the prevention of erosion and dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties.
10. Off-street parking, loading and unloading areas and outside refuse storage areas, or other storage areas that face or are visible from adjacent homes, or from public thoroughfares, shall be screened by walls or landscaping of effective height. Dumpster enclosures shall have gates.
11. Exterior lighting shall be so arranged so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.
12. Adequate services and utilities including sanitary sewers, and improvements shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development.

Any use permitted in any zoning district must also comply with all applicable Federal, State, County and Township health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting and airborne matter, toxic and hazardous materials, erosion control, floodplains, water management and requirements of the State Fire Marshall.

13. An objective of the site plan review shall be to prevent any discharge into the ground waters of any substance that is, or may become, injurious to the public health, safety, or welfare, or to the domestic, commercial, industrial, agricultural, recreational, or other uses which are being or may be made of the groundwater.
14. An objective of site plan review shall be to protect and to promote public health, safety and general welfare by requiring the screening, buffering and landscaping of sites and parking lots which will serve to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to preserve underground water reservoirs and return precipitation to the ground water strata; to act as a natural drainage system and solve storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; to provide shade; to conserve and stabilize property values, to conserve energy, provide visual and sound privacy and to otherwise facilitate the creation of a convenient, attractive and harmonious community; to relieve the stark appearance of parking lots; and to generally preserve a healthful and pleasant environment in keeping with Township character.

15. It is an objective of site plan review to improve the quality of existing developments as they are expanded, contracted, redeveloped or changed in keeping with the predominant site development standards of the Township.
16. All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon improvements of a subsequent development potential of lands.
17. All sites shall be designed to comply with State and local barrier-free requirements and to reasonably accommodate the handicapped and elderly.

(f) Application for Site Plan Approval.

Application for site plan approval shall be made to the Township by filing of not less than ten copies of the detailed site plan with the office of the Building Inspector at least 15 days in advance of the regularly scheduled Planning Commission meeting at which the plan is to be first considered are required to be paid within the fee schedule in effect as established by the Township at time application is made.

(g) Review of Site Plans.

The Building Inspector shall review and forward all site plans along with comments to the Township Planning Commission for its review. The Planning Commission shall review the plans and may solicit further comments from the Township Building Inspector and Township Engineer, Planning Consultant and other agencies, groups or persons.

(h) Site Plan Approval and Record.

The Planning Commission is hereby authorized to review and approve, to approve with conditions or review and deny approval, all site plans submitted under this ordinance. Guidelines for consideration of each case shall follow the zoning ordinance and any other applicable ordinances. Each action taken with reference to site plan review and approval shall be duly recorded in minutes of the Planning Commission. When the Planning Commission approves a site plan with conditions from the applicant, the Building Inspector shall require a revised site plan with a revision date, indicating said conditions on the site plan.

When a site plan approval is required, no building permit shall be issued until four copies of the final site plan, which includes all conditions of approval, a revision date and notation of all variances has been signed by the Planning Commission Chair, the Building Inspector and/or their designees. Prior to issuance of a permit, one copy of the final signed plan shall be filed with each of the following: Clerk, Building Inspector and the Applicant.

(i) Construction Under Plan.

When an applicant receives site plan approval as provided previously herein, the applicant shall develop the site in complete conformity, with the approved site plan. Complete construction plan including component phases, shall be submitted for review by the Building Inspector. Upon review and finding by the Building Inspector that the construction plans meet the requirements of Planning Commissions' site plan approval and applicable ordinances of the Township, the Building Inspector shall issue a building permit for said construction. Site Plan approval hereunder shall be valid for one year from the date of Planning Commission approval.

(j) **Certificate of Occupancy.**

A Certificate of Occupancy shall be withheld by the Building Inspector in any case where the site plan and major conditions as approved by the Township have not been complied with. Any minor variations may be approved by the Building Inspector, and shall be reported within 10 days to the Planning Commission after the issuance of Certificate of Occupancy.

SECTION 5.42. KEEPING OF LIVESTOCK AND OTHER ANIMALS.

(a) Small animals such as cats, dogs, rabbits, and other pets as defined in Article III may be kept in any Zoning District. Exotic animals as defined in Article III are prohibited in all Zoning Districts. Horses and other livestock may be kept only in accordance with the following schedule:

<u>Zoning District</u>	<u>Regulation</u>
1. Farms (on lots 10 acres or more).	There shall be no zoning limits on the number of horses, ponies or other livestock kept.
2. R-1, R-2, C-1, C-2, MD, M-1 and M-2 districts, except on farms (located in these districts).	<u>Horses or Ponies and other Equines.</u> One or two horses or ponies may be kept on lots of five acres or more. One additional horse or pony may be kept for each 2.5 acres of lot area in excess of five acres.
	<u>Poultry</u> 10 or fewer may be kept on lots of 2.5 acres or greater. 10 additional may be kept for each 2.5 acres of lot area in excess of 5 acres.
3. Residentially used lots zoned AG-1, AG-2 and RE, and all farms on lots under ten 10 acres provided minimum lot area is 2.5 acres or more.	<u>Horses, Ponies and Other Equines:</u> One or two horses or ponies may be kept on lots of 2.5 acres or more. One additional horse or pony may be kept for each 2.5 acres of lot area in excess of 2.5 acres.
	<u>Cattle:</u>

One per acre. The combined number of cattle and horses or ponies may not exceed one animal per acre.

Pigs, Sheep, or Goats:

Two per acre. If a combination of horses, cows, sheep, goats and pigs are to be maintained, two sheep, goats or pigs may replace either a cow or a horse or pony in the total number allowed as indicated above.

Poultry:

35 per acre, in any combination, in addition to other livestock.

- (b) All animals shall be properly fenced and contained.
- (c) Except on farms, barns suitable for housing of animals and storage of the necessary hay and grain they consume may be constructed on the premises in accordance with Section 5.17. All barns and outbuildings shall require a building permit. Barns and outbuildings that house animals shall be a minimum of 100 feet from the lot line.
- (d) Lots on which animals are kept shall be fenced. Special training or exercising corrals shall be located not less than 100 feet from any lot line.
- (e) Except on farms, accumulations of manure shall be limited to a single designated area and shall be a minimum of 150 feet from all public rights-of-way, a minimum of 100 feet from side and rear lot lines, and a minimum of 100 feet from all dwellings.
- (f) Except on farms, the following standards shall apply to the keeping of horses or ponies on residential lots.
 - 1. A fenced corral or pen with the fence construction sufficient to contain horses on owner's property shall be provided.
 - 2. The facilities and conditions shall be such as to assure that the public health, safety, and welfare is safeguarded with particular reference to objectionable noises, odors, infestations, insects, fences, security, and nuisances.
 - 3. Provision shall be made to insure that run-off will not adversely affect adjacent lots and waters.
 - 4. Provisions shall be made to insure that the keeping of horses or ponies will not adversely affect the peaceful use of adjacent lots.

5. The site shall be designed to minimize potential impact on the view from neighboring lots in relationship to unsightly areas such as barnyards, manure piles, barn doors, gates, chutes and fences.
- (g) Other animals which are not specifically permitted hereunder are prohibited except for pets and other animals permitted by the Zoning Board of Appeals and under conditions designed to protect the public health, safety and welfare.

SECTION 5.43. SIGNS.

(a) Findings Pertaining to Signs.

It is hereby determined that regulating the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards to life and property and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage.

(b) Definitions.

1. **On-Premises Sign:** A sign which advertises only goods, services, facilities, events or attractions available on the premises where located, or identified the owner or occupant or directs traffic on the premises. All other signs are off-premises signs.
2. **Premises:** A lot as otherwise used in this Ordinance.
3. **Temporary Signs:** Signs for which a permit has been issued by the Building Inspector for a maximum period of two months.
4. **Political Signs:** A sign commenting on the election or appointment of a person, or an issue or a matter to be voted upon by a public body.

(c) District Regulations

1. Signs Permitted in the AG-1 and AG-2 Districts.

On-premises signs are permitted having an area not exceeding one square foot for each 10 feet of street frontage with a maximum of 100 square feet for each sign. Signs permitted by this section are exempt from the front setback requirements.

2. Signs Permitted in the RE, R-1 and R-2 Districts.

One sign identifying each subdivision or mobile home park per vehicle entrance, having an area not exceeding 20 square feet and a height not exceeding eight feet, is permitted. During development of a subdivision or

other property for a period not exceeding two years, one sign, having an area not exceeding 50 square feet and a height not exceeding 12 feet, is permitted in the subdivision, together with signs having an area not exceeding six square feet each and a height not exceeding six feet, directing the public to or identifying models. Signs permitted by this section are exempt from the setback requirements.

3. Signs Permitted in the C-1 District.

On-premises signs are permitted having an area not exceeding three square feet for each 10 feet of street frontage or 30 square feet for each acre or fraction of area of the premises, whichever is larger. Where any premises have more than one occupant, permitted area shall be divided among them in the same proportion as floor space and outdoor sales space is occupied by them. The minimum height and setback rules pertaining to buildings are applicable to signs.

4. Signs Permitted in the C-2, MD, and M-1 Districts.

On-premises signs are permitted having an area not exceeding six square feet for each 10 feet or fraction thereof of street frontage, or 60 square feet for each acre or fraction thereof of the premises, whichever is larger. No sign shall have an area exceeding 100 square feet. Where any premises have more than one occupant, the total permitted sign area shall be divided among the occupants in the same proportion as floor space and outdoor sales space on the premises is occupied by them. Where the premises has more than two occupants and has a name distinct from that of any occupant, such as in a shopping center, an additional two square feet of sign area for each 10 feet or fraction thereof of street frontage, with a maximum of 200 square feet, is permitted only for signs advertising the premises. Signs shall be subject to the height and setback rules applicable to buildings in the zoning district where located.

5. Signs Permitted in the M-2 District.

Signs as permitted in the preceding section subject to the regulations pertaining thereto, except that both on-premise and off-premises signs are allowed and the maximum area of a single sign shall be 350 square feet. Area limits for off premises signs shall be the same as, but in addition to, those for on-premises signs, but not more than one off-premises sign shall be erected or maintained on any premises having an on-premises sign.

(d) Other Sign Provisions

1. Exemptions From Sign Regulations.

Signs having an area of not more than six square feet each, the message of which is limited to warning of any danger, prohibition or regulation of the use of property or traffic or parking thereon, or advertising the premises for sale or rent; signs located on motor vehicles or trailers bearing current license plates which are traveling or lawfully parked upon public highways,

or lawfully parked upon any other premises where the primary purpose of such parking is not the display of any sign and where the number of vehicles bearing a sign or signs of any one advertiser does not exceed one; church or institutional bulletin board without interior illumination having an area not exceeding 32 square feet; on any election day, signs advocating or opposing a candidate for public office or a position on an issue to be determined at the election located at least 100 and not more than 200 feet from any entrance to a polling place; signs visible only from the premises on which located or visible off the premises only through a window or windows; signs posted by duly constituted public authorities in pursuance of their public duties are exempt from regulation under this ordinance.

2. Temporary Signs.

Temporary signs other than political signs covered under Section 5.43(d)11., shall be authorized by the Building Inspector for not more than two months at a time by written permit which shall show the size, shape, content, height number, type of construction and location of such signs and the period during which authorized, upon a finding by the Building Inspector, on the basis of written information furnished by the applicant that the proposed sign or signs are for the direction and/or information of the public and not contrary to the spirit and purpose of this Ordinance, and upon payment of a fee set by the Township Board of each permit and renewal. If such signs are placed on public property the Building Inspector shall remove them forthwith and without notice.

3. Non-Conforming Signs

- a. It is intended to eliminate nonconforming signs, except as otherwise specifically set forth in this section, as rapidly as the police power of the Township permits. Any lawfully erected sign and maintenance of which is made unlawful by this Ordinance may continue to be maintained exactly as such existed at the time when the maintenance thereof became otherwise unlawful under the provisions of this Ordinance.
- b. No non-conforming sign:
 - (1) Shall be changed to another non-conforming sign;
 - (2) Shall have any changes made in the words or symbols used or for message displayed on the sign unless the sign is an off-premises advertising sign, or a bulletin board, or substantially similar type of sign, specifically designed for periodic change of message;
 - (3) Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign;

- (4) Shall be re-established after the activity, business or usage to which it relates has been discontinued for 60 days or longer; or
- (5) Shall be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the reproduction cost.

c. The Zoning Board of Appeals shall permit variances from subsection (2) of this section or variances permitting the erection or maintenance of a non-conforming sign only upon the grounds established by law for granting of zoning variances upon a finding that the grant of a variance will reduce the degree of non-conformance of an existing sign or will result in the removal of one or more lawfully non-conforming signs and replacement by a sign or signs more in keeping with the spirit, purpose and provisions of this Ordinance.

4. Obsolete Signs.

It is unlawful to maintain for more than 30 days any sign which has become obsolete because of discontinuance of the business, service or activity which it advertises, removal from the location to which it directs or for any other reason. The fact that an obsolete sign is non-conforming shall not be construed as modifying any of the requirements of this section.

5. Permission of Owner or Occupant.

It is unlawful to erect or maintain any sign on any property, public or private, without the consent of the owner or occupant thereof.

6. Restrictions on Movement.

It is unlawful to erect or maintain any sign, except a cloth flag moved only by natural wind, which moves or has any visible moving or animated parts or image, whether movement is caused by machinery, electronics or otherwise, including swinging signs. It is unlawful to erect or maintain strings of flags or streamers.

7. Illumination.

It is unlawful to erect or maintain any illumination sign where the light source moves or is not of consent intensity and color, or where any light bulb can shine directly into the eyes of any occupancy of any vehicle traveling upon any highway, driveway or parking area or into any window of any residence within 200 feet, of where the illumination interferes with the visibility or readability of any traffic sign or device.

8. Exceptions.

Section 6. and 7. shall not be applied to prevent the erection or maintenance of Christmas lights each year or signs which convey changing information such as time or temperature.

9. **Signs Located on or Projecting Over Public Property.**

It is unlawful to erect or maintain any sign on, over or above any public land or right-of-way if any part of such sign extends more than four feet over such land or right-of-way, is less than nine feet above ground level or has an area exceeding eight square feet. Signs placed upon public right-of-way contrary to the provisions of this Ordinance shall be removed forthwith by the Building Inspector without notice. This Ordinance does not apply to signs posted by duly constituted public authorities in the performance of their public duties. A provision of this sort allows small signs to enable pedestrians walking down a sidewalk to look ahead for the store they are seeking without creating an unattractive sign alley.

10. **Billboards.**

All off-premises signs placed contrary to the provisions of these regulations, but in accordance with the Highway Advertising Act of 1972 (P.A. 106 of 1972) shall be set back 75 feet from any public right-of-way.

11. **Political Signs.**

Political signs shall be permitted subject to the following conditions:

a. **Maximum Area and Number.**

No more than four political signs shall be placed on any premises, and the area of each sign shall not exceed 16 square feet. Political signs shall not be located closer than 15 feet to the edge of the traveled portion of the roadway and not in a dedicated right-of-way or attached to any utility pole. Political signs shall be ground or wall signs. No ground sign shall be higher than 48 inches above average mean grade of the yard on which it is placed.

b. Political signs shall be removed within 10 calendar days after the election or event to which it relates. Signs that express an opinion unrelated to an election date are limited to a period of display not to exceed 30 days (whether consecutive or not) in one calendar year on any premises.

c. Such signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.

SECTION 5.44. MANUFACTURED HOUSING OUTSIDE MOBILE HOME PARKS.

Manufactured houses shall be permitted in all zoning districts wherein conventionally on-site built single--family dwellings are a principal permitted use, subject to the following standards, which are intended to:

- (a) Establish Township aesthetic standards for manufactured houses in a reasonable code; and,
- (b) Assure that the manufactured house will compare favorably with site- built housing in size, safety and attractiveness; and,

Said manufactured houses shall:

- (a) Comply with all the minimum requirements of Article XVIII, Schedule of Regulations.
- (b) In order to have a minimum core living area, a minimum width of 20 feet along all exterior elevations, with minimum of 20 feet at front set-back and a minimum of interior floor to ceiling height of seven and one-half feet;
- (c) Be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above;
- (d) Be so placed and situated so that all wheels shall be removed and the towing mechanisms, underside, or chassis of mobile homes shall be completely enclosed and connected to the foundation;
- (e) Be connected to public sewer and water service or to private facilities approved by the Monroe County Health Department.
- (f) Have no additions of rooms or other areas which are not constructed with similar materials, appearance, and quality of workmanship as the original structure, including foundation and permanent attachment to the principal structure;
- (g) Be constructed to the most current State or Federal Building Standards. These include the Michigan Construction Code Act of 1972 (Act 230, P.A. 1972, as amended) and the National Manufactured Housing Construction and Safety Standards Act of 1979, as amended;
- (h) Be aesthetically compatible in design and appearance with on-site built homes; and all dwelling include;
 - 1. Front and rear or front and side exterior doors.

2. Permanently attached steps or porch where a difference in elevation requires same.
 3. A pitched roof.
- (i) Have construction commenced only after a building permit has been obtained in accordance with the Township Building Code;
 - (j) Be placed upon the site in such a way that its design and appearance shall be compatible with single-family dwellings constructed on-site in compliance with the district's zoning regulations.
 - (k) The foregoing standards shall not apply to a mobile home single-family dwelling located within a licensed mobile home park except to the extent required by State law or otherwise specifically set forth in the Township ordinance pertaining to such parts.

Any use of manufactured home for other than a single-family dwelling is not permitted, such prohibition shall include: motels, rowhouses, apartments, use for the sale or processing of farm products, housing of seasonal employees, dairying, kennels, greenhouses, nurseries, multiple (including two-family) family dwellings and similar non-single family residential uses.

SECTION 5.45. PERFORMANCE GUARANTEES.

- (a) To insure compliance with this Zoning Ordinance and any conditions imposed under this Zoning Ordinance, including conditions of the site plan approval, special approval and street access approval, the Township Planning Commission may require that financial security acceptable to the township Treasurer, be deposited with the Township Treasurer to insure faithful completion of improvements as defined in (b) below. The amount of the cash deposit, certified check or irrevocable bank letter of credit shall be determined by the Township Planning Commission, and shall cover the estimated cost of improvements associated with a project and other reasonable incidental costs associated therewith, for which approval is sought.
- (b) "Improvements" means those features and actions associated with a project which are considered necessary by the Township Planning Commission to protect natural resources, or the health, safety, and welfare of the residents of the Township and future uses or inhabitants of the proposed project or project area, including roadways, lighting, utilities, landscaping, paving of parking and circulation areas, sidewalks, screening, and drainage. "Improvements" does not include the entire project which is the subject of the approval.
- (c) The performance guarantee shall be deposited with the Township Treasurer at the time of the issuance of the permit authorizing the activity or project.

- (d) The applicant shall be required to provide the performance guarantee or financial security in one or a combination of the following arrangements, whichever the applicant elects.
1. **Irrevocable letter of credit:** An irrevocable letter of credit issued by a bank authorized to do business in Michigan in an amount to cover the cost of the contemplated improvements as estimated by the Township.
 2. **Escrow fund:** A cash deposit, or deposit by certified check sufficient to cover the cost of the contemplated improvements as estimated by the Township shall be deposited with the Township Treasurer. The escrow deposit shall be for the estimated time period necessary to complete the required improvements.
- (e) In the case of cash deposits, the Township Clerk shall rebate or release to the applicant, as the work progresses, amounts equal to the ratio of the completed and accepted work to the entire project, after approvals described below.
- (f) Completion of Improvements and Acceptance for Maintenance of Required Public Improvements.
1. **Certification by the Developer's Engineer.**

The applicant shall furnish the Township Treasurer a letter or document signed by a registered engineer indicating satisfactory completion of the required improvements.
 2. **Inspection of Public Improvements by the Township's Engineer.**

After the completion of the construction of the required public improvements, the Township Engineer or the County, State or Federal agency with jurisdiction to grant approval or accept, shall conduct a final inspection. This inspection shall be made to assure the improvements are completed according to the approved plans and specifications.
 3. **Partial Street.**

In no case will a partial street be accepted for maintenance.
- (g) In case the applicant shall fail to complete the required improvements work within such time period as required by the conditions or guarantees as outlined above, the Township Board may proceed to have such work completed and reimburse itself for the cost thereof by appropriating the cash deposit or certified check, or by drawing upon the letter of credit.
- (h) Prior to the acceptance by the Township of public improvements, a three year maintenance bond in an amount equal to 35 percent of the total cost of the public improvements shall be deposited with the Township Treasurer by the applicant.
- (i) This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited

pursuant to the Subdivision Control Act, No. 288 of the Public Acts of 1967, as amended, being section 560.101 to 560.293 of the Michigan Compiled Laws.

SECTION 5.46. RECREATIONAL OR SCENIC PONDS.

Ponds excavated for recreational or scenic purposes (specifically farm ponds regulated under Section 5.26) shall be considered a special approval of use in any Agricultural District or Residential District subject to the general requirements of Section 21.7 and the standards below:

- (a) The pond must be located on a parcel of at least four acres in size.
- (b) The pond must not have an area greater than 15,000 square feet and must be set back 100 feet from any property lines or dwellings.
- (c) The pond shall not be permitted in any front yard area.
- (d) The pond shall be constructed in conformance with the design standards of the Soil Conservation Service.
- (e) For the protection of the general public, appropriate safety measures shall be provided such as warning signs, rescue facilities, fencing, safety ramps, and so forth. Ponds with stabilized side slopes steeper than five horizontal to one vertical shall be completely enclosed by a chain-link fence not less than four feet in height. All openings in any such fence shall be equipped with a self-closing, self-latching gate or door.
- (f) Written evidence shall be provided from the Monroe County Health Department that the separation distance between the pond and any septic system is sufficient, but in no case shall a pond be located closer than 100 feet to a septic system.
- (g) All earth excavated during construction of the pond shall not be removed from the parcel, unless it is determined by the Planning Commission that containment on the parcel could not be adequately accommodated.

SECTION 5.47. SPECIAL APPROVAL REQUIREMENTS

- (a) **Intent.**

The types of uses requiring special approval shall be deemed to be permitted uses in their respective districts, subject, as to each specific use, to satisfaction of the procedures, requirements and standards set forth in this section. Each specific use for which a permit is sought shall be considered as an individual case and shall conform to the detailed application of the following procedures and standards in a manner appropriate to the particular circumstances of such use. Each use as listed in any district requiring special approval for a permit shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is suggested and will not be detrimental to the orderly development of adjacent districts and uses.

(b) **Public Hearings.**

Upon the request for special land use authorization, a public hearing with notification as required shall be held before a decision is made on the special land use request.

(c) **Procedure of Notice.**

Upon receipt of an application for a special land use authorization, the Planning Commission shall hold a public hearing in accordance with the notification procedures described in Section 19.7 herein.

(d) **Planning Commission Review and Approval.**

The Planning Commission shall deny, approve, or approve with conditions, requests for special land use approval. 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) **Site Plan Review and Information Required.**

For all special approval uses, a site plan shall be required and submitted in accordance with Section 5.41 of this ordinance. Approval shall run with the land and shall not be issued for specified periods, unless the use is temporary or time related in nature.

(f) **Performance Guarantees.**

Performance guarantees may be required by the Planning Commission to insure compliance with special approval conditions, in accordance with Section 5.45.

(g) **Standards.**

In addition to specific standards which may be applicable, the following standards shall serve the Commission as the bases for decisions involving special land uses and other discretionary decisions contained in this ordinance. Each proposed use or activity shall:

1. In location, size and intensity of the principal and/or accessory operations, be compatible with adjacent uses and zoning of land.
2. Be consistent with and promote the intent and purpose of this ordinance.
3. Be compatible with the natural environment and conserve natural resources and energy.
4. Be consistent with existing and future capabilities of public services and facilities affected by the proposed use.
5. Protect the public health, safety, and welfare as well as the social and economic well-being of those who will use the land use or activity,

residents, businesses and landowners immediately adjacent and the Township as the whole.

6. Promote the use of land in a socially and economically desirable manner.
7. Not be in conflict with convenient, safe and normal neighborhood vehicular and pedestrian traffic routes, flows, intersections, and general character and intensity of neighborhood development.
8. Be of such a design and impact that the location and height of buildings, the location, nature and height of walls, fences and the nature and extent of landscaping on the site shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
9. In the nature, location, size and site layout of the use, be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and characteristic groupings of uses of said district.
10. In the location, size, intensity and site layout be such that operations will not be objectionable to nearby dwellings, by reason of noise, fumes, glare or flash of lights.

(h) **Record.**

All conditions imposed with respect to the approval of a use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the applicant. The Planning Commission shall maintain a record of changes granted in conditions.

SECTION 5.48. LIMITED HOME BUSINESS.

This type of business shall be permitted in AG-1, AG-2, RE, and R-1 zoning districts subject to the following conditions:

- (a) It is located on a major thoroughfare.
- (b) It will not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.
- (c) No display of goods, products or services will be visible from outside of dwelling;
- (d) There shall be no external advertising or identification of the occupation displayed in any manner on the premises except for an unlighted announcement sign not to exceed two square feet in area.

- (e) Such use shall not exceed 25 percent of the livable portion of the dwelling or 500 square feet, whichever is less.
- (f) Internal or external alterations shall not substantially deviate from construction features customarily found in dwellings.
- (g) Resale of items, such as, but not limited to, antiques, jewelry and clothing may be permitted in addition to handmade items produced in the home; provided, however, such sales shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
- (h) No equipment or process shall be used in connection with the limited home business which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the lot.
- (i) Automobile parking shall be provided according to the standards of Article VII of this ordinance for the type of limited home business maintained; provided, however, no parking areas other than driveways shall be located in the front yard setback and off street spaces for the limited home business shall be maintained in addition to the space or spaces required for the dwelling unit itself.
- (j) Only one vehicle used in connection with the limited home business shall be stopped or stored on the lot; provided, however, the vehicle shall not be a truck, such as, but not limited to, a dump truck, a fuel oil delivery truck or a wrecker.
- (k) Up to two employees including owners may be employed on any peak shift.
- (l) Limited Home Business operations shall be inspected by the Building Inspector annually to assure conformance with requirements a-k of this section. Businesses not in compliance with these requirements shall not be permitted.

SECTION 5.49. SATELLITE ANTENNA REGULATIONS.

(a) **Permitted.**

Satellite antennae shall be permitted in all districts only as an accessory use to a principal building.

(b) **Permit Required.**

The construction or placement of a satellite antenna shall not commence before a building permit is issued in accordance with this Ordinance.

(c) **Limitation.**

Only one satellite antenna per lot shall be permitted.

(d) **Grounding.**

All such antennae shall be bonded to a grounding rod.

(e) No satellite antenna shall be:

1. Located in any front yard or required side yard.
2. Height will be limited to height of principal building.
3. Supported by structural supports other than corrosion resistant metal.

(f) **Wind Load.**

All such antennae shall be designed to meet wind load standards of the building code.

(g) **Glare.**

The surface of the antenna shall be painted or treated so as not to reflect glare from sunlight.

SECTION 5.50. TOXIC AND HAZARDOUS MATERIALS OR WASTE.

(a) **Purpose.**

It is the purpose of this ordinance to enhance and preserve the public health, safety and welfare of the persons and property of La Salle Township by protecting the streams, lakes, and groundwater of La Salle Township from degradation resulting from the improper use, storage or disposal of hazardous and toxic substances.

(b) **Definitions.**

1. "Act 64" means Act No. 64 of the Public Acts of 1979, as amended, being MCLA 299.401 et seq. and known as the "Hazardous Waste Management Act".
2. "Act 136" means Act No. 136 of the Public Acts of 1969, as amended, being MCLA 232.271 et seq. and known as the "Liquid Industrial Wastes Act".
3. "Act 207" means Act No. 207 of the Public Acts of 1941, as amended, being MCLA 29.1 et seq. and known as the "Fire Prevention Act".
4. "Act 245" means Act No. 245 of the Public Acts of 1929, as amended, being MCLA 323.1 et seq. and known as the "Water Resources Commission Act".
5. "Act 348" means Act No. 348 of the Public Acts of 1965, as amended, being MCLA 336.11 et seq. and known as the "Air Pollution Act".

6. "Act 368" means Act No. 368 of the Public Acts of 1978, as amended, being MCLA 333.12703 et seq. and known as the "Public Health Code".
7. "Act 399" means Act No. 399 of the Public Acts of 1976, as amended, being MCLA 325.1001 et seq. and known as the "Safe Drinking Water Act".
8. "Act 641" means Act No. 641 of the Public Acts of 1978, as amended, being MCLA 299.401 et seq. and known as the "Solid Waste Management Act".
9. "Degrade" shall mean for the purposes of this ordinance, to change in quality in a manner which reduces the existing or intended use of groundwater or surface water.
10. "Discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of some product upon or into any land, groundwater or surface water within La Salle Township.
11. "Garage" means any commercially operated structure where repair, construction, modification or washing of motorized vehicles takes place.
12. "Hazardous Waste" means any waste or substance described in Rule 201 of Act 64.
13. "Hazardous or Toxic Substance" shall be a term used to generally describe hazardous wastes including but not limited to the following:
 - gasoline kerosene
 - fuel oil
 - motor oil
 - diesel fuel
 - mineral spirits
 - brake fluid
 - transmission fluid
 - anti-freeze
 - petroleum based degreasers
 - petroleum based cleaners
 - radioactive wastes
 - infectious wastes
 - strippers
 - paint
 - varnish
 - thinners
 - solvents
 - pesticides
 - insecticides
 - herbicides
 - hazardous wastes as defined by Act 64
 - compounds on the Michigan Critical Materials List
14. "Petroleum Fuel Storage Tank" shall mean to include all tanks used for the storage of leaded and unleaded gasoline, kerosene, fuel oil and diesel fuel.

(c) **General Prohibitions.**

1. It shall be unlawful for any person to discharge hazardous or toxic substances in La Salle Township unless such discharge is specifically allowed and/or permitted under provisions or permits of Act 64, Act 245, Act 348, Act 368 or Act 641, or other Michigan statutes which provide for regulation of discharges of hazardous or toxic substance.
2. It shall be unlawful for any person to use, store, transport, or discharge hazardous or toxic substances in the Township in such a manner as to violate Michigan law regulating such use, storage or transportation or in such a manner as to degrade or seriously threaten to degrade the surface or groundwater of La Salle Township.
3. It shall be unlawful for any person to use, store, discharge, or transport hazardous or toxic substances in the Township within the guidelines of Act 64, Act 245, Act 348, Act 368 or Act 641, without notifying the Township of proposed or existing activities requiring regulation under the above mentioned Acts and providing proof of any permits required by the above mentioned Acts for such activities to the Township.
4. Unlawful discharge shall include, but not be limited to the following:
 - a. Dumping of hazardous or toxic substances which may generally be described as including, but not limited to gasoline, kerosene, fuel oil petroleum based solvents and thinners, motor oil, petroleum based degreasing agents, cleaning fluids, paint and varnish removers, pesticides, herbicides and insecticides on private or public property;
 - b. Leaks from petroleum fuel storage tanks, both above and below ground;
 - c. Spills during transport or transfer of hazardous wastes including fuel oil and other petroleum fuels;
 - d. Disposing of hazardous or toxic substances to septic systems, storm sewers, storm drains, or sanitary sewers.

(d) **Fuel Storage Tanks.**

1. All new construction or installation of subsurface fuel storage tanks larger than 500 gallons shall meet the requirements of Act 207 and shall meet the following additional criteria:
 - a. All tanks must be equipped with overfill protection;
 - b. All tanks must have a striker plate below the dip stick tube to protect the bottom of the tank;

- c. Monitoring holes adjacent to tanks must be installed to provide early warning of any subsurface leaks.
2. All commercial tanks which are abandoned or temporarily out of use must comply with the provisions in Act 207 for abandonment.
3. Any tank which is found to be leaking and is greater than five years old must be removed and made unusable by making a sufficient number of holes in the tank.

(e) **Garages.**

All new construction of garages must meet requirements of the Michigan Plumbing Code with regard to installation of separators on all drains. Wastes separated from the drain water must be contained in a properly ventilated holding tank of not less than 1,000 gallons in capacity. Wastes collected in the holding tank must be removed only by a licensed liquid waste hauler. Wastes must either be transported to a licensed hazardous waste disposal facility or to a local holding facility if one exists.

All used motor oil must be stored in secure containers and must be removed from the premises only by a licensed liquid waste hauler.

(f) **On-Site Wastewater Treatment.**

All new on-lot sewage disposal systems shall meet a minimum site criteria of the Monroe County Health Department.

SECTION 5.51. ADULT-REGULATED USES.

(a) **Intent and Rationale.**

In the development and execution of this Ordinance and this Section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable, operations characteristics, particularly when several of them are concentrated under certain circumstances, thereby having deleterious effect upon adjacent areas. Special regulations of these uses is necessary to insure that these adverse effects will not contribute to the blighting, deteriorating and/or down-grading of the area, and that area adjacent thereto. These special regulations are itemized in this Section. The Planning Commission is aware by the testimony and report adopted by reference of an experienced planner regarding concentration of such uses that control or regulation is for the purpose of preventing a concentration of these uses in any open area, i.e., not more than one such use within 750 feet of another such use.

It is further recognized in the development of this Ordinance that the prohibition against the establishment of more than one adult/regulated use within 750 feet of each other serves to avoid the clustering of a blighted or deteriorated area frequented by vagrants, and the like; such prohibition further serves to avoid the deleterious effects of blight and devaluation of both business and residential

property values resulting from the establishment of Adult Regulated Uses (as defined in this Ordinance) immediately adjacent to residential neighborhoods; such prohibition further serves to prevent the deleterious effect of blight and devaluation of recreational, educational and/or religious uses. It is further recognized in the development of this Ordinance and this Section that concern for, and pride in, the orderly planning and development of the neighborhood and area should be encouraged and fostered in those persons who comprise the business and residential segments of that neighborhood and area.

(b) **Itemization of "Adult Regulated Uses".**

Uses subject to the controls set forth in this Section shall be as follows, and are referred to herein as "Adult Regulated Uses".

1. Adult Book Store
2. Adult Mini-Motion Picture Theater
3. Adult Motion Picture Theater
4. Amusement Gallery
5. Cabaret
6. Massage Parlor
7. Modeling Studio

(c) **Requirements.**

1. The adult regulated use shall be located only in a C-2, General Commercial District.
2. The structure of any adult regulated use shall be at least 750 feet from the nearest property line of any public, private or parochial school, library, park, playground or other recreational facility which admits minors, day-care center, or nursery schools; and at least 750 feet from the nearest property line of any church, convent, monastery, synagogue, or other similar place of worship, except as provided below.
3. Application to establish any adult regulated use shall not be approved if there is already in existence, or a site plan approved and effective for one or more adult regulated use within 750 feet of the boundaries of the site of the proposed adult regulated use, except as provided below.
4. The measurement used to determine the application of any of the above restrictions shall be made from the nearest boundary line of the proposed adult regulated use on a plane to the nearest boundary line of the use in connection with which the measurement is being taken.

(d) **Application and Review.**

1. Any person desiring to establish an adult regulated use shall submit an application for special approval to the Township Clerk, who shall place the application on the Planning Commission agenda for formal receipt at the next regular meeting.
2. A date for public hearing shall be set by the Planning Commission. The public hearing of the Planning Commission shall be conducted as soon as reasonably possible, and in any event shall not exceed forty-five (45) days from the filing of the application.
3. Notice of public hearing shall be published, mailed and delivered as required by Section 5.47 (b) and (c) of this Ordinance.
4. The Planning Commission shall approve the application at the public hearing if all of the following findings are made:
 - a. All locational requirements of this Section 5.51 (d) and (e) above are met.
 - b. The site layout and its relation to streets giving access to it, shall be such that vehicular and pedestrian traffic to and from the use or uses, and the assembly of persons in connection therewith, will not be clearly hazardous, endangered, or inconvenient to the neighborhood. In applying this standard the Planning Commission shall consider, among other things: convenient routes for pedestrian traffic, the relationship of the proposed use to main vehicular traffic thoroughfares and to streets and road intersections, and the general and intensity of the existing and potential development of the neighborhood. The Planning Commission shall determine that the proposed use will not have a clear detrimental effect.
 - c. The proposed use will not clearly cause a nuisance, and/or harm the public health, safety and general welfare and/or an unreasonable diminution to the value of other property in the immediate area.
5. The Planning Commission shall waive the locational provision requiring minimum distances between adult regulated uses and a public, private or parochial school, library, park, playground, or other recreational facility, which admits minors, day-care center or nursery school, church, or other similar place or worship, if all of the following findings are made after public hearing:
 - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed; and,

- b. That the proposed use will not contribute to, create, enlarge and/or encourage a blighted or deteriorated area; and,
 - c. That all applicable regulations of this Ordinance will be observed; and,
 - d. There is no other reasonable location in the Township at which the use is suited.
6. Prior to granting a permit for any adult regulated use, the Planning Commission may impose any such conditions or limitations authorized by law in connection with the grant of special uses.

(e) **Discontinuance.**

An adult regulated use granted pursuant to the terms of this Ordinance may not be re-established after discontinuance for a period of 90 consecutive days without a new grant of approval by the Planning Commission.

SECTION 5.52. CONDOMINIUM PROJECTS.

The following regulations shall apply to all condominium projects within the Township:

(a) **Preliminary Review - Initial Information Required.**

The following information with respect to any condominium project shall be provided to the Township Building Inspector for preliminary review by the Planning Commission prior to formal site plan review, by any persons intending to develop a condominium project, concurrently with the notice required to be given the Township pursuant to Section 71 of Public Act 59 of 1978, as amended (MCL 559.171):

- 1. The name, address and telephone number of:
 - a. All persons with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, leasee, or land contract vendee).
 - b. All engineers, attorneys, architects or registered land surveyors associated with the project.
 - c. The developer or proprietor of the condominium project.
- 2. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
- 3. The acreage area of the land on which the condominium project will be developed.

4. The purpose of the project (for example, residential, commercial, industrial, etc.).
5. Approximate number of condominium units to be developed on the subject parcel.
6. Whether or not a community water system is contemplated.
7. Whether or not a community septic system is contemplated.

(b) **Site Plan Review and Engineering Review.**

After preliminary review by the Planning Commission and prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval pursuant to Section 5.41 of this Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.

(c) **Information to be Updated.**

All information required to be furnished under this section shall be kept updated until such time as a Certificate of Occupancy has been issued pursuant to Article 19 of this Ordinance.

(d) **Site Plan Review for Expandable or Convertible Projects.**

Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo site plan review and approval pursuant to Section 5.41 of this Ordinance.

(e) **Master Deed, Restrictive Covenants and "As Built" Survey.**

The condominium project developer or proprietor shall furnish the Building Inspector with the following: One (1) copy of the proposed Master Deed, one (1) copy of all proposed restrictive covenants and two (2) copies of an "as built survey" for review by the Planning Commission prior to site plan approval. The "as built survey" shall be reviewed by the Township Engineer for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board. One (1) copy of the recorded Master Deed and all restrictive covenants shall be filed with the Township prior to the issuance of any Certificates of Occupancy.

(f) **Monuments Required - Site Condominium Projects.**

All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.

1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the

boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.

2. All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
4. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches.
6. All required monuments shall be placed flush with the ground where practicable.
7. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half inch in diameter, or other approved markers.
8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running to the Township, whichever the proprietor selects, in an amount not less than 25 dollars per monument and not less than 100 dollars in total. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

(g) Monuments Required - All Condominium Projects.

All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section (f)2. above.

(h) Compliance with Federal, State and Local Law.

All condominium projects shall comply with Federal and State Statues and local ordinances.

(i) **State and County Approval.**

The developer or proprietor of the condominium project shall establish that appropriate state and County approvals have been received with regard to the fresh water system for the proposed project and with regard to the waste water disposal system for the proposed project.

(j) **Temporary Occupancy.**

The Township Building Inspector may allow temporary occupancy of the Condominium project for a period of no longer than six months before all improvements required by this Ordinance are installed, provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

(k) **Single Family Detached Condominiums.**

Single family detached condominiums (also referred to as site condominiums) shall be subject to all requirements and standards of the applicable AG-1, AG-2, RE, and R-1 Districts including minimum floor area requirements, but not including minimum lot size. For the purpose of computing density, the number of condominium units per gross acre shall not exceed the following:

<u>Zoning District</u>	<u>Maximum Number of Dwelling Units Per Acre</u>
AG-1	0.58
AG-2	0.70
RE	1.00
R-1	4.80

Building envelopes and condominium lot boundaries shall be depicted on the site plan to assure that the minimum requirements set forth in Article 18 for front yard, rear yard, side yard (least one), and total of two side yards can be met.

(l) **Street and Road Requirements in all Condominium Projects.**

All streets and roads in a condominium project shall, at a minimum, conform to the standards and specifications promulgated by the Monroe County Road Commission subject to the requirements of Section 5.12.

(m) After submittal of the condominium plan and by-laws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a mylar sheet of at least 13 by 16 inches with an image not to exceed 10.5 by 14 inches.

SECTION 5.53. PARKING OF COMMERCIAL VEHICLES.

The regulations in this section are intended to protect the Township residents with regards to the parking of commercial vehicles which may otherwise pose a threat to public health, safety and welfare.

(a) Location.

Commercial vehicles shall meet the following location requirements:

1. Any commercial vehicle, combined, semi or tractor trailer truck for which 50 percent or more of its use is applied towards an agricultural operation may be allowed to park on a parcel or lot in the AG-1, Registered Agricultural, or AG-2, Agricultural zoning districts provided that the agricultural operation for which it is being used is in compliance with all generally accepted agricultural and management practices as defined in Public Act 261 of 1999.
2. No commercial vehicle, combined, semi or tractor trailer truck not utilized in an agricultural operation which constitutes at least 50 percent of its use shall be permitted to park in the AG-1, Registered Agricultural or AG-2, Agricultural zoning districts unless special approval is granted by the Planning Commission, in accordance with the procedures and standards established in Section 5.47.
3. Any commercial vehicle, combined, semi or tractor trailer truck may park in the M-1, Light Industrial or M-2, General Industrial zoning districts provided they are parked within an enclosed building or within an outdoor storage yard completely screened from any adjacent non-industrial zoning district with a wood fence or landscaping buffer planted in such a way as to provide an opaque barrier for an entire calendar year.
4. No commercial vehicle, combined, semi or tractor trailer truck, except for those vehicles located entirely within an enclosed building and meeting all requirements of section (b) 1 thru 7 below, shall be permitted to park in the RE, Rural Estate, R-1, Single Family Residential, C-1, Neighborhood Commercial, C-2, General Commercial, and MD, Marina zoning districts unless special approval is granted by the Planning Commission, in accordance with the procedures and standards established in Section 5.47.
5. Except for loading and unloading, commercial vehicles, combined, semi or tractor trailer trucks are prohibited from parking in all public rights-of-way and the R-2, Multiple Family Residential district.

(b) Special Approval.

Special approval for the parking of any commercial vehicle, combined, semi or tractor trailer truck not utilized in an agricultural operation in the AG-1, Restricted Agricultural or AG-2, Agricultural districts or in the RE, Rural Estate, R-1, Single Family Residential, C-1, Neighborhood Commercial, C-2, General Commercial, and MD, Marina, zoning districts shall only be granted if all of the general standards

of section 5.47 and the following specific standards will be met:

1. The proposed parking area for any commercial vehicle, combined, semi or tractor trailer truck shall be located entirely to the rear of all existing dwelling units on contiguous adjacent lots.
2. The proposed parking area for any commercial vehicle, combined, semi or tractor trailer truck shall be located a minimum of 50 feet from the front lot line.
3. The proposed parking area for any commercial vehicle, combined, semi or tractor trailer truck shall be set back a minimum of 50 feet from all side and rear lot lines.
4. The proposed parking area for any commercial vehicle, combined, semi or tractor trailer truck shall be located a minimum of 60 feet from all dwellings on contiguous adjacent lots.
5. The site shall provide a vehicle turn around area or otherwise be configured in such a manner as to prevent the backing of any commercial vehicle, combined, semi or tractor trailer truck from or onto the public right of way. Only head first ingress and egress shall be permitted.
6. No commercial vehicle, combined, semi or tractor trailer truck shall contain hazardous or toxic materials while parked in any district unless special approval is granted.
7. The minimum frontage along an accessible public right of way shall be 150 feet in all districts.

SECTION 5.54. PLANNED UNIT DEVELOPMENT.

It shall be the intent of this Section to allow a more flexible development of land by permitting, after recommendation from the Planning Commission, a variation in dwelling type, bulk, density and open space requirements within prescribed limits. Such Planned Unit Development (PUD) shall encourage:

- (a) A more efficient use of residential land.
- (b) The preservation of natural features in the community such as open space, wooded areas, creeks, ponds and floodplains.
- (c) The provision of areas for open space and recreation.
- (d) A more efficient provision of those public facilities required in connection with residential development, such as schools, fire stations and similar public facilities.

Planned Unit Developments permitted under this Section shall be subject to the following requirements:

- (a) The minimum lot size of any PUD shall be 30 acres.
- (b) Of the total number of dwelling units permitted in a PUD, a minimum of 60 percent of the dwelling units shall be single-family homes. The remaining 40 percent of the dwelling units may be apartments or townhouses.
- (c) The developer shall provide within the PUD public sanitary sewer, water and storm drainage systems which shall connect with the Township's system, and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the State of Michigan, the Monroe County Health Department, the Monroe County Drain Commissioner's office and the Township of LaSalle.
- (d) Uses permitted in a PUD may include and shall be limited to:
 - 1. Single-family, townhouse or apartment dwelling units.
 - 2. Non-residential uses of a religious, cultural, recreational or educational character that are characteristically found in residential areas.
 - 3. Commercial and office uses of a local or neighborhood character.
- (e) Non-residential uses shall not exceed 10 percent of the total land area of the PUD and must meet the following requirements:
 - 1. Non-residential sites may not exceed 10 acres in any one site. Proposed larger sites must obtain conventional zoning.
 - 2. Planned commercial and/or office sites are to be located at an intersection of two major thoroughfares or a major thoroughfare and a collector street.
 - 3. Not all PUD's automatically receive commercial and/or office sites. Such sites depend on the market potential of the area. It is the burden of the landowner to submit sufficient evidence to justify the need of the commercial and/or office development.
- (f) The Planning Commission, in determining the reasonableness of the increase in the authorized dwelling units per acre, shall recognize that increased density may be balanced by additional private amenities and by increased efficiency in public services to be achieved by the Planned Unit Development, provided that the densities do not exceed those expressed in Table 1A.
- (g) Density shall be determined on that portion of the Planned Unit Development proposed for residential development and shall not include land devoted to schools, commercial facilities, office areas or other non-residential properties. Open space areas shall be considered as residential property in determining density. Existing public rights-of-way shall not be used in calculating density.

**TABLE 1A
PLANNED UNIT DEVELOPMENT REQUIREMENTS**

Zoning District	Maximum Permitted Dwelling Units Per Acre	Minimum Single-Family Lot Frontage at the Building Line (in feet)	Minimum Single-Family Lot Area (sq. ft.)	Minimum Common Open Space (in percent of Total PUD area)
AG-1/ AG-2	1.2	140	28,750	15
RE	1.8	84	20,037	15
R-1, Single Family	4.2	70	8,400	15
R-2, Multiple Family*	4.2	70	8,400	15

* For single family Planned Unit Developments within the R-2 District

- (h) The frontage and lot area of single-family lots shall be no less than shown in Table 1A.
- (i) Common open space areas, as provided in accordance with Table 11A, shall be within and part of the single-family portion of the PUD. All residents of the single-family area shall be members of a homeowners association which shall own and maintain the common open space. Development of the common open space shall be in accordance with the following provisions:
 1. All common open spaces are to be part of a subdivision plat and designated as a private park and given a name. The developer is responsible for grading and seeding all portions of the non-wooded areas of the common open space at the time of the rough grading of lots.
 2. All common open spaces are to be of a size, shape, function and location satisfactory to the Planning Commission.
 3. Drainage courses may be part of the open space provided in the PUD, provided the drainage courses are part of a contiguous park area, drainage easements do not constitute more than 30 percent of the total common open space, and drain easements shall be maintained as part of the common open space by the homeowners association.
 4. The landowner shall turn control of the platted common open space to the homeowners when 80 percent of the homes planned are sold to the general public or within three years of the commencement of building, whichever comes first.
 5. All common open space in and abutting the development stage shall be

established as part of the subdivision plat.

- (j) Except as provided in this Section 11.4, development of single-family residential uses under this Section shall be subject to all remaining provisions of this Article XI, to Article XVIII, and to all other provisions of this Ordinance applicable to such uses.
- (k) Development of the multiple-family residential area shall be in accordance with the provisions of Article XII, which are hereby incorporated herein by reference, and with the provisions of Article XVIII, to the extent such provisions are not in conflict with the provisions of this Article XI.
- (l) Prior to the granting of a building permit for any uses under this Section 11.4 a site plan shall be submitted to the Planning Commission for review in accordance with Section 5.41. A proposed agreement by the developer of the PUD with the Township shall also be submitted for review with the site plan, stating the duties and obligations of the developer. In the course of such site plan review, the Planning Commission shall hold a public hearing thereon, with notice as provided for in Section 19.7 herein.
- (m) After completing site plan review as provided in subsection (11), the Planning Commission shall recommend to the Township Board that the site plan shall be approved or disapproved. The Township Board, shall, upon receiving such recommendation, decide by resolution to (1) reject the site plan or (2) proceed with the consideration of the site plan. If the site plan is rejected, the developer shall be notified in writing of such rejection. If the Township Board resolves to proceed, a public hearing on said site plan shall be held with notice as provided for hearings to consider ordinance amendments to change the zoning district of a parcel of land. After such hearing, which may be adjourned from time to time without further notice, the Township Board shall by resolution approve or disapprove such site plan. If the Township Board approves such site plan, the developer shall within six months of the date of such approval enter into an agreement with the Township, containing such provisions as the Township Board shall deem necessary, stating the duties and obligations of the developer. Within two years form the date of the execution of such agreement, the developer shall record a plat of the single-family area of the development in accordance with the approved site plan. Within one year form the date of such recordation, construction of the single-family area of the development shall begin. No construction shall commence in the multiple-family area until construction of dwellings has commenced in the single-family area on 25 percent of the platted lots, or 20 such lots, whichever shall be smaller.

SECTION 5.55. STATE LICENSED RESIDENTIAL FACILITIES (SEVEN OR MORE RESIDENTS).

In addition to meeting the requirements of this Ordinance, state licensed residential facilities, as defined by this Ordinance, and as licensed by the State of Michigan, shall comply with the following requirements.

(a) **Licensing.**

In accordance with applicable state laws, all state licensed residential facilities shall be registered with or licensed by the State of Michigan, and shall comply with applicable standards for such facilities.

(b) **Compatibility with Neighborhood.**

Any state licensed residential facility and the property included therewith shall be maintained in a manner consistent with the visible characteristics of the neighborhood in which it is located.

(c) **Group Child Day Care Homes.**

In addition to subsections 5.55(a) and (b), the following regulations shall apply to all group child day care homes (with more than six but fewer than 12 residents), as defined in this Ordinance.

1. Is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group child day care home.
 - b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
 - 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.
 - e. The distances required above shall be measured along a road, street, or place maintained by this state or Township and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley.
2. Has appropriate fencing for the safety of the children in the group child day care home, as determined by the Planning Commission.
3. Does not exceed 16 hours of operation during a 24-hour period. The Planning Commission may limit, but not prohibit, the operation of a group child day care home between the hours of 10 p.m. and 6 a.m.
4. Meets all Township sign regulations used by a group child day care home to identify itself.
6. Provides adequate off-street parking accommodations for his or her employees.

6. A licensed or registered family or group child day care home that operated before March 30, 1989 is not required to comply with the requirements of this section.

The requirements of this section shall not prevent the Township from inspecting and enforcing a family or group child day care home for the home's compliance with this Zoning Ordinance.

(d) **Adult and Child Foster Care Homes.**

In addition to subsections 5.55(a) and (b), the following regulations shall apply to all foster family homes, foster family group homes, adult foster care family homes, adult foster care congregate facilities, and adult foster care large group homes (with seven or more residents), as defined in this Ordinance.

1. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare or major thoroughfare. The ingress and egress for off-street parking areas for residents, employees and guests shall be directly from said thoroughfare.
2. Concentrations of such facilities shall be avoided.
3. The foster care home shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted nor substantially diminish or impair property values within the neighborhood.
4. The principal and accessory buildings shall be a minimum of 100 feet from any residential structure in the district.

SECTION 5.56. WIND ENERGY CONVERSION SYSTEMS (WECS).

(a) **Purpose and Intent.**

The purpose of this Section is to establish standards and procedures by which the installation and operation of a Wind Energy Conversion System (WECS) shall be governed within the Township to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities.

(b) **Definitions.**

1. **Ambient:** The sound pressure level exceeded 90 percent of the time or L_{90} .
2. **Anemometer Tower (MET):** A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a Utility Grid Wind Energy Conversion System.

3. **ANSI:** The American National Standards Institute.
4. **dB(A):** The sound pressure level in decibels. It refers to the “a” weighted scale defines by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
5. **Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity.
6. **FAA:** The Federal Aviation Administration
7. **IEC:** The International Electrotechnical Commission.
8. **ISO:** The International Organization for Standardization.
9. **Lease Unit Boundary:** The boundary around a property leased for purposes of a wind energy facility, including adjacent parcels to the parcel on which the wind energy facility tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road right-of-ways.
10. **On-Site Wind Energy Conversion System:** A land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.
11. **Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a Wind Energy Conversion System casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.
12. **Sound Pressure:** An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
13. **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
14. **Utility Grid Wind Energy Conversion System:** A land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as but not limited to a SCADA TOWER or an electric substation. A Utility Grid Wind Energy Conversion System is designed and built to provide electricity to the electric utility grid.
15. **Wind Energy Conversion System (WECS):** Shall mean a combination of:
 - a. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical powers; and
 - b. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator,

alternator, or other electricity-producing device; and

- c. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- d. The tower, pylon, or other structure upon which any, all or some combination of the above are mounted.
- e. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS such as substations, anemometer towers (MET), cables and wires and other buildings accessory to such facility.

See also Section 3.1 of this Ordinance.

- 16. **Wind Farm:** Clusters of two or more Utility Grid Wind Energy Conversion Systems, placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the Wind Energy Conversion Systems are located. Said Wind Energy Conversion Systems may or may not be owned by the owner of the property upon which they are placed.

(c) **Applicability.**

1. **Small-Scale Wind Energy Conversion System.**

On-Site Wind Energy Conversion Systems and Anemometer Towers 60 feet or less in height shall be a Special Approval Use in all zoning districts. Small-Scale Wind Energy Conversion Systems shall be subject to the regulations and requirements of this section as well as the general Special Approval Requirements of Section 5.47 of this Ordinance.

2. **Large-Scale Wind Energy Conversion System.**

On-Site Wind Energy Conversion Systems, Utility Grid Wind Energy Conversion Systems, and Anemometer Towers greater than 60 feet in height shall be a Special Approval Use in the AG-1 and AG-2, Agricultural Districts, the RE, Rural Estate Residential District, the C-1 and C-2, Commercial Districts, the MD, Marina District, and the M-1 and M-2, Industrial Districts. Large-Scale Wind Energy Conversion Systems shall be subject to the regulations and requirements of this section as well as the general Special Approval Requirements of Section 5.47 of this Ordinance.

(d) **Small-Scale Wind Energy Conversion System Standards.**

The following standards shall apply to Small-Scale WECS, including On-Site WECS and Anemometer Towers, in addition to the general Special Approval Requirements of Section 5.47 of this Ordinance:

1. **Purpose.**

Designed to primarily serve the needs of a home, farm, small business,

marina, and industrial uses.

2. **Height.**

The distance between the ground (at normal grade) and the highest point of the WECS, as measured from the ground (at normal grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades (normally, the tower). Or put another way, the distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position). The total height of a Small-Scale WECS system including the tower and blade in the full vertical position may not exceed 60 feet.

3. **Setbacks.**

The distance between an On-Site WECS and the owner's property lines shall be equal to 150 percent of the height of the tower including the top of the blade in its vertical position. The distance between an Anemometer Tower and the owner's property lines shall be equal to 150 percent of the height of the tower. No part of the WECS structure, including guy wire anchors, may extend closer than 10 feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.

4. **Minimum Lot Area Size.**

The minimum lot size for a property to be eligible to have an On-Site WECS shall be two acres.

5. **Minimum Ground Clearance.**

The minimum vertical blade tip clearance from grade shall be 20 feet for a WECS employing a horizontal axis rotor.

6. **Sound Pressure Level.**

On-site WECS shall not exceed 55 dB(A) at the property line closest to the WECS. This sound pressure level may be exceeded during short term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

7. **Construction Codes, Towers, and Interconnection Standards.**

On-site WECS including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site WECS including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 *et seq.*), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 *et seq.*), and other applicable local and state

regulations. An interconnected On-site WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

8. **Safety.**

An On-site WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.

(e) **Large-Scale Wind Energy Conversion System Standards.**

The following standards shall apply to Large-Scale Wind Energy Conversion Systems, including On-Site Wind Energy Conversion Systems, Utility Grid Wind Energy Conversion Systems, and Anemometer Towers, in addition to the general Special Approval Requirements of Section 5.47 of this Ordinance:

1. **Maximum Height.**

The distance between the ground (at normal grade) and the highest point of the WECS, as measured from the ground (at normal grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades (normally, the tower). Or put another way, the distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position). The maximum permitted height of a Large-Scale WECS tower shall be 275 feet from existing grade to the center of the hub, and the total height of the tower and blade in the full vertical position may not exceed 400 feet.

2. **Setbacks.**

A distance equal to 150 percent of the height of the tower including the top of the blade in its vertical position from all property lines or from the lease unit boundary, public roads, and communication or electrical lines. Operations and maintenance office building, a substation, or ancillary equipment shall comply with any property setback requirement of the respective zoning district. Overhead transmission lines and power poles shall comply with the setback and placement requirements applicable to public utilities.

3. **Tower Separation.**

Turbine/tower separation shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics [prevailing wind, topography, etc.] of the particular site location. At a minimum, there shall be a separation between towers of not less than three times the turbine (rotor) diameter; and, the WECS shall be designed to minimize disruption to farmland activity. Documents shall be submitted by the

developer/manufacture confirming specifications for turbine/tower separation.

4. **Minimum Lot Area Size.**

The minimum lot size for a property to be eligible to have an On-Site WECS or Utility Grid WECS shall be two acres.

5. **Minimum Ground Clearance.**

The minimum vertical blade tip clearance from grade shall be 20 feet for a WECS employing a horizontal axis rotor.

6. **Sound Pressure Level.**

Audible noise or the sound pressure level from the operation of the WECS shall not exceed 55 dB(A), or the ambient sound pressure level plus 5 dB(A), whichever is greater. The audible noise or sound pressure shall be measured at the property lines or the lease unit boundary, whichever is farther from the source of the noise. This sound pressure shall not be exceeded for more than three minutes in any hour of the day.

7. **Safety.**

The WECS shall meet the following safety requirements:

- a. The WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
- b. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the WECS.
- c. A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
- d. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- e. WECS towers shall not be climbable on the exterior.

8. **Post-Construction Permits, Construction Codes, Towers, and Interconnection Standards.**

The WECS shall comply with all applicable state construction and electrical codes and local building permit requirements.

9. **Pre-Application Permits.**

a. **Utility Infrastructure.**

The utility infrastructure shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, as amended, M.C.L. 259.431 *et seq.*), the Michigan Tall Structures Act (Public Act 259 of 1959 as amended, M.C.L. 259.481 *et seq.*), and other applicable local and state regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid WECS shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

b. **Environment.**

- (1) The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in the Environmental Analysis.
- (2) Comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, M.C.L. 324.101 *et seq.*) as shown by having obtained each respective permit with requirements and limitations of those permits reflected on the site plan, including but not limited to:
 - i. Part 31 Water Resources Protection (M.C.L. 324.3101 *et seq.*),
 - ii. Part 91 Soil Erosion and Sedimentation Control (M.C.L. 324.9101 *et seq.*),
 - iii. Part 301 Inland Lakes and Streams (M.C.L. 324.30101 *et seq.*),
 - iv. Part 303 Wetlands (M.C.L. 324.30301 *et seq.*),
 - v. Part 323 Shoreland Protection and Management (M.C.L. 324.32301 *et seq.*),
 - vi. Part 325 Great Lakes Submerged Lands (M.C.L. 324.32501 *et seq.*), and
 - vii. Part 353 Sand Dunes Protection and Management (M.C.L. 324.35301 *et seq.*)

10. **Performance Securities and Decommissioning.**

A Performance Security shall be provided for the applicant making repairs to public roads damaged by the construction of the WECS. A performance security shall also be submitted at the time of receiving a building permit to ensure decommissioning of the WECS within 12 months when it has been abandoned or is at the end of its useful life. The WECS will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of 12 months. In this regard, the security shall, at the discretion of the Township, be in the form of (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the Township Attorney and deposited with the Township Treasurer, establishing a promise of the applicant and owner of the property to decommission the WECS and restore the site to its natural predevelopment state within the required time frame. The applicant and the owner shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing decommissioning, together with and including the cost of the decommissioning and site restoration. Decommissioning shall include removal of the WECS, electrical components, foundation, and all other associated facilities. The applicant shall submit an itemized cost estimate for decommissioning and site restoration which shall be subject to review and approval by the Township. Applications for Utility Grid WECS shall also include the required information noted in Section 5.56.f.12.vi.

11. **Utilities.**

Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All aboveground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality.

12. The following standards apply only to Utility Grid Wind Energy Conversion Systems:

a. ***Visual Impact.***

Utility Grid WECS projects shall use tubular towers and all WECS in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using WECS of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources within the Township.

The design of the WECS' buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend facility components with the natural setting and then existing environment.

b. ***Avian and Wildlife Impact.***

Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the Avian and Wildlife Impact analysis.

c. ***Shadow Flicker.***

Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis.

d. ***Decommissioning.***

A Planning Commission approved decommissioning plan shall be provided indicating 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.

e. ***Complaint Resolution.***

A Planning Commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project shall be established.

f. ***Electromagnetic Interference.***

No Utility Grid WECS shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the WECS. No Utility Grid WECS shall be installed in any location within the line of sight of an existing microwave communications link where operation of the WECS is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

(f) **Wind Energy Conversion System Site Plan Review Procedure.**

An application for a WECS shall be reviewed in accordance with all applicable requirements in Section 5.41 – Site Plan Review and Approval Procedures and Section 5.47 – Special Approval Requirements for Large-Scale WECS of this Ordinance. In addition to these requirements, site plans and supporting documents for WECS shall include the following additional information:

1. Documentation that sound pressure level, construction code, tower,

interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.

2. Proof of the applicant's public liability insurance for the life of the project.
3. A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the WECS and/or Anemometer Tower; legal description of the property(ies), Lease Unit(s); and the site plan shows the boundaries of the leases as well as the boundaries of the Lease Unit Boundary.
4. The phases, or parts of construction, with a construction schedule.
5. The project area boundaries.
6. The location, height, and dimensions of all existing and proposed structures and fencing.
7. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
8. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the WECS.
9. All new infrastructure above ground related to the project.
10. A copy of Manufacturers' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
11. Description of operations, including anticipated regular and unscheduled maintenance.
12. For Utility Grid Wind Energy Conversion Systems only:
 - a. A copy of a noise modeling and analysis report and the site plan shall show locations of equipment identified as a source of noise which is placed, based on the analysis, so that the Utility Grid WECS will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the WECS, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to LaSalle Township within 60 days of the

commercial operation of the project. An annual report of the decibel level of each WECS shall also be provided to ensure continued maintenance of the system and sound level compliance.

- b. A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four viewable angles.
- c. A copy of an Environmental Analysis by a third party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- d. A copy of an Avian and Wildlife Impact Analysis by a third party qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptor.

At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.

The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.

- e. A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the

occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.

- f. A second site plan, which includes all the information found in Section 5.41 – Site Plan Review and Approval Procedures and Section 5.47 – Special Approval Requirements, as applicable, and shows the restoration plan for the site after completion of the project which includes the following supporting documentation:
 - (a) The anticipated life of the project.
 - (b) The estimated decommissioning costs net of salvage value in current dollars.
 - (c) The method of ensuring that funds will be available for decommissioning and restoration.
 - (d) The anticipated manner in which the project will be decommissioned and the site restored to its natural predevelopment state.
- g. A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project.
The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude LaSalle Township from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

SECTION 5.57. ACCESSORY DWELLING UNIT.

An accessory dwelling unit shall be considered a residential use of property for the purposes of zoning and a special approval use in all agricultural and single family residential zones, subject to site plan approval.

All accessory dwelling units shall meet the following requirements

- (a) The floor area of the unit shall not exceed 550 square feet.
- (b) The unit shall not have separate utilities from the principal single family dwelling.
- (c) The unit shall be designed so that the architectural design, style, and appearance of the principal building remain that of a single family residence. The unit shall be attached and have direct common access to the principal single family dwelling through a common hallway. The unit is permitted to have a separate outside entrance on the side or rear of the building in addition to the interior access.
- (d) The applicant shall present sufficient evidence to the Planning Commission to establish a substantial need for the unit. The unit shall be occupied by persons

related by blood, marriage, or adoption to the family occupying the main house or by not more than two employees directly affiliated with the household duties and not related to the family occupying the main house.

- (e) No rent shall be paid at any time for the accessory dwelling unit.
- (f) The principal owner shall reside in the principal single family dwelling or accessory dwelling unit.
- (g) Prior to establishing an accessory dwelling unit, a deed restriction shall be recorded for the property that limits the unit to the purposes permitted by this section. Additionally, upon sale of a single family dwelling containing an accessory dwelling unit, the new owner of said residence shall file with the Township within 30 days of the transfer of title to such residence a written notice stating whether or not such new owner intends to continue the accessory dwelling unit use.
- (h) Individual site plans, floor plans, elevation drawings and building plans for both the accessory dwelling unit and the principal single family dwelling shall be submitted for review.

SECTION 5.58. CAMPGROUNDS.

Campgrounds shall comply with the following requirements:

- (a) *Setbacks.* Buildings, structures, and areas designated for camping shall be located a minimum of one hundred (100) feet from all property lines.
- (b) *Minimum Campsite Size.* Each campsite shall be at least fifteen hundred (1,500) square feet in size.
- (c) *Utilities.* Each campsite shall be provided with individual water and sanitary connections approved by the Monroe County Health Department, - or shall have access to an on-site restroom and shower facility within four hundred (400) feet.
- (d) *Fencing.* The entire campground shall be enclosed by a six (6) foot high fence, subject to applicable requirements in Section 5.37. The fence may be located on the side and rear property lines, but shall be set back a minimum of fifty (50) feet from any road right-of-way line. In lieu of a fence, along the front of the campground facing a road the Planning Commission may approve a landscaped berm.
- (e) *Temporary Residency.* Campgrounds shall be for seasonal recreation use only. Temporary residency for seasonal recreation use may only occur from April 1 to November 1. This provision shall not apply to the manager or caretaker.
- (f) *Internal Roads.* Internal roads may be paved or gravel and shall have a minimum width of twenty (20) feet. There shall be no parking on the road surface. Parking on one side shall be permitted on roads having a minimum width of twenty-seven (27) feet.

- (g) *Use of Accessory Facilities.* Accessory facilities commonly associated with campgrounds such as swimming pools, athletic courts and fields, beaches, picnic pavilions, boat launches and docks, club houses, and game rooms, shall be for the use of campers only and their gratuitous guests, and shall not be open to the general public.
- (h) *State and County Permits.* Permits received from State and County agencies regarding the campground shall be forwarded to the Township.
- (i) *Storage of Unoccupied Recreational Vehicle Prohibited.* The storage of unoccupied recreational vehicles is prohibited.

SECTION 5.59. SOLAR ENERGY SYSTEMS.

(a) General Requirements.

1. The exterior surfaces of solar energy systems shall be generally neutral in color and substantially non-reflective of light. A unit shall be installed or located such that reflected solar radiation or glare shall not be directed onto adjacent building, properties or roadways.
2. Solar energy systems must be installed in compliance with the National Electric Code, the manufacturer's specifications, and all other applicable codes. A copy of the manufacturer's installation and maintenance instructions must be submitted for review. Written evidence that utility company provider has been notified shall be submitted.
3. Components of solar energy systems shall be approved by Solar Rating and Certification Corporation (SRCC), Electronic Testing Laboratories (ETL), or other similar certification organization if acceptable to the Township. Solar developer shall disclose all chemical and electronic components of solar panels and equipment to the Township including the use of batteries for storage. Any changes or modifications to components would be subject to special use and site plan amendment approval.
4. A solar energy system shall be permanently and safely attached to the building, structure, or ground. Proof of the safety and reliability of the means of such attachment shall be submitted to the Building Inspector prior to installation.
5. Solar energy systems, and the installation and use thereof, shall comply with the applicable construction codes, and other Township, County, state and federal requirements.
6. No storage of solar panels, new or otherwise, can be stored on the property.
7. There shall be no signs on the unit, other than a sign or logo identifying the manufacturer with an area no greater than three (3) square feet, and any necessary safety information signs.

(b) **Small Accessory Use Solar Energy Systems.**

1. **Building Mounted Systems.** Building-mounted solar energy systems that generate up to but do not exceed the manufacturer's rating of one hundred kilowatt (100 kW) to primarily meet the needs of on-site users shall be a permitted accessory use in all zoning districts, subject to the following requirements:
 - a. Building-mounted solar energy systems shall be permitted as an accessory use in all districts as administratively approved through the issuance of a Building Permit if the application meets the standards provided in this Section.
 - b. Building-mounted solar energy system may only be attached to a principal building, or an accessory building serving the principal use, such as a barn, garage or shed.
 - c. A roof-mounted unit on a sloped roof shall not project above the peak of the roof to which it is attached. When such units are mounted to a flat roof they shall not project higher than three (3) feet above the building height and shall be screened with a wall at least one (1) foot taller than the unit. In no instance shall a roof-mounted unit exceed the maximum allowable height for the district as described in Article XVIII, "Schedule of Regulations".
 - d. Roof-mounted panels that are integrated as the surface layer of the roof structure may be located on any part of the roof. Separate flush-mounted units may only be located on a rear- or side-facing roof.
 - e. Such unit shall be only of such weight as can safely be supported by the structure. Proof thereof, in the form of certification by a Professional Engineer (PE) or other qualified person shall be submitted to the Building Inspector prior to installation.
 - f. A wall-mounted solar energy system shall not extend further than ten (10) feet from the building wall, may not extend into a required yard and may not exceed the height of the building wall to which it is attached. Such units may only be attached to one (1) side or rear building façade.
2. **Ground Mounted Systems.** Ground-mounted solar energy systems that generate up to but do not exceed the manufacturer's rating of one hundred kilowatt (100 kW) to primarily meet the needs of on-site users shall be a permitted accessory use in all zoning districts, subject to the following requirements:
 - a. Ground-mounted solar energy systems shall be permitted as an accessory use in all districts as administratively approved through the issuance of a Building Permit if the application meets setback and other standards, as provided in this Section.

- b. Height. A ground-mounted solar energy system shall not exceed ten (10) feet in height, measured from the ground at the base of the unit.
- c. Setbacks. Ground-mounted solar energy systems shall be located in the rear yard and the side yard, but must meet the required minimum side and rear yard setbacks of the district in which they are located.
- d. All power transmission lines shall be underground.

(c) Commercial Use Solar Energy Systems.

- 1. Purpose and Intent. The purpose and intent of this section and subsequent sections are to establish requirements for construction and operation of commercial use solar energy system facilities and to provide standards for the placement, design, construction, monitoring, maintenance, modification and removal of solar facilities; address public safety; minimize impacts on scenic, natural, and historic resources; and provide adequate financial assurance for decommissioning.
- 2. Commercial use solar energy systems not under the authority of PA 233 are permitted in the M-1, Light Industrial District and M-2, General Industrial District with special approval in accordance with Section 5.47, Special Approval Requirements.
- 3. In determining whether the commercial use solar facility is appropriate on the subject property, the Planning Commission and Township Board shall consider the following:
 - a. Proximity to existing electric transmission lines and feasibility of connecting to the existing transmission network.
 - b. Existing physical features of the site that could be impacted by the solar facility, including wildlife impacts and other existing conditions.
 - c. Potential impact on neighboring properties in terms of glare, stormwater runoff, property values, environmental, aesthetics, and screening.

(d) Commercial use solar Energy Systems shall be subject to the following standards:

- 1. Lot Size: A commercial use solar energy system shall be located on one or more parcels with an aggregate area of ten (10) acres or greater.
- 2. Height. Commercial use solar energy system panels or collection devices shall not exceed fifteen (15) feet in height, excluding substation and electrical transmission equipment (as measured from the natural grade at the base of improvements). The maximum height for all structures associated with the commercial use solar energy system shall comply with

the maximum height requirements for principal structures of the district in which they are located.

3. Setbacks. Setback distances shall be measured from the property line or road right-of-way as measured from the survey pins marking the road right-of-way to the security fence enclosing the solar facility. Commercial use solar energy system shall comply with the setback requirements of the district in which they are located as described in ARTICLE XVIII. SCHEDULE OF REGULATIONS, with the following exceptions:
 - a. A minimum setback distance of one-hundred (100) feet from road rights-of-way.
 - b. A minimum of five-hundred (500) feet from the security fence enclosing the solar facility to the nearest property line of an existing residential dwelling unit of a non-participating landowner, school, or church.
 - c. The solar facility is not subject to side or rear setbacks from common property lines of two or more participating parcels, except road right-of-way setbacks shall apply.
 - d. Additional setbacks may be required to mitigate impacts on land owners such as noise and glare impacts, or to provide for designated road or utility corridors, as identified through the Special Approval process.
 - e. Similarly, as part of the Special Approval process, upon request by the Applicant, the Planning Commission may consider and grant reasonable setback reductions following submission of satisfactory evidence by the Applicant and a finding by the Commission that there are no impacts to be mitigated by the setback area being reduced.
4. Land Clearing. Existing woodlots on proposed solar facility sites shall remain in their natural state. Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the facility.
5. Screening. The perimeter of a commercial use solar facility shall also be completely screened by a minimum twenty (20)-foot wide vegetative buffer placed outside of the perimeter security fence required under Subsection 7 whenever existing natural vegetation does not otherwise obscure the solar energy system from adjacent properties, subject to the following requirements:
 - a. The vegetative buffer shall be composed of naturalized groupings of plants materials, containing a mixture of Michigan native deciduous and evergreen trees and shrubs. A combination of berms and larger trees may be used to achieve the required screening. The landscape buffer shall provide a visual screen that is at least

six (6) feet high. The applicant shall provide a landscape detail and cross-section demonstrating the screening/buffering achieved.

- b. If the applicant requests a Final Certificate of Occupancy from the Township and the applicant is unable to plant during the installation period, the Applicant will provide the Township with an irrevocable letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
- c. All unhealthy forty (40) percent dead or greater and dead material shall be replaced by the applicant within one (1) year, or the next appropriate planting period, whichever occurs first.
- d. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Use Permit may be subject to revocation.

6. Ground Cover.

- a. Ground around and under solar panels and in project landscape buffer areas shall be planted, established, and maintained for the life of the solar project in perennial vegetated ground cover.
- b. To the maximum extent feasible for site conditions, perennial vegetation ground cover shall be based on a diverse seed mix of native species consistent with guidance specific to the Monroe County area such as the Monroe Conservation District Office.
- c. The owner/operator shall demonstrate site maintenance that is intended to remove invasive or noxious species and woody plants without harming perennial vegetation.
- d. Commercial use solar facilities that propose to install, establish, and maintain pollinator-friendly vegetative cover are to demonstrate the quality of their habitat by using guides or other third party solar-pollinator scorecards designed for Monroe County's ecosystems, soils, and habitat.

7. Security Fence. Commercial use solar facilities shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be seven (7) feet in height as measured from the natural grade of the fencing perimeter. The fence shall be located around the perimeter of the solar facility and buffered as required under Subsection 5. The material of such fence shall be established through the Site Plan approval process. Fire lock boxes, which provide a method for emergency gate access, and keys shall be provided at locked entrances for emergency personnel access. Electric fencing is not permitted.

8. Lot Coverage. Commercial use solar facilities are exempt from maximum building lot coverage limitations.
9. Drainage. All existing on-site drain tiles and ditches shall be identified and maintained. The application shall include a drainage plan prepared by a Professional Engineer (PE) showing how stormwater runoff will be managed and demonstrating that runoff from the site will not exceed the agricultural runoff rate or otherwise cause undue flooding or drainage issues. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, quantity and source of water, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.
10. Signage. No advertising or non-project related signs or graphics shall be on any part of the solar arrays or other components of the commercial use solar facility. This exclusion does not apply to entrance gate signage or notifications containing points of contact or all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
11. Glare. Solar panels shall be placed such that solar glare shall not be directed onto nearby properties or roadways. Traffic safety shall be protected and adjacent properties shall be protected from unreasonable glare. The applicant shall submit documentation to verify compliance with this section. When deemed appropriate, the Planning Commission may require a report from a professional engineer or other specialist the Planning Commission finds to be qualified to address this issue.
12. Lighting. All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
13. Distribution. All collection lines and interconnections from the solar energy collection devices to any electrical substations shall be located and maintained underground inside the commercial use solar facility, except in areas where technical or physical constraints make it necessary to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.
14. Noise. No component of any commercial use solar energy facility shall emit noise exceeding fifty-five (55) dBA as measured at the exterior property boundary or the existing right-of-way line.
15. Special Use Conditions and Modifications. The Planning Commission may recommend and the Township Board may, in addition to the above standards, require landscaping, walls, and other improvements or modifications that are reasonable in relation to and consistent with the nature of the application or adjacent land uses.

(d) Large Commercial Use Solar Energy Systems Under the Authority of PA 233.

On or after November 29, 2024, once PA 233 of 2023 is in effect, in addition to the provisions of Subsections (a) through (c), the following provisions shall also apply to large commercial use solar energy systems with a nameplate capacity of 50 megawatts or more. To the extent these provisions conflict with the provisions in Subsections (a) through (c) above (regulating solar energy facilities), the provisions below control as to such large commercial use solar energy systems. All provisions in Subsections (a) through (c) above that do not conflict with this subsection remain in full force and effect. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to solar energy systems with a nameplate capacity of less than fifty (50) megawatts.

1. **Setbacks.** Large commercial use solar energy systems under the authority of PA 233 must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

2. **Fencing.** Fencing for the large commercial use solar energy systems under the authority of PA 233 must comply with the latest version of the National Electric Code as of November 29, 2024, or as subsequently amended.
3. **Height.** Solar panel components must not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.
4. **Noise.** Large commercial use solar energy systems under the authority of PA 233 must not generate a maximum sound in excess of fifty-five (55) average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
5. **Lighting.** Large commercial use solar energy systems under the authority of PA 233 must implement dark sky-friendly lighting solutions.
6. **Environmental Regulations.** Large commercial use solar energy systems under the authority of PA 233 must comply with applicable state or federal environmental regulations.

7. Host community agreement. The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the large commercial use solar energy system owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

8. Location. All large commercial use solar energy facilities under the authority of PA 233 are permitted with special approval in accordance with Section 5.47 Special Approval Requirements in the AG-1 and AG-2 Agricultural Districts, M-1 Light Industrial District, and M-2, General Industrial District which shall be limited to the area bounded by the westerly Railroad Track #1 of the Detroit Line owned by Norfolk Southern Railway and Interstate 75 to the east, as of the date of adoption of this ordinance amendment.

(e) Applications and Procedures. In addition to the requirements of Section 5.47, Special Approval Requirements and Section 5.41, Site Plan Review and Approval Procedures of the LaSalle Township Zoning Ordinance, all applications for commercial use solar facilities shall include the following information.

1. Pre-application meeting. Submittal of a concept plan and a pre-application conference with Township staff and officials is required to discuss the location, scale, and nature of the proposed use and what will be expected during that process. The concept plan shall include:
 - a. The scale, date, and north point
 - b. The location, shape and dimensions of the parcel (s).
 - c. A description of the project.
 - d. The location of the proposed facility site with property lines and setback lines.
 - e. Existing and proposed buildings and structures including preliminary locations of the proposed solar panels and related equipment, fencing, driveways, and points of ingress/egress.
 - f. Proposed connection to existing electric line.

2. The Special Approval Use submittal shall include:
 - a. All property lot lines and dimensions, including a legal description of each parcel comprising the solar facility.
 - b. Names of owners of each parcel that is proposed to be within the solar facility including proof that the applicant has authorization to act upon the owner's behalf.

- c. A list of all adjacent property owners, their tax map numbers, and addresses.
 - d. Identification of the utility company who will interconnect to the facility.
 - e. A narrative identifying the applicant, owner or operator, and describing the proposed solar facility project, including an overview of the project and its location, capacity of the solar facility, the approximate number of panels, representative types of and expected footprint of solar equipment to be constructed including the location of interconnections to any existing or proposed substations or connection stations.
 - f. An area map showing the proposed location of the solar facility, fenced area and driveways with the closest distance to all adjacent property lines and dwellings along with main points of ingress/egress, as well as the current use, zoning districts, and location of structures of all surrounding properties.
3. The Site Plan submittal shall include:
- a. Location and height of all proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above ground structures and utilities associated with the solar energy system.
 - b. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, internal drives and all above ground structures and utilities on the property (ies).
 - c. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the solar facility and within one hundred (100) feet of all exterior property lines of the solar facility.
 - d. A description of the anticipated upgrades or improvements to the current electric grid that are required to support the proposed solar energy facility and the status of the applicant(s) application for interconnection to the grid.
 - e. Proposed setbacks from the solar array(s) to all existing and proposed structures and property lines.
 - f. Land elevations for the solar array(s) location and the relationship to the land elevations of all existing and proposed structures within the solar facility at a minimum of two (2) foot contours.

- g. Access driveways within and to the solar facility, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Monroe County Road Commission or Michigan Department of Transportation approval as applicable, and shall be planned so as to minimize the use of lands for that purpose.
 - h. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the solar energy system.
 - i. A Maintenance Plan providing a written description of the maintenance program to be used for the solar array and other components of the solar facility, as well as a Decommissioning Plan and performance security as noted in Subsection 7. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the solar energy system is decommissioned.
 - j. Planned lightning protection measures.
 - k. A construction management plan which includes, but is not limited to, the location of staging areas for construction materials and equipment, hours of operation, estimated duration of construction, number and type of vehicles entering and leaving the site, including a traffic impact analysis of same, temporary lighting, anticipated noise and dust generation and corresponding mitigation measures.
 - l. Additional detail(s) and information as required by the Planning Commission and the Township Board to determine any potential impacts of the proposed facility. This may include but not be limited to the completed copy of the Michigan Pollinator Habitat Planning Scorecard for Solar Sites if applicable, a visual impact assessment (including visual simulations of the project to demonstrate appropriate mitigation measures), environmental impact analysis (baseline environmental assessment, historical sites, wildlife, threatened and endangered species, fragile ecosystems, etc.), a storm water impact study (storm water infiltration, 100-year rain event calculations, percolation tests, or other site specific soil information, etc.), a glare impact study, or other studies.
 - m. Any conditions and modifications approved by the Township Board as part of the Special Land Use review process shall be noted on the plans.
4. Monitoring and Inspection. The Township shall have the right at any reasonable time, to provide a twenty four (24)-hour notice to the Applicant to inspect the premises on which any commercial use solar facility is located. The Township may hire one or more consultants, with approval from the Applicant (which shall not be unreasonably withheld), to assist

with inspections at the Applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the commercial use solar energy facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), National Electrical Safety Code (NESC) and all other applicable safety guidelines.

5. Roads. Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a commercial use solar facility shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the appropriate county or state agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The Applicant shall abide by all Monroe County Road Commission and Michigan Department of Transportation requirements regarding the use and/or repair of roads.
6. Maintenance and Repair: Commercial use solar energy facilities must be kept and maintained in good repair and condition at all times. If the Township Building Official determines that a commercial use solar energy system fails to meet the requirements of this Ordinance and the Special Use Permit, or that it poses a safety hazard, the Zoning Administrator/Building Official, or his or her designee, shall provide notice to the Applicant of the safety hazard. If, after a reasonable cure period (not to exceed seven (7) days), the safety hazards are not corrected, the Applicant is entitled to a hearing before the Township Board. If the Township Board determines that the safety hazard requires that the commercial use solar facility must be shut down, Applicant shall immediately shut down the solar facility and not operate, start or restart the solar energy system until the issues have been resolved. Applicant shall notify the Township of any solar panel damages or breakages and shall keep a maintenance log on the solar array(s), which shall be available for the Township's review within forty eight (48) hours of such request. Applicant shall keep all sites within the solar facility neat, clean and free of refuse, waste or unsightly, hazardous, or unsanitary conditions.
7. Decommissioning and Reclamation.
 - a. If the commercial use solar facility ceases to operate or is abandoned for a period of six (6) months or is deemed by the Building Official to be unsafe or not consistent with code, the Applicant shall repair and restore the system to good working order within a year or, if no longer operating or no longer in compliance with federal, state or local codes, it shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Use Permit. Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to three

(3) feet below-grade shall be removed and taken offsite for disposal. The ground must be regraded and reseeded to as natural condition as possible.

- b. **Performance Security.** Prior to the start of construction, the Applicant shall post a performance security (cash, irrevocable letter of credit, or surety bond deemed suitable by the Township attorney) in an amount deemed sufficient based on the cost of removal of the equipment, structures and foundations related to the commercial use solar energy system in the event of abandonment or failure to comply with federal, state or local laws (after being given reasonable time to remedy the problem). As a part of the Decommissioning Plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for full removal of the equipment, foundations, and structure associated with the facility as described above. The amounts will assist the Township in setting the performance security valid throughout the lifetime of the facility. The applicant shall provide documentation to support the estimated lifespan of the equipment. Bonds shall be extended on a bi-annual basis from the date of Special Use approval. Such financial security shall be irrevocable and non-cancellable. The Township may increase the insurance and/or bond amounts required of applicant in the event that it is determined by the Township Board or an insurance bond professional that the existing surety and/or bond amounts are insufficient to effect the purposes of such guarantees. In the case of a sale of the commercial solar facility, the owner/operator is required to notify the Township, replace the financial security that have been provided and update the contact information for the new operator/owner.
 - c. **Continuing Obligations.** Failure to keep any required financial security in full force and effect at all times while a commercial use solar facility exists or is in place shall constitute a material and significant violation of the Special Use Permit and this Ordinance, and will subject the facility Applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Use Permit.
8. **Application Escrow Account.** An escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Special Use Permit for a commercial use solar energy system. The monetary amount deposited by the Applicant in escrow with the Township shall be the amount estimated by the Township, to cover all reasonable costs and expenses associated with the Special Use Permit and Site Plan review and approval processes, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the review process of the application. The Applicant shall have thirty (30) days to submit the amount estimated by the Township. Such escrow amount shall be in addition to any filing or application fees established by

resolution. At any point during the Special Use Permit and Site Plan review processes, the Township may require that the Applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the Applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the Applicant refuses to do so within thirty (30) days, the Special Use Permit or Site Plan review process shall cease unless and until the Applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or other Ordinances adopted by the Township must also be complied with by the Applicant. The Township shall provide a summary of all account activity to the Applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the Special Use Permit and Site Plan shall be returned in a timely manner to the Applicant.

SECTION 5.60. AGRI-TOURISM.

It is the intent of this section to promote the agricultural heritage of LaSalle Township and preserve local farming by establishing standards for value added agri-tourism uses, which will insure compatibility with adjacent land uses and maintain the rural and residential character of the Township.

- (a) The following agri-tourism uses shall be permitted after special approval in the AG-1 and AG-2 Agricultural Districts subject to the requirements of Section 5.47 SPECIAL APPROVAL REQUIREMENTS and Section 5.41 SITE PLAN REVIEW AND APPROVAL PROCEDURES.
1. Uses may include any or all of the following uses so long as the general agricultural character of the farm is maintained.
 - a. U-pick fruits and vegetables operations.
 - b. Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product.
 - c. Open air or covered picnic area with restrooms.
 - d. Petting farms, animal display, and pony rides.
 - e. Wagon, sleigh, haunted barns/trails, and hayrides.
 - f. Seasonal outdoor mazes.
 - g. Educational events, activities, and tours that relate to agriculture or agricultural products.
 - h. Wineries, breweries, cider mills, and distilleries selling product, in a tasting room, containing crops or produce grown on-site.
 - i. For hire activities that are complementary and accessory to the primary agricultural land use of the subject property, including but not limited to:

- i. Small-scale entertainment (e.g., music concert, car show, art fair).
 - ii. Organized meeting space (e.g., for use by weddings, birthday parties, and corporate events).
 - iii. Limited retail sales of non-agriculturally related products, limited to 50 percent of gross sales (e.g., antiques, crafts, artisan items, clothing, and gift items).
 - j. Farm Market, in accordance with Generally Accepted Agricultural and Management Practices (GAAMP).
 - 2. The Planning Commission shall determine if other uses similar to the above uses shall be considered as agri-tourism uses.
- (b)** In addition to other regulations set forth in this Ordinance, all agri-tourism uses shall conform to the following requirements:
- 1. The total floor area of any agri-tourism building or structure, including retail space, shall be no larger than 10,000 square feet.
 - 2. A landscape buffer shall be required along the side and rear property lines where there is an abutting residential use or district. Screening shall consist of evergreen plantings at least six (6) feet in height and spaced so as to form a solid screen, or it may consist of a solid fence made of new materials and attractive in design, and maintained at all times.
 - 3. A greenbelt in accordance with Section 5.36 GREENBELTS may be required along the property line abutting a road as determined by the Planning Commission.
 - 4. Agri-tourism uses must provide off-street parking to accommodate the use as required in ARTICLE VII, except that it does not need to be paved. Parking must be located on private property and must be designed to mitigate dust. Paved or unpaved parking areas shall not be located in required setback or greenbelt areas.
 - 5. The outdoor storage of materials and vehicles shall be limited to farm machinery and implements and only in conformance with other provisions of this Ordinance regarding the storage of materials.
 - 6. No agri-tourism uses shall generate an amount of noise, vibration, smoke, glare, odor, or electrical interference or any other hazard or nuisance to any greater or more frequent extent than that normally and customarily associated with the agricultural-residential nature of this district.
 - 7. Agri-tourism uses shall observe reasonable hours of operation, except in instances of emergency repairs or activities directly related to agricultural production.
 - 8. In addition to the requirements of Section 5.47 SPECIAL APPROVAL REQUIREMENTS the following information must be provided for Planning Commission consideration:

- a. The relationship of the agri-tourism uses to the primary agricultural use on the site.
 - b. Duration of use (seasonal, annual, weekends, maximum number of events per year etc.).
 - c. Hours of operation.
 - d. Anticipated number of customers.
 - e. Potential traffic impacts created by the proposed use.
 - f. Maximum number of employees at any one time.
 - g. Other potential impacts on the Township or adjacent properties including but not limited to lighting, noise, traffic, dust, and drainage.
9. In addition to the requirements of Section 5.41 SITE PLAN REVIEW AND APPROVAL PROCEDURES the site plan shall demonstrate how the facility will provide for circulation, parking, sanitation, trash collection, noise, and other factors during the events.
 10. The commercial agri-tourism uses shall be subject to the approval of outside agencies including the Monroe County Health Department and all other Federal, State, County, and Local Codes, as applicable.
 11. Any building open to the public will be required to meet the State Construction Code Act.

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ARTICLE VI

NON-CONFORMING USES AND BUILDINGS

SECTION 6.1. INTENT.

Nonconforming buildings and uses are buildings and uses which do not conform to one or more of the provisions and/or requirements of this ordinance or any subsequent amendments, but which were lawfully established prior to the time of adoption of this Ordinance (November 16, 1976) or subsequent amendment thereto (effective date of this Ordinance hereafter). Nonconforming uses are not considered to be compatible with the current or intended land use of the district in which they are located. Nonconforming uses are considered to present a greater public burden than nonconforming buildings, therefore the intent of this ordinance to gradually eliminate nonconforming uses or decrease their nonconforming status, but to permit certain nonconforming uses to continue under certain conditions, discouraging their expansion or enlargement. Nonconforming lots and buildings are typically those established prior to the current zoning standards. The Township intends to allow continued use of these lots and buildings in certain cases. Accordingly, this section establishes regulations that govern the completion, restoration, reconstruction and expansion of nonconforming buildings which do not increase the nonconforming situation.

SECTION 6.2. NONCONFORMANCE REGULATED.

Any lawful use of the land or buildings existing at the effective date of this Ordinance and located in a district in which it would not be permitted as a new use under the regulations of this Ordinance, is hereby declared to be a "nonconforming use" and not in violation of this Ordinance; provided, however, that a nonconforming use shall be subject to, and the owner comply with, the regulations of this Article.

SECTION 6.3. NONCONFORMING USES OF LAND.

Where at the effective date of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a State Equalized Valuation exceeding 500 dollars, the use may be continued so long as it remains otherwise lawful provided:

- (a) The nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of this Ordinance.
- (b) The nonconforming use shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of this Ordinance.
- (c) If the nonconforming use of land ceases for any reason for a period of more than 12 consecutive months, such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

- (d) No additional structure shall be erected in connection with such nonconforming use of land.
- (e) The nonconforming use of land may be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a more restricted district, it shall not thereafter be changed to a nonconforming use or a use not permitted in the more restricted district.
- (f) There may be a change in tenancy, ownership or management of an existing nonconforming use, provided that there is no change in the nature or character of such nonconforming use.

SECTION 6.4. NONCONFORMING USES OF STRUCTURES.

If lawful use involving individual structures with a State Equalized Valuation of 500 dollars or more or of, structure and premises in combination, exists at the effective date 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:

- (a) An existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (b) If the nonconforming use of a structure ceases for any reason for a period of more than 12 consecutive months, such use shall conform to the regulations specified by this Ordinance for the district in which such use is located.
- (c) The nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of this Ordinance, but the use shall not be extended to occupy any land outside such building.
- (d) If no structural alterations are made, the nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a more restricted district, it shall not thereafter be changed to a nonconforming use or a use not permitted in the more restricted district.
- (e) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the entire structure shall eliminate the nonconforming status of land.
- (f) There may be a change in tenancy, ownership or management of an existing nonconforming use, provided that there is no change in the nature or character of such nonconforming use.

SECTION 6.5. NONCONFORMING STRUCTURES.

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

- (a) A nonconforming structure used for any use other than residential may be enlarged or altered only in a way which decrease its nonconformity.
- (b) A nonconforming residential structure may be enlarged or altered, provided the following conditions are met:
 1. The building may be expanded under one of the following circumstances:
 - a. The expansion does not increase the size of the established footprint (e.g. a second story is added over a nonconforming footprint which does not meet setback requirements); or,
 - b. The expansion is within a yard which retains compliance with the required setback and height (e.g. a home with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback remains conforming); or,
 - c. The expansion maintains the existing nonconformity (e.g. a home with a nonconforming side yard setback may be expanded provided the addition is no closer to the side lot line than the existing structure).
 2. All the following criteria must be met to expand the subject building:
 - a. The cost of such work shall not exceed 50 percent of the State Equalized Valuation multiplied by a factor of two of the entire building or structure prior to the time such work is started;
 - b. Any well and/or sanitary septic systems shall have approval from the Monroe County Health Department; and,
 - c. The only nonconforming situation on the parcel shall be dimensional ones related to the residential structure.
 - a. If any such nonconforming structure ceases being used for any reason for a period of more than 12 consecutive months, any subsequent use of such structure shall conform to the regulations specified by this Ordinance for the district in which such structure is located.

SECTION 6.6. REPAIRS AND MAINTENANCE.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 50 percent of the current State Equalized Valuation multiplied by a factor of two of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

SECTION 6.7. RECONSTRUCTION OF DAMAGED NONCONFORMING BUILDINGS AND STRUCTURES.

Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming building or structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, subsequent to the effective date of this Ordinance, wherein the expense of such reconstruction does not exceed 60 percent of the State Equalized Valuation multiplied by a factor of two of the entire building or structure at the time such damage occurred; and provided that such restoration and resumption shall take place within six months of the time of such damage and that it be completed within one year from time of such damage, and provided further, that said use be identical with nonconforming use permitted and in effect directly preceding said damage. Where pending insurance claims require an extension of time, the Building Inspector may grant a time extension provided that the property owner submits a certification from the insurance company attesting to the delay. Until such time as the debris from the fire damage is fully removed, the premises shall be adequately fenced or screened from access by children who may be attracted to the premises.

SECTION 6.8. MOVING.

No nonconforming building or structure shall be moved in whole or in part to another location unless such building or structure and the off-street parking spaces, yard and other open space provided are made to conform to all the regulations of the district in which such building or structure is to be located.

SECTION 6.9. NONCONFORMING LOTS OF RECORD.

- (a) In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected or expanded on a single lot of record, and may be utilized for single-residence purposes. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. All maximum lot coverage, maximum building height, minimum floor area, and all other applicable requirements not involving lot area or width, or both, of the lot shall conform to the regulations for the district in which the lot is located.

- (b) If such lot is not served by both sanitary sewer and public water, then the application for such construction submitted to the Building Inspector shall including the results of soil percolation tests, performed by a registered civil engineer, at the exact location of proposed subsurface sewage disposal system facilities. Such application must be approved by both the Building Inspector and the Monroe County Health Department prior to issuance of any permit.
- (c) Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. 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 such lots do not meet the requirements in Article XVIII for lot width and area, 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 sold in any manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Ordinance.

SECTION 6.10. CERTIFICATE OF OCCUPANCY.

If the Building Inspector shall find, upon reviewing the application for a Certificate of Occupancy, that the existing use is illegal or in violation of any other ordinance or law or, if the Building Inspector finds that the building for which the Certificate is requested has been constructed or altered for the existing use or any other use without full compliance with the Building Code or the Zoning Ordinance in effect at the time of construction or alteration, the Building Inspector shall not issue the Certificate of Occupancy but shall declare such use to be in violation of this Ordinance.

SECTION 6.11. PLANS ALREADY FILED.

In any case where plans and specifications for a building or structure have been filed, which would conform with the zoning regulations effective at the date of such filing but not with the regulations of this Ordinance, and where a building permit for such building or structure has been issued and construction work started at the effective date of this Ordinance, such work may proceed provided it is completed within one year of said date.

SECTION 6.12. NONCONFORMING FARMS.

Buildings, structures and uses on nonconforming farms may be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of this ordinance, provided such expansion, enlargement or extension is approved by the Planning Commission and further subject to site plan approval in accordance with Section 5.41 Site Plan Review and Approval. In approving or disapproving site plans, the Commission shall consider off-site impacts of the farm on abutting and surrounding uses, especially residences.

SECTION 6.13. NONCONFORMING SITES.

The intent of this Section is to permit site improvements or minor building expansion to a conforming use and building which does not meet all of the various site improvement related regulations of this Zoning Ordinance. The purpose is to allow gradual compliance with the site related requirements for sites which predate the various Zoning Ordinance standards for landscaping, paving and other non safety site related items.

Such improvements or expansions may be permitted without a complete upgrade of all site elements under the following conditions:

1. The applicant is proposing reasonable site improvements in relation to the scale and construction cost of the building improvements or expansion.
2. The applicant has addressed safety related site issues.
3. For landscaping, the applicant shall bring the site toward conformity at twice the rate of building or parking lot expansions (for example, a five percent building square footage expansion will provide at least 10 percent of the required landscaping).
4. The improvements or minor expansion will not increase noncompliance with site requirements.

ARTICLE VII

OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 7.1. REQUIRED OFF-STREET PARKING, GENERAL.

Off-street parking in conjunction with all land and building uses shall be provided as herein prescribed:

- (a) For the purposes of this Article, 300 square feet of lot area shall be deemed a parking space for one vehicle, including access aisle except that the standard shall be 325 square feet where parking is perpendicular to the access aisle, and except that 180 square feet of lot area which has a direct means of ingress and egress from an alley or street may also be deemed a parking space.
- (b) When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- (c) The minimum number of off-street parking spaces shall be determined in accordance with the following table in Section 7.2. For uses not specifically mentioned therein, off-street parking requirements shall be interpreted by the Zoning Board of Appeals from requirements for similar uses.
- (d) Any area once designated as required off-street parking shall never be changed to any other use unless and until equally required facilities are provided elsewhere. 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 would hereinafter be required for such building or use.
- (e) Off-street parking may be provided either by individual action or by a parking program carried out through public action, whether by a special assessment district or otherwise.
- (f) Required off-street parking shall be for the use of occupants, employees, visitors, and patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited. All off-street parking, whether public or private, for non-residential uses shall be either on the same lot or within 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.
- (g) Residential off-street parking space shall consist of a parking strip, garage, or a combination thereof and shall be located on the premises it is intended to serve and not closer than three feet from any street lot line.

- (h) Nothing in this Article shall be construed to prevent collective provision of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table.
- (i) In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 24 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this Article.

SECTION 7.2. TABLE OF OFF-STREET PARKING REQUIREMENTS.

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this Section.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
(a) <u>Residential</u>	
1. Residential, One-Family and Two Family	Two for each dwelling unit.
2. Residential, Multiple-Family	Two for each dwelling unit.
3. Residential, Multiple-Family Senior Citizens Housing	One for each one dwelling unit and one for each employee.
4. Trailer Park and Mobile Home Courts	Two for each trailer or mobile home site and one (for each employee of the trailer or mobile home court.
5. Bed-n-Breakfast Inn and Tourist Homes	One for each sleeping room.
6. Foster Care Facility	One for each non-resident employee, plus one for each three beds.
(b) <u>Institutional</u>	
1. Churches, Temples or Synagogues	One for each three seats, based on maximum seating capacity in the main unit or workshop.
2. Hospitals	One for each patient bed, plus one additional space for every five workers employed during the eight hour shift in which the greatest number of employees are on duty, plus one space for each 10 doctors on the hospital staff.

Use

Number of Minimum Parking Spaces Per Unit of Measure

- | | |
|---|--|
| 3. Sanitariums, Convents, Homes for the Aged, Children's Homes Children's Homes | One per 600 square feet of gross floor area. |
| 4. Elementary and Junior High Schools | One for each one teacher, administrator, in addition to the requirements of the auditorium. |
| 5. Senior High Schools | One for each one teacher, administrator and one for each 10 students, in addition to the requirements of the auditorium. |
| 6. Private Clubs or Lodge Halls | One for each three persons allowed with the maximum occupancy load as established by local, County, or State fire, building, or health code. |
| 7. Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Other Similar Uses | One for each two member families or individuals. |
| 8. Marinas, Public or Private | One for each one boat slip. |
| 9. Golf Courses open to the public, except miniature or "par 3" courses | Six for each one golf hole and one for each one employee. |
| 10. Fraternities | One and one-half for every two persons based upon the capacity of the house. |
| 11. Sororities | One for every two persons based upon the capacity of the house. |
| 12. Stadium, Sports Arena, or similar place of outdoor assembly | One for each three seats or six feet of benches. |
| 13. Theatres and Auditoriums (indoor) | One for each three seats plus one for each two employees. |
| 14. Libraries, Museums, and Non-Commercial Art Galleries | One for each 400 square feet of gross floor area. |
| (c) <u>Business and Commercial</u> | |
| 1. Automobile Service Stations | Two for each lubrication stall, rack or pit; and one for each employee. |

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
2. Auto Wash	One for each one employee.
3. Beauty Parlor or Barbershop	Three spaces for each of the first two beauty or barber chairs, and one and one-half spaces for each additional chair.
4. Bowling Alleys	Seven for each one bowling lane.
5. Dance Hall, Pool or Billiard Parlors, Roller or Ice Skating Rinks, Exhibition Halls and Assembly Halls without fixed seats	One for each three seats or one for each 100 square feet of gross floor area.
6. Drive-in Establishments	One per 30 square feet of usable floor area plus 10 stacking spaces for each drive-in or drive-thru transaction station.
7. Establishments for Sale and Consumption on the Premises of Beverages, Food or Refreshments	One for each 100 square feet of gross floor area.
8. Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and Other Similar Uses	One for each 800 square feet of floor area, exclusive of the floor area occupied in processing or manufacturing for which requirements see industrial establishments below.
9. Laundromats and Coin Operated Dry Cleaners	One for each two washing machines.
10. Miniature Golf Courses	Three for each one hole plus one for each one employee.
11. Mortuary Establishments	One for each 100 square feet of gross floor area.
12. Motel, Hotel or Other Commercial Lodging Establishments	One for each one occupancy unit plus one for each one employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms based upon maximum occupancy load.
13. Motor Vehicle Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms	One for each 400 square feet of gross floor area of sales room.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
14. Open Air Businesses	One for each 600 square feet of lot area.
15. Restaurants:	
a. Dining room including banquet areas	One per 65 square feet of usable floor area.
b. Fast Food Restaurant	One per square feet of usable floor area.
c. Carry Out Restaurant	One per 80 square feet of usable floor area or 10 spaces, whichever is greater.
d. Drive-In Restaurant	(See Drive-Inn Establishment)
16. Retail Stores, Except as Otherwise Specified Herein	One for each 200 square feet of gross floor area.
17. Shopping Center or Clustered Commercial	One for each 100 square feet of gross floor area.
(d) Offices	
1. Banks, Savings and Loan Offices	One for each 200 square feet of gross floor area.
2. Business Offices or Professional Offices, Except as indicated in the following item (3).	One for each 200 square feet of gross floor area.
3. Medical or Dental Clinics, Professional Offices of Doctors, Dentists or Similar Professions	10 for the first doctor plus one for each 200 square feet of gross floor area.
(e) Industrial	
1. Industrial or Research Establishments	One for every one and one-half employees in the largest working shift. Space on-site shall also be provided for all construction workers during periods of plant construction.
2. Wholesale or Warehouse Establishments	One for every one employee in the largest working shift, or one for every 2,000 square feet of gross floor area whichever is greater.

SECTION 7.3. OFF-STREET PARKING LOT LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE.

Wherever a parking lot is built as required off-street parking, such parking lot shall be designed, constructed, and maintained in accordance with the following standards and regulations.

- (a) The building of a parking lot is subject to the requirements for a building permit. The Building Inspector in reviewing the application may request the findings of the Township Engineer on the basis of the requirements, set forth in (2) through (10) below.
- (b) Each parking space shall constitute a net land area of at least 180 square feet. The total parking lot space, including access lanes, shall constitute at least 300 square feet land area per parking space.
- (c) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.
- (d) **Where the Parking Lot Abuts a Residential District**

<u>Abuts a Residential District</u>	<u>Required Setback of Parking Spaces</u>
1. Side Lot Lines	Two feet from such side lot line.
2. Contiguous Common Frontage in Same Block	Five feet from the street lot line.
3. Rear Lot Line	None.
- (e) Bumper stops or wheel chocks shall be provided, so located as to prevent any vehicle from projecting over the lot line.
- (f) The parking lot shall be drained to eliminate surface water.
- (g) The surface of the parking lot, including drives and aisles shall be constructed of a concrete or bituminous concrete surfacing. Lighting shall be arranged to reflect away from residential areas.
- (h) Parking structures may be built to satisfy off-street parking requirements, when located in Business, Commercial or Industrial zone districts, subject to the area, height, bulk and placement regulations of such districts in which located.
- (i) Automotive Sales Areas. Every parcel of land hereafter used as an automobile or trailer sales area or as an automobile service station shall be subject to the above requirements of this Section.

- (j) Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements: (See illustration entitled "parking layouts".)

<u>Parking Pattern</u>	<u>Maneuvering Lane</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>	<u>Total Width of One Tier of Spaces Plus Maneuvering Lane</u>	<u>Total Width of Two Tiers of Spaces Plus Maneuvering Lane</u>
0° (parallel parking)	12 ft.	9 ft.	23 ft.	20 ft.	28 ft.
30° to 50°	12 ft.	9 ft.	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	9 ft.	20 ft.	36 ft. - 6 in.	58 ft.
75° to 90°	20 ft.	9 ft.	20 ft.	60 ft.	60 ft.

- (k) Off-street parking reserved for the handicapped shall be provided in accordance with the following table and identified by signs bearing the international symbol for the handicapped as being reserved for physically handicapped persons. A maximum of two spaces may be designated by a single sign when the sign displays arrows specifically delineating each space. Signs shall be installed approximately seven feet above grade. Each reserved parking space shall not be less than 12 feet in width. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one foot in 12 feet and a width of not less than four feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary indicating the direction of travel to an accessible entrance.

<u>Required Parking in Lot</u>	<u>Required Number of Handicapped Spaces</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

SECTION 7.4. OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES.

- (a) An off-street waiting space is defined as an area 10 feet wide by 24 feet long, shall not include the use of any public space, street, alley, or sidewalk and shall be located entirely within the commercial zoning district.
- (b) On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a

service window or similar arrangement where the automobile engine is not turned off, there shall be provided five off-street waiting spaces for each service window.

- (c) Self-service motor vehicle wash establishments shall provide four off-street waiting spaces for each washing stall. Motor vehicle wash establishments other than self-service, shall provide 10 waiting spaces for each washing stall. A drying lane 50 feet long shall also be provided at the exit of each washing stall in order to prevent undue amounts of water from collecting on the public street.

SECTION 7.5. OFF-STREET LOADING AND UNLOADING.

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehousing, retailing, display, or other uses, similarly involving the receipt of distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services adjacent to the opening used for loading and unloading, designed to avoid interference with public use of the street or alleys. Such loading and unloading space shall be an area in minimum 12 feet in width by 50 feet in length with a 15 foot height clearance, and shall be provided according to the following table:

<u>Gross Floor Area in Square Feet</u>	<u>Loading and Unloading Spaces Required in Terms of Square Feet or Gross Floor Area</u>
0 - 2,000	None
2,001 - 20,000	One space
20,001 - 100,000	One space plus one space for each 20,000 square feet in excess of 20,000 square feet.
100,001 - 500,000	Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet.
Over 500,000	Fifteen spaces plus one space for each 80,000 square feet in excess of 500,000 square feet.

No loading space shall be located closer than 50 feet from any residentially zoned district unless located on an alley, within a completely enclosed building, or enclosed on all sides facing a residential zoning district by a solid masonry wall or ornamental fence of a type approved by the Planning Commission not less than six feet in height.

ARTICLE VIII

AG-1, RESTRICTED AGRICULTURAL DISTRICT

SECTION 8.1. STATEMENT OF PURPOSE.

The purpose of the Restricted Agricultural District is to preserve and protect the Township's supply of prime agricultural land by restricting use of land in this District to agricultural and related uses.

SECTION 8.2. PRINCIPAL PERMITTED USES.

In the Restricted Agricultural District, no uses shall be permitted unless otherwise provided in this Ordinance, except the following:

- (a) Single-family dwelling.
- (b) Farms, as defined in Article III.
- (c) Truck gardening and nurseries.
- (d) Roadside stands for the display and sale of produce raised on the same premises, which shall be located not less than 25 feet from the street or highway right-of-way line and further provided that an open space for parking, 25 feet off the highway or street right-of-way be provided for patrons of such roadside produce stand. A maximum of one roadside stand shall be permitted on any premise.
- (e) Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- (f) Off-street parking in accordance with the requirements of Article VII.
- (g) Parking of commercial vehicles in accordance with the requirements of Article V, Section 5.53.
- (h) State licensed residential facilities (six or fewer residents). This shall include family day care homes, foster family homes, foster family group homes, and adult foster care family homes.

SECTION 8.3. PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the approval of the Planning Commission.

- (a) Public and private stables and riding academies provided that any building used as a stable shall not be located nearer than 60 feet to any property line and not nearer than 100 feet to any dwelling unit.

- (b) The raising of furbearing animals or game and kennels, provided that no building wherein animals are kept shall be located nearer than 100 feet to any dwelling unit, and that no dog run or exercise area for a kennel shall be located in any required yard area, provided further that all necessary permits are obtained from the Monroe County Health Department Animal Control Division.
- (c) Temporary uses and buildings, including temporary buildings or structures for use incidental to construction work.
- (d) Feedlots not subject to the Michigan Right to Farm Act, subject to the following conditions:
 - 1. All areas of feedlots and manure storage shall be located a minimum of 300 feet from non-farm residential dwellings.
 - 2. A plan for the safe and sanitary disposal of manure and dead animals shall be prepared.
 - 3. Adequate provision shall be made to prevent off-site run-off and surface or ground water contamination by the feedlot operation.
- (e) Parking of commercial vehicles in accordance with the requirements of Article V, Section 5.53.
- (f) State licensed residential facilities (seven or more residents), subject to the provisions of Section 5.55 of this Ordinance. This shall include group child day care homes and adult foster care small group homes (seven to 12 residents) and adult foster care congregate facilities and adult foster care large group homes (more than 12 residents).
- (g) Small-Scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 5.56 of this Ordinance.
- (h) Large-Scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 5.56 of this Ordinance.
- (i) Large commercial use solar energy systems under the authority of PA 233, subject to the provisions of Section 5.59 of this Ordinance limited to the area bounded by the westerly Railroad Track #1 of the Detroit Line owned by Norfolk Southern Railway and Interstate 75 to the east, as of the date of adoption of this ordinance amendment.
- (j) Accessory dwelling unit, subject to the provisions of Section 5.57 of this Ordinance.
- (k) Campgrounds.
- (l) Agri-tourism uses subject to the provisions of Section 5.60 of this Ordinance.

SECTION 8.4. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Article XVIII, "Schedule of Regulations".

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ARTICLE IX

AG-2, AGRICULTURAL DISTRICT

SECTION 9.1. STATEMENT OF PURPOSE.

The Agricultural District is established to permit agricultural uses, related community facilities, and other rural type development that does not require expensive public services.

SECTION 9.2. PRINCIPAL PERMITTED USES.

In the Agricultural District no uses shall be permitted, unless otherwise provided in this Ordinance, except the following:

- (a) Single-family dwelling.
- (b) Farms, as defined in Article III.
- (c) Truck gardening and nurseries.
- (d) Roadside stands for the display and sale of produce raised on the same premises, which shall be located not less than 25 feet from the street or highway right-of-way line and further provided that an open space for parking, 25 feet off the highway or street right-of-way be provided for patrons of such roadside produce stand. A maximum of one roadside stand shall be permitted on any premise.
- (e) Offices of a veterinarian and animal clinic.
- (f) Publicly-owned and operated parks, playfields, and other recreational facilities.
- (g) Public, parochial or private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit.
- (h) Accessory buildings and uses customarily incidental to the above Principal permitted Uses.
- (i)
- (j) Off-street parking in accordance with the requirements of Article VII.
- (k) Parking of commercial vehicles in accordance with the requirements of Article V, Section 5.53.
- (l) State licensed residential facilities (six or fewer residents). This shall include family day care homes, foster family homes, foster family group homes, and adult foster care family homes.

SECTION 9.3. PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the approval of the Planning Commission.

- (a) Publicly-owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity, and such use is not in injurious to the surrounding area.
- (b) Private parks, country clubs, gun clubs, golf courses, and golf driving ranges. Any structure on said parcel must be located at least 250 feet from a lot line of any adjacent residential district: all ingress and egress from said parcel shall be directly onto a major thoroughfare.
- (c) The raising of furbearing animals or game and kennels, provided that no building wherein animals are kept shall be nearer than 100 feet to any dwelling unit, and that no dog run or exercise area for a kennel shall be located in any required yard area, provided further that all necessary permits are obtained from the Monroe County Health Department Animal Control Division.
- (d) Cemeteries, subject to the following conditions:
 - 1. The cemetery site shall contain an area of at least 20 acres.
 - 2. The site shall be so located as to have at least one property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto said major thoroughfare.
 - 3. The perimeter of the site shall be fenced in accordance with Section 5.36.
 - 4. Any structure located on the site shall be at least 100 feet from any lot line.
 - 5. Compliance with state laws regulating the use of cemeteries.
- (e) Airports, landing fields and platforms, hangers, masts and other facilities involving the operation of aircraft including commercial and/or non-profit parachutist groups or clubs. The site shall have a minimum of 80 acres, shall be so located as to have at least one property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto said major thoroughfare.
- (f) Churches and other facilities normally incidental thereto subject to the following conditions:
 - 1. Unless established prior to the enactment of this Ordinance, a church site shall contain an area of at least two acres.
 - 2. The site shall be so located as to have at least one property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto said major thoroughfare.

- (g) Child care centers, nursery schools, and day nurseries (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of 700 square feet of outdoor play area. Such play space shall be screened from any adjoining lot in any residential district in accordance with Section 5.37.
- (h) Hospitals, provided the following requirements are met:
1. Minimum site size shall be five acres.
 2. The lot location shall be such that at least one property line abuts a major thoroughfare. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said thoroughfare.
 3. Minimum main and accessory building setback shall be 100 feet.
 4. Ambulance and emergency entrance areas shall be visually screened from the view of adjacent residential uses by a structure or by a masonry wall of six feet or more in height.
 5. No power plant or laundry shall be located nearer than 300 feet to any adjacent residential use.
- (i) Travel trailer parks and campgrounds, subject to the requirements as established and regulated by Act 243 of the Public Acts of 1959, as amended, except that the same shall conform to the following requirements:
1. Minimum lot size shall be five acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park. Each lot shall be provided with at least one public telephone.
 2. Each site on a lot designated for camping use may accommodate a travel trailer or tent, and shall be provided with individual electrical outlets and with individual outdoor cooking facilities.
 3. Each site shall contain a minimum of 1,500 square feet, except that the minimum size for sites specifically designated for tents shall be 3,000 square feet. Each site shall be set back from any right-of-way or property line at least 75 feet.
 4. A common use area shall be provided on each lot at a ratio of not less than 1,000 square feet of such area per each site. This common area shall be developed by seeding, landscaping, picnic tables, barbecue stands and passive recreation equipment (i.e., swings, horseshoe pits, shuffleboard courts and the like) for the general use of all occupants of the entire lot.
 5. Each travel trailer site shall have direct access to a hard- surfaced, dust-free roadway of at least 24 feet in width for two-way traffic and 12 feet in width for one- way traffic. Parking shall not be allowed on any roadway.

Public streets shall be paved with asphaltic concrete. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any street or road, but shall be provided with adequately cleared and marked pedestrian pathway access from parking areas.

6. All sanitary facilities shall be designed and constructed in strict conformance to all applicable State and County health regulations.
 7. A minimum distance of 15 feet shall be provided between all travel trailers and tents.
 8. Fences and greenbelts may be required by the Planning Commission. The location of common use areas, roadways, streets, and buildings shall be subject to approval by the Planning Commission.
 9. Off-street parking shall be provided in accordance with the requirements of Article VII.
- (j) Temporary uses and buildings, including temporary buildings or structures for use incidental to construction work.
- (k) Public and private stables and riding academies provided that any building used as a stable shall not be located nearer than 60 feet to any property line and not nearer than 100 feet to any dwelling unit.
- (l) Feedlots not subject to the Michigan Right to Farm Act, subject to the following conditions:
1. All areas of feedlots and manure storage shall be located a minimum of 300 feet from non-farm residential dwellings.
 2. A plan for the safe and sanitary disposal of manure and dead animals shall be prepared.
 3. Adequate provision shall be made to prevent off-site run-off and surface or ground water contamination by the feedlot operation.
- (m) Parking of commercial vehicles in accordance with the requirements of Article V, Section 5.53.
- (n) State licensed residential facilities (seven or more residents), subject to the provisions of Section 5.55 of this Ordinance. This shall only include group child day care homes (seven to 12 residents).
- (o) Small-Scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 5.56 of this Ordinance.
- (p) Large-Scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 5.56 of this Ordinance.

- (q) Large commercial use solar energy systems under the authority of PA 233, subject to the provisions of Section 5.59 of this Ordinance limited to the area bounded by the westerly Railroad Track #1 of the Detroit Line owned by Norfolk Southern Railway and Interstate 75 to the east, as of the date of adoption of this ordinance amendment.
- (r) Accessory dwelling unit, subject to the provisions of Section 5.57 of this Ordinance.
- (s) Campgrounds
- (t) Agri-tourism uses subject to the provisions of Section 5.60 of this Ordinance.

SECTION 9.4. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Article XVIII, "Schedule of Regulations".

ARTICLE X

RE, RURAL ESTATE RESIDENTIAL DISTRICT

SECTION 10.1. STATEMENT OF PURPOSE.

The Rural Estate Residential District is established to permit single-family residential development of a rural non-farm nature in areas without public sewer and water facilities. For the Rural Estate Residential District, in promoting the general purpose of this Ordinance, the specific intent of this Section is:

- (a) To encourage the construction of, and the continued use of the land for single-family dwellings.
- (b) To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.
- (c) To encourage the discontinuance of existing uses, except farms, that would not be permitted as new uses under the provisions of this Ordinance.
- (d) To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
- (e) To discourage any use which, because of its character or size, would create requirements and costs for public services, such as water supply, and sewerage substantially in excess of such requirements and costs of the district were developed solely for single-family dwellings.

SECTION 10.2. PRINCIPAL PERMITTED USES.

In the Rural Estate Residential District no uses shall be permitted, unless otherwise provided in this Ordinance, except the following:

- (a) Single-family detached dwellings.
- (b) The growing of vegetables, fruit, flowers, trees and shrubs.
- (c) Publicly-owned and operated museums, parks, playfields, libraries, and other recreational facilities.
- (d) Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, not operated for profit.
- (e) Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- (f) Off-street parking in accordance with the requirements of Article VII.

- (g) State licensed residential facilities (six or fewer residents). This shall only include group child day care homes (seven to 12 residents).

SECTION 10.3. PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the approval of the Planning Commission.

- (a) Churches and other facilities normally incidental thereto subject to the following conditions:
 - 1. Unless established prior to the enactment of this Ordinance, a church site shall contain an area of at least two acres.
 - 2. The site shall be so located as to have at least one property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto said major thoroughfare.
 - 3. Wherever the off-street parking area is adjacent to land zoned for residential purposes, a continuous and obscuring wall not less than five feet in height shall be provided along the sides of the parking area adjacent to the residentially zoned land in accordance with Section 5.37.
- (b) Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity, and such use is not injurious to the surrounding neighborhood.
- (c) Child care centers, nursery schools, and day nurseries (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of 700 square feet of outdoor play area. Such play space shall be screened from any adjoining lot in any residential district in accordance with Section 5.37.
- (d) Cemeteries, subject to the following conditions:
 - 1. The cemetery site shall contain an area of at least 20 acres.
 - 2. The site shall be so located as to have at least one property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto said major thoroughfare.
 - 3. The perimeter of the site shall be fenced in accordance with Section 5.37.
 - 4. Any structure located on the site shall be at least 100 feet from any lot line.
 - 5. Compliance with applicable state laws regulating the use of cemeteries.

- (e) Private parks, country clubs, golf courses, and golf driving ranges, when located on a continuous parcel of five acres or more in area; when any structure on said parcel is located at least 250 feet from a lot line of any adjacent residential district; and when all ingress and egress from said parcel is directly onto a major thoroughfare.
- (f) Temporary uses and buildings, including buildings and structures for use incidental to construction work for a period not to exceed one year.
- (g) Cluster subdivisions, subject to the following conditions:
 - 1. The proposed subdivision shall consist of a tract of land at least 20 acres in area.
 - 2. The application shall be endorsed unequivocally for such development by all the owners of the tract, and procedures and documents shall be provided to assure development under a single administration and as approved by the Township Board after recommendation from the Planning Commission.
 - 3. The developer shall provide within the cluster subdivision public sanitary sewer, water and storm drainage systems which shall connect with the Township's system, and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the State of Michigan, the Monroe County Health Department, the Monroe County Drain Commissioner's office and the Township of LaSalle.
 - 4. Residential densities shall not exceed one single-family dwelling unit per acre, based upon the total gross area of the proposed subdivision including all streets, roads and dedicated open spaces within the subdivision. No individual single-family lot shall be less than 20,000 square feet in area or less than 100 feet wide.
- 4. The developer shall dedicate or convey not less than 25 percent of the total land area for parks, woodlands, conservation district, playgrounds, golf courses, tennis courts or other open space areas, such as to encourage the preservation of natural features or public or semi-public use. Such land may be dedicated or conveyed to the Township or dedicated or conveyed to the property owners of the subdivision in which case the ownership of said open space, and the responsibility for the maintenance and administration of the open space, as well as the rights of enjoyment thereof, shall be commonly held by all the owners of lots in the cluster subdivision. Prior to conveyance of said open space, all open space shall be graded and seeded, except that portions of said open space may be preserved in a natural state subject to approval by the Township Board after recommendation from the Planning Commission.
 - a. The location, extent, and purpose of areas dedicated for open space or recreational use within any subdivision shall be approved by the Township Board after recommendation from the Planning Commission.

- b. Prior to the transfer or conveyance of any property in the cluster subdivision in advance of completion of the open space areas in accordance with the approved site plan, the developer shall deposit with the Township Clerk a cash or corporate surety bond, or an irrevocable letter of credit in an amount sufficient to insure completion of the proposed improvements as estimated by the Township Engineer.
- c. Access to all structures and areas in the cluster subdivision for fire and police protection and for trash collection shall be assured, and approval of the site plan shall be conditioned upon a review and approval of the plans for said access by the appropriate service agencies having jurisdiction.
- (h) Parking of commercial vehicles in accordance with the requirements of Article V, Section 5.53.
- (i) State licensed residential facilities (seven or more residents), subject to the provisions of Section 5.55 of this Ordinance. This shall only include group child day care homes (seven to 12 residents).
- (j) Small-Scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 5.56 of this Ordinance.
- (k) Large-Scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 5.56 of this Ordinance.
- (m) Accessory dwelling unit, subject to the provisions of Section 5.57 of this Ordinance.
- (n) Campgrounds

SECTION 10.4. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Area, Height, Bulk, and Placement Requirements unless otherwise specified are as provided in Article XVIII, "Schedule of Regulations".

ARTICLE XI

R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

SECTION 11.1. STATEMENT OF PURPOSE.

The Single-Family Residential District is established as a district in which the principal use of land is for single-family dwellings. For the single-family residential district, in promoting the general purpose of this Ordinance, the specific intent of this Section is:

- (a) To encourage the construction of, and the continued use of the land for single-family dwellings.
- (b) To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.
- (c) To encourage the discontinuance of existing uses, except farms, that would not be permitted as new uses under the provisions of this Ordinance.
- (d) To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
- (e) To discourage any use which, because of its character or size, would create requirements and costs for public services, such as water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.

SECTION 11.2. PRINCIPAL PERMITTED USES.

In the R-1 District, no uses shall be permitted unless otherwise provided in this Ordinance except the following:

- (a) Single-family detached dwellings.
- (b) Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities.
- (c) Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, not operated for profit.
- (d) Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- (e) Off-street parking in accordance with the requirements of Article VII.
- (f) State licensed residential facilities (six or fewer residents). This shall include family day care homes, foster family homes, foster family group homes, and adult foster care family homes.

SECTION 11.3. PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the approval of the Planning Commission.

- (a) Private parks, country clubs, golf courses, and golf driving ranges, when located on a continuous parcel of five acres or more in area; when any structure or on said parcel is located at least 200 feet from a lot line of any adjacent residential thoroughfare.
- (b) Churches and other facilities normally incidental thereto subject to the following conditions:
 - 1. Unless established prior to the enactment of this Ordinance, a church site shall contain an area of at least two acres.
 - 2. The site shall be so located as to have at least one property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto said major thoroughfare.
 - 3. Wherever the off-street parking area is adjacent to land zoned for residential purposes, a continuous and obscuring wall not less than five feet in height shall be provided along the sides of the parking area adjacent to the residentially zoned land in accordance with Section 5.37.
- (c) Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity, and such use is not injurious to the surrounding neighborhood.
- (d) Child care centers, nursery schools, and day nurseries (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of 700 square feet of outdoor play area. Such play space shall be screened from any adjoining lot in any residential district in accordance with Section 5.37.
- (e) Cemeteries, subject to the following conditions:
 - 1. The cemetery site shall contain an area of at least 20 acres.
 - 2. The site shall be so located as to have at least one property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto said major thoroughfare.
 - 3. The perimeter of the site shall be fenced in accordance with Section 5.37.
 - 4. Any structure located on the site shall be at least 100 feet from any lot line.
 - 5. Compliance with applicable state laws regulating the use of cemeteries.

- (f) Temporary buildings and uses including buildings and structures for use incidental to construction work for a period not to exceed one year.
- (g) Cluster subdivisions subject to the following conditions:
1. The proposed subdivisions shall consist of a tract of land at least 20 acres in area.
 2. The application shall be endorsed unequivocally for such development by all the owners of the tract, and procedures and documents shall be provided to assure development under a single administration and as approved by the Township Board after recommendation from the Planning Commission.
 3. The developer shall provide within the cluster subdivision public sanitary sewer, water and storm drainage systems which shall connect with the Township's system, and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the State of Michigan, the Monroe County Health Department, the Monroe County Drain Commissioner's office and the Township of LaSalle.
 4. Residential densities shall not exceed two and one-half single family dwelling units per acre, based upon the total gross area of the proposed subdivision including all streets, roads and dedicated open spaces within the subdivision. No individual single-family lot shall be less than 9,000 square feet in area or less than 75 feet wide.
 5. Open space requirements shall be provided as follows:
 - a. Spacing between groups of attached buildings or between groups of four unattached buildings shall be equal to at least 30 feet, measured between the nearest points of adjacent buildings.
 - b. Building setbacks from minor residential streets shall be determined after consideration of potential vehicular traffic volume, site design, and pedestrian safety. It is intended that setbacks for each dwelling shall be pedestrian safety. It is intended that setbacks for each dwelling shall be such that one car length space will be available between the garage or required off-street parking spaces and the street pavement. In determining the setbacks from minor residential streets, the Planning Commission may use the following guidelines:
 - (1) Garages or required off-street parking spaces shall not be located less than 20 feet from the right-of-way of a public street unless such street (or portion thereof) is serving as access to not more than 16 residential units.
 - (2) Where streets are private or the Planning Commission does not require the 20 foot setback from the right-of-way,

garages or required off-street parking spaces shall not be located less than 20 feet from the pavement edge of the street or the shoulder of a street.

- (3) That side of a cluster adjacent to a major or intermediate thoroughfare shall not be nearer to said street than 25 feet, except that in those areas where topography meets the topographic qualification set forth herein on lands immediately adjacent to said streets having slopes in excess of 10 percent, the front open space may be reduced by five feet, but in no instance shall a structure be closer to the road right-of-way line than one-half the front yard setback for the district in which it is located.
- (4) Any side of a cluster adjacent to a private road shall not be nearer to said road than 10 feet.
- (5) In order to provide an orderly transition of density, where the parcel proposed for use as a cluster development abuts a one-family residential district, the Planning Commission shall determine that the abutting one-family district is effectively buffered by means of the following within the cluster development:

Single-family lots subject to the standards of SCHEDULE OF REGULATIONS, (2) detached buildings with setbacks as required by the SCHEDULE OF REGULATIONS for the applicable residential district, (3) open or recreational space, (4) changes in topography which provides an effective buffer, (5) a major or intermediate thoroughfare, (6) some other similar means of providing a transition.

- (h) Parking of commercial vehicles in accordance with the requirements of Article V, Section 5.53.
- (i) State licensed residential facilities (seven or more residents), subject to the provisions of Section 5.55 of this Ordinance. This shall include group child day care homes and adult foster care small group homes (seven to 12 residents) and adult foster care congregate facilities and adult foster care large group homes (more than 12 residents).
- (j) Small-Scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 5.56 of this Ordinance.
- (k) Accessory dwelling unit, subject to the provisions of Section 5.57 of this Ordinance.
- (l) Campgrounds.

SECTION 11.4. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

Area, Height, Bulk, and Placement Requirements unless otherwise specified are as provided in Article XVIII, "Schedule of Regulations".

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ARTICLE XII

R-2, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

SECTION 12.1. STATEMENT OF PURPOSE.

The Multiple-Family Residential District is designed to permit more intensive residential use of land. The R-2 District shall provide for a mixture of housing types including single family detached, two-family residences, multiple housing and mobile home park developments. The multiple-family district shall abut a major thoroughfare for good accessibility and may be located between single-family residential areas and other non-residential uses. It is intended that various sizes of residential accommodations, for ownership and rental, shall be provided to meet the needs of the community.

SECTION 12.2. PRINCIPAL PERMITTED USES.

In the R-2 District, no uses shall be permitted, unless otherwise provided in this Ordinance, except the following:

- (a) All Principal Permitted Uses and Permitted Uses After Special Approval under Section 11.3 in the R-1 District subject to the terms and conditions therein, except that cluster subdivisions shall not be permitted.
- (b) Multiple-family dwellings provided that all such dwellings shall have at least one property line abutting a major thoroughfare. All ingress and egress shall be directly onto said major thoroughfare.
- (c) Two-family dwellings.
- (d) Community garages serving the principal residential building.
- (e) Maintenance and management buildings to serve multiple dwellings.
- (f) Private swimming pool designed and operated as an accessory use only for occupants of the main building or buildings and their personal guests in accordance with Section 5.39.
- (g) Hospitals, provided the following conditions are met:
 - 1. All such hospitals shall be developed only on sites consisting of at least five acres in area.
 - 2. The proposed site shall have at least one property line abutting a major thoroughfare. All ingress and egress to the off-street parking area, for guests, employees, staff as well as any other uses of the facilities, shall be directly onto said major thoroughfare.

3. In the event one or more boundaries of the proposed site lies opposite or contiguous a residential district, the minimum distances between any hospital structure or accessory use and the residential district boundary shall be at least 100 feet. For buildings above 35 feet in height, the building shall be set back from the initial 100 foot setback an additional one foot for each foot of additional height above two stories, subject to the approval of the Zoning Board of Appeals.
 4. The minimum distance from any street line shall not be less than 40 feet. For buildings above 35 feet in height, there shall be a setback of an additional one foot for each five feet of height above two stories subject to the approval of the Zoning Board of Appeals.
 5. The minimum distance from any non-residential lot line shall not be less than 25 feet.
 6. Ambulance and delivery areas shall be obscured from all residential view with a wall or barrier of suitable material at least six feet in height and said wall or barrier shall be further subject to the requirements of Section 5.37.
 7. The site plan shall show any future construction and projected maximum patient census.
 8. Noise producing activities, such as ambulance and delivery areas, power plants and laundry facilities, shall be located not less than 500 feet from any residential area.
- (h) Convalescent and/or nursing home, not to exceed a height of two and one-half stories, when the following conditions are met:
1. All such convalescent or nursing homes shall be developed only on sites consisting of at least five acres in area.
 2. The proposed site shall have at least one property line abutting a major thoroughfare. All ingress and egress to the off-street parking area, for guests, employees, staff as well as any other uses of the facilities, shall be directly onto said major thoroughfare.
 3. No building shall be closer than 40 feet from any property line.
- (i) Bed-n-Breakfast Inn and/or Tourist Home not to exceed a height of three stories.
- (j) Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- (s) Off-street parking in accordance with the requirements of Article VII.
- (t) State licensed residential facilities (six or fewer residents). This shall include family day care homes, foster family homes, foster family group homes, and adult foster care family homes.

SECTION 12.3. PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the approval of the Planning Commission.

- (a) Mobile Home Parks, subject to the requirements as established and regulated by Act 243 of the Public Acts of 1959, as amended, and subject further to the requirements of the LaSalle Township Mobile Home Park Ordinance No. 25, as amended.
- (b) High-rise multiple family residential, subject to the following special approval conditions:
 - 1. Site plan review shall be required for all such uses, regardless of size or area, in accordance with Section 5.41.
 - 2. The proposed site shall have one property line, at least 400 feet in length, abutting a County primary road or major thoroughfare with at least 120 feet of right-of-way. All ingress and egress shall be directly on to or from said thoroughfare or road.
 - 3. The entire area of the site shall be designed and developed 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 principal building(s).

Uses considered herein as accessory uses include parking structures, swimming pools, recreation areas, pavilions, cabanas, decking facilities, personal service uses (such as beauty parlor, barber shop, or dry-cleaning pick-up station) and other similar uses. Personal service accessory uses shall be located only on the ground floor of the principal buildings. Retail commercial located in a non-residential structure uses shall not be permitted on the multiple-family site.

- 4. Two off-street parking spaces shall be provided for each dwelling unit. All off-street parking shall be for the exclusive use of building residents and their guests.
- 5. Parking shall not cover more than 30 percent of the area of any required minimum yard or any required minimum distance between buildings.
- 6. A detailed landscaping plan identifying the location, type, size, and dimensions of all landscaping shall be submitted for review and approval.
- 7. An interior site circulation plan shall be submitted for review and approval. The site circulation plan shall include traffic and pedestrian circulation patterns, layout and typical dimensions of parking spaces, and proposed finish grade of driveways, walkways, and parking lots.
- 8. The applicant approval for high-rise multiple-family shall provide, from a qualified independent source, an assessment of the impact for the

development on Township public services, such as police, fire, roads, water and sewer, to assure that the proposed development will not put undue strain on such services.

9. The applicant may be required at the discretion of the Planning Commission, to respond, to the satisfaction of the Planning Commission, to question and concerns regarding impacts on the coastal zone environment.
 10. Prior to the issuance of the building permit, and as a condition of approval hereunder, the applicant shall provide evidence to the satisfaction of the Planning Commission, of compliance with all Township, County, State and Federal Ordinances and regulations and applicable licenses and permits.
 11. The Commission may require the submission of data, depending on the scale of the project, relative to the need, market, economics and long-term viability of the development.
- (c) State licensed residential facilities (seven or more residents), subject to the provisions of Section 5.55 of this Ordinance. This shall include group child day care homes and adult foster care small group homes (seven to 12 residents) and adult foster care congregate facilities and adult foster care large group homes (more than 12 residents).
- (d) Small-Scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 5.56 of this Ordinance.
- (e) Campgrounds

SECTION 12.4. SCREENING REQUIREMENT.

Wherever a parking lot for any use permitted in a R-2 District, except single family detached and two family dwellings, is erected such that the headlights of the cars in the parking lot will face into a single-family residence district, a solid masonry wall or planting strip not less than three feet in height as determined by the Planning Commission shall be required along that parking lot boundary line facing the single-family residence district.

SECTION 12.5. SITE PLAN REVIEW.

For all uses permitted in the R-2 District, except single family detached and two family dwellings, a site plan shall be submitted to the Planning Commission in accordance with Section 5.41.

- (a) All site plans shall show two means of ingress and egress to the project to permit adequate circulation for safety equipment, except that for projects under 10 acres one boulevard entranceway may be sufficient.
- (b) In all multiple projects of over 100 dwelling units, parking shall not be allowed along the main circulation drive.

- (c) All townhouse units must include an individual outdoor paved patio area not less than 100 square feet in area.
- (d) There shall be no more than five townhouses in any attached row.
- (e) An apartment house shall not exceed 200 feet in length.
- (f) Townhouse units with attached garages may not include the space in front of the garage door as part of the parking requirement. Townhouse units with attached garages may reduce their parking requirement to one and one-half spaces per dwelling unit.
- (g) Apartment houses with underground parking or garages, excluding carports, may reduce their parking requirement to one and one-half spaces per dwelling unit.

SECTION 12.6. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

Area, Height, Bulk and Placement Requirements except as specified below, are as provided in Article XVIII, "Schedule of Regulations".

Area, Height, Bulk and Placement Requirements for high-rise multiple-family uses are as set forth in the following schedule:

Maximum Lot Coverage (percent)	Maximum Height of Building	Minimum Yard Requirements in Feet (Unobstructed)			Minimum Floor Area per Dwelling Unit	
		Front	Least One	Total of Two	Rear	(sq. ft.)
15	--	50	50	100	50	Eff. 450 1 BR 600 2 BR 800 3 BR 1,000 4 BR 1,200

- (a) Front, side or rear yards do not refer to spacing between buildings for a development consisting of two or more buildings on the same parcel. The minimum distance between any two buildings shall be equal to 75 percent of the height of the tallest part of the taller building. The minimal distance between any two buildings shall be in no instance less than 30 feet.

For a yard(s) abutting a residentially-zoned district, a minimum yard(s) shall be equal to at least 75 percent of the height of the tallest abutting building, except where the lot line abuts a public street, one-half the yard setback, so computed (building height x 75%) shall be the minimum yard. In no instance shall any yard setback be less than 50 feet.

(b) **Density.**

The total number of rooms of 80 square feet or more (not including the kitchen and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by 400. All units shall have at least one living room and one bedroom, except that not more than 1) percent of the units may be of an efficiency type. The area used for computing total density shall be the total site area exclusive of any dedicated publicly-owned road right-of-way or water way.

ARTICLE XIII

C-1, NEIGHBORHOOD COMMERCIAL DISTRICT

SECTION 13.1. STATEMENT OF PURPOSE.

The C-1, Neighborhood Commercial District, is intended to permit retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business developments so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, or heavy truck traffic. The intent of this District is also to encourage the concentration of local business areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations and to avoid the continuance of encouraging marginal strip, business development along major thoroughfares.

SECTION 13.2. PRINCIPAL PERMITTED USES.

In the C-1 District, no uses shall be permitted unless otherwise provided in this Ordinance, except the following:

- (a) Retail establishments for the sale of alcoholic beverages, baked goods, bicycles, books, confection, drugs, flowers, groceries, hardware, hobby equipment, jewelry, music, notions, plants, periodicals, sundries, small household articles, tobacco and similar establishments.
- (b) Personal service establishments performing services on the premises, such as barber and beauty shops; watch, radio, television, clothing and shoe repair, tailor shops, locksmith; and similar establishments.
- (c) Laundry or dry cleaning customer outlets, coin-operated laundromats, self-serve dry cleaning centers and the like. Dry cleaning or laundry plans serving more than one customer service outlet are prohibited.
- (d) Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of a drive-in or open front store are prohibited.
- (e) Carry-out restaurants.
- (f) Uses resulting from any of the following occupations: Executive, administrative, professional, accounting, banking, writing, clerical, stenographic and drafting.
- (g) Medical or dental clinics, not including veterinarian hospitals or any type of medical facility permitting overnight patients.
- (h) Photography studios.

- (m) Furriers, dressmaking and tailoring establishments.
- (j) Churches, public schools, public libraries, private schools and educational institutions.
- (k) Nursery schools, day nurseries or day care centers.
- (l) Public utility buildings and uses but not including storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
- (m) Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.
- (n) Off-street parking in accordance with the requirements of Article VII.

SECTION 13.3. PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses may be permitted subject to the conditions hereinafter imposed and subject further to the approval of the Planning Commission.

- (a) Planned neighborhood shopping centers subject to the following requirements:
 1. Minimum site size shall be two acres.
 2. A wall or barrier or suitable material not less than five feet high shall be constructed along those property lines which abut a residential district.
 3. No main or accessory building shall be located nearer than 25 feet to any perimeter property lines.
 4. A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
 5. All signs shall be affixed to the face of the building and shall be a uniform design throughout except for one ground pole sign advertising the name of the shopping center.
 6. All off-street parking shall be within its own area, as specified in Article VII, and an internal system of roads and walks which will effectively separate pedestrian and vehicular traffic is required.
- (b) Hospitals, nursing homes, or convalescent homes, but not including institutions for the care of the feeble-minded or insane.
- (c) Parking of commercial vehicles in accordance with the requirements of Article V, Section 5.53.
- (d) Small-Scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 5.56 of this Ordinance.

- (e) Large-Scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 5.56 of this Ordinance.

SECTION 13.4. REQUIRED CONDITIONS.

The following conditions are required:

- (a) All business, service or processing shall be conducted wholly within a completely enclosed building, provided further that all lighting in connection with permitted business uses shall be so arranged as to reflect the light away from all adjoining residence buildings or residentially zoned property.
- (b) All business or service establishments shall be for the purpose of dealing directly with consumers. All goods produced and processed on the premises shall be sold at retail on the premises where produced and/or processed.

SECTION 13.5. SITE PLAN REVIEW.

For all uses permitted in the C-1 District, a site plan shall be submitted to the Planning Commission, and no building permit shall be issued until after the Planning Commission has reviewed and approved the site plan in accordance with Section 5.41.

SECTION 13.6. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

Area, Height, Bulk, and Placement Requirements unless otherwise specified are as provided in Article XVIII, "Schedule of Regulations".

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ARTICLE XIV

C-2, GENERAL COMMERCIAL DISTRICT

SECTION 14.1. STATEMENT OF PURPOSE.

The C-2, General Commercial District is intended to permit a wider range of business and entertainment activities than those permitted in the Neighborhood Commercial District. The permitted uses are intended to provide businesses and services usually found in major shopping centers and central business districts at the junction of major streets. These uses generate a large volume of vehicular traffic, require substantial access for off-street parking and loading, and require detailed planning particularly as to the relationships with adjacent residential areas.

SECTION 14.2. PRINCIPAL PERMITTED USES.

In the C-2 District, no uses shall be permitted, unless otherwise provided in this Ordinance, except the following:

- (a) All Principal Permitted Uses in the C-1 District.
- (b) Any retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building.
- (c) Business service establishments performing services on the premises such as office machine and typewriter repair; printing; blue printing.
- (d) Any service establishment of an office, showroom, or workshop nature within a completely enclosed building of a taxidermist, decorator, upholster, caterer, exterminator, building contractor (including electrical, glazing, heating, painting, paper hanging, plumbing, roofing, ventilating and plastering), except outside storage yards and similar establishments that require a retail adjunct.
- (e) Photographic film developing and processing.
- (f) Physical culture establishments, including gymnasiums, reducing salons, masseurs and steam baths.
- (g) Communication towers subject to the requirements of Section 5.33.
- (h) Assembly halls.
- (i) Funeral parlors or mortuaries.
- (j) Hotels and motels.
- (k) Other uses similar to the above, subject to the following restrictions:

1. All goods produced on the premises shall be sold at retail on the premises where produced.
 2. All business or servicing, except for off-street parking and loading, shall be conducted within a completely enclosed building.
- (l) Bus passenger stations.
 - (m) Off-street parking lots.
 - (n) Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
 - (o) Off-street parking in accordance with the requirements of Article VII.

SECTION 14.3. PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses may be permitted subject to the conditions hereinafter imposed and subject further to the approval of the Planning Commission.

- (a) Veterinary hospitals and clinics.
- (b) Automobile car wash establishments including steam-cleaning, but not rustproofing, provided off-street space is provided in accordance with Section 7.4.
- (c) Drive-in restaurants or other drive-in establishments serving food and/or beverage, provided that the entrance to or exit from any such use is located at least 35 feet from the intersection of any two streets; that all such uses shall have direct access to a major thoroughfare; that all lighting or illuminated display shall not reflect onto any adjacent residential zone; and that consideration is given to proximity of existing places of congregation of children (e.g., schools) regarding traffic safety and sanitation.
- (d) Automobile gasoline and automobile service stations subject to the requirements of Sections 5.19.
- (e) Wholesale stores, storage facilities, buildings warehouses, distributing plants, freezers and lockers.
- (f) Open air business uses as follows, in conformance with Section 5.34.
 1. Retail sale of trees, shrubbery, plants, flowers, seed, soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
 2. Retail sale of fruit and vegetables.
 3. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

4. Bicycle, trailer, motor vehicle, boat or home equipment rental services.
 5. Outdoor display and sale of garages, swimming pools and similar uses.
- (g) New and used car sales rooms, including outdoor sales space.
- (h) Sales rooms and outdoor sales space, for recreation vehicles, including boats, snowmobiles, travel trailers, campers, tents and accessory equipment.
- (i) Planned Community Shopping Centers, provided the following criteria are met:
1. Such center shall consist of a group of establishments engaging exclusively in retail business or service, arranged as a functionally coherent unit, together with appurtenant features, such as parking areas and storage facilities.
 2. Such center shall occupy a site of not less than 10 acres.
 3. No main or accessory building shall be situated less than 50 feet from any perimeter property line.
 4. A planting strip of at least 10 feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall or barrier of suitable material not less than five feet high shall be constructed along those property lines which abut a residential district.
 5. The proposed site shall have at least one property line abutting a major thoroughfare. All ingress and egress to the site shall be directly from said thoroughfare. Turning and approach lanes shall be provided when determined necessary by the Township Engineer.
 6. A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
 7. All signs shall be affixed to the face of the building and shall be a uniform design throughout except that one ground pole sign advertising the name of the shopping center is allowed.
 8. All off-street parking shall be within its own area, as specified in Article VII, and an internal system of roads and walks which will effectively separate pedestrian and vehicular traffic is required.
 9. All vehicle and pedestrian areas shall be illuminated during business hours or darkness. All lighting fixtures shall be installed so as to reflect light away from adjoining residential properties.
- (j) Parking of commercial vehicles in accordance with the requirements of Article V, Section 5.53.
- (k) Small-Scale Wind Energy Conversion Systems (WECS), subject to the provisions

of Section 5.56 of this Ordinance.

- (l) Large-Scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 5.56 of this Ordinance.

SECTION 14.4. SITE PLAN REVIEW.

For all uses permitted in a C-2 District, a site plan shall be submitted to the Planning Commission, and no building permit shall be issued until after the Planning Commission has reviewed and approved the site plan in accordance with Section 5.41.

SECTION 14.5. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

Area, Height, Bulk, and Placement Requirements unless otherwise specified are as provided in Article XVIII, "Schedule of Regulations".

ARTICLE XV

MD, MARINA DISTRICT

SECTION 15.1. STATEMENT OF PURPOSE.

The MD, Marina District, is intended to permit the development of water oriented recreational and boating facilities and accessory retail and service activities, thereby facilitating navigation and providing safe, compatible and economical waterfront development.

SECTION 15.2. PRINCIPAL PERMITTED USES.

In the MD District, no uses shall be permitted unless otherwise provided in this Chapter, except the following:

- (a) Public or private development of facilities for the berthing, storage or servicing of boats, yachts, cruisers, inboards, outboards and sailboats.
- (b) Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- (c) Off-street parking in accordance with Article VII.

SECTION 15.3. PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses may be permitted subject to the conditions hereinafter imposed and subject further to the approval of the Planning Commission.

- (a) Retail businesses which supply commodities for persons using the facilities of the district such as sale of boats, engines, and accessories, fishing equipment and other similar items.
- (b) Eating and drinking establishments excluding drive-in facilities.
- (c) Parking of commercial vehicles in accordance with the requirements of Article V, Section 5.53.
- (d) Small-Scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 5.56 of this Ordinance.
- (e) Large-Scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 5.56 of this Ordinance.
- (f) Campgrounds

SECTION 15.4. SITE PLAN REVIEW.

For all uses permitted in a MD District, a site plan shall be submitted to the Planning Commission and no building permit shall be issued until after the Planning Commission has reviewed and approved the site plan in accordance with Section 5.41.

SECTION 15.5. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

Area, Height, Bulk, and Placement Requirements unless otherwise specified are as provided in Article XVIII, "Schedule of Regulations".

ARTICLE XVI

M-1, LIGHT INDUSTRIAL DISTRICT

SECTION 16.1. STATEMENT OF PURPOSE.

In the M-1 District, the intent is to permit certain industries which are of a light manufacturing character to locate in planned areas of the Township. So that such uses may be integrated with nearby land uses, such as commercial and residential uses, limitations are placed upon the degree of noise, smoke, glare, waste, and other features of industrial operations so as to avoid adverse effects. It is further intended that these light industrial uses act as a transition between heavier industrial uses and non-industrial uses and not necessarily require railroad access or major utility facilities. Certain commercial uses which are desirable to service the employees and visitors of the industrial uses are also permitted in this District.

SECTION 16.2. PRINCIPAL PERMITTED USES.

Any of the following uses when the manufacturing compounding or processing is conducted entirely within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, final product storage of processing shall be a minimum of 2) feet from any residential property line and be totally obscured by a six foot masonry wall on those sides abutting any residential district.

(a) **Wholesale and Warehousing.**

The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment; petroleum bulk stations and terminals; tobacco and tobacco products; paper and paper products; furniture and home furnishings, and any commodity the manufacture of which is permitted in this District; truck terminals.

(b) **Industrial Establishments:**

1. The assembly, fabrication, manufacture, packaging or treatment of such products as food products (excluding butchering, animal slaughtering), candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances; radio and phonographs; pottery and figurines or other ceramic products using only previously pulverized clay.
2. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fibre, glass, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planting mills) and yarns.

3. Tool and die shops; metal working machine shops involving the use of grinding or cutting tools; manufacturing of tools, dies, jigs and fixtures; publishing, printing or forming of box, carton and cardboard products.
 4. Laboratories - research or testing.
 5. Central dry cleaning plants and laundries.
- (c) **Public Utility Uses.**
- Electric transformer station and substation; electric transmission towers; municipal buildings and uses; gas regulator and municipal utility pumping stations.
- (d) Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
 - (e) Off-street parking in accordance with Article VII.
 - (f) Parking of commercial vehicles in accordance with the requirements of Article V, Section 5.53.

SECTION 16.3. PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses may be permitted subject to the conditions hereinafter imposed and subject further to the approval of the Planning Commission.

- (a) The following retail and service establishments, provided that such establishments are clearly ancillary to the permitted industrial uses and are in keeping with the intent of this District:
 1. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character or drive-in or open front store are prohibited.
 2. Barber and beauty shops.
 3. Truck tractor and trailer sales, rental and repair.
 4. Motels.
 5. Automobile service stations in accordance with Section 5.19.
- (b) Dog Kennels.
- (c) Drive-in theaters, provided that any such site is adjacent to a major thoroughfare; that there shall be no vehicular access to any residential street; that suitable screening is provided to insure that there shall be no highlight or other illumination directed upon any residentially zoned or developed property; and so that the picture is not visible from a major thoroughfare; and that any such drive-in theaters

shall be located no closer than 500 feet to any residentially zoned or developed property.

- (d) Industrial parks, subject to the following provisions:
1. Permitted uses shall include all Principal Permitted Uses in this M-1 District.
 2. The minimum site size for an industrial park shall be five acres.
 3. All industrial parks shall be so located as to have at least one property line abutting a major thoroughfare. All ingress and egress shall be directly onto said thoroughfare.
 4. No main or accessory building shall be situated less than 50 feet from any residential property line.
 5. No parking access and/or service area may be located less than 25 feet from any residential property line.
 6. Parking, loading or service areas used by motor vehicles shall be located entirely within the boundary lines of the industrial park and shall be in accordance with Article VII.
 7. A planting strip of at least 10 feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall or barrier of suitable material not less than five feet high shall be constructed along these property lines which abut a residential district.
 8. A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
 9. Lighting facilities shall be required where deemed necessary for the safety and convenience of employees and visitors. These facilities will be arranged in such a manner as so to protect abutting streets, and adjacent properties from unreasonable glare or hazardous interference of any kind.
- (e) Small-Scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 5.56 of this Ordinance.
- (f) Large-Scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 5.56 of this Ordinance.
- (g) Commercial use solar energy systems subject to the provisions of Section 5.59 of this Ordinance.

SECTION 16.4. INDUSTRIAL PERFORMANCE STANDARDS.

Any use established in the M-1 District shall not be permitted to carry on any activity, operation, use of land, building or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hard to humans or human activity.

(a) Noise.

No operation or activity shall be carried out in the M-1 District which causes or creates measurable noise levels exceeding the maximum sound intensity levels prescribed below, as measured on or beyond the boundary lines of said District.

A sound level meter and an octave band analyzer shall be used to measure the intensity and frequency of the sound or noise levels encountered. Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise and analyzer; and the measurements so obtained may be permitted to exceed the maximum levels provided in Table 16A by no more than five decibels. For purposes of this Ordinance, impact noises shall be considered to be those noises whose peak values are more than seven decibels higher than the values indicated on the sound level meter.

Where street traffic noises directly adjacent to the property line exceed these maximum permitted levels, the intensity levels permitted may then exceed those levels specified in the table but may not exceed the level of the subject adjacent street traffic noises.

In addition, sounds of an intermittent nature, or characterized by high frequencies, which the Building Inspector deems to be objectionable in adjacent districts, shall be controlled so as not to generate a nuisance in adjacent districts, even if the decibel measurement does not exceed that specified in the table.

TABLE 16A

**MAXIMUM PERMITTED SOUND INTENSITY LEVELS IN DECIBELS
(Post-1960 Preferred Frequencies)**

=====

<u>Cycle Frequency (Cycles Per Second)</u>	<u>M-1</u>
31.5	72
63.0	68
125.0	62
250.0	57
500.0	50
1,000.0	46
2,000.0	39
4,000.0	32
8,000.0	28

(b) **Smoke, Dust, Dirt and Fly Ash.**

The emission of smoke, dust, dirt and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable State and County health laws as pertaining to air pollution and smoke abatement.

A person shall not discharge into the atmosphere, from any single source of emission, any smoke of a density equal to, or greater than that density described as No.2, on the Ringelmann Chart as published by the United States Bureau of Mines; provided that the following exceptions to the provisions of this rule shall be permitted:

1. Smoke the shade or appearance of which is equal to but not darker than No.2 on the Ringelmann Chart for a period or periods aggregating four minutes in any 30 minutes.
2. Smoke the shade or appearance on which is equal to, but not darker than No. 3 on the Ringelmann Chart for a period or periods aggregating three minutes in any 15 minutes when building a new fire or when breakdown of equipment occurs such as to make it evident that the emission was not reasonably preventable.

(c) **Glare and Heat.**

Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely impercible from any point beyond the lot lines of the lot upon which the source of glare or heat is located.

(d) **Odor.**

The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ratio of one volume of odorous air to four or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot lines is prohibited.

(e) **Vibration.**

Machines or operations which cause vibration shall be permitted, but no operation shall be permitted to produce ground transmitted oscillations which cause a displacement exceeding that specified in the following Tables 16B and 16C as measured at the property line. These vibrations shall be measured with a seismograph or accelerometer; preferable the former.

For purposes of the Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than 60 per minute. Discrete impulses which do not exceed 60 per minute shall be considered impact vibrations.

TABLE 16B

MAXIMUM PERMITTED STEADY STATE VIBRATION IN INCHES

Cycle Frequency (Cycles Per Second)	Permitted Vibration
10 and below	0.001
10 to 19	0.0008
20 to 29	0.0005
30 to 39	0.0003
40 and above	0.0001

TABLE 16C

MAXIMUM PERMITTED IMPACT VIBRATION IN INCHES

Cycle Frequency (Cycles Per Second)	Permitted Vibration
10 and below	0.002
10 to 19	0.0015
20 to 29	0.001
30 to 39	0.0005
40 and above	0.0002

Between the hours of 8:00 p.m. and 6:00 a.m., all of the above maximum vibration levels, as measured on or beyond the boundary line of residentially used areas adjacent to an M-1 District, shall be reduced to one-half the indicated permissible values.

(f) Fire and Safety Hazards.

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all State rules and regulations, and regulations as established by the Fire Prevention Act, Act 207, P.A. of 1941, as amended. Further, all storage tanks for flammable liquid materials above ground shall be located at least 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes or other types of retaining walls which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greater depth to the bottom of the buried tank.

(g) Gases.

The escape of or erosion of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated. Sulphur dioxide gas, as measured at the property line at ground elevation, shall not exceed an average of 0.3 p.p.m., hydrogen sulfide likewise shall not exceed one p.p.m., flourine shall not exceed 0.1.p.p.m., nitrous fumes shall not exceed five p.p.m., and carbon monoxide shall not exceed 15 p.p.m.; all as measured as the average intensity during any 24 hours sampling period.

(h) **Electromagnetic Radiation.**

Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electro- magnetic radiation are hereby made a part of this Ordinance.

(i) **Drifting and Airborne Matter, General.**

The drifting or airborne transmission beyond the lot line of dust, particles or debris from any open stock pile shall be unlawful and shall be summarily caused to be abated.

SECTION 16.5. COMPLIANCE WITH COUNTY AND STATE REGULATIONS.

Any use permitted in the M-1 District must also comply with all applicable County and State health and pollution laws and regulations.

SECTION 16.6. SITE PLAN REVIEW.

For all uses permitted in an M-1 District, a site plan shall be submitted to the Planning Commission, and no building permit shall be issued until after the Planning Commission has reviewed and approved the site plan in accordance with Section 5.41.

SECTION 16.7. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

Area, Height, Bulk, and Placement Requirements unless otherwise specified are as provided in Article XVIII, "Schedule of Regulations".

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ARTICLE XVII

M-2, GENERAL INDUSTRIAL DISTRICT

SECTION 17.1. STATEMENT OF PURPOSE.

The intent of the M-2 District is to permit certain industrial uses to locate in desirable areas of the Township, which uses are primarily of a manufacturing, assembling and fabricating character, including large scale or specialized industrial operations requiring good access by road and/or railroad, and needing special sites or public and utility services. Reasonable regulations apply to users in this District so as to permit the location of industries which will not cause adverse effects on residential and commercial areas in the Township.

SECTION 17.2. PRINCIPAL PERMITTED USES.

In the M-2 District, no uses shall be permitted, unless otherwise provided in this Ordinance, except the following:

- (a) All Principal Permitted Uses and Permitted Uses After Special Approval in the M-1 District subject to the terms and conditions imposed therein.
- (b) Industrial establishments:
 - 1. The assembly and/or manufacture of automobiles, automobile bodies, parts and accessories, cigars and cigarettes, electrical fixtures, batteries and other electrical apparatus and hardware.
 - 2. Processing, refining, or storage of food and food stuffs.
 - 3. Breweries, bump shops, distilleries, machine shops, metal buffering, plastering and polishing shops, mill work lumber and planing mills, painting and sheet metal shops, undercoating and rustproofing shops, and welding shops.
 - 4. Automobile bump shops, tire vulcanizing and recapping shops.
 - 5. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses, including living quarters of a watchman or caretaker.
 - 6. Any other uses similar to any of the above Principal Permitted Uses.
- (c) Parking of commercial vehicles in accordance with the requirements of Article V, Section 5.53.

SECTION 17.3. PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses may be permitted subject to the conditions hereinafter imposed and subject further to the approval of the Planning Commission.

- (a) Open storage yards of construction contractor's equipment and supplies, building materials, sand, gravel and lumber.
 - 1. Such uses shall be located at least 200 feet from any residential district.
 - 2. If it is deemed essential by the Planning Commission to prevent loose materials from blowing into adjacent properties, a fence, tarpaulin or obscuring wall of dimensions and materials specified by the Planning Commission shall be required around the stored material.
 - 3. No required yard spaces shall be used for the storage of equipment or material.

- (b) Junkyards, subject to the following conditions:
 - 1. All ordinances of the Township, County and State as applied to these activities are complied with.
 - 2. A site plan shall be provided and shall also contain a description of the location and nature of any materials processing operations to be conducted within the junk yard, and the location and nature of equipment for such operations.
 - 3. No such use shall be allowed within 300 feet of any dwelling.
 - 4. Junk materials shall be stored in organized rows with open intervals at least 20 feet wide between rows for purposes of fire protection access and visitor safety.
 - 5. Storage areas shall be obscured from public view and the storage area shall be entirely enclosed by an eight foot masonry wall or obscuring fence approved by the Planning Commission. Said wall or fence to be of uniform design, neat in appearance, and shall not have any signs or symbols painted on it.
 - 6. The junk yard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects or other vermin.
 - 7. A minimum 10 foot greenbelt planting strip, composed of evergreen or deciduous trees and shrubs as approved by the Planning Commission shall be planted and maintained outside of said wall or fence, except where entrance and/or exit driveways are located.
 - 8. Storage of materials shall not be piled higher than the height of the eight foot masonry wall or obscuring fence. A clear and unobstructed roadway a minimum of 27 feet in width shall be provided, paved, graded and

maintained from the street to the rear of the property to permit free access of fire trucks at any time.

9. There shall be not more than one entrance way from each public street which adjoins the junk yard.
 10. All trucks and other vehicles shall be stored or parked within the required walled or fenced enclosure and all truck loading and unloading shall be performed within said enclosure.
 11. All flammable liquids contained in automobiles and other vehicles shall be drained from same immediately after such vehicles are brought to the junk yard. Such liquids are to be stored in containers approved by the Township Fire chief or other designated fire official.
 12. Open burning of materials or the open burning of junk cars shall be prohibited.
 13. Areas designated for the cutting, compressing and/or packaging of material shall be centrally located within the walled or fenced enclosure.
- (c) Mining, excavating or other removal of sand, earth, minerals, or other material naturally found in the earth. Subject to the provisions of Section 5.24 of this Ordinance.
- (d) Small-Scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 5.56 of this Ordinance.
- (e) Large-Scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 5.56 of this Ordinance.
- (f) Commercial use solar energy systems subject to the provisions of Section 5.59 of this Ordinance.

SECTION 17.4. INDUSTRIAL PERFORMANCE STANDARDS.

Any use established in the M-2 District shall not be permitted to carry on any activity or operation or use of land, building, or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be maximum permissible hazard to humans or human activity.

(a) **Noise.**

No operation or activity shall be carried out in the M-2 District which cause or create measurable noise levels exceeding the maximum sound intensity levels prescribed below, as measured on or beyond the boundary lines of said District.

A sound level meter and an octave band analyzer shall be used to measure the intensity and frequency of the sound or noise levels encountered. Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise and analyzer; and the measurements so

obtained may be permitted to exceed the maximum levels provided in Table 17A by no more than five decibels. For purposes of this Ordinance, impact noises shall be considered to be those noises whose peak values are more than seven decibels higher than the values indicated on the sound level meter.

Where street traffic noises directly adjacent to the property line exceed these maximum permitted levels, the intensity levels permitted may then exceed those levels specified in the table but may not exceed the level of the subject adjacent street traffic noises.

In addition, sounds of an intermittent nature, or characterized by high frequencies, which the Building Inspector deems to be obtainable in adjacent districts, shall be controlled so as not to generate a nuisance in adjacent districts, even if the decibel measurement does not exceed that specified in the table.

- (b) All other performance standards relative to smoke, dust, dirt and fly ash; glare and heat; odor; vibration; fire and safety hazards; sewage wastes; gases, electromagnetic radiation; and drifting and airborne matter shall be in conformance with the industrial performance standards of the M-1 District as provided in Section 16.4.

TABLE 17A

MAXIMUM PERMITTED SOUND INTENSITY LEVELS IN DECIBELS

=====

Cycle Frequency (Cycles Per Second)	M-2
31.5	77
63.0	73
125.0	67
250.0	62
500.0	55
1,000.0	51
2,000.0	44
4,000.0	37
8,000.0	33

SECTION 17.5. SITE PLAN REVIEW.

For all uses permitted in an M-2 District, a site plan shall be submitted to the Planning Commission, and no building permit shall be issued until after the Planning Commission has reviewed and approved the site plan in accordance with Section 5.41.

SECTION 17.6. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

Area, Height, Bulk, and Placement Requirements unless otherwise specified are as provided in Article XVIII, "Schedule of Regulations".

ARTICLE XVIII

SCHEDULE OF REGULATIONS

Zoning District	Minimum Lot Width (in Feet)	Minimum Lot Area	Maximum Lot Coverage (percent)	Maximum Height of Building		Minimum Yard Requirements In Feet (unobstructed) ^{v,w}				Minimum Floor Area Per Dwelling Unit (in Sq. Ft.) ^b
				In Stories	In Feet	Front ^a	Least One	Total of Two	Rear	
AG-1	250	62,500 sq.ft.	--	2-1/2 ^c	35 ^c	50	25	50	50	960
AG-2	250	62,500 sq.ft.	--	2-1/2 ^c	35 ^c	50	25	50	50	960
RE	150 ^d	1 Acre ^d	30	2-1/2	35	50	25	50	50	1200
R-1	125 ^{d,e}	18,000 sq. ft. ^{d,f}	30	2-1/2	35	35	9 ^g	15 ^g	35	800
R-2	150 ^{h,i}	1 Acre ^{j,k,l}	30	2-1/2 ^m	35 ^m	35	15 ^{t,u}	30 ^{t,u}	35	ⁿ
C-1	--	--	40	2	30	25 ^p	15 ^q	30 ^q	25 ^r	--
C-2	--	--	40	2	30	30 ^p	20 ^q	40 ^q	25 ^r	^s
MD	--	--	40	2	30	25 ^p	15 ^q	30 ^q	35 ^r	--
M-1	100	20,000 sq. ft.	50	2-1/2	35	35	20	40	35	--
M-2	100	20,000 sq. ft.	50	2-1/2	35	50	30	60	50	--

(As Amended February 17, 1998)

NOTE: See footnotes to Schedule of Regulations for specifications assigned to letters.

FOOTNOTES TO SCHEDULE OF REGULATIONS

- a. In all residential and industrial districts, the required front yard shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
- b. The minimum floor area per dwelling unit shall not include areas of basements, breeze-ways, unenclosed porches, terraces, attached garages, attached shed, or utility rooms.
- c. Maximum height of non-residential agricultural structures shall not exceed 70 feet.
- d. Cluster subdivisions (see Section 10.3(g) and 11.3(g)) shall permit lot sizes and width of less areas and dimensions.
- e. Minimum lot width of 70 feet is permitted if public sewer and water is available.
- f. Minimum lot area of 9,000 square feet is permitted if public sewer and water is available.
- g. The side yard abutting upon a street shall not be less than the required side yard when there is a common rear lot line. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front yard of that district. Off-street parking shall not be permitted in a side yard setback abutting a street. (See accompanying diagram)
- h. For single family detached and two-family dwellings, minimum lot width shall be 80 feet. If public sewer and water is not available, minimum lot width shall be 90 feet.
- i. For mobile home parks, minimum lot width shall be 400 feet.
- j. For single family detached and two-family dwellings, minimum lot area shall be 18,000 square feet. If public sewer and water is not available, minimum lot area shall also be 18,000 square feet, subject to valid County Health Department permit prior to house construction.
- k. For mobile home parks, minimum lot area shall be 20 acres.
- l. Minimum land area required for each dwelling unit in the R-2 District shall be:

Dwelling Unit Size	Area in Square Feet	
	Apartment	Townhouse
Efficiency or one-bedroom unit	3,000	4,200
Two-bedroom unit	4,200	5,400
Three-bedroom unit	5,400	7,200
Four or more bedroom units	7,200	7,200

Not more than 10 percent of the dwelling units on the parcel may be of a one room (e.g., efficiency) apartment type, and in no instance shall the total number of dwelling units exceed 20 per acre.

- m. Modifications allowing height variances for multiple dwellings up to a maximum of six stories or 60 feet may be permitted by the Zoning Board of Appeals after public hearing.
- n. Required minimum floor area for each dwelling unit shall be:

Dwelling Unit Size	Area in Square Feet	
	Apartment	Townhouse
Efficiency or one-bedroom unit	400	- -
One-bedroom unit	600	600
Two-bedroom unit	750	800
Three-bedroom unit	950	1,000
Four or more bedroom units	1,200	1,250

The minimum floor area required for each two-family dwelling unit shall be 800 square feet.

- o. Every lot in the C-1, C-2, and MD Districts, used as a business, shall have an area sufficient in size to comply with the requirements pertaining to the particular use with an adequate and safe water supply and a safe and adequate sewage disposal system as established by standards required by the State or County Health Department rules and regulations. In no case shall a business lot be less than 4,000 square feet in area.
- p. Where an existing front setback line has been established by existing office or commercial buildings occupying forty (40) percent or more of the frontage within the same block, such established setback shall apply.
- q. Side yards are not required along interior side lot lines if all walls abutting or facing such lot lines are of fireproof masonry construction and entirely without windows or other openings. A side yard of 20 feet is required on all corner lots and whenever adjacent to a residential district.
- r. No rear yard is required in the C-1, C-2, and MD Districts where the rear property line abuts upon a 20 foot alley.
- s. Where hotels or motels are permitted in a C-2 District, a minimum of 250 square feet of floor area per unit shall be provided.
- t. For every lot on which a multiple, row or terrace dwellings is erected, there shall be provided a side yard on each side of the lot, as indicated in the Schedule. Each side yard shall be increased beyond the yard spaces indicated by one foot for each 10 feet or part thereof by which the length of the multiple, row or terrace dwelling exceeds 40 feet in overall dimension along the adjoining lot line. For any building which exceeds 35 feet in height, approved by the Zoning Board of Appeals after recommendation from the Planning

Commission, the required side and rear yard spaces shall be increased one foot for every five feet the building exceeds 35 feet.

- u. Where two or more multiple, row or terrace dwellings are erected upon the same lot, a minimum yard space of 20 feet in width shall be provided between structures. This yard width shall be increased by two feet for each 10 feet or part thereof, by which each multiple, row or terrace dwelling, having common grounds, exceeds 40 feet in length on that side of the dwelling facing the common yard.
- v. For nonconforming lots of record that are located within a district in which single-family dwellings are permitted and such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, refer to Section 6.9, Nonconforming Lots of Record, for setbacks applicable to single-family dwellings and customary accessory buildings.
- w. Where a setback(s) of less depth than the minimum required exists at a neighboring single-family residence or residences presently on one side of a street in any block, and within 300 feet of the subject lot or parcel, the corresponding setback(s) of any building subsequently erected or remodeled on the subject lot or parcel can be varied so long as it is no less than the average depth of the corresponding yards of such existing residences. So that the Township may consider a request to use this provision, the Township shall provide a petitioner a form in which the petitioner shall provide relevant setback dimensions for the subject block. The building inspector shall make a determination on a request to use this provision based on the review of said form. The following table illustrates a sample calculation.

Setback Averaging Example for Six Adjacent Properties

Property	Front Setback	Side Setback		Rear Setback
1	50	25	25	50
2	45	20	25	20
3	38	10	21.5	24
4	50	25	20	50
5	50	25	25	50
6	40	10	8	45
Average	45.5	19.2	21	39.83

ARTICLE XIX

ADMINISTRATION AND ENFORCEMENT

SECTION 19.1. ENFORCEMENT.

The provisions of this Ordinance shall be administered and enforced by the Building Inspector who shall be appointed by the Township Board of LaSalle Township, or any other employees, inspectors, and officials as the Building Inspector may delegate to enforce the provisions of the Ordinance.

SECTION 19.2. DUTIES OF BUILDING INSPECTOR.

- (a) 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.
- (b) 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 with this Ordinance.
- (c) The Building Inspector shall require that all applicants for building permits be accompanied by plans and specifications including a plot plan in duplicate, which shall agree with the site plan approved by the Planning Commission, when required, under Section 5.41 of this Ordinance. The plot plan shall be prepared, signed, and sealed by a registered professional civil engineer or a registered professional land surveyor, and shall show the following:
 - 1. The actual shape, location and dimensions of the lot, and the lines of the lots or parcels under separate ownership contained therein.
 - 2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
 - 3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
 - 4. The width and alignment of all abutting streets, alleys, easements of access and public open space.
 - 5. In the case of an application for other than a residence, the applicant shall also furnish a sworn statement stating all uses to which he proposes to put the property or any proposed building on the property.
 - 6. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

- (d) If the proposed excavation, construction, moving, alteration, or use of land as set forth in the application are in conformity with the provisions of this Ordinance, the Building Inspector shall issue a building permit within 10 days after the receipt of such application. If any application for such permit is not approved, the Building Inspector shall state in writing on the application, the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance. A record of all such applications shall be kept on file by the Building Inspector.
- (e) Whenever an application for a building permit indicates the necessity for constructing an on-site sewage disposal system and/or water well system on the premises, the Building Inspector shall not issue such permit unless the Monroe County Health Department shall have approved the site for the construction of such facilities.
- (f) The Building Inspector is under no circumstance permitted to grant exceptions to the meaning of any clause, order, or regulation contained in this Ordinance or any person making application to excavate, construct, move, alter, or use buildings, structures or land within the Township.
- (g) All building permits shall be conspicuously posted on the premises.

SECTION 19.3. BUILDING PERMITS.

The following shall apply in the issuance of any permit:

(a) Permits Required.

It shall be unlawful for any person to commence excavation for, construction of any building or structure, structural changes, or repairs in any existing building or structure, or moving of an existing building, without first obtaining a Building Permit from the Building Inspector. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance showing that the construction proposed is in compliance with the provisions of this Ordinance, with the Building Code, and with other applicable ordinances.

"Alteration" or "repair" of an existing building or structure, shall include any changes in structural members, stairways, basic construction type, kind of class of occupancy, light or ventilation, means of egress and ingress, or any other changes affecting or regulated by the Building Code, the Housing Law of the State of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.

(b) Permits for New Use of Land.

A Building Permit shall also be obtained for the new use of land, whether the land is presently vacant or a change in land use is proposed.

A site plan shall be completed for each proposed land use subject to the requirements of Section 5.41 SITE PLAN REVIEW AND APPROVAL PROCEDURES.

(c) **Permits for New Use of Buildings or Structures.**

A Building Permit shall also be obtained for any change in use of an existing building or structure to a different class or type of use. A site plan shall be completed for each proposed land use subject to the requirements of Section 5.41.

(d) **Accessory Buildings.**

Accessory buildings when erected at the same time as the principal building on a lot and shown on the application thereof shall not require a separate building permit, provided the accessory building is built in conformance to this Ordinance.

(e) All building permits, when issued, shall be valid for a period of one year only but may be extended for a further period of not to exceed one year, if the Building Inspector shall find good cause shown for failure to complete work for which said permit was issued; provided that the exterior of any such structure must be completed within one year from the date of the original issuance of a building permit.

(f) Should the holder of a Building Permit fail to complete the work for which said permit was issued within the time limit as set forth above, any unfinished structure is hereby declared a nuisance, per se and the same may be abated by appropriate action before the Circuit Court of the County. The Zoning Board of Appeals, the Township Board, or any aggrieved person may institute a suit to have the nuisance abated.

SECTION 19.4. CERTIFICATE OF OCCUPANCY.

It shall be unlawful to use or permit the use of any land, building, or structure for which a Building Permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Building Inspector shall have issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with. The following provisions shall apply:

(a) **Records of Certificates.**

A record of all Certificates of Occupancy shall be kept in the office of the Building Inspector and copies of such Certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

(b) **Certificates for Accessory Buildings to Dwellings.**

Accessory buildings or structures to dwelling shall not require a separate Certificate of Occupancy, but rather, may be included in the Certificate of Occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.

(c) **Temporary Certificates.**

Certificates of Temporary Occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such Certificate of Temporary Occupancy shall not remain in force more than six months, nor more than five days after the building or structure is fully completed and ready for occupancy, and provided further that such portions of the building or structure are in conformity with the provisions of this Ordinance.

(d) **Application for Certificates of Occupancy.**

Any person applying for a building Permit shall at the same time apply to the Building Inspector in writing for a Certificate of Occupancy. It shall be the duty of such person to notify the Building Inspector upon completion of the building or structure. The Building Inspector shall, within five business days after actual receipt of such notification, inspect such building or structure, or part thereof, or the proposed use of the premises is in conformity with this and other applicable ordinances and laws, the Building Inspector shall forthwith issue a Certificate of Occupancy therefore. If the Building Inspector shall determine that a violation exists, he shall not issue a Certificate of Occupancy and shall forthwith notify the applicant of such refusal and the cause therefore.

SECTION 19.5. FEES.

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

SECTION 19.6. TICKETS.

The Building Inspector shall issue appearance tickets for violations pursuant to this Ordinance.

SECTION 19.7. NOTICE.

Where public notice is required by this Ordinance before a public hearing or discretionary decision, a notice shall be provided as follows:

- (a) Notice shall be published in a newspaper of general circulation in La Salle Township not less than 15 days prior to the public hearing scheduled.
- (b) Notice shall also be sent by mail or personal delivery to the owners of property that is the subject of the request, to all persons whom real property is assessed within 300 feet of the boundary of the property that is the subject of the request, and to all occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a

structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four such dwelling units or distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. This notice is considered to be given when personally delivered or when deposited during normal business hours for delivery by the United States Postal Service or other public or private delivery service. This notice shall be sent not less than 15 days before the date of the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended.

- (c) The notice shall contain:
1. A description of the nature of the request to be heard.
 2. A description of the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. A statement of when and where the request will be considered.
 4. An indication of when and where written comments will be received concerning the request.
 5. Indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the boundary of the property being considered for a special land use permit regardless of whether the property or occupant is located in the zoning jurisdiction.

SECTION 19.8. ZONING DUTIES OF PLANNING COMMISSION.

- (a) The Township Planning Commission is hereby designated as the commission specified in Act No. 33 of the Public Acts of Michigan of 2008, as amended, and shall have all the powers and perform the duties of the zoning commission as defined in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- (b) The planning commission shall at least once per year prepare for the Township Board of Trustees a report on the administration and enforcement of the zoning ordinance and recommendations for amendments or supplements to the Ordinance.

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ARTICLE XX

AMENDMENTS

SECTION 20.1. PROCEDURE.

The Township Board may, by ordinance, amend, supplement, modify or change this ordinance, provided, however, that a public hearing shall be held following the noticing procedures outlined in Section 20.2 herein, before any such amendment, supplement, modification or change shall be passed, and provided further, that the hearing on such amendment, supplement, modification or change may be convened after the original hearing thereon, in compliance with all laws, without further notice, other than the announcement thereof at the original or any adjourned hearing, and a hearing shall be granted to any person interested at the time and place specified.

SECTION 20.2. NOTICE.

The procedure for making amendments to this Ordinance shall be in accordance with Michigan Public Act 110 of Public Act 2006, as amended.

A petition, together with a completed and signed application and fees, shall be filed with the Building Inspector. The Building Inspector shall review the application as to form and, when it is approved, transmit same to the Planning Commission for review and report. The Building Inspector shall, at the same time, establish a date for a public hearing on the petition for the Planning Commission and shall give proper notice of the hearing as provided in Act 110 of Public Act 2006, as amended. The Building Inspector shall also, for any proposed amendment to the Zoning Map, give notice thereof, and of the public hearing, as follows:

- (a) A public hearing notice on the proposed Ordinance amendment shall be published in a newspaper of general circulation in the Township not less than fifteen (15) days fore the date of the hearing.
 - 1. If an individual property or 10 or fewer adjacent properties are included in the proposal, a notice must be published as required above, and a notice shall also be sent by mail or personal delivery to the owners of property that is the subject of the request. If the request for an appeal involves a specific parcel, written notice shall be sent to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to all occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or when deposited during normal

business hours for delivery by the United States

Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.

The notice shall do all of the following:

- a. Describe the nature of the request.
 - b. Indicate the property which is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently existing within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
2. If 11 or more adjacent properties are included in the proposal, a notice must be published as required above but shall not be required to be distributed to property owners and residents within 300 feet.

The notice shall do all of the following:

- a. Describe the nature of the request.
 - b. Indicate the property which is the subject of the request.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
- (b) The Planning Commission shall grant a public hearing on the proposed Ordinance amendment to an interested property owner who requests a hearing by certified mail, addressed to the Building Inspector. Written notice of the public hearing shall be given to the interested property owner. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery by the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.

The notice shall do all of the following:

1. Describe the nature of the request.

2. Indicate the property which is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently existing within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the request will be considered.
4. Indicate when and where written comments will be received concerning the request.

SECTION 20.3. EFFECTIVE DATE AND PUBLICATION.

Following Township Board approval to amend the Zoning Ordinance, notice of the amendment shall be filed with the Township Clerk and notice of the amendment shall be published in a newspaper of general circulation in the Township within 15 days after adoption. The notice of adoption shall include the following information:

- (a) Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- (b) The effective date of the amendment.
- (c) The place where and time when a copy of the amendment may be purchased or inspected.
- (d) Unless a notice of intent to file a petition is filed, the Ordinance amendment shall take effect seven days after such publication.

SECTION 20.4. PETITION.

Within seven days after publication of an Ordinance amendment, a registered elector residing in LaSalle Township may file with the Township Clerk a notice of intent to file a petition. The petitioner shall have 30 days following publication of the Ordinance amendment to file a petition signed by a number of qualified and registered electors residing in the Township equal to not less than 15 percent of the total vote cast within the Township for all candidates for governor at the last preceding general election at which the governor was elected. The petition shall be filed with the Township Clerk requesting the submission of the Ordinance amendment to the electors residing in the Township for their approval or rejection and determining the result of the election.

Upon filing a notice of intent to petition the amendment, the Ordinance amendment shall not take effect until one of the following occurs:

- (a) The expiration of 30 days after publication of the Ordinance amendment, if a petition is not filed within that time.
- (b) If a petition is filed within 30 days after publication of the Ordinance amendment, the Township Clerk determines that the petition is adequate.

- (c) If a petition is filed within 30 days after publication of the Ordinance amendment, the Township Clerk determines that the petition is adequate and the Ordinance amendment is approved by a majority of the registered electors residing in LaSalle Township voting on the petition at the next regular election or at any special election called for that purpose. The Township Board shall provide the manner of submitting the Ordinance amendment to the electors for their approval or rejection and determining the result of the election.

SECTION 20.5. AMENDMENTS ON FILE.

All amendments to this ordinance shall be on file in the Township Clerk's office. The ordinance effecting any amendment to the Zoning Map shall include the written description of the property that has been zoned or re-zoned.

ARTICLE XXI

ZONING BOARD OF APPEALS

SECTION 21.1. CREATION OF A ZONING BOARD OF APPEALS.

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its power as provided by Act 110 of the Public Acts of 2006, as amended, in such a way that the objectives of this Ordinance shall be attained, public safety secured and substantial justice done.

SECTION 21.2. BOARD MEMBERSHIP.

The Zoning Board of Appeals shall be composed of five members appointed by Township Board.

- (a) The first member shall be the Chairperson of the Township Planning Commission, selected by the Planning Commission and appointed by the Township Board.
- (b) The second member shall be a member of the Township Board appointed by the Township Board but shall not serve as Chairperson of the Zoning Board of Appeals.
- (c) Additional members shall be property owners selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township for at least one year, provided that neither elected officer of the Township, nor any employee or contractor of the Township Board, may serve simultaneously as an additional member.

A successor shall be appointed not more than one month after the term of the preceding member has expired. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

In addition to the five required board members, The Township Board may appoint not more than two alternate members for the same term as regular members of the Zoning Board of Appeals. The alternate members may be called on a rotating basis to serve on the Zoning Board of Appeals in the absence of a regular member, if the regular member is absent or will be unable to attend one or more meetings. 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 called shall serve in a case until a final decision has been made. The alternate member called shall have the same voting rights as a regular member of the Zoning Board of Appeals.

Members of the Zoning Board of Appeals shall be removable by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing by the Township Board. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote

in which the member has a conflict of interest shall constitute malfeasance in office.

A member of the Zoning Board of Appeals who is also a member of the Planning Commission or Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

SECTION 21.3. RULES OF PROCEDURE.

The Zoning Board of Appeals shall adopt its own bylaws of rules and procedures as may be necessary to properly conduct its meeting and activities. The Zoning Board of Appeals shall annually at the first regular meeting held at the beginning of the calendar year, elect its own Chairperson, and in his or her absence, an acting chairperson. The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or Township Board made in enforcement of this Ordinance, or to decide in favor of the applicant and on a matter upon which they are required to pass under this Ordinance, or to grant a variance from the terms of this Ordinance due to practical difficulties. The Zoning Board of Appeals shall render its decision within 60 days of filing notice of appeal, interpretation, or request for a variance unless an extension of time is necessary to review new information pertinent to making the decision, and is agreed upon by the applicant and a majority of the members of the Zoning Board of Appeals present. The Zoning Board of Appeals' decision shall contain a full record of the findings and determination of the decision. The decision of the Zoning Board of Appeals shall be final.

SECTION 21.4. MEETINGS.

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, and at such times as the Zoning Board of Appeals may determine. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members are present. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall maintain a record of its proceedings, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record.

SECTION 21.5. NOTICE OF HEARING.

The Zoning Board of Appeals shall make no recommendation except in a specific case and after a public hearing has been held. When a request for an appeal, interpretation or variance has been filed in proper form with the Zoning Board of Appeals, a public hearing shall be scheduled for the next available meeting. A notice of the public hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing. A notice shall also be sent by mail or personal delivery to the owners of property that is the subject of the request. If the request for an appeal involves a specific parcel, written notice shall be sent to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to all occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant

of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery by the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

The notice shall do all of the following:

- (a) Describe the nature of the request.
- (b) Indicate the property which is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently existing within the property. If there are no street addresses, other means of identification may be used.
- (c) State when and where the request will be considered.
- (d) Indicate when and where written comments will be received concerning the request.

SECTION 21.6. POWERS OF ZONING BOARD OF APPEALS.

The Zoning Board of Appeals shall have the following specific powers and duties concerning appeals, interpretations, and requests for variances:

- (a) The Zoning Board of Appeals shall have the authority to hear and decide appeals from and review any administrative order, requirement, decision or determination made by the Building Inspector or an administrative official charged with enforcement and of any provisions of the Ordinance. They shall also have the authority to hear and decide all matters referred to them or upon which they are required to pass under this Ordinance. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
- (b) The Zoning Board of Appeals shall have the power to interpret the provisions of this Ordinance and the Zoning Map accompanying this Ordinance. The Zoning Board of Appeals shall make such decisions so that the purposes and objectives of this Ordinance shall be observed.
- (c) The Zoning Board of Appeals shall have the power to permit the erection and use of a building or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure, or use; if the Zoning Board of

Appeals shall find such use, height, area, building or structure reasonably necessary for the public convenience and service, provided such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

- (d) The Zoning Board of Appeals shall have the power to permit the modification of the off-street automobile parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements.
- (e) The Zoning Board of Appeals shall have the power to permit temporary uses, buildings and structures for periods not to exceed one year.
- (f) The Zoning Board of Appeals shall have authority in specific cases to authorize one or more variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the purposes and objectives of this Ordinance are observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (height, bulk, setback) requirements.

Such authority shall be exercised in accordance with the following standards:

1. The Zoning Board of Appeals may grant a requested “non-use” variance only upon finding that practical difficulties exist. A finding of practical difficulties shall required demonstration by the applicant of all of the following:
 - a. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same zoning district.
 - b. 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.
 - c. 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 zoning district in which the property is located.
 - d. That the granting of such variance will not adversely affect the purposes or objectives of this Ordinance.
 - e. That strict compliance with restrictions governing area, setback, frontage, height, bulk, density, and other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with the Ordinance unnecessarily burdensome.
 - f. That the problem and resulting need for the variance has not been self-created by the applicant and/or the applicant’s predecessors.

- (g) In consideration of all appeals and all proposed variations to this Ordinance, the Zoning 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 increase the congestion in public streets, or increase the danger of fire or endanger the public safety, 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 of LaSalle. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board of the Township of LaSalle in the manner provided by law.

In exercising the above powers, the Zoning Board of Appeals shall decide upon all appeals within a reasonable time and reverse, or affirm wholly or partly, or modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premise, and to that end shall have all the powers of the Building Inspector or administrative official from whom the appeal is taken.

SECTION 21.7. ZONING BOARD OF APPEALS APPROVAL.

The Zoning Board of Appeals may require the appellant or applicant requesting a variance to submit all necessary surveys, plans, or other information the Zoning Board of Appeals may reasonably require. The Zoning Board of Appeals may impose such conditions or limitations in granting a variance as it may deem necessary to comply with the spirit and purposes of this Ordinance.

SECTION 21.8. APPROVAL PERIOD.

No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one year, unless a building permit for such 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.

No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one 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 alterations are started and proceed to completion in accordance with the terms of such permit.

SECTION 21.9. FILING FEE.

Application for a Zoning Board of Appeals hearing shall be in writing and shall be accompanied by a filing fee as established by the Township Board which shall be paid over to the Township Treasurer at the time the notice of appeal or request for special approval is filed.

SECTION 21.10. STAY OF PROCEEDINGS.

An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the Notice or Appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

SECTION 21.11. APPEAL TO THE CIRCUIT COURT.

(a) Appeal.

Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the Monroe County Circuit Court. The Circuit Court shall review the record and decision to ensure the decision meets all of the following requirements:

1. Complies with the constitution and the laws of the state.
2. Is based on proper procedure.
3. Is supported by competent materials and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by the law to the Zoning Board of Appeals.

(b) Circuit Court Review.

If the court finds the record inadequate to make the review required or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision. The court may make other orders as justice requires.

(c) Filing.

An appeal from a decision of the Zoning Board of Appeals shall be filed within 30 days after the Zoning Board of Appeals issues its decision in writing by the Chairperson, or within 21 days after the Zoning Board of Appeals approves the minutes of its decision.

ARTICLE XXII

INTERPRETATION AND APPLICATION

SECTION 22.1. INTERPRETATION, PURPOSE AND CONFLICT.

In interpreting and applying the provisions of this Ordinance, said provisions shall be held to be a minimum requirements for the promotion of the public safety, health, convenience, comforts, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or land or upon height of buildings, or requires larger open spaces, or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this Ordinance shall govern.

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ARTICLE XXIII

VIOLATIONS AND PENALTIES

SECTION 23.1. VIOLATIONS AND PENALTIES.

Any person, persons, firm or corporation, or anyone acting in behalf of person, persons, firm or corporation, who shall violate any of the provisions of this Ordinance, or who fails to comply with any of the regulatory measures or conditions adopted pursuant hereto, shall upon conviction thereof be subject to a fine not to exceed 500 dollars and the cost of prosecution or, in default of the payment thereof, by imprisonment in the County Jail for a period not to exceed 90 days, or by both such fine and imprisonment in the discretion of the Court. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

Use of land, dwellings, buildings, or structures including tents and trailer coaches, used, erected, altered, razed or converted in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach or land shall be adjudged guilty of maintaining a nuisance per se. Costs of abating such nuisance shall become a lien upon the land.

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ARTICLE XXIV

VALIDITY

SECTION 24.1. VALIDITY.

This Ordinance and the various articles, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, the remainder of the Ordinance shall not be affected thereby.

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ARTICLE XXV

CONFLICTING PROVISIONS REPEALED

SECTION 25.1. 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. This ordinance specifically replaces Ordinance No. 32, effective December 16, 1976, in its entirety.

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ARTICLE XXVI
SAVINGS CLAUSE

SECTION 26.1. SAVINGS CLAUSE.

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

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ARTICLE XXVII

EFFECTIVE DATE

SECTION 27.1. EFFECTIVE DATE.

This zoning ordinance and map are hereby declared to have been enacted by the LaSalle Township Board of the Township of LaSalle, Monroe County, Michigan at a meeting thereof, called and held on the 8th day of September, 1986. This Ordinance shall be effective 20 days following its publication pursuant to law.

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