

# **RAISINVILLE TOWNSHIP ZONING ORDINANCE**

Adopted May 3, 1994  
Amended through November 5, 2025



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## **ARTICLE 1 TITLE, PURPOSES AND LEGAL CLAUSES**

### **SECTION 1.00 TITLE**

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

### **SECTION 1.01 REPEAL OF ORDINANCE**

The Raisinville Township Ordinance, Ordinance 27, adopted on July 6, 1982 and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

### **SECTION 1.02 PURPOSES**

This Ordinance has been established for the purposes of:

1. Promoting and protecting the public health, safety and general welfare;
2. Protecting the character and the stability of the agricultural, recreational, residential, commercial and industrial areas within the unincorporated portions of Raisinville Township and promoting the orderly and beneficial development of such areas;
3. Providing adequate light, air, privacy and convenience of access to property;
4. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
5. Lessening and avoiding congestion on the public highways and streets;
6. Providing for the needs of agriculture, recreation, residence, commerce and industry in future growth;
7. Promoting healthful surroundings for family life in residential and rural areas;
8. Establishing reasonable standards to which buildings and structures shall conform;
9. Prohibiting uses, buildings or structures not permitted within specified zoning districts;
10. Preventing such additions to or alteration or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder;
11. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the public health, safety and general welfare;
12. Prohibiting uses of land and water which would result in contamination by toxic materials and waste;
13. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and size of buildings in relation to the land surrounding them;
14. Conserving the taxable value of land, buildings, and structures throughout the Township;
15. Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses;
16. Creating a Board of Appeals and defining the powers and duties thereof;

17. Designating and defining the powers and duties of the officials in charge of the administration and enforcement of this Ordinance;
18. Providing for the payment of fees for zoning permits; and
19. Providing penalties for the violation of this Ordinance.

### **SECTION 1.03 VALIDITY AND SEVERABILITY CLAUSE**

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

### **SECTION 1.04 CONFLICT WITH OTHER LAWS**

1. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of an Ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
2. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

### **SECTION 1.05 REFERENCES TO OTHER LAWS**

Any reference to another Ordinance or State Act which is made in this Ordinance shall imply the most current version of that Ordinance, including any amendments which may have been added after the effective date of this Ordinance.

## ARTICLE 2 DEFINITIONS

### SECTION 2.00 INTERPRETATION

For the purpose of this Ordinance, certain term or word uses shall be interpreted as follows:

1. The word person includes a firm, association, organization, partnership, trust, corporation or company, as well as an individual.
2. The present tense includes the future tense; the singular number includes the plural and the plural number includes the singular.
3. The word shall is mandatory, the word may is permissive. The words used or occupied include the words intended, designed, or arranged to be used or occupied.
4. Any word or term not defined herein shall have the meaning of common or standard use which is reasonable for the context in which used herein.
5. Questions of interpretation arising hereunder shall be decided by the Building Inspector whose decision may be appealed to the Zoning Board of Appeals.

### SECTION 2.01 DEFINITIONS

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

**Adult Day-Care Facility:** A facility other than a private residence, which provides care for more than six (6) adults for less than twenty-four (24) hours a day.

*(Amended November 11, 2007)*

**Adult Care Facility, State-Licensed:** Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979. These acts provide for the following types of residential structures:

1. **Adult Foster Care Small Group Home:** A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
2. **Adult Foster Care Large Group Home:** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
3. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for twenty-four (24) hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
4. **Congregate Facility:** Residence for more than twenty (20) adults.

*(Amended November 11, 2007)*

**Agriculture:** The science or art of cultivating the soil, producing crops, and the raising of field or tree-crops or animal husbandry as a principal means of livelihood.

**Airports:** A tract of land, either private or public, that is maintained for the landing and takeoff of aircraft.

**Alley:** A thoroughfare through the middle of a block giving access to the rear of lots or buildings, but not intended for general traffic circulation.

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

**Amusement Park:** A parcel of land used for swimming, boating, dancing, skating, merry-go-rounds, roller coasters, theaters, arcades, fun houses, carnivals and other similar uses and their facilities, but not shooting galleries, race tracks, zoos, stables, riding academies.

**Anemometer Tower (MET):** A freestanding tower containing instrumentation such as anemometers that is designed to provide present movement 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.

*(Amended August 11, 2009)*

**ANSI:** The American National Standards Institute.

*(Amended August 11, 2009)*

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

**Apartment Efficiency:** A dwelling unit, containing not over three hundred (300) square feet of floor area and consisting of not more than one (1) room in addition to kitchen and necessary sanitary facilities.

**Ashes:** Means the residue from the burning of wood, coal, coke or other combustible materials.

**Automobile Repair Station:** A business which provides or offers for sale to the motoring public the items and materials and services normally obtainable in an automobile service station. In addition, the repair station provides vehicle rescue service and emergency road service, and may conduct major mechanical, electrical, cooling, exhaust, and power system and similar repairs. Minor body repairs may be made but operations such as bumping, welding, reshaping, resurfacing, sanding, and paint spraying to restore wrecked vehicles to serviceable condition are prohibited.

**Automobile Service Station:** Building and premises where gasoline, oil, grease, batteries, tires, car washing and automobile accessories are dispensed at retail cost and minor maintenance services may be provided. Uses permitted at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in automobile service stations. An automobile service station is not a repair garage or body shop.

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

**Basement:** The portion of a building which is partly or wholly below grade but so located that the vertical distance from the average contact grade to the top surface of the basement floor is greater than or equal to the vertical distance above the average contact grade to the basement ceiling.

**Billboard:** See definition of **Sign, Outdoor Advertising**, herein.

**Blight:** A condition depreciating real property by reason of physical deterioration or otherwise, which condition may endanger the health, safety or welfare of either the occupants of the real property or of others in the community at large.

**Block:** The property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

**Boarding and/or Lodging House:** A one-family dwelling where meals or lodging and meals are provided for compensation to three or more persons, not transients.

**Board of Appeals:** The words "Board of Appeals" shall mean the Board of Zoning Appeals for the Township of Raisinville.

**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 enclosed structure having a roof supported by columns, walls, arches, or other devised and used for the housing, shelter, or enclosure of persons, animals, or chattels. A building shall be permanently affixed to the land or in certain instances may be portable and shall not include tents, awnings, semi-trailers, or vehicles situated on a parcel. Further, a building shall not include such structures as signs, or fences or structures not normally accessible for human occupation, such as tanks, smokestacks, grain elevators, coalbunkers, or similar structures.

*(Amended November 11, 2007 and January 14, 2014)*

**Building Footprint:** The outline of the total area covered by a building's perimeter at the ground level.

*(Amended November 11, 2007)*

**Building Height:** The vertical distance measured from the average elevation of the final grade along the front of the building to the highest point of the structure for a flat roof, to the deck line of a mansard roof, or to the midpoint elevation between eaves and ridge for a gable, hip or gambrel roof of a building.

*(Amended April 8, 2003 and March 4, 2020)*

**Building Inspector:** This term shall refer to the building inspector of the Township of Raisinville and such deputies of his or her department as the building inspector may delegate to enforce the provisions of this Ordinance, as may be approved by the Raisinville Township Board.

**Building Line:** The minimum distance which any structure must be located from a property line, a street line, or a flood plain line. Building line is also defined as the rear or interior line of any required yard.

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

**Buildings, Municipal:** Structures relating to the internal affairs of a political unit of self-government and including, but not limited to, such buildings as fire stations, township or village halls, and libraries.

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

**Campground, Modern:** A tract of land where recreational units are accommodated and water flush toilets and water under pressure are available at a service building or a water outlet and sewer connection are available at each site.

**Campground, Primitive:** A tract of land where recreational units are accommodated and water is furnished from a hand pump well and sewage is disposed of by means of a sanitary privy.

**Child Care Organization:** A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the state under Act No. 116 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such care organizations are classified below:

1. **Child Care Center or Day-Care Center:** A facility other than a private home, receiving more than six (6) preschool or school age children for group Day-Care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a child care center, Day-Care center, day nursery, preschool, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "Day-Care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

2. **Child Caring Institution:** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in a building maintained for that propose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
3. **Foster Family Home:** A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by apparent or legal guardian.

4. **Foster Family Group Home:** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
5. **Family Day-Care Home:** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
6. **Group Day-Care Home:** A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

*(Amended November 11, 2007)*

**Club:** Buildings or facilities owned and operated by an organization of persons for social or recreational purposes for members and guests, but not operated for profit or to render a service customarily carried on as a business.

**Commercial Rental Facility:** Multiple storage units situated on a single parcel, not associated with a particular business and which are available to the general public for a fee.

**Commercial Use:** A commercial use related to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, ware, merchandise, or personal services or the maintenance of offices, or recreational or amusement enterprises.

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

**Conservation Easement:** An interest in land that provides a limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition, as defined in Section 2140 of the Natural Resources and Environmental Protection Act, Act 451 of 1994.

*(Amended May 3, 2003)*

**Construction Facility:** A structure situated on a construction site for a period of time not to exceed the duration of the construction project and to be used only as an office or headquarters and/or other related use, but not to be used as living quarters.

**Court:** An open space, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings. A court shall be unoccupied.

**Curb:** A raised concrete margin along a pavement edge used to control drainage, protect pedestrians and discourage traffic from crossing.

**dB(A):** The sound pressure level in decibels. It refers to the "a" weighted scale defined by ANSI. A method of weighting the frequency spectrum to mimic the human ear.  
*(Amended August 11, 2009)*

**Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity.

*(Amended August 11, 2009)*

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

**Development:** "Development" means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, mobile home development, excavation or drilling operations located within the area of special flood hazard.

**District, Zoning:** A portion of the unincorporated part of the Township of Raisinville, Monroe County, Michigan, within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this Ordinance or within certain yards and other open spaces are required or within which certain lot areas are established or within a combination of such aforesaid conditions are applied.

**Drive-In Establishment:** A business establishment which provides sales or services to customers while said customers are situated in a motor vehicle rather than in a structure.

**Dwelling Unit:** One room or rooms connected together, constituting a separate, housekeeping unit independent of any other dwelling unit for owner occupancy, or rental or lease and physically separated from any other rooms or dwelling units which might be located within the same structure. A dwelling unit shall contain independent kitchen, bathroom, sleeping, and living facilities, and shall be designed for and occupied by one (1) family only.

**Dwelling Unit, Single-Family Detached:** A detached residential building, designed for, and occupied as a one (1) dwelling unit only.

**Dwelling, Non-Farm:** A dwelling located in the AG, Agricultural District, which is not located on a farm.

**Dwelling, Two-Family:** A building designed exclusively for occupancy by two (2) families, independent of each other such as a duplex dwelling unit.

**Dwelling, Multiple-Family:** A building or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

**Dwelling Unit, Mobile Home:** A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems, contained in the structure. Mobile Home does not include a recreational vehicle.

**Easement:** A right-of-way granted, but not dedicated, for the limited use of private land for private, public or quasi-public purposes, such as for franchised utilities, a conservation easement or an access easement for a private road or service drive, and within which the owner

of the property shall not erect any permanent structures. (Amended May 3, 2003 and November 11, 2007)

**Erected:** The work "Erected" includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fills, 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 of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collections, communication, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection with, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, and welfare.

**Extractive Operations:** The term "extractive operations" shall mean any pit, excavation or mining operation for the purpose of searching for, or removing, any earth, sand, gravel, clay, stone, or other non-metallic mineral for commercial use. The term shall not include an oil, gas or water well, or excavation preparatory to the construction of a building, structure, roadway, or pipeline.

*(Amended March 4, 2020)*

**FAA:** The Federal Aviation Administration.

*(Amended August 11, 2009)*

**Family:** Any number of individuals living together as a single, domestic, non-profit housekeeping unit. A family shall not include any society, club, fraternity, sorority, association, lodge, order, or group of students or similar groups whose association is of a transient or non-domestic nature.

*(Amended June 15, 1994)*

**Farm:** A parcel of land in the Agricultural District totaling three (3) acres or more in area and operated as a single unit on which bona fide raising of crops and/or livestock is carried on directly by the owner/operator, manager or tenant/farmer, by his own labor or with assistance from members of his household or hired employees in accordance with Generally Accepted Agricultural Management Practices.

*(Amended June 15, 1994, November 11, 2007, and March 4, 2020)*

**Farm Building:** Any building or structure other than a dwelling, moved upon, maintained, or built in an agricultural zoning district, which is essential to and customarily used on farms of that type for the pursuit of agricultural activities and which is used for agricultural purposes on the parcel of property on which the farm building is located. Examples of such structure include, but are not limited to, barns and pole barns.

*(Amended June 15, 1994 and November 11, 2007)*

**Farm Residence:** A dwelling unit located on a farm and occupied by the owner, operator, or manager of the farm.

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

**Flood:** Flood shall mean an overflow of water onto lands, not normally covered by water, that are used or usable by man. Floods have two essential characteristics: the inundation of land is temporary; and the land is adjacent to and inundated by overflow from a watercourse, or lake or other body of standing water.

**Flood Insurance Study:** Flood Insurance Study means the official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles, flood boundary, floodway maps, and the water surface elevation of the base flood.

*(Amended April 20, 2000)*

**Flood Insurance Rate Map:** Shall be the map or maps prepared by the Federal Emergency Management Agency most recently adopted by the Township by Ordinance and all incorporated documents and panels which indicate the location of the floodway and classifies the floodplain into various zones for purposes of determining flood insurance rates within the Township, a copy of which is available for examination at the Raisinville Township Offices.

*(Amended December 5, 2017)*

**Flood, 100-Year:** A one hundred (100) year flood shall mean a flood having an average frequency of occurrence in the order of once in one hundred (100) years, although the flood may occur in any year.

**Flood Plain:** Flood plain shall mean the relatively flat area or low lands adjoining the channel or watercourse of a body of standing water, which has been or may be covered by floodwater.

**Floodway:** Floodway shall mean the channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge flood water.

**Floor Area:** The floor area of a building shall be the sum of the gross horizontal floor areas on the several stories of a building as measured to the exterior face of the exterior walls, plus that area similarly measured of all other floors except basements, that are accessible by a fixed stairway, storage areas, recreation rooms, boiler rooms, and other areas within or contiguous to the structure, and the measurement shall include the floor area of all attached accessory buildings measured similarly.

*(Amended March 4, 2020)*

**Floor Area Ratio (FAR):** The ratio of the floor area of a building to the area of the lot on which the building is located. The ratio is calculated by dividing the total floor area by the total lot area, both areas being in the same unit of measure, and expressing the quotient as a decimal number.

**Garage, Commercial:** Any garage other than a private garage available to the public, operated for gain and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

**Garage, Private:** An accessory building not over one (1) story used for parking or storage of not more than the number of vehicles as may be required in connection with the permitted use of the principal building.

**Garbage:** Means rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.

**Gazebo:** An open-sided, ornamental roofed structure designed for outdoor recreation and leisure activities excluding carports.

*(Amended November 5, 2025)*

**Grade:** Is deemed to mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level, the grade shall be determined by determining the average elevation of the ground for each face of the building.

**Grain Elevator:** A central facility for the handling and storage of grain from many farms, and where the sale or seed, fertilizer and other related goods is carried on.

**Greenbelt:** A strip of land which is either landscaped in accordance with Planning Commission specifications that acts as a barrier to other land use or undeveloped as in agricultural districts acting as a filtering agent for stormwater runoff.

**Greenway:** Contiguous or linear open space, including habitats, wildlife corridors, and trails, which link parks, nature reserves, cultural features, or historic sites with each other, for recreation and/or conservation purposes.

*(Amended May 3, 2003)*

**Highway:** A public thoroughfare or street, except alleys, but including Federal, State, County and Township roads and those appearing upon plats recorded in the office of Register of Deeds for Monroe County, Michigan.

**Highway:** A public thoroughfare or street, except alleys, but including Federal, State, County and Township roads and those appearing upon plats recorded in the office of Register of Deeds for Monroe County, Michigan.

**Historic Site:** Areas usually limited in size, such as a building, structure, or parcel of land, established primarily to preserve objects of local, regional, state and/or national significance commemorating important persons, historic events or superlative examples of a particular style or construction or art form as listed in the National Register of Historic Sites, State of Michigan Historic Register and/or the Monroe County Museum Register of Historic Sites.

**Home Occupation:** Is an occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of dwelling unit for residential purposes, and subject to the provisions of 0, herein.

**Homestead Act:** Income Tax Act of Michigan, Act 281, P.A. 1967 as amended.

**Horses:** Horses, ponies, mules, donkeys, and similar animals.

*(Amended June 15, 1994)*

**Hospital, General:** An installation providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.

**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 ten (10) sleeping rooms, a public dining room for the accommodation of at least twenty (20) guests and a general kitchen.

**IEC:** The International Electrotechnical Commission.

*(Amended August 11, 2009)*

**Industrial, Heavy:** Uses which due to their size, demand for public services, and nature of their process, need special sites and special care in the administration of their needs.

**Industrial, Light:** Uses as Light Manufacturing, Warehousing and Terminal facilities, and intensive general service facilities which would not tax the Township for public services and subject to limitations placed upon the amount of noise, smoke, glare, traffic and industrial effluent allowed.

**Industrial Park:** An area that is at a distance from the center of a city and that is designed especially for a community of industries and businesses.

**ISO:** The International Organization for Standardization.

*(Amended August 11, 2009)*

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

**Kennel/K-Facility:** The term "kennel" shall mean any establishment wherein or whereon dogs are kept for board, breeding, sale, leasing, trading or sporting purpose. Monroe County refers to these establishments as "k-facilities". Any premise, building and/or structure within the boundaries of Raisinville Township wherein or whereon more than three (3) dogs requiring licenses are kept, except a duly licensed pet shop, shall also be deemed to be a kennel or k-facility except as provided in the Animal Control Enforcement Ordinance of Monroe County.

*(Amended January 14, 2014)*

**Laboratory, Research:** A place devoted to experimental study, such as testing and analyzing. Manufacturing of product or products is not to be permitted within this definition.

**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.

*(Amended August 11, 2009)*

**Legal Holiday:** The following days are termed legal holidays when said term is used in this Ordinance: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas.

**Livestock:** Any domestic animal produced or kept primarily for farm, ranch or market purposes, including beef and dairy cattle, hogs, sheep, goats, horses and poultry.

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

**Lot:** A lot is a piece or parcel of land occupied or to be occupied by a building and its accessory buildings or by any other activity permitted thereon and including the open spaces required under this Ordinance and having its frontage upon a dedicated public street, road or highway. A lot may or may not be specifically designated as such on public records. Provided that the owner of any number of 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.

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

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

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

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

**Lot Line, Front:** In the case of an interior lot, the line separating said lot from the street line. In the case of a corner lot or double frontage lot, both lines separating said lot from the street shall be considered front lot lines.

*(Amended November 11, 2007)*

**Lot Line, Rear:** The lot line opposite the front lot line. In the case of lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

**Lot Line, Side:** Any lot lines other than front lot lines or rear lot lines.

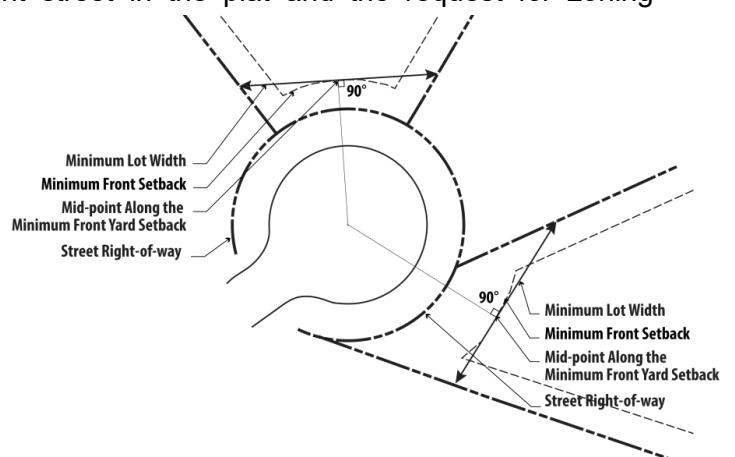
#### **Lot Types:**

**Lot, Corner:** A lot where the interior angle of two (2) adjacent sides at the intersection of the two (2) streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street, or streets, shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

**Lot, Double Frontage:** Any interior lot having frontages on two (2) or more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one (1) street will be designated as the front street in the plat and the request for zoning compliance permit.

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

**Lot Width:** The straight line distance between parallel side lot lines. For irregular shaped lots or lots fronting a cul-de-sac, the minimum width shall be the length of a straight line measured at the front setback line tangent and



perpendicular to the mid-point of the arc along the minimum front yard setback.  
(Amended November 11, 2007 and May 1, 2018)

**Manufactured Home:** A mass-produced structure (prefabricated, modular, or mobile home) transportable in one (1) or more sections, which may be built on a chassis, and is designed to be used as a dwelling unit with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. For purposes of this Ordinance a Manufactured Home shall not include a recreation vehicle.

**Master Plan:** Is the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Township of Raisinville, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning commission and/or Township Board.

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

**Mobile Home:** See definition of **Dwelling Unit, Mobile Home**, herein.

**Mobile Home Commission Act:** Act 96, Public Acts of 1987.

**Mobile Home Park:** Means any parcel or tract of land under the control of any person, upon which three (3) or more Mobile Homes are located on a continual or non-recreational basis, or 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 parcel of ground within a mobile home park designed for accommodating one (1) mobile home dwelling unit and meeting the requirement of this Ordinance for a mobile home site.

**Mobile Home Pad:** That part of a mobile home site designed and constructed for the placement of a mobile home, appurtenant structures, or additions including expandable rooms, enclosed patios, garages, or structural additions.

**Motel:** A series of attached, semi-detached rental units containing bedroom, bathroom and closet space. No kitchen or cooking facilities are to be provided, with the exception of units for the use of the manager and/or caretaker. Units shall contain not less than two hundred and fifty (250) square feet of net floor area. Units shall provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles.

**Non-Conforming Structure:** A structure or part thereof lawfully constructed and existing on May 3, 1994 that do not conform to the minimum requirements pertaining to the lot area and size, building placement and height regulations, or off-street parking and loading regulations of the district in which it is located.

(Amended March 4, 2020)

**Nursery (Plant Materials):** A lot or structure or combination thereof for the storage, wholesale, sale, or retail sale, of live trees, shrubs, and plants, and including as incidental sales, the sales of products used for gardening or landscaping. This definition of nursery does not include a roadside stand or temporary sales facility for Christmas trees.

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

**Off-Street Parking Area:** A land surface providing vehicular parking spaces, along with adequate drives and aisles for maneuvering and access, for the parking of three (3) or more automobiles or trucks or other vehicles.

**On-Site Wind Energy Conversion System:** An accessory use for generating electric power from wind that is intended to primarily serve the needs of the consumer at that site.

*(Amended August 11, 2009)*

**Open Air Business Uses:** Open Air Business Uses shall include the following:

1. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, 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 and/or similar recreation uses.
4. Bicycle, utility truck or trailer, motor vehicles, boats, or home equipment sale, rental or repair services.
5. Outdoor display and sale of garages, swimming pools, motor homes, snowmobiles, farm implements, and similar products.

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

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

**Open Space Preservation Area:** Natural state preserving natural resources, natural features, or scenic or wooded conditions, agricultural use; or similar use or condition. Such land does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land may be, but is not required to be, dedicated to the public.

*(Amended May 3, 2003)*

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

**Parallel Plan:** A plan utilized to compute the density permitted on any given lot or parcel. Such plan is designed according to all of the applicable provisions of the zoning district in which such lot or parcel is located as well as all of the applicable provisions of the Subdivision Regulations Ordinance and Zoning Ordinance regarding single family site condominiums.

*(Amended May 3, 2003)*

**Parcel:** A parcel is a lot as defined in this Section.

**Parking Space:** An area of definite length and width for the parking of one (1) vehicle only, said area to be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicle.

**Person:** The word "person" includes association, firm, co-partnership or corporation.

**Planning Commission:** The Planning Commission of Raisinville Township, Monroe County, Michigan, as established by the Michigan Planning Enabling Act (P.A. 33 of 2008, as amended). (Amended March 4, 2020)

**Pond:** A water impoundment made by constructing a dam or embankment, or by excavating a pit or "dugout", to provide water for livestock, fish and wildlife, recreation, irrigation, fire control, crop and orchard spraying, and related uses.

*(Amended April 3, 1996)*

**Portable Moving and Storage Containers:** Mobile storage containers that are delivered to a lot, unloaded from a truck and left on the lot to be packed or unpacked by the occupant of the lot over a period of time, with a truck returning at a later date to remove the storage container. For the purpose of this Article, this definition shall not include freight containers located on a lot in a manufacturing district with township approval for storage of containers.

*(Amended November 11, 2007)*

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

**Quarry Excavation:** See Extraction Operations.

**Recreation, Commercial:** A privately owned facility, including both buildings and open space, providing recreational opportunities to the public and operated for a profit.

**Recreation, Public:** A publicly owned facility, including both buildings and open space, providing recreational opportunities to the public and, while perhaps charging fees, not operated for a profit.

**Recreation Vehicle:** A vehicle designed and intended for temporary occupancy during leisure time/recreation activities, either self-propelled or designed to be carried on the chassis of another vehicle or pulled by another vehicle.

**Refuse:** Means solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and solid market and solid industrial wastes.

**Road:** See definition of Street, herein.

**Roadside Stand:** A structure operated only for the purpose of the retail sale of produce raised or produced on the farm where situated. Its use shall not make a commercial district nor shall its use be deemed a commercial activity. Such use shall be seasonal in nature and shall not operate for more than six (6) months of any calendar year.

**Rooming House:** Is a building or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

**Row House:** A two (2)-story row of three (3) or more attached, one (1)-family dwelling, not more than two (2) rooms deep, each unit of which extends from the basement to the roof.

**Rubbish:** Means no putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials or litter of any kind that will be a detriment to the public health and safety.

**Sand Stripping:** To remove and stockpile topsoil from the uppermost layer of soil, to clear a layer of sand and recover the area with the stockpiled topsoil.

*(Amended September 4, 2018)*

**Setback:** The minimum horizontal distance required between the building and the lot line or the road right-of-way.

*(Amended November 11, 2007 and March 4, 2020)*

**Shadow Flicker:** Alternating changes in light intensity caused by the moving blades of a WECS casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

*(Amended August 11, 2009)*

**Shipping Container:** A metal or primarily metal container originally or specifically used or designed to store goods or merchandise during shipping or hauling by land, sea, or air transportation.

**Sign:** A name, identification, description, display or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business and which is visible from any public street, right-of-way, sidewalk, alley, park or other public place.

**Signs, Community Events:** A temporary sign announcing local community events.

**Signs, Construction:** A sign erected on a site designated on a building permit issued by the Raisinville Township Building Inspector, which advises the public of the pertinent facts regarding the construction of the building and its site improvements.

**Signs, Ground:** A freestanding sign supported by the ground, uprights, braces, or a masonry base located in or upon the ground and not attached to a building. Free-standing ground signs include monument signs. *(Amended May 1, 2018)*

**Signs, Individual Property Sale or Rent:** A temporary sign advertising the sale, rent or lease of the property upon which it is located.

**Signs, Institutional Bulletin Boards:** A sign upon which is displayed only the name of the religious institution, school, community center, club, or charitable institution which occupies the premises, and announcements concerning its services or activities.

**Sign, Political Campaign:** A sign or poster announcing candidates seeking political office and/or political issues and data pertinent thereto.

**Sign, Portable:** A freestanding sign not permanently anchored or secured to the ground or to a building.

**Signs, Private Traffic Direction:** A sign directing traffic movement onto or within a premise, located entirely thereupon, and containing no advertising message or symbol.

**Signs, Projecting:** A sign which projects from and is supported by a building wall, any part of which extends more than fifteen (15) inches beyond the building face or ends of the building wall.

**Signs, Public:** Any sign erected by a State, County or Local authority or Public Utility having lawful jurisdiction over public property or right-of-way or public utility installation for the purpose of traffic control, public health and safety, or public information.

**Signs, Roof:** A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

**Sign, Special Temporary:** Upon application, a special permit may be granted by the Building Inspector for the placement of a temporary sign for new business pending installation of permanent signs and signs destroyed by natural causes, vandalism, and acts of God.

**Sign, Subdivision Sale:** A sign promoting the sale of lots or homes within a subdivision for which final plat approval has been received.

**Signs, Wall:** A sign attached to, painted on, or otherwise placed upon an exterior wall, including mansard roof facade with slope not less than seventy-five (75) degrees, with the sign surface parallel to the building wall and not projecting more than fifteen (15) inches beyond the surface to which it is attached.

#### **Solar Energy System:**

**Small, Accessory Use:** A single residential or small business-scale solar energy conversion system (photovoltaic cell) designed and limited to generate power for onsite consumption consisting of roof, building-mounted 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 (100) kilowatt (kW) and occupying two (2) acres of land or less as defined by the solar array area.

**Small, Commercial Use:** A utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows, and associated control or conversion electronics with a capacity of two (2) megawatt (MW) or less and occupying ten (10) acres of land or less as defined by the fenced-in solar array area 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.

**Large, 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, with a capacity greater than two (2) megawatt (MW) and occupying more than ten (10) acres of land as defined by the fenced-in solar array area 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.

**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.

*(Amended December 5, 2017, July 5, 2022, and November 29, 2024)*

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

**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.

*(Amended August 11, 2009)*

**Stable, Private:** A stable for the housing of animals for the use of the property owner, tenant, or members of the property owner's family only.

*(Amended March 4, 2020)*

**Stable, Public:** A stable other than a private stable for the housing of animals owned by or for use by persons other than the property owner, tenant, or members of the property owner's family for which a fee is charged.

*(Amended March 4, 2020)*

**Story:** Is that part of a building included between the surface of one (1) floor and the surface of the next floor. A story thus defined shall not be counted as a story when more than fifty (50) percent of the height is below the established grade.

**Story, Half:** Is a story situated within a sloping roof, the area of which, at a height of five (5) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below it, and having an area of at least two hundred (200) square feet of floor space with a clear ceiling height of a least seven (7) feet, six (6) inches.

*(Amended March 4, 2020)*

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

**Streetline:** A right-of-way line of a public street or the easement line of a private street approved by the Township Board.

**Structure:** Anything constructed or erected with a fixed location on the ground. Among other things, structures shall include buildings, mobile homes, walls, fences, billboards and towers.

**Structure Height:** See definition of Building Height, herein.

**Structural Alteration:** Any change in the supporting elements of a building or structure such as, but not limited to, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof.

**Subdivision Ordinance:** The subdivision Ordinance of Raisinville Township, adopted pursuant to Act 288, Public Acts of 1967, as amended, and Act 168, Public Acts of 1959, as amended, where applicable.

**Subdivide or Subdivision:** "Subdivide" or "subdivision" means the partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five (5) or more parcels of land each of which is ten (10) acres or less in area; or five (5) or more parcels of land each of which is ten (10) acres or less in area are created by successive divisions within a period of ten (10) years.

**Swimming Pool, Private:** A water impoundment of commercial construction for the purpose of total body contact, owned and operated by the landowner of the parcel on which situated, for use only by the residents of the parcel and their guests.

**Swimming Pool, Public:** Is an artificial body of water used collectively by a number of persons primarily for the purpose of swimming, recreational bathing or wading, and includes any related equipment, structures, areas and enclosures that are intended for the use of persons using or operating the swimming pool such as equipment, dressing, locker, shower and toilet rooms. Public swimming pools include but are not limited to those which are for parks, schools, motels, camps, resorts, apartments, clubs, hotels, trailer coach parks, subdivisions and the like.

**Temporary Building and Use:** A structure or use permitted to exist during periods of construction of the main use, or for special events.

**Thoroughfare:** A public thoroughfare or street, except alleys, but including Federal, State, County or Township roads and those roads or streets appearing upon plats recorded in the office of the Register of Deeds for Monroe County, Michigan. Specific building setbacks from such roads and streets in the Township shall be established in ARTICLE 12, footnotes thereof, based upon the objectives of the Raisinville Township Master Plan.

**Time Limits:** Time limits stated in this Ordinance shall mean calendar days, weeks, months, or years, whichever are applicable, unless otherwise specified herein.

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

**Tourist Hotel:** A building containing apartments, each composed of bedroom, bathroom, and closet space but without cooking facilities, with the exception of units occupied by the management staff, the apartment units being used only for the accommodation of transients and no cooking being permitted therein.

**Townhouse/Row House:** A row of three (3) or more attached one (1) family dwellings. (Amended March 4, 2020)

**Township:** The Township of Raisinville, Monroe County, Michigan.

**Township Board:** Whenever in the Ordinance appear the words "Township Board" or "Board", it shall mean the Township Board of Raisinville Township, Monroe County, Michigan.

**Trailer or Mobile Home Court:** See definition Mobile Home Park.

**Travel Trailer:** A vehicle used or so constructed as to permit its being used as a licensed conveyance upon the public streets or highways. Such vehicles may be equipped with wheels, or other device, used for transporting such from place to place by motive power or other means,

whether the same is on blocks, posts or other type of foundation or support. This term shall exclude automobile trailers and house trailers which are used for purposes of day-to-day habitation.

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

*(Amended May 3, 2003)*

**Usable Floor Area:** For the purposes of computing parking: Is that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation of "Usable Floor Area".

**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.

*(Amended August 11, 2009)*

**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:** Is a modification of the literal provisions of the zoning Ordinance granted when strict enforcement of the zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are 1) undue hardship, 2) unique circumstances, and 3) applying to property. A variance is not justified unless all three elements are present in the case.

The "exception" differs from the "variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this Ordinance appear as "special approval" or review by Planning Commission, Legislative Body, or Board of Appeals. These land uses could not be conveniently allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one (1) or more of the following:

1. they require large areas;
2. they are infrequent;
3. they sometimes create an unusual amount of traffic;
4. they are sometimes obnoxious or hazardous; and
5. they are required for public safety and convenience.

**Warehouse:** An ancillary building of a business or industry, not necessarily situated on the same property, used for the storage of merchandise and not available to the general public.

**WECS 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).

*(Amended August 11, 2009)*

**Wind Energy Conversion System, Interconnected (WECS):** A WECS which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.

*(Amended March 4, 2020)*

**Wind Energy Conversion System (WECS)** shall mean a combination of:

1. The surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical or electrical generating powers;
2. 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;
3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
4. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted; and
5. 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 or structures accessory to such facility.

*(Amended August 11, 2009)*

**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 WECS are located. Said WECS may or may not be owned by the owner of the property upon which they are placed.

*(Amended August 11, 2009)*

**Yard:** An open space on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

**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.

## ARTICLE 3 GENERAL PROVISIONS

### SECTION 3.00 ESTABLISHMENT OF DISTRICTS

Raisinville Township is hereby divided into the following zoning districts to be known as, and having the following names and symbols:

AG, Agricultural District  
R-1, Single-Family Rural Residential District  
R-2, Single-Family Urban Residential District  
RM, Multiple Family Residential District  
C-1, Local Commercial District  
C-2, General Commercial District  
C-3, Restricted Commercial District  
M, Manufacturing District  
FP, Flood Plain District (Overlay District)

### SECTION 3.01 OFFICIAL ZONING MAP

1. For the purpose of this Ordinance, zoning districts as provided herein are bounded and defined as shown on a map entitled "Official Zoning Map of Raisinville Township." The official zoning map, with all explanatory matter thereon, is hereby made a part of this Ordinance.
2. **Rules for interpretation.** Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules for interpretation shall govern:
  - A. A boundary indicated as approximately following the centerline of a highway, alley, or easement shall be construed as following such centerline.
  - B. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
  - C. A boundary indicated as approximately following a municipal boundary line of a city, village, or township shall be construed as following such line.
  - D. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.
  - E. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline, shall be construed as following the shoreline existing at the time the interpretation is made.
  - F. The boundary indicated as following the centerline of a stream or river, canal, lake or other body of water shall be construed as following such centerline.
  - G. A boundary indicated as parallel to, or an extension of, features in paragraphs A-F preceding shall be so construed.
  - H. A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.

- I. Where a physical or cultural feature existing on the ground is at variance with that shown on the official zoning map or any other circumstances not covered by A-H preceding, the Board of Zoning Appeals shall interpret the location of the zoning district boundary.
- J. Where a district boundary line divides a lot which is in single ownership at the time of adoption of this Ordinance, the Board of Appeals may permit an extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.
- K. A boundary indicated for any commercial or manufacturing district shall be made in writing and witnessed by the signature of the Township Supervisor and Clerk.

3. **Authority of Official Zoning Map.** Regardless of the existence of purported copies of the Official Zoning Map which, from time to time, may be made or published, the Official Zoning Map shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township. The Official Zoning Map shall be located in the Township Hall and shall be open to public inspection.
4. **Changes to Official Zoning Map.** If, in accordance with the procedures of this Ordinance and Act 110 of 2006, as amended, a change is made in a zoning district boundary, such change shall be entered onto the Official Zoning Map by outlining the area or parcel of land that was rezoned, along with the new zoning district symbol and local amendment number. There shall also be recorded in the box labeled "REVISIONS" the following information: 1) date when the amendment was made, 2) the local zoning amendment identification number, and 3) the initials of the amending person. For the purposes of this Section only the Township Supervisor or Township Clerk may make such change(s).

## **SECTION 3.02 NUMBER OF RESIDENCES ON A LOT**

Not more than one (1) single-family dwelling unit shall be located on a lot, nor shall a single-family dwelling unit be located on the same lot with any other principal building or structure use, except as permitted under Section 3.04 Temporary Structures, except as permitted on farms for seasonal agricultural workers.

## **SECTION 3.03 NON-CONFORMING USES**

1. **Non-Conformance Regulated.** Any lawful use of the land or buildings existing at the date of passage 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 "non-conforming use" and not in violation of this Ordinance provided, however, that a non-conforming use of land or buildings shall be subject to, and the owner comply with, the regulations in this Article, and ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES.
2. **Non-Conforming Uses of Land.** Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful and provided further:
  - A. Any non-conforming use of land may be extended throughout any portion of the parcel of land provided there is no change in the nature or character of the non-conforming use, nor would such extension create a nuisance to surrounding property owners, upon

review and determination by the Planning Commission in conformance with the provisions of ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES.

- B. If any such non-conforming use of land ceases for any reason for a period of more than six (6) months, such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- 3. **Non-Conforming Structures.** Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, 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 non-conforming building or structure may be enlarged, extended, constructed, reconstructed, or structurally altered provided there is no change in the nature or character of the non-conforming use of the building or structure, and provided further that such modifications would not create a nuisance to surrounding property owners. Review and determination of a request to modify a non-conforming structure shall be made in accordance with the provisions of ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES and shall be made by the Building Inspector if the cost of the proposed alteration does not exceed twenty-five (25) percent of the State Equalized Valuation (S.E.V.) multiplied by a factor of two (2), or by the Planning Commission if the proposed alteration is more than twenty-five (25) percent of the S.E.V. times two (2).
  - B. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use, and upon review and determination by the Planning Commission as stated above. Whenever a non-conforming 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 non-conforming use or a use not permitted in the more restricted district.
  - C. If any such non-conforming use of a structure ceases for any reason for a period of more than six (6) months, such use shall conform to the regulations specified in this Ordinance for the district in which such use is located.
- 4. **Non-Conforming Lots of Record.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or shall apply even though such lots fail to meet requirements for area or width, or both, that are generally applicable in the district, provided that regulations for minimum front, rear and side yard setbacks, as specified in this Ordinance, are met, and further provided that a potable water supply and waste water disposal system are approved by the Monroe County Health Department.
- 5. **Repairs and Maintenance.** On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty-five (25) percent of the current State Equalized Valuation multiplied by a factor of two (2) of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased. If a non-

conforming structure or portion of a structure containing a non-conforming 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.

6. **Reconstruction of Damaged Non-Conforming Buildings and Structures.** Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any non-conforming 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 sixty (60) percent of the State Equalized Valuation multiplied by a factor of two (2) of the entire building or structure at the time such damage occurred; and provided that such restoration and resumption shall take place within six (6) months of the time of such damage and that it be completed within one (1) year from time of such damage, and provided further, that said use be identical with non-conforming 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.
7. **Moving.** No non-conforming 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 spaces provided are made to conform to regulations of the district in which such building or structure is to be located.
8. **Change of Tenancy or Ownership.** There may be a change in tenancy, ownership or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.
9. **Certificate of Occupancy.**
  - A. If at any time after the adoption of the Ordinance the Township would become aware of a non-conforming use, the owner of said non-conforming use shall be notified by the Township Clerk of the provisions of this Section, and that his property constitutes a non-conforming use. Within thirty (30) days after receipt of said notice, the owner shall apply for a Certificate of Occupancy for the non-conforming use. The application for such Certificate shall designate the location, nature, and extent of the non-conforming use and such other details as may be necessary for the issuance of the Certificate of Occupancy.
  - B. 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 he 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, he shall not issue the Certificate of Occupancy but shall declare such use to be in violation of this Ordinance.
  - C. After the adoption of this Ordinance, or any amendments thereto, the Building Inspector shall prepare a record of all known non-conforming uses and occupations of lands, buildings, and structures, including tents and trailer coaches, existing at the time of such Ordinance or amendment. Such record shall contain the names, and

addresses of the owners of record of such non-conforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Such list shall be available at all times, in the office of the Township Clerk.

10. **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 (1) year of said date.

#### **SECTION 3.04 TEMPORARY STRUCTURES**

1. **Temporary Dwellings.** No cabin, garage, cellar, or basement, or any temporary structure whether of a fixed or movable nature may be erected, altered or moved upon or used in whole or in part for any dwelling purpose for any time except as provided in this Section.

During the period of construction of a new residential dwelling, or if a dwelling is destroyed or is damaged by a natural or man-made event, such as fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, an existing dwelling unit or a temporary dwelling, including a mobile home, approved by the Building Inspector, may remain or be moved onto the lot, after obtaining a permit therefore from the Building Inspector for use as a temporary dwelling during construction, replacement or repair of a permanent dwelling. The temporary dwelling shall be placed so as to conform to all yard requirements of the zoning district in which it is located, and shall be connected to a private water supply and sewage disposal system approved by the County Health Department or to public water supply and sewage disposal system.

Prior to the issuance of a building permit for construction of a new or repaired dwelling, the Building Official shall establish a reasonable date for removal of the temporary or existing dwelling, which shall be a condition of the permit, with said date for removal not to exceed eighteen (18) months from the date of the building permit for the new or repaired dwelling or six (6) months from the date of the certificate of occupancy for the new or repaired dwelling, whichever is sooner. Before issuance of the permit, the Applicant shall post a performance guarantee in the form of cash or irrevocable letter of credit (or other form deemed suitable by the Township), in an amount deemed sufficient to cover the cost of removal of the existing or temporary dwelling. Three (3) cost estimates from qualified contractors for removal of the existing or temporary dwelling shall be provided to set the required amount for Township approval. Such financial security shall be irrevocable and non-cancellable.

The Building Inspector shall provide a written statement setting forth the conditions of the permit granted under this Section to the residents and shall retain a copy in the Township's files.

The Building Inspector shall notify the Township Board and Planning Commission in writing of each such permit granted under this Section.

(Amended 12-06-2022)

2. **Temporary Construction Structures.** Temporary buildings and/or structures may be used as construction facilities provided that a permit is obtained for such use from the Building Inspector. The Building Inspector shall in each case establish a definite time limit

on the use of such facilities, limits on the uses to which such facilities may be put, and a date by which such facilities are to be removed from the premises.

### **SECTION 3.05 MOBILE HOMES**

Mobile homes shall not be used as dwellings, except when developed in accordance with the provisions outlined in Section 15.04, or when used as a temporary dwelling as provided in Section 3.04, herein.

### **SECTION 3.06 COMPLETION OF CONSTRUCTION**

Nothing in this Ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance or later amendment which may apply. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and not be in effect three hundred and sixty-five (365) days following the effective date of adoption or amendment of this Ordinance, unless permit for the actual construction of a new building has been issued by the Building Inspector.

Any basement, cellar, garage, or any incomplete structure without an occupancy permit in use as a dwelling on the effective date of adoption or amendment of this Ordinance shall not be used as a dwelling for more than twelve (12) months following said date, unless said structure has been completed in conformance with the regulations of the district in which located.

### **SECTION 3.07 SPECIAL APPROVAL**

A use that would be detrimental to other uses permitted in the same zoning district unless carefully controlled as to number, area, size, exterior design, location or relation to the adjacent properties and to the neighborhood. Such uses may be considered necessary or important to the public health, safety, and welfare of the neighborhood or township as a whole and may be permitted if proper safeguards are taken. Such uses may be permitted in a zoning district as a Special Approval use if specific provision is made in this zoning Ordinance.

### **SECTION 3.08 ESSENTIAL SERVICES**

Essential Services shall be permitted as authorized and regulated by law and by the Ordinances of Raisinville Township, it being the intention hereof to exempt such essential services from this Ordinance.

### **SECTION 3.09 VISIBILITY AT INTERSECTIONS**

No fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of thirty (30) inches and eight (8) feet above the road grade at driveway and road intersections. Clear sight distance or vision area requirements are based on traffic speed and volume and shall follow the Michigan Department of Transportation (MDOT) sight distance guidelines for M-50 and the Monroe County Road Commission standards for all other Township roadways.

*(Amended May 1, 2018)*

## **SECTION 3.10 HOME OCCUPATION**

The purpose of this Section is to provide for home occupations in those districts where single-family dwelling units are permitted. The intent of this Section is to allow residents of Raisinville Township the opportunity to conduct certain businesses from their homes when said businesses can be conducted without detracting from the residential nature of the zoning district. Permitted home occupations are listed below, and are intended to allow only those uses which can be conducted without negative impacts, including: visual blight, generation of excessive traffic, visible alteration of structures, noise, vibration, fumes, pollutants, or other nuisances. A home occupation may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions:

1. The home occupation shall be operated in the primary and permanent residence of the homeowner. Not more than one (1) person outside of the family residing on the premises shall be engaged in such operation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and an area equal to not more than twenty (20) percent of the floor area of the dwelling unit may be used for the purposes of the home occupation.
3. A home occupation shall be conducted within the dwelling unit or within a building accessory thereto.
4. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and therefore shall be no external or internal alterations not customary in residential areas.
5. No article shall be sold or offered for sale on the premises except such as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.
6. Parking for the home occupation shall not exceed four (4) spaces. Such spaces shall be provided on the premises, off-street, subject to all regulations in ARTICLE 16, OFF-STREET PARKING AND LOADING REGULATIONS, and provided the parking spaces shall not be located in the required front yard.
7. Exterior storage of material, equipment, or refuse associated with or resulting from a home occupation, shall be prohibited.
8. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interferences which are nuisances to persons off the lot. Any electrical equipment process which create visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
9. Signs not customarily found in residential areas shall be prohibited, provided, however, that one (1) non-illuminated name plate, not more than four (4) square feet in area, may be attached to the building, which sign shall contain only the name, occupation and address of the premises.
10. No home occupation shall be permitted except for those occupations listed below, provided that all home occupations comply with the general provisions of this Section:
  - A. Dress making, sewing, and tailoring.
  - B. Painting, sculpturing, and writing.

- C. Telephone answering.
- D. Home crafts, such as model making, rug weaving, lapidary work, ceramics, and cabinet making.
- E. Tutoring, limited to two (2) students at a time.
- F. Home cooking and preserving.
- G. Computer programming.
- H. Typing.
- I. Ironing and laundering.
- J. Income tax assistance and minor bookkeeping.
- K. Music lessons.
- L. Architectural, drafting, engineering, and similar professional work, but not medical, chiropractic, dental, optical, or veterinarian work.
- M. Home sales and distributors that involve door to door sales of consumer goods sold at retail, but do not include sales at the dwelling unit or any on-site storage of other than minimal inventory.
- N. Catering, so long as no food is served at the dwelling unit where it is prepared.
- O. Tool and scissors sharpening.
- P. Bed & breakfast operations, provided that they are conducted in the primary and permanent residence of the owner and comply with PA 230 of 1972.
- Q. Barber, beauty salon or manicuring.

11. Home occupations not specifically listed above are not permitted; however, an occupation not listed above may be permitted by special permission of the Township Board, upon recommendation of the Planning Commission. Special approval may be given if, in the determination of the Township Board and Planning Commission, the proposed home occupation would comply with all provisions of this Ordinance as well as the spirit and intent of this Section.

*(Amended June 15, 1994 and March 4, 2020)*

### **SECTION 3.11 TRANSIENT AND AMUSEMENT ENTERPRISES**

Circuses, carnivals, other transient amusement enterprises, music festivals and similar temporary gatherings of people, may be permitted in any zoning district upon approval by the Township Board as permitted by Act 246, P.A. 1945, as amended. Such enterprises shall be permitted only in the finding by the Township Board that the location of such an activity will not adversely affect public health, safety, morals, or general welfare. The Township Board shall require posting of a bond or other acceptable security payable to the Township in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and which damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and payable through such court. Raisinville Township Ordinance Number 12, the Assembly Ordinance, shall also apply.

## **SECTION 3.12 REQUIRED FRONTAGE / ACCESS TO STREETS**

1. Every use, building, or structure established after the date of this Ordinance shall be on a lot or parcel which adjoins a public street, such street right-of-way to be at least sixty-six (66) feet in width unless a lesser width has been established and recorded prior to the effective date of this Ordinance, or shall adjoin a private street which has been approved as to design and construction by the Raisinville Township Board and the County Road Commission.
2. All lots or parcels shall have a continuous frontage on a public street at least equal in length to the minimum lot width required for the district in which the property is located.
3. Every building and structure constructed or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on lots as to provide safe and convenient access for fire protection vehicles and required off-street parking and loading areas.

*(Amended June 15, 1994)*

## **SECTION 3.13 ZONING BOARD**

All powers, duties, and responsibilities for a zoning board as provided by the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended, are hereby vested in the Raisinville Township Planning Commission in accordance with Section 301 of the Michigan Zoning Enabling Act.

*(Amended March 4, 2020)*

## **SECTION 3.14 ACCESSORY BUILDINGS AND STRUCTURES**

Accessory buildings, and accessory structures, shall be subject to the following regulations:

1. **General.**
  - A. No accessory building or structure shall be permitted on a lot without a principal building or a finally inspected and approved foundation for an approved principal building.
  - B. Any accessory building which is attached to the principal building shall be considered a part of, and subject to the same height and yard setback requirements as the principal building.
  - C. Accessory buildings or structures greater than two hundred (200) square feet shall require a building permit as provided in the Michigan State Construction Code. All accessory buildings shall require zoning compliance.
  - D. Fences, signs, and other structures such as tanks, smoke stacks or similar structures shall be exempt from the provisions of this Section.
  - E. Accessory farms buildings on farms ten (10) acres or more in the Agricultural District are unrestricted in number and size, but must meet the minimum yard setbacks specified in ARTICLE 12 SCHEDULE OF REGULATIONS. Refer to Section 12.00 (B) for regulations pertaining to accessory farm buildings.
  - F. The use of tents, semi-trailers, or vehicles, situated on a parcel, for the support, shelter or enclosure of persons, animals, chattels, or property of any kind shall not be permitted.

**2. Placement.**

- A. Detached accessory building or structures, with the exception of gazebos of less than two hundred (200) square feet, shall be setback a minimum of ten (10) feet to any other buildings. Accessory buildings greater than ten (10) feet in height shall be setback a minimum distance equal to the height of the building to any lot lines.
- B. On typical lots, detached accessory buildings or structures shall only be permitted within the rear and side yards.
- C. On corner lots, detached accessory buildings or structures shall meet the minimum front yard setback requirements and shall not be located closer to either front lot lines than the principal building.
- D. On double frontage lots, detached accessory buildings or structures shall meet the minimum front yard setback requirements but may be located in the front yard.

**3. Number and Size.**

- A. A maximum of three (3) detached accessory buildings or structures are allowed on lots smaller than three (3) acres.
- B. The ground floor area of an attached accessory building or structure shall not exceed the footprint of the principal residence. The ground floor area or the building footprint does not include unsupported overhangs three (3) feet or less.
- C. The total ground floor area of all detached accessory buildings or structures shall not exceed more than forty (40) percent of the total rear yard area regardless of whether it is located in the rear or side yard, and shall not exceed:
  - i. Three thousand (3,000) square feet on lots smaller than three (3) acres.
  - ii. Five thousand (5,000) square feet on lots three (3) acres or more.
- D. In addition to these limitations, accessory buildings and structures shall be subject to the maximum lot coverage requirements of ARTICLE 12 SCHEDULE OF REGULATIONS.

**4. Height**

- A. Detached accessory buildings and structures shall be no more than one and one half (1 ½) stories in height.
- B. Detached accessory buildings and structures shall not exceed a maximum mean height of twenty-five (25) feet.

**5. Exception for Existing Farm Buildings.**

- A. In order to preserve the established agricultural character of the Township, farm buildings that were in compliance with the accessory building regulations above, but are proposed to be divided from the farmland and were in existence on January 21, 2014 may be allowed to remain as approved by the Zoning Administrator.  
If such an exception is granted, no additional accessory buildings shall be permitted on the property in question, unless they comply with Paragraphs 1, 2, 3, and 4 above.
- B. No such building may be enlarged, extended, or structurally altered, except that repairs and maintenance may be allowed in accordance with the provisions of Paragraph 5 of Section 3.03.

C. The provisions of Paragraph 6 of Section 3.03 shall apply if such building is damaged by flood, fire, vandalism or other act.

*(Amended June 15, 1994, October 3, 1995, August 20, 1998, December 20, 2001, February 18, 2002, April 8, 2003, November 9, 2004, November 11, 2007, January 14, 2014, March 4, 2020, October 1, 2024, and November 5, 2025)*

### **SECTION 3.15 PONDS**

Ponds excavated for recreational, scenic or farm purposes of greater than one hundred (100) square feet of surface area shall be permitted accessory uses in all districts as administratively approved through the issuance of a Pond Permit if soils removed are spread on-site. Soil removal off-site is permitted through special approval use. Ponds less than one hundred (100) square feet in surface area are permitted. Ponds requiring a permit must meet the standards listed below:

1. Wetland/pond construction through state or federal conservation programs shall not be subject to the requirements of this section provided no soils are removed off site.
2. In residential districts the pond must be located on a parcel maintaining a residential dwelling unit. Ponds on farms associated with agricultural activities or conservation practices are not required to maintain a residential dwelling unit.
3. The pond must be located on a parcel of at least three (3) acres in size.
4. The pond must be set back a minimum of one hundred (100) feet from property lines or dwellings.
5. The pond shall be constructed in conformance with the design standards of the Natural Resources Conservation Service (NRCS), and have a permit from the Monroe County Drain Commissioner's office in accordance with the provisions of Act 347, P.A. 1972, The Soil Erosion and Sedimentation Control Act.
6. Written evidence shall be provided from the Monroe County Health Department that the separation distance between the pond and any septic system or septic system replacement field is sufficient, but in no case shall a pond be located closer than one hundred (100) feet to septic system.
7. All man-made ponds shall be secured by totally enclosing the pond or the subject property with a fence which shall be a minimum height of four (4) feet, unless otherwise approved by the Planning Commission/Zoning Administrator. In review a request for a fence waiver, the Planning Commission/Zoning Administrator shall take into consideration the size of the property and the density and proximity of housing on the surrounding properties.
8. In all cases a minimum of one life saving station shall be located at the pond. The Planning Commission/Zoning Administrator may require additional stations based upon the size and location of the proposed pond. The lifesaving station shall, at a minimum, have a flotation device attached to a safety rope.
9. All earth excavated during construction of the pond shall be spread on-site or removed from the parcel. Off-site soil removal activity is only permitted as a special approval use subject to the requirements of ARTICLE 13 and ARTICLE 14, and to the following information provided for review:
  - A. A schedule of operations outlining the proposed dates and progress of proposed soil removing operation from beginning to end.

- B. The hours of operation proposed and establish limits which shall not be detrimental to the operation or negatively impact the adjacent property owners.
- C. Each owner/applicant shall be held responsible for all public or private highways, roads and streets upon which trucks haul materials from such operations, to keep these roads in a driveable condition at least equal to that which existed prior to the beginning of such operations; and to keep the roads dust-free and to clean any and all spillage of material and dirt, rock, mud and any other debris carried onto the roads by these trucks or other equipment.
- D. Any noise, odors, smoke, fumes, or dust generated by the removal and loading or processing operation and borne or able to be borne by the wind shall be confined within the property lines of said operation so as not to cause a nuisance or hazard of any adjoining lot or public road, in accordance with the environmental standards established by the Michigan Department of Natural Resources and U.S. Environmental Protection Agency.
- E. Operations shall not be conducted so as to cause the pollution of any material of any surface or subsurface watercourse or body outside of the lines of the lot on which such use shall be located, or of any existing body of water located within the premises, in accordance with the environmental standards established by the Michigan Department of Natural Resources and U.S. Environmental Protection Agency.
- F. Operations shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot, or so as to alter the drainage pattern of surface or subsurface waters on adjacent property. All operations must be in conformance with the requirements of the Soil Erosion and Sedimentation Control Act of the State of Michigan. In the event that said operations cease to be conducted, it shall be the continuing responsibility of the owner(s) and the operator(s) thereof to assure that no erosion or alteration of drainage pattern shall take place after the date of the cessation of operation as specified in this paragraph.
- G. Travel routes for trucks entering and leaving said operations shall be shown on a map of the Township at the time of application for the permit. Such routes except major thoroughfares or their equivalents, shall not pass through residential areas, unless alternate routes do not exist. Said routes shall be subject to a haul route permit from the Monroe County Road Commission or the Michigan Department of Transportation if required.
- H. Vegetation shall be restored by the appropriate seeding of grasses and the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface, and to minimize erosion.
- I. Any road used for the purpose of ingress and egress to said operation which is located within three hundred (300) feet of occupied residences shall be kept dust-free by hard-topping with cement, bituminous substance or chemical treatment.

10. If the Zoning Administrator has a good faith belief that the pond could have a specific, adverse impact upon the public health or safety, the Administrator may require the applicant to apply for Special Use and Site Plan approvals to the Planning Commission in accordance with the requirements of ARTICLE 13 and ARTICLE 14.

*(Amended April 3, 1996, November 11, 2007, September 4, 2018, and March 4, 2020)*

## **SECTION 3.16 STORAGE OF MATERIALS**

1. Garbage, ashes, rubbish and similar refuse to be stored outside a building in an apartment complex, mobile home park, all commercial and private recreational sites, and the commercial and industrial districts shall be stored in accordance with the standards of Section 3.23.
2. There shall be no outdoor storage of unlicensed or inoperable vehicles, abandoned, discarded or inoperative appliances or equipment, furniture or materials.
3. The storage of flammable or explosive materials shall be in accordance with applicable State regulations.
4. Please refer to the Building Code and Blight Ordinance for additional regulations that may pertain to the storage of materials.

*(Amended June 15, 1994, November 11, 2007, and September 4, 2018)*

## **SECTION 3.17 PRESERVATION OF ENVIRONMENTAL QUALITY**

The following shall apply:

1. In any zoning district, no river, stream, watercourse or drainage way, whether filled or partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with County, State and Federal laws and standards.
2. No person shall alter, change, transform or otherwise vary the edge, bank or shore of any lake, river or stream except as provided in the Inland Lakes and Streams Act, Part 301 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.
3. No person shall drain, remove, fill, change, alter, transform or otherwise vary the area, water level, vegetation or natural conditions of a marsh, swamp or wetland except after receiving approval of a site plan from the Soil Erosion Officer in accordance with the Soil Erosion and Sedimentation Control Act, P.A. 347 of 1972, and from the Planning Commission in accordance with ARTICLE 14, SITE PLAN REVIEW, herein. Any alterations shall conform to the requirements of applicable State and Federal agencies and in accordance with ARTICLE 11, FP, FLOOD PLAIN DISTRICT regulations.

## **SECTION 3.18 TRANSITION STRIP**

1. On any site in a multiple-family residential or commercial district, a transition strip at least twenty (20) feet in width shall be provided along all lot lines that abut a residential district or use in compliance with this section.
2. Those sides of a parcel within "M" District which abuts an AG, R-1, R-2, RM, C-1, C-2, or C-3 Districts shall also be provided with a twenty (20)-foot transition strip in compliance with this section.
3. Design standards.
  - A. The transition strip shall provide a visual screen that is at least six (6) feet high and eighty (80) percent opaque along its entire length. Compliance with this standard shall be determined based upon reasonably anticipated growth within three years of planting.
  - B. The transition strip shall be planted with one of the following:

- i. Existing vegetation augmented with evergreen plantings; or
- ii. Naturalized groupings of plant materials, which contain a mixture of trees and shrubs.

C. At least fifty (50) percent of the trees within the transition strip shall be evergreen.

4. Additional screening. The Planning Commission may determine that additional screening is required to effectively buffer more intense or conflicting land uses. To achieve this objective the Planning Commission may also require a berm, wall and/or fence, in addition to the trees and shrubs required above.

5. Where permitted, a decorative wood screen or masonry wall, six (6) feet high, may be substituted for the transition strip if the Planning Commission determines that such screen or wall will equal the performance of the transition strip and where such lot is too limited in dimension or area to reasonably permit the installation of such strip. A hedge may also be substituted for a transition strip, provided that it will obtain a height of at least three (3) feet at the end of the first growing season, and if the Planning Commission determines that such hedges will equal the performance of the transition strip. A screen, wall, hedge, or strip shall be adequately maintained at all times.

6. The transition strip shall be landscaped with living plant materials, such materials shall be planted before the issuance of the certificate of occupancy. Should weather prohibit planting, a six (6)-month extension may be obtained by the applicant.

7. A security deposit, where not provided as part of performance guarantees required elsewhere, herein, shall be deposited with the Township Clerk until such time as the transition strip is planted. The transition strip shall be installed within the time required or the Township Board shall be authorized to use the funds to install the transition strip. In all cases, however, the Township Board shall be authorized to withhold ten (10) percent of the security deposit for a period of two (2) years from the date of issuance of the certificate of occupancy to insure that dead or dying nursery stock shall be replaced. Excess funds, if any, shall be returned to the depositor upon completion of the two (2) year period. It shall be the responsibility of the property owner to maintain the transition strip in accordance with the approved site plan.

*(Amended May 1, 2018)*

### **SECTION 3.19 SWIMMING POOLS, PRIVATE**

Private pools shall be permitted as an accessory use within the rear yard or side yard, provided they meet the following requirements:

1. No swimming pool, or part thereof, shall be hereafter erected or constructed unless a building permit shall have been first issued for such work by the Township Building Inspector. Said pool shall at least be twenty-four (24) inches in depth.
2. There shall be a minimum distance of not less than ten (10) feet between adjoining property lines, or alley right-of-ways and the outside of the swimming pool wall. Side yard setback shall apply if greater than ten (10) feet.
3. There shall be a distance of not less than ten (10) feet between the outside swimming pool wall and any building located on the same lot.
4. No swimming pool wall shall be located less than fifty (50) feet from any street right-of-way line. When a swimming pool is located on a corner lot, the side lot line of which is

substantially a continuation of the front lot line of the lot to its rear, said swimming pool shall not project beyond the front yard line required on the lot in rear of such corner lot.

5. No swimming pool shall be located in an easement.
6. For the protection of the general public, please see the current Building Code for all barrier requirements.
7. If the swimming pool is constructed with walls at least four (4) feet above ground and entry into such above ground pool is only by means of a removable ladder or a ladder that locks up into place when the pool is not in use, then the fence, gate or door required in the preceding paragraph of this Section shall not be required.
8. All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the 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.
9. **Permit.** Upon compliance with all requirements of this Section and upon determination by the Building Inspector 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.
10. **Sanitation.** The water of all pools shall be chemically treated to provide for adequate public health. 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.
11. The swimming pool shall not be used or occupied until all requirements have been met and final approval has been granted.
12. Swimming pools shall conform to Section 504.03 of the Monroe County Sanitary Code, as it may be amended from time to time, for isolation distances.
13. For additional safety related regulations, please refer to the Building Code.

*(Amended November 11, 2007)*

## **SECTION 3.20 FENCES, WALLS AND OTHER PROTECTIVE BARRIERS**

All fences of any nature, type or description located in the Township of Raisinville shall conform to the following regulations:

1. The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the Building Official as to conformance with the requirements of the zoning district in which they are required because of land use development, and to the requirements of this Section.
2. Fences adjacent to residential uses and/or districts located along the line dividing two (2) lots or parcels of land shall be of an ornamental nature and conform to the following requirements:
  - A. No fence shall hereafter be erected in excess of six (6) feet in height above the grade of the surrounding land.

- B. No fence shall hereafter be located in the required front yard more than three (3) feet in height.
- C. All fences, hereafter erected, shall be of an ornamental nature unless used for the keeping of livestock. Ornamental fences shall be constructed of a design including post and rail, picket, or other types, as approved by the Zoning Administrator/Planning Commission and materials including redwood, cedar, or No. 1 pressure-treated wood, vinyl, iron, steel, brick, stone, or other materials approved by the Zoning Administrator/Planning Commission. Welded steel or plastic wire fencing (e.g., livestock or poultry fencing) are not approved ornamental fence materials unless in combination with an approved material.
3. Fences in any district may be located on a property line, outside of a road right-of-way on a parcel of land provided such fences are maintained in a good condition and do not result in unreasonable hazards to persons who come near them. Barbed wire, spikes, nails or any other sharp point or instrument of any kind is prohibited on top or on the sides of any fence.
4. Fences of woven wire or chain link topped by strands of barbed wire may be permitted for lands surrounding public utilities, municipal buildings or uses that, due to their nature, would necessitate such protective enclosures to ensure the public health, safety or general welfare of the community.
5. Fences of any type shall not be located within the road right-of-way.

*(Amended November 11, 2007, September 4, 2018, and March 4, 2020)*

### **SECTION 3.21 PERFORMANCE STANDARDS**

Performance standards are established in order to preserve the short and long-term environmental health, safety, and quality of the Township and its residents. No parcel, lot, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Any use permitted by this Ordinance may be undertaken and maintained with the condition that acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards. No use, otherwise allowed, shall be permitted within any district which does not conform to the following regulations of use, occupancy, and operation. These regulations are established as minimum requirements to be maintained. Nothing contained herein is intended to restrict farming operations in accordance with the Michigan Right to Farm Act, PA 93 of 1981.

1. **Smoke.** It shall be unlawful for any person, firm or corporation to permit the emission of smoke from any source in an amount which shall be injurious or substantially annoying to persons residing in the effect area. Further, it shall constitute a violation of this Section to permit or cause the emission of smoke or air contaminant from any source to a density greater than that permitted by Federal Clean Air Standards and those standards promulgated by the State of Michigan or in such volume as to create pollution to a subject site or adjoining properties such as to cause a public nuisance.
2. **Airborne Solids.** It shall be unlawful for any person, firm or corporation to operate and maintain, or cause to be operated and maintained, any process or activity which shall cause injury to neighboring business or property. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are

equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The readily detectable drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, eloquent salts, wetting, covering, landscaping, fencing, or other means.

3. **Odor.** The emission of odors which shall be found to be obnoxious to any considerable number of persons at their place of residence shall be prohibited.
4. **Gases.** The emission or release of corrosive or toxic gases, in amounts which are injurious or substantially annoying to persons living or working in the affected area, shall be prohibited.
5. **Glare and Radioactive Materials.** Glare from any process or operation shall be shielded so as to be invisible beyond the property line of the premises on which the process is performed. Radiation including radioactive materials and electromagnetic radiation such as that emitted by the X-ray process or diathermy, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
6. **Flammable Materials.** The storage of flammable materials shall be as approved by the Building Official either be within structures which shall be set back not less than fifty (50) feet, or in open storage which shall be back not less than one hundred and fifty (150) feet from any lot line. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall be in accordance with the State rules and regulations as established by Act 207, P.A. of 1941, as amended.
7. **Noise.** The noise permitted under any use of land shall be no greater than the normal level of traffic noise existing in the area at the time of such emission, when determined at the boundary of the property. Manufacturing districts may have higher levels of noise within their industrial premises, provided that beams, walls or other sound barriers of equal effect shall prevent their being substantially annoying to adjacent areas.
  - A. Examples of noise disturbances include, but are not limited to:
    - i. Any sound that exceeds the specific limits set forth in this Section shall be deemed a noise disturbance.
    - ii. Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall be prohibited between the hours of 9:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential use or district boundary.
    - iii. Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited where the sound would create a noise disturbance across a residential use or district boundary. This provision shall apply between the hours of 9:00 p.m. and 7:00 a.m., but shall not apply to emergency work or public service utilities.

B. The provisions in this Section shall not apply to the following uses and circumstances:

- i. The emission of sound for the purpose of alerting persons to existence of an emergency, or in the performance of emergency work shall be exempt from the provisions of this Section.
- ii. Additional Exceptions. The provisions in this Section shall not apply to the following activities, provided that such activities are conducted in a legally-accepted manner:
  - a. Snow plowing and other public works activities.
  - b. Animal and agricultural uses.
  - c. Church bells, chimes, and carillons.
  - d. Commercial lawn care and house maintenance that occurs between 7:00 a.m. and 9:00 p.m.
  - e. Licensed vehicles being operated on a road.
  - f. Nighttime excavation, construction, or repair of bridges, roads, or highways by or on behalf of local, county, or state road authorities, where necessary to preserve the public safety or welfare.
  - g. The reasonable use of stationary amplifiers or loudspeakers in the course of non-commercial public addresses or festivals.
  - h. Entertainment uses as permitted by the Township Board.

C. Sound emitted by any source is considered a noise disturbance when its average A-weighted sound level exceeds the limit set forth for the receiving use or zoning district in the following table, when measured at or within the property boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels.

Receiving Uses or Districts	Time	Average Sound Level
Residential Uses or Districts	7:00 a.m. to 9:00 p.m.	55 dB(A)
	9:00 p.m. to 7:00 a.m.	50 dB(A)
Non-Residential Use or Districts	7:00 a.m. to 9:00 p.m.	62 dB(A)
	9:00 p.m. to 7:00 a.m.	55 dB(A)

Notes related to table:

For any source of sound that emits a pure tone sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.

For any source of sound that emits an atypical impulsive or impact-type sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.

8. **Vibration.** Machines or operations which cause vibrations shall be permitted in manufacturing districts, provided that vibrations emanating therefrom shall not be discernible and substantially annoying or injurious to property beyond the lot lines of the affected premises.

9. **Animal Waste.** Animal wastes shall be managed according to Generally Accepted Agricultural and Management Practices (GAAMP), as determined by the Michigan Department of Agriculture and Rural Development (MDARD). Notwithstanding the provisions of Act 93 of 1981, the Michigan Right-to-Farm Act, as amended, it shall be prohibited to manage animal wastes to create a public or private nuisance or to be injurious to the public health, safety and welfare and to the quality of the ground and surface waters of the Township.

The violation of any of these standards may constitute a public nuisance and will be considered by the Township Officials when making decisions as to whether or not to institute litigation to abate same.

*(Amended October 15, 2023)*

## **SECTION 3.22 STORAGE OF RECREATIONAL EQUIPMENT**

Recreational vehicles, boats and boat trailers, snowmobiles, trail cycles, all-terrain vehicles, travel trailers, motor homes, and similar equipment, and trailers, cases and boxes used for transporting recreational equipment whether occupied by such equipment or not, shall not be parked in front of the front building line of any lot in any agricultural or residential district provided, however, that such equipment may be parked anywhere in a driveway or parking area on residential premises for a period not to exceed a week or seven (7) days during loading or unloading. Such equipment shall not be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

Storage of such equipment, when permitted in a commercial district as a principal use of lot, shall be located behind all required lot lines with all required yards to be landscaped and properly and regularly maintained. The storage area shall have a gravel surface, treated regularly to prevent erosion and blowing of dust. The storage area shall be fenced for security purpose.

## **SECTION 3.23 DUMPSTERS AND WASTE RECEPTACLES**

1. **General.** Dumpsters, including waste receptacles and compactors, shall be designed, constructed and maintained according to the standards of this Section. Dumpster location and details of construction shall be shown on site plans. A change in dumpster location or size shall require modification to the enclosure, as warranted by this Section.
2. **Location.** Dumpsters shall be located in the rear yard or non-required side yard, unless otherwise approved by the Planning Commission. For commercial and industrial sites adjoining residential districts, the waste receptacle enclosure shall be as far as practical, and in no case be less than twenty (20) feet from any adjacent residential district.
3. **Access.** Dumpsters shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces.
4. **Base.** The dumpster base shall be at least nine (9) feet by nine (9) feet, constructed of six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the dumpster pad or gate to support the front axle of a refuse vehicle.
5. **Screening.** Dumpsters shall have an enclosing lid or cover and be enclosed on three (3) sides with a wood gate on the fourth side. The enclosure shall be a berm or constructed of brick or decorative concrete material with a maximum height of six (6) feet or at least one (1) foot higher than the dumpster and spaced at least three (3) feet from the dumpster. The

Planning Commission may approve a wooden enclosure provided the lumber is treated to prevent decay or is determined to be durable and suitable for outdoor use.

*(Amended November 11, 2007)*

## **SECTION 3.24 EXTERIOR LIGHTING**

1. **Light Levels.** All outdoor lighting in all zoning districts used to light the general area of a specific site shall be shielded to reduce glare and shall be arranged to reflect lights away from all adjacent residential districts or adjacent residences. Light shall not exceed more than one-half (0.5) foot-candles at a residential lot line. Light shall not exceed more than one (1) foot-candle at a non-residential lot line, except along the road frontage. The maximum light level on the site shall be ten (10) foot-candles. All fixtures shall be metal halide.
2. **Light Fixtures.** Outdoor lighting in all zoning districts shall be directed toward and confined to the ground areas of lawns or parking lots except as noted elsewhere in this Section. Lighting shall utilize cutoff fixtures that are recessed sufficiently such that the light source is not visible from off site. Bollard lights are permitted to light driveways and pedestrian areas. Floodlight type fixtures shall not be permitted except for building accent and sign lighting.
3. **Fixture Height.** Light fixtures shall have a maximum height of twenty (20) feet where located and/or adjacent to a residential district. Light fixtures shall have a maximum height of thirty (30) feet where located and/or adjacent to non-residential districts.
4. **Ornamental Lighting.** The requirement for downward directed lighting may be waived for ornamental lighting which is part of an overall architectural theme, as approved by the Planning Commission.
5. **Sign and Building Lighting.** All lighting in nonresidential districts used for external illumination of buildings to feature said buildings or to illuminate a permitted sign, shall be placed and shielded so not to interfere with the vision of persons on adjacent highways or adjacent property.
6. **Photometric Plan.** The Planning Commission may require the submission of a photometric plan prepared by an electrical engineer graphically illustrating the planned layout and foot-candles of the site lighting. The evaluation of the photometric plan is intended to permit the Planning Commission and Township Board to determine potential adverse effects the site lighting may have on adjoining properties and motorists. Compliance with the lighting design criteria shall be demonstrated by submitting the following for review:
  - A. Lighting plan showing light fixture locations and type designations.
  - B. Photometric plan showing horizontal luminance levels in a point by point format with contour lines. The photometric plan shall be provided for a full parking lot within an automobile dealership. Canopy lighting will also be included in luminance levels.
  - C. Lighting equipment specifications and data sheets.
  - D. Any other presentations required to convey the intent of the design.

*(Amended November 11, 2007)*

## SECTION 3.25 LANDSCAPING

- General.** The following Section is intended to establish minimum standards for the design installation and maintenance of landscaping, greenbelts and buffer zones. Landscaping, greenbelts, and buffer zones are necessary for the continued protection and enhancement of all land uses. Landscaping and greenbelts enhance the visual image of the Township, preserve natural features, improve property values, and alleviate the impact of noise, traffic, and visual distraction. Buffer zones protect less intense uses from the noise, light, traffic, litter and other impacts.
- Required Greenbelt along Street Frontage.** Within all multiple family residential, commercial and industrial districts, a twenty (20) foot wide greenbelt shall be planted along each public street right-of-way including the equivalent of one (1) canopy tree, rounded upward, for every twenty-five (25) linear feet of frontage. The Planning Commission may approve substitution of evergreen trees for up to fifty (50) percent of the required trees. All greenbelt trees shall be arranged to simulate a natural setting such as staggered rows or massing. The remaining greenbelt shall include only living materials with the exception of permitted driveways, sidewalks, signs, and utilities.
- Required Transition Strip.** A transition strip or buffer is required between conflicting land uses in accordance with Section 3.18 of the Zoning Ordinance and the standards of this Section.
- Accessory Structure Landscaping.** The Planning Commission may require accessory structures and utility structures such as waste receptacle enclosures, air conditioning units, transformers, utility substations and clustered mailboxes that are in a visible location on the site, to be screened from adjacent properties.
- Minimum Sizes.** Minimum plant sizes at time of installation shall be according to the following:

Type of Tree	Size
Deciduous Canopy Tree	2 1/2 inch caliper
Deciduous Ornamental Tree	2-inch caliper
Evergreen Tree	6-foot height
Deciduous Shrub	2-foot height
Upright Evergreen Shrub	2-foot height
Spreading Evergreen Shrub	18 to 24-inch spread

- Mixing of Species.** The overall landscape plan shall not contain more than thirty-three (33) percent of any one plant species. The use of trees native to the area, and mixture of trees from the same species association, is encouraged.
- Prohibited Species.** The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

Common Name	Horticultural Name
Ash	Fraxinus
Box Elder	Acer negundo
Ginkgo	Ginkgo biloba (female only)

Honey Locust	Gleditsia triacanthos (with thorns)
Mulberry	Morus Species
Poplars	Populus Species
Black Locust	Robinia Species
Willows	Salix Species
American Elm	Ulmus americana
Siberian Elm	Ulmus pumila
Slippery Elm; Red Elm	Ulmus rubra
Chinese Elm	Ulmus parvifolia

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8. **Installation and Maintenance Provisions.** All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be removed and replaced within six (6) months. Landscaped areas shall be covered by grass or other living ground cover. Irrigation shall be provided for all landscaped areas. Trees required on the site plan must be maintained and shall not be removed unless approved by the Planning Commission as a site plan amendment.
9. **Waiver from Landscaping and Screening Requirements.** The Planning Commission during Site Plan review may determine that existing landscaping or screening intended to be preserved would provide adequate landscaping and screening. The Planning Commission may also determine dimensional conditions unique to the parcel would prevent development of off-street parking area landscaping, greenbelts or buffer zones. If such determination is made, the Planning Commission may waive, in whole or in part, the landscaping provisions of this Section. Criteria which shall be used when considering a waiver shall include, but shall not be limited to:
  - A. Existing natural vegetation;
  - B. Topography;
  - C. Existing wetland, floodplain and poor soils areas;
  - D. Existing and proposed building placement;
  - E. Building heights;
  - F. Adjacent land uses;
  - G. Distance between land uses;
  - H. Dimensional conditions unique to the parcel;
  - I. Traffic sight distances;
  - J. Traffic operational characteristics on and off site;
  - K. Visual, noise and air pollution levels;
  - L. Presence of utility easements and adjacent utility corridors; and
  - M. Health, safety and welfare of the township.

*(Amended November 11, 2007 and May 1, 2018)*

## SECTION 3.26 EXCEPTIONS

The following structures and projections shall be permitted when located in required yards, as specified:

1. Open paved terraces not over three (3) feet above the average grade of the adjoining ground and not project farther than ten (10) feet into the required front or rear yard setback, but not including roofed-over terraces or porches.
2. Bay windows, overhanging eaves, and other architectural features which project three (3) feet or less into the required front or rear yard setback.

*(Amended November 11, 2007)*

## SECTION 3.27 KEEPING OF LIVESTOCK AND OTHER ANIMALS

1. Horses and other livestock may be kept only in accordance with the following schedule. For those animals not specifically listed, the following regulations shall apply for animals of similar size to those noted (excluding animals considered to be exotic).

Land Use / Zoning District	Regulations*
Farms on lots 10 acres or more	There shall be no zoning limits on the number of horses, ponies or other livestock kept.
Lots 5 acres or more in the R-1 and R-2 Residential Districts	Up to two (2) horses or ponies may be kept. One (1) additional horse or pony may be kept for each 2 ½ acres of lot in excess of 5 acres.
Lots 2 ½ acres or more used for residential purposes in the AG, Agricultural District, and all farms on lots less than 10 acres provided the minimum lot area is 2 ½ acres or more.	Up to two (2) horses or ponies may be kept. One (1) additional horse or pony may be kept for each 2 ½ acres of lot area in excess of 2 ½ acres.
	One (1) cow per acre. The combined number of cattle, horses, and ponies may not exceed one (1) animal per acre.
	Two (2) pigs, sheep, or goats per acre. If a combination of horses, cows, sheep, goats, and pigs are to be maintained, two (2) sheep, goats, or pigs may replace either a cow, a horse, or pony in the total number allowed.
	Thirty-five (35) chickens per acre, in any combination, in addition to other livestock.

\*Note: Refer to Paragraph 7 for chickens and rabbits on small lots

2. All animals shall be properly fenced and contained.
3. Except on farms, barns utilized for housing of animals and storage of the necessary hay and grain they consume may be constructed on the premises in accordance with Section 3.14. All barns and outbuildings shall require a building permit. Barns and outbuilding that house animals shall be a minimum of one hundred (100) feet from any lot line.

4. Special training or exercising corrals shall be located not less than one hundred (100) feet from any residential dwelling and side lot line.
5. Except on farms, accumulations of manure shall be limited to a single designated area and shall be a minimum of one hundred and fifty (150) feet from all public rights-of-way, a minimum of one hundred (100) feet from side and rear lot lines, and a minimum of one hundred (100) feet from all dwellings.
6. Except on farms, the following standards shall apply to the keeping of horses or ponies on residential lots:
  - A. A fenced corral or pen with the fence construction sufficient to contain horses on the owner's property shall be provided.
  - B. 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, infestation, insects, fences, security, and nuisances.
  - C. Provision shall be made to insure that run-off will not adversely affect adjacent lots and waters.
  - D. Provision shall be made to insure that the keeping of horses or ponies will not adversely affect the peaceful use of adjacent lots.
  - E. 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.
7. The raising of chickens and rabbits up to a total of twelve (12) animals per acre, as a hobby or for private consumption, but not for profit, is allowed on lots used for residential purposes in the R-1 and R-2 Residential Districts, or on lots used for residential purposes smaller than two and one-half (2 ½) acres in the AG, Agricultural District provided:
  - A. No roosters shall be kept.
  - B. There shall be adequate fencing, or other restraining device, for the purpose of keeping animals within the owner's parcel in a manner that does not create disturbances to neighboring owners and occupants.
  - C. The manure, refuse and wastes resulting from the keeping of animals shall be controlled upon the premises, and shall be cared for or disposed of regularly to minimize hazards of health and odors or other offensive effects upon neighboring people and uses.
  - D. All feed and other substances and materials on the premises for the keeping of animals shall be stored to minimize attraction of rats, mice, vermin or other pests.
  - E. A public nuisance is not created.
8. The temporary keeping of livestock in connection with educational programs such as a 4-H club is permitted on parcels one (1) acre or more in accordance with the limitations of the schedule outlined in 1 above regarding the number of livestock per acre.
9. Other animals which are considered exotic are prohibited except for animals permitted by the Zoning Board of Appeals and under conditions designed to protect the public health, safety and welfare.

*(Amended November 11, 2007, and March 4, 2020)*

## SECTION 3.28 PORTABLE MOVING AND STORAGE CONTAINERS

A single portable moving and storage container may be placed on an occupied lot for the purpose of loading or unloading personal belongings to be transported to another location for up to twenty (20) business days. The container shall not be located in the public right-of-way or a private road easement.

The use of shipping containers for the storage of materials shall be allowed in the M, Manufacturing District as an accessory use, as approved by the Building Official/Zoning Administrator, provided:

1. No more than two shipping containers shall be allowed per business.
2. They shall meet the minimum setback requirements for principal structures and shall be located in the rear yard (to the rear of the principal building).
3. They shall be placed on a gravel or paved surface.
4. The storage of flammable or explosive materials shall be in accordance with applicable State regulations.

*(Amended November 11, 2007 and October 1, 2024)*

## SECTION 3.29 ADULT CARE FACILITIES AND CHILD CARE ORGANIZATIONS

1. Adult care facilities and child care organizations, as defined in Section 2.01, Definitions, are allowed only as provided for in the following table. Applicable conditions are listed as footnotes to the table.

**Adult Care Facilities and Child Care Organizations Regulations**

Type of Facility	Zoning District			
	AG, R-1, R-2	RM	C-1, C-2, C-3	M
Adult Daycare Facilities	SLU as accessory	SLU	SLU ,	SLU
Adult Foster Care Family Home (6 or fewer adults 24 hours per day) (1, 2, 3, 4, 5)	P	P	NA	NA
Adult Foster Care Small Group Home (12 or fewer adults 24 hours per day) (1, 2, 3, 4, 5, 9)	SLU	SLU	NA	NA
Adult Foster Care Large Group Home (13 to 20 adults 24 hours per day) (1, 2, 3, 4, 5, 9)	NA	SLU	NA	NA
Congregate Facility (more than 20 adults 24 hours per day) (1, 2, 3, 4, 5, 9)	NA	SLU	NA	NA
Foster Family Home (4 or fewer children 24 hours per day)	P	P	NA	NA
Foster Family Group Home (5 to 6 children 24 hours per day) (1, 2, 3, 4, 5)	P	P	NA	NA
Family Day-Care Home (6 or fewer children less than 24 hours per day) (1, 2, 3, 4, 5, 6, 7, 8, 10)	P	P	NA	NA

Group Day-Care Home (7 to 12 children less than 24 hours per day) (1, 2, 3, 4, 5, 6, 7, 8, 9, 10)	SLU	SLU	NA	NA
Child Care Center or Day-Care Center (more than 6 children less than 24 hours per day) (1, 2, 3, 4, 5, 6, 7, 8, 9)	SLU as accessory	SLU	SLU	SLU
Child Caring Institution (1, 2, 3, 4, 5, 6, 7, 8)	NA	SLU	SLU	SLU

Notes to Regulations:

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P: Permitted use

SLU: May be allowed upon review and approval of a special land use, in accordance with the general standards in ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES.

SLU as accessory: May be allowed as an accessory to an approved use, such as a church, school, office, or other place of employment, upon review and approval of a special land use.

NA: Not allowed in zoning district.

1. The use shall be registered with the Raisinville Township Building Department and shall continually have on file with the Township documentation of a valid license as required by the State.
2. Since the State law preempts in this area, the facility shall be brought into compliance with all State building and fire codes pursuant to State Licensing Rules R400.1831- R400.1835. Documentation of such compliance with State requirements shall be provided.
3. The site shall comply with the sign provisions of ARTICLE 17, SIGNS.
4. Off-street parking shall be provided for the maximum number of employees on-site at any one (1) time.
5. The building shall have an appearance which is non-intrusive and consistent in color, materials, roof-line, and architecture with the single-family or multiple-family residential district in which it is located, as determined by the Planning Commission.
6. Documentation of sufficient indoor classroom, crib, or play area meeting State requirements shall be provided. Documentation of approved areas, as licensed by the State, shall be provided.
7. There shall be sufficient outdoor play area to meet State regulations. All required outdoor play areas shall be fenced with a four (4)-foot tall fence, provided that no fenced outdoor play area shall be located in a front yard.
8. There shall be sufficient drop-off parking spaces to allow maneuvering without creating a hazard to traffic flow.
9. The lot shall be at least one thousand five hundred (1,500) feet from another group day care home or similar facility. This may be reduced by the Planning Commission upon a finding that the proposed facility will not contribute to an excessive concentration of State licensed residential care facilities in the area.
10. The facility shall operate not more than sixteen (16) hours per day.

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2. A State-licensed residential adult care facility or child care organization existing prior to the effective date of this Ordinance, that has been operating under a valid State license and is registered with the Township no later than sixty (60) days following the effective date of this Ordinance, shall be considered an approved special land use, provided such use conforms with the conditions of this Section. Any change in class of the use to a larger care facility shall require approval in accordance with the requirements of this Ordinance. Any modification to the use shall require approval following the standards of ARTICLE 14, SITE PLAN REVIEW as applicable.

(Amended November 11, 2007)

### SECTION 3.30 WIND ENERGY CONVERSION SYSTEMS

Small-scale and large-scale wind energy conversion systems (WECS) shall be allowed in those zoning districts where they are listed as a special land use and subject to the requirements set forth herein.

1. **Small-Scale Wind Energy Conversion System.** On-site WECS and anemometer towers sixty (60) feet or less in height shall be a special land use in all zoning districts. Small-scale WECS shall be subject to the following regulations and requirements.
2. **Small-Scale Wind Energy Conversion System Standards.** The following standards shall apply to small-scale WECS, including on-site WECS and Anemometer Towers.
  - A. Purpose. Small-scale WECS are designed to primarily serve the needs of a home, farm, small business, or any other existing or permitted use on a parcel of land.
  - B. Height. The total height of an anemometer tower or a small-scale WECS, including the tower and blade in the full vertical position may not exceed sixty (60) feet.
  - C. Setbacks The minimum distance between the on-site WECS and the property lines and/or communication and electrical lines shall be equal to one hundred and fifty (150) percent of the height of the tower including the top of the blade in its vertical position. No part of the WECS structure, including guy wire anchors, may extend closer than ten (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.
  - D. The WECS must be located in a rear yard only.
  - E. Visibility of Guy Wires. If an on-site WECS is supported by guy wires, the wires shall be clearly visible to a height of at least eight (8) feet above the guy wire anchors.
  - F. Minimum Lot Area Size. The minimum lot size for a property to be eligible to have an on-site WECS shall be two (2) acres.
  - G. Minimum Ground Clearance. For both horizontal and vertical axis turbines, a WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is twenty (20) feet.
  - H. Maximum Sound Pressure Level. The maximum level of audible noise permitted to be generated by a small-scale WECS shall be fifty (50) decibels, as measured on the dB (A) scale, measured at the property lines nearest the WECS. An application for a WECS facility shall not be approved unless the applicant demonstrates that the proposed project complies with all noise regulations.
  - I. Information Required: The Planning Commission may require submittal of a noise study or other acceptable information that demonstrates compliance with this Section. The Planning Commission shall determine the adequacy of the noise study and, if necessary, may require further submissions.
  - J. Local, State and Federal Construction & Electrical Requirements. 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 requirements. An interconnected on-site WECS shall comply with Michigan Public

Service Commission and Federal Regulatory Commission standards. Off-grid systems are exempt from this requirement.

- K. In the case of an on-site WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The applicant shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback and non-sellback) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).
- L. Braking System. The on-site WECS shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding.
- M. Lightning Protection. The WECS shall have lightning protection.
- N. Labeling of WECS Power Conversion Subsystem. The following information shall be provided in a visible, easily read, and easily accessible location:
  - i. Maximum power input (kw), rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.;
  - ii. Manufacturer's name and address;
  - iii. Model number;
  - iv. Serial number;
  - v. Emergency and normal shutdown procedures; and
  - vi. Emergency contact name and telephone number.
- O. Accessibility. Towers shall be designed and constructed in such a manner that integrated tower climbing devices are a minimum of twelve (12) feet above the base of the tower and only accessible by using a separate climbing device.

3. **Large-Scale Wind Energy Conversion System Standards.** The following standards shall apply to large-scale WECS, including large on-site WECS, Utility Grid WECS and anemometer towers associated with a large-scale WECS.

- A. Height. The maximum permitted height of a large-scale WECS tower shall be one hundred and twenty-five (125) feet from the 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 two hundred (200) feet.
- B. Setbacks. A distance equal to one hundred fifty (150) percent of the height of the tower, including the top of the blade in its vertical position, shall be provided 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.
- C. 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 (3) times the turbine blades' (rotor) diameter and the WECS shall be designed to minimize disruption to farmland activity.

Documents shall be submitted by the developer/manufacturer confirming specifications for turbine/tower separation.

- D. Minimum Lot Area Size. The minimum lot size for a property to be eligible to have large-scale on-site WECS or Utility Grid WECS shall be two (2) acres.
- E. Minimum Ground Clearance. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a WECS employing a horizontal axis rotor.
- F. 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.
- G. Maximum Sound Pressure Level. Audible noise or the sound pressure level from the operation of the WECS shall not exceed fifty-five (55) dB(A) or the ambient noise or sound pressure level plus five (5) dB(A), whichever is greater. The audible noise or the sound pressure shall be measured at the property lines. This sound level shall not be exceeded for more than three (3) minutes in any hour of the day.

Information Required: The applicant shall submit a noise study or other acceptable information that demonstrates compliance with this Section. The Planning Commission shall determine the adequacy of the noise study and, if necessary, may require further submissions.

- H. Safety. The WECS shall meet the following safety requirements:
  - i. 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.
  - ii. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the WECS.
  - iii. A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information. The following information shall be provided:
    - a. Maximum power input (kw), rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.;
    - b. Manufacturer's name and address;
    - c. Model number;
    - d. Serial number;
    - e. Emergency and normal shutdown procedures; and
    - f. Emergency contact name and telephone number.
  - iv. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
  - v. All collection system wiring shall comply with all applicable safety and stray voltage standards.
  - vi. WEC towers shall not be climbable on the exterior.
- I. Braking System. The WECS shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding.

- J. Lightning Protection. All wind towers shall have lightning protection.
- K. Pre-Application Permits.
  - i. Utility Infrastructure. The utility infrastructure 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 requirements. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to prevent 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 Regulatory Commission standards.
  - ii. Environment.
    - a. 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.
    - b. Comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL: 324. 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:
      - Part 31 Water Resources Protection (MCL 324.3101 et seq.);
      - Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.);
      - Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.);
      - Part 303 Wetlands (MCL 324.30301 et seq.);
      - Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.);
      - Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.); and
      - Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).
- L. Performance Securities and Decommissioning. A performance security shall be provided by the applicant for making repairs to public roads damaged by the transportation and 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 twelve (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 twelve (12) months. In this regard, at the discretion of the Township, the performance security shall be in the form of 1) cash; 2) surety bond; 3) irrevocable 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 timeframe. The applicant and 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 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.

- i. If the WECS 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, 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.
- ii. 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 WECS 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, Attorney, Engineer, 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 WECS, 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.
- iii. 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.

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

N. The following standards apply only to utility grid WECS:

- i. 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.

- ii. The design of the WECS' building 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 the existing environment.
- iii. Avian and Wildlife Impact. Site plan and other documents and drawing shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the avian and wildlife impact analysis.
- iv. Decommissioning. A Planning Commission approved decommissioning plan shall be provided indicating 1) the anticipated life of the project, 2) the estimated decommissioning cost 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.
- v. Complaint Resolution. A Planning Commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project shall be established.
- vi. 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 applicant demonstrates to the satisfaction of the Planning Commission that the interference is insignificant.

4. Wind Energy Conversion System Site Plan Review Procedure.

- A. 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 meet the informational requirement for plot plans and include:
  - i. A description of the project.
  - ii. The location of the proposed facility site with property lines and setback lines.
  - iii. Existing and proposed buildings and structures including preliminary locations of the proposed towers and related equipment, fencing, driveways, and points of ingress/egress.
  - iv. Proposed connection to existing electric line.
- B. An application for any WECS shall be reviewed in accordance with all applicable requirements in Section 14.04, Preliminary Site Plan and the requirements of ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES. In addition to these

requirements, site plans and supporting documents for WECS shall include the following additional information:

- i. 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.
- ii. Proof of the applicant's public liability insurance for the life of the project.
- iii. 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(is). Lease Unit(s); and the site plan showing the boundaries of the leases as well as the boundaries of the Lease Unit Boundary.
- iv. The phases or parts of construction, with a construction schedule.
- v. The project area boundaries.
- vi. The location, height and dimensions of all structures and fencing.
- vii. The location, grades and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
- viii. 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.
- ix. All new above ground infrastructure related to the project.
- x. A copy of the manufacturer's 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.
- xi. Description of operations, including anticipated regular and unscheduled maintenance.
- xii. For utility grid WECS only:
  - a. Noise. A copy of 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 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 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 Raisinville Township within sixty (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. Visual Impact. A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four (4) viewable angles.

- c. Environment. 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, 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. Avian and Wildlife. A copy of an avian and wildlife 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.
- e. 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.
- f. 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 should include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.
- g. 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.
- h. Shadow Flicker. 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.
- i. Restoration Plan. A second site plan, which includes all the information found in Section 14.04, Preliminary Site Plan, 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 the salvage value in current dollars;
  - c. The method of ensuring that funds will be available for decommissioning and restoration; and
  - d. The anticipated manner in which the project will be decommissioned and the site restored to its natural predevelopment state.

- e. Complaint Resolution. 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 not preclude Raisinville 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.

*(Amended August 11, 2009 and July 5, 2022)*

## **SECTION 3.31 SOLAR ENERGY SYSTEMS**

### **1. General Requirements.**

- A. 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.
- B. 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.
- C. 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 the similar certification organization is 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.
- D. 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 Official prior to installation.
- E. Solar energy systems, and the installation and use thereof, shall comply with the applicable construction codes and other Township, County, state and federal requirements.
- F. 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.

### **2. Small Accessory Use Solar Energy Systems.**

- A. **Building Mounted Systems.** Building-mounted solar energy systems that generate up to but do not exceed the manufacturer's rating of one hundred (100) kilowatt (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:
  - i. Such unit may only be attached to a principal building, or an accessory building serving the principal use, such as a barn, garage or shed.
  - ii. 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 12, SCHEDULE OF REGULATIONS.

- iii. 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.
- iv. 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 or other qualified person shall be submitted to the Building Official prior to installation.
- v. 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.

**B. Ground-Mounted Systems.** Ground-mounted solar energy systems that generate up to but do not exceed the manufacturer's rating of one hundred (100) kilowatt (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:

- i. Ground-mounted solar energy systems shall be permitted as an accessory use in all zoning districts as administratively approved through the issuance of a Building Permit if the application meets setback and other standards, as provided in this Section.
- ii. Setbacks and Location. Ground-mounted solar energy systems shall be located in the rear yard or the side yard. Ground-mounted systems may be permitted in the front yard if the applicant demonstrates that no feasible alternative exists due to site orientation, topography, shading, or other physical constraints, and that the proposed system is designed and screened to minimize visual impacts from the road and adjacent properties. All ground-mounted systems, regardless of location, shall maintain a minimum setback of fifteen (15) feet from all lot lines.
- iii. Height. A ground-mounted solar energy system shall not exceed fifteen (15) feet in height, measured from the ground at the base of the unit.
- iv. Size. Ground-mounted solar energy systems may not occupy more than five (5) percent of the parcel upon which it is located up to one thousand five hundred (1,500) square feet.
- v. All power transmission lines shall be underground.

*(Amended January 14, 2014, December 5, 2017, July 5, 2022, and November 5, 2025)*

### **3. Commercial Use Solar Energy Systems.**

- A. Purpose and Intent. The purpose and intent of this and subsequent subsections are to establish requirements for construction and operation of principal 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.
- B. Small commercial use solar energy systems with a capacity of two (2) megawatt (MW) or less and occupying ten (10) acres of land or less as defined by the fenced-in solar

array area are permitted in the AG, Agricultural District and the M, Manufacturing District with special approval in accordance with ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES. To minimize the impact of commercial use solar energy systems, the overall aggregate amount of land to be used by all small and large commercial use solar energy systems allowed within the Township shall be no more than one thousand (1,000) acres.

- C. Large commercial use solar energy systems **not** under the authority of PA 233 with a capacity greater than two (2) megawatt (MW) and occupying more than ten (10) acres of land as defined by the fenced-in solar array area are permitted only in the M, Manufacturing District with special approval in accordance with ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES.
- D. In determining whether the commercial use solar facility is appropriate on the subject property, the Planning Commission and Township Board shall consider the following:
  - i. Proximity to existing electric transmission lines and feasibility of connecting to the existing transmission network.
  - ii. Existing physical features of the site that would be impacted by the solar facility, including wildlife impacts and other existing conditions.
  - iii. Potential impacts on neighboring properties in terms of glare, stormwater runoff, property values, environmental, aesthetics, and screening.
- E. Land located in the AG, Agricultural District on which small commercial use solar energy system are proposed are required to maintain an agricultural dual use which may include the raising of crops, grazing of animals, and/or planting a groundcover that provides an ecosystem value.
- F. Commercial use solar facilities may not be developed on properties enrolled in the state Farmland and Open Space Preservation program (PA 116).

4. **Commercial Use Solar Energy System Standards.** Small and large commercial use solar system facilities shall be subject to the following standards:

- A. Lot Size: A small commercial use solar energy system shall be located on one or more parcels with an aggregate area of ten (10) acres or less as defined by the fenced-in solar array area. A large commercial use solar energy system may be located on one or more parcels with an aggregate area greater than ten (10) acres as defined by the fenced-in solar array area.
- B. 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 solar energy system shall comply with the maximum height requirements for principal structures of the district in which they are located unless required by applicable code to interconnect into existing electric infrastructure or necessitated by applicable code to cross certain structures.
- C. Setbacks. Commercial use solar energy systems shall comply with the setback requirements of the district in which they are located, as measured from the property line or road right-of-way to the security fence enclosing the solar facility, with the following exception:
  - i. A minimum setback distance of one-hundred (100) feet from road rights-of-way shall be required.

- ii. A setback of five-hundred (500) feet shall be required from the security fence enclosing the solar facility to the nearest existing residential dwelling unit of a non-participating landowner, school, or church.
- iii. 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.
- iv. Additional setbacks may be required to mitigate impacts on adjacent landowners such as noise and glare impacts, or to provide for designated road or utility corridors, as identified through the Special Land Use approval process.

D. 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.

E. Screening. The perimeter of a commercial use solar facility shall be screened by a minimum twenty (20)-foot wide vegetative buffer placed outside of the perimeter security fence required under subsection G whenever existing natural vegetation does not otherwise completely obscure the solar energy system from adjacent properties, subject to the following requirements:

- i. The landscape buffer shall be composed of naturalized groupings of plant materials, containing a mixture of Michigan native deciduous and evergreen trees and shrubs which would favor typical plant species found in Raisinville Township's woodlots. 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.
- ii. 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.
- iii. All unhealthy (sixty (60) 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.
- iv. 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.

F. Ground Cover.

- i. 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.
- ii. 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 local area such as the Natural Resources Conservation Service.

- iii. The owner/operator shall demonstrate site maintenance that is intended to remove invasive or noxious species and woody plants without harming perennial vegetation.
- iv. 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 Midwest ecosystems, soils, and habitat.

G. Security Fence. A commercial use solar facility 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 material of such fence shall be approved through the Site Plan review process. The fence shall be located around the perimeter of the solar facility and buffered as required under Subsection E. Lock boxes and keys providing a method for emergency gate access approved by the Township shall be provided at locked entrances for emergency personnel access. Electric fencing is not permitted.

H. Lot Coverage: Commercial use solar facilities are exempt from maximum lot coverage limitations.

I. Drainage. All existing on-site drain tiles and ditches shall be maintained. The application shall include a drainage plan prepared by a registered civil engineer 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.

J. 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. Emergency contact information shall be provided at the entrance to the site and other locations as approved by the Township.

K. 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 registered civil engineer or other professional the Planning Commission finds to be qualified to address this issue.

L. 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 in accordance with Section 3.24.

M. Utilities. All collection lines and interconnections from the solar energy collection devices to any electrical substations shall be located and maintained underground inside the commercial 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.

- N. Maximum Sound Level. No component of any commercial solar facility shall emit noise exceeding fifty-five (55) dB(A) as measured at the exterior property boundary or the existing right-of-way line.
- O. Conditions and Modifications. The Planning Commission and Township Board may, in addition to the above standards, recommend and/or 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

5. Applications and Procedures. In addition to the requirements of ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES and ARTICLE 14, SITE PLAN REVIEW of the Raisinville Township Zoning Ordinance, all applications for small and large commercial use solar facilities shall include the following information.

- A. 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 meet the informational requirement for plot plans and include:
  - i. A description of the project.
  - ii. The location of the proposed facility site with property lines and setback lines.
  - iii. Existing and proposed buildings and structures including preliminary locations of the proposed solar panels and related equipment, fencing, driveways, and points of ingress/egress.
  - iv. Proposed connection to existing electric line.
- B. The Special Approval Use submittal shall include:
  - i. All property lot lines and dimensions, including a legal description of each parcel comprising the solar facility.
  - ii. 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.
  - iii. A list of all adjacent property owners, property identification numbers, and addresses.
  - iv. Identification of the utility company who will interconnect to the facility.
  - v. 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.
  - vi. 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.
- C. The Site Plan submittal shall include:

- i. 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.
- ii. 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).
- iii. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the solar facility and within 100 feet of all exterior property lines of the solar facility.
- iv. 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.
- v. Proposed setbacks from the solar array(s) to all existing and proposed structures and property lines.
- vi. 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 5 (five) -foot contours.
- vii. 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 MDOT approval as applicable, and shall be planned so as to minimize the use of lands for that purpose.
- viii. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the solar energy system.
- ix. 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 F. 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.
- x. Planned lightning protection measures.
- xi. 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.
- xii. 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.

xiii. Any conditions and modifications approved by the Township Board as part of the Special Land Use review process shall be noted on the plans.

D. Monitoring and Inspection. The Township shall have the right at any reasonable time, to provide a 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), NESC and all other applicable safety guidelines.

E. 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 County requirements regarding the use and/or repair of County roads.

F. 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 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.

G. Decommissioning and Reclamation.

i. 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.

- ii. 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, Attorney, Engineer, 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.
- iii. 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.

H. 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.

## **6. 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 1. through 5., the following provisions shall also apply to large commercial use solar energy systems with a nameplate capacity of fifty (50) megawatts or more. To the extent these provisions conflict with the provisions in Subsections 1. through 5. above (regulating solar energy facilities), the provisions below control as to such large commercial use solar energy systems. All provisions in Subsections 1. through 5. 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.

A. 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

B. 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.

C. Height. Solar panel components must not exceed a maximum height of twenty-five (25) feet above ground when the arrays are at full tilt.

D. 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.

E. Lighting. Large commercial use solar energy systems under the authority of PA 233 must implement dark sky-friendly lighting solutions.

F. Environmental Regulations. Large commercial use solar energy systems under the authority of PA 233 must comply with applicable state or federal environmental regulations.

G. 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.

H. Location. Large commercial use solar energy systems under the authority of PA 233 are permitted with special approval in the AG, Agricultural District and M, Manufacturing District in accordance with ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES. To minimize the impact of commercial use solar energy systems, the overall aggregate amount of land used for small or large commercial use solar energy systems allowed within the Township shall be no more than one thousand (1,000) acres.

*(Amended December 5, 2017, March 4, 2020, July 5, 2022, and November 29, 2024)*

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## **ARTICLE 4 AG, AGRICULTURAL DISTRICT**

### **SECTION 4.00 STATEMENT OF PURPOSE**

The AG, Agricultural District is established to preserve prime agricultural lands and to protect agricultural enterprises from encroachment by suburban and urban uses and developments. It is recognized that the public health and welfare of the citizens of Raisinville Township, Monroe County, Michigan, are greatly dependent upon the sustenance and economic benefit provided by a viable agricultural industry. It is the purpose of the Agricultural District to insure that land areas within Raisinville Township which are uniquely suited for the production of food are retained for agricultural production, unimpeded by the establishment of incompatible uses of land which would hinder agricultural practices and irretrievably deplete essential agricultural lands and productivity.

The following regulations shall apply to the AG District, and shall be subject further to the provisions of ARTICLE 3, GENERAL PROVISIONS.

### **SECTION 4.01 PRINCIPAL USES PERMITTED**

Only the following uses of land and structures shall be permitted by right in the AG District. Said uses are subject to the following provisions and shall be subject to any further provisions of ARTICLE 3, GENERAL PROVISIONS:

1. Farm residence.
2. Accessory buildings, including farm buildings and greenhouses, subject to the provisions of Section 3.14 Accessory Buildings.
3. Generally accepted agricultural practices including livestock and poultry raising, dairying, horticulture, farm forestry, sod farming, and similar bona fide agricultural enterprises or use of land and structures. Public stables, kennels, and the raising of fur-bearing animals are not included in this provision.
4. Truck gardening.
5. Tree and shrub nurseries.
6. All non-farm residences in existence prior to the effective date of this Ordinance.
7. Non-farm dwelling, provided that:
  - A. Said dwelling shall front on an existing public road.
  - B. The suitability of soils shall be determined by the Monroe County Health Department.
  - C. The parcel on which a dwelling is to be situated must have at least one hundred and fifty (150) feet of road frontage on an existing public road, and a minimum depth of two hundred (200) feet as measured from the edge of the public road right-of-way.
8. Private swimming pools, exclusively for the use of residents or guests, subject to all yard space requirements of ARTICLE 3, GENERAL PROVISIONS.
9. Accessory buildings or structures and uses customarily incidental to any of the above uses when located on the same property.
10. One (1) temporary roadside stand for the purpose of selling produce predominantly raised or produced by the proprietor of the stand or his family in the course of the above

agricultural pursuits. The roadside stand shall be no more than one (1) story high or no larger than twenty (20) by twenty (20) feet and which shall be located not less than fifty (50) feet from the nearest road pavement or improved surface. The required off-street parking area shall be provided in the required front yard, excepting for the twenty (20) foot space nearest the road pavement or improved surface. The road side stand shall be of such portable construction that the buildings shall be removed from its roadside location during the season when it is not in use as a roadside stand, and stored as an accessory building in the rear yard, meeting all yard space requirements.

11. Private stables provided that the parcel is two and one half (2 ½) acres or more in size.
12. The raising, licensing, and exhibit of fur bearing animals in accordance with the provisions of Act 286, P.A. 1926, Game Law; Act 191, P.A. 1929, Game Breeder Act; Act 184, P.A. 1929, Wildlife Sanctuary Dedication Act; and related rules and regulations administered by the Michigan State Department of Natural Resources, provided that the related land parcel is three (3) acres or more in size. The following species of animals are exempted from State licensing requirements: silver, black and cross foxes, mink and chinchilla.
13. Two (2) non-illuminated signs pertaining to the sale or lease of the premises or advertising the produce at a roadside market. Trespassing, safety or caution signs shall be permitted when necessary for the safety or protection of people and property. All such signs shall not be more than fifteen (15) square feet in area.
14. Historic Sites.
15. Manufactured homes when developed on individual lots in accordance with the provisions in ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS.
16. Adult care facilities and child care organizations in accordance with Section 3.29.
17. Other uses of a similar and no more objectionable character to the above uses which meet the intent and purpose of the district.

*(Amended June 15, 1994, June 19, 2006, November 11, 2007 and January 14, 2014)*

## **SECTION 4.02 USES PERMITTED ON SPECIAL APPROVAL**

The following uses of land and structures are permitted only by the approval of the Township Board, upon the recommendation of the Planning Commission, pursuant to ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES. Said uses and structures are subject to the conditions contained herein and to any further conditions, including setbacks, buffers, and parking requirements, which the Township Board may impose in order to protect the health, safety, and welfare of the community and to uphold the purpose and spirit of this Ordinance.

1. Migratory labor camps when said facility is provided as temporary housing for workers and their families during the season in which they are employed in the planting, harvesting, or processing of crops or other essential but temporary agriculturally related employment, and provided further that said facility is accessory to the farm on which said worker is employed. Plans shall be subject also, to the approval of the Monroe County Health Department and/or Michigan Department of Public Health.
2. Commercial slaughter when conducted as part of the principal use, having a minimum setback of three hundred (300) feet from the road right-of-way, and when the physical structure in which the slaughtering is conducted is adjacent to, or an extension of an accessory farm building. Additional approval must be obtained from the Michigan Department of Agriculture, and from the Monroe County Health Department for sewage

treatment and potable water supply. No slaughtering operation shall be located closer than three hundred (300) feet from any residential district, nor shall any residential or commercial structure be built closer than three hundred (300) feet to the property line of an existing commercial slaughter operation.

3. Kennels, in accordance with Act 339, P.A. 1919 as amended, the Dog Act, and the performance standards set forth in Section 15.02, Kennels/K-Facilities.
4. Recreation uses including but not limited to, clubs, gun clubs, golf courses, and golf driving ranges, athletic fields, and in conformance with the provisions set forth in ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS.
5. Two-family dwellings when said dwellings are accomplished through the conversion of existing single-family dwellings originally constructed prior to December 31, 1950, and contain at least fourteen hundred (1,400) square feet of floor area; provided that each new dwelling unit after conversion, shall contain at least five hundred (500) square feet of floor area per family, said minimum area not to include basements, attached garages, breezeways, unenclosed porches, enclosed porches, or the interior area of utility rooms, and provided that waste-water treatment and potable water supply systems are in accordance with the provisions of the Monroe County Sanitary Code.
6. Cemeteries in accordance with the provision of Act 251, P.A. 1968, as amended, the State Cemetery Act.
7. Churches and schools in accordance with standards set forth in ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS, as well as public owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations without service or storage yards.
8. Laboratories used in the research and testing of agricultural products and techniques.
9. Campgrounds in conformance with the Campground Act, Act 171, P.A. 1970, as amended, and the standards set forth in ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS. All campgrounds must maintain valid licensure with the State of Michigan.
10. Outdoor theaters, in accordance with the standards of Section 15.07 Uses Not Otherwise Included Within Specific Use Districts.
11. Commercial radio, television, microwave, mobile phone, cellular telephone, public utility and other transmitting or relay antenna towers in accordance with the standards of Section 15.07 Uses Not Otherwise Included Within Specific Use Districts.
12. Airports, landing fields, landing strips, runways and platforms, hangars, masts, beacons and other facilities for the operation of aircraft in accordance with the standards of Section 15.07 Uses Not Otherwise Included Within Specific Use Districts.
13. Drag strips, race tracks and similar uses in accordance with the standards of Section 15.07 Uses Not Otherwise Included Within Specific Use Districts.
14. Disposal of waste in accordance with the standards of Section 15.07 Uses Not Otherwise Included Within Specific Use Districts.
15. Extractive operations in accordance with the Mine Reclamation Act, Act 92, P.A. 1970, as amended, and the standards set forth in ARTICLE 15 SUPPLEMENTARY DISTRICT REGULATIONS.

16. Private and public hunting lands in accordance with the provisions of Act 134, P.A. 1957, Shooting Preserve Act.
17. Public Stables in accordance with the standards set forth in ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS, provided that the related parcel is three (3) or more acres in size.
18. Ponds if the excavated soils are removed off site, in accordance with provisions outlined in ARTICLE 3, GENERAL PROVISIONS. *(Amended October 1, 2024)*
19. Veterinary Clinics.
20. Agriculture-related commercial uses as listed and subject to the provisions of ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS.
21. Adult care facilities and child care organizations in accordance with Section 3.29.
22. Detached accessory buildings on parcels of at least three (3) acres but less than ten (10) acres which would result in a total floor area of over four thousand (4,000) square feet; or detached accessory buildings on parcels of less than three (3) acres which would result in a total floor area greater than the floor area of the principal building.
23. Small-scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 3.30 of this Ordinance. To minimize the impact of commercial use solar energy systems, the overall aggregate amount of land used for small or large commercial use solar energy systems allowed within the Township shall be no more than 1,000 acres.
24. Large scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 3.30 of this Ordinance.
25. Small commercial use solar energy systems or solar farms subject to the provisions of Section 3.31 of this Ordinance. To minimize the impact of commercial use solar energy systems, the overall aggregate amount of land used for small or large commercial use solar energy systems allowed within the Township shall be no more than one thousand (1,000) acres.
26. Large commercial use solar energy systems under the authority of PA 233, subject to the provisions of Section 3.31 of this Ordinance. To minimize the impact of commercial use solar energy systems, the overall aggregate amount of land used for small or large commercial use solar energy systems allowed within the Township shall be no more than one thousand (1,000) acres.
27. Other uses of a similar and no more objectionable character to the above uses which meet the intent and purpose of the district.

*(Amended June 15, 1994, November 11, 2007, August 11, 2009, September 4, 2018, July 5, 2022, October 15, 2023, and November 29, 2024)*

#### **SECTION 4.03 AREA AND SIZE REQUIREMENTS**

See ARTICLE 12, SCHEDULE OF REGULATIONS limiting height and size of buildings, and minimum lot and yards, by permitted land use.

#### **SECTION 4.04 SITE PLAN REVIEW**

All special approval uses listed above are subject further to the requirements of ARTICLE 14, SITE PLAN REVIEW.

## **ARTICLE 5 R-1 & R-2 SINGLE-FAMILY RESIDENTIAL DISTRICTS**

### **SECTION 5.00 STATEMENT OF PURPOSE**

The R-1, Rural Residential District has been established to provide areas for the aggregation of single-family, non-farm residential development within a rural environment on lots of sufficient size to permit the use of approved on-site sanitary treatment systems (septic tanks and drain fields) and the use of on-site wells of safe water quality in accordance with the provisions of the Monroe County Sanitary Code. This district is designed to provide a rural residential character and is intended to be used in those parts of the Township where soils are suitable and where public sanitary sewer and water facilities are not planned to be extended. By providing a rural residential district, pressure for developing single-family residences in prime agricultural areas is reduced.

The R-2, Urban Residential District is established to provide for development of single-family residences at a higher density than that provided in other areas of the Township. This district is designed to reflect the more urban-like environment upon which it borders and from which growth pressures may occur. It also will allow for the orderly and efficient extension of services, such as sanitary sewers and water into these areas. In pursuit of these purposes, an initial minimum lot size of thirty thousand (30,000) square feet per residence is designated in the R-2 District. This will allow for use of approved onsite sanitary treatment systems and water supply, while guaranteeing public health and safety. Pressures for development within this district which cannot be accommodated by the minimum lot size will signal the need for sanitary sewers and water lines. Introduction of these services would allow a higher density of development, which would be permitted through amendment of this Ordinance once the practice of onsite disposal and water supply are no longer required.

The provisions of these districts will absorb the pressures of growth in such a way that development will occur in an orderly and efficient manner.

The following regulations shall apply to the R-1 (Rural) and R-2 (Urban), Single-Family Residential Districts and shall be subject further to the provisions of ARTICLE 3, GENERAL PROVISIONS.

### **SECTION 5.01 PRINCIPAL USES PERMITTED**

Only the following uses of land and structures shall be permitted by right in the R-1 and R-2 Residential Districts:

1. Single-family detached dwellings.
2. Accessory buildings, provided that they shall be located as required in ARTICLE 3, GENERAL PROVISIONS.
3. Private swimming pools, exclusively for the use of residents or guests, subject to all yard space requirements of ARTICLE 3, GENERAL PROVISIONS.
4. Historic sites.
5. Home occupations as defined in ARTICLE 3, GENERAL PROVISIONS.
6. Manufactured homes when developed on individual lots in accordance with the provisions in ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS.

7. Adult care facilities and child care organizations in accordance with Section 3.29.
8. Other uses of a similar and no more objectionable character to the above uses which meet the intent and purpose of the district.

*(Amended June 15, 1994 and November 11, 2007)*

## **SECTION 5.02 USES PERMISSIBLE ON SPECIAL APPROVAL**

The following uses of land and structures are permitted only by the approval of the Township Board, upon the recommendation of the Planning Commission, pursuant to ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES. Said uses and structures are subject to the conditions contained herein and to any further conditions, including setbacks, buffers, and parking requirements, which the Township Board may impose in order to protect the health, safety, and welfare of the community and to uphold the purpose and spirit of this Ordinance.

1. Two-family dwellings created through the conversion of existing single-family dwellings, originally constructed prior to December 31, 1950, provided that they contain at least fourteen hundred (1,400) square feet of floor area; provided that each new dwelling unit, after conversion, shall contain at least five hundred (500) square feet of floor space per family, said minimum area not to include basements, attached garages, breezeways, unenclosed or enclosed porches, or the interior area of utility rooms; and provided that wastewater treatment and potable water supply systems are in accordance with the provisions of the Monroe County Sanitary Code.
2. Private parks, clubs, and recreational areas when located on a contiguous parcel of five (5) or more acres of land and further subject to the provisions of ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS.
3. Publicly owned and operated libraries, parks, and recreational facilities.
4. Municipal buildings and uses.
5. Adult care facilities and child care organizations in accordance with Section 3.29.
6. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.
7. Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.
8. Churches and other facilities normally incidental thereto except cemeteries.
9. Public, parochial and private elementary, intermediate schools, high schools offering courses in general education; not operated for profit.
10. Planned Unit Developments (PUDs), when developed in conformance with ARTICLE 18 of this Ordinance.
11. Ponds, in accordance with provisions outlined in ARTICLE 3, GENERAL PROVISIONS.
12. Small-scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 3.30 of this Ordinance.
13. Other uses of a similar and no more objectionable character to the above uses which meet the intent and purpose of the district.

*(Amended June 15, 1994, April 3, 1996, November 11, 2007 and August 11, 2009)*

### **SECTION 5.03 SITE PLAN REVIEW**

All special approval uses listed above are subject further to the requirements and provisions of ARTICLE 14, SITE PLAN REVIEW and any other applicable regulations included in this Ordinance.

### **SECTION 5.04 AREA AND SIZE REQUIREMENTS**

See ARTICLE 12, SCHEDULE OF REGULATIONS limiting height and size of buildings and minimum size of lots and yards by permitted land use.

### **SECTION 5.05 OFF-STREET PARKING AND LOADING REQUIREMENTS**

See ARTICLE 16, OFF-STREET PARKING AND LOADING REGULATIONS.

### **SECTION 5.06 SIGNS**

See ARTICLE 17, SIGNS.

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## **ARTICLE 6 RM, MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

### **SECTION 6.00 STATEMENT OF PURPOSE**

The Multiple-Family Residential District is established to provide for more intensive residential use of land. A variety of dwelling types are accommodated including: duplexes, townhouses, row houses, apartments, and condominiums. This district is to be used only in those areas of the Township which are served by public water and sanitary sewer facilities. By providing for higher intensity development through a multiple-family residential district, open space and natural features can be preserved for visual relief and enhancement.

The following regulations shall apply to the RM, Multiple-Family Residential District and shall be subject further to the provisions of ARTICLE 3, GENERAL PROVISIONS.

### **SECTION 6.01 PRINCIPAL USES PERMITTED**

Only the following uses of land and structures shall be permitted by right in the RM, Multiple-Family District.

1. Two-family dwellings.
2. Multiple-family dwellings comprising efficiency units and units having one or more bedrooms, and constructed in multi-unit structures.
3. Publicly owned and operated libraries, parks, and recreational facilities.
4. Municipal buildings and uses.
5. Accessory buildings, provided that they shall be located as required in ARTICLE 3, GENERAL PROVISIONS.
6. Private swimming pools, exclusively for the use of residents or guests, subject to all space requirements of ARTICLE 3, GENERAL PROVISIONS.
7. Historic Sites.
8. Adult care facilities and child care organizations in accordance with Section 3.29.
9. Other uses of a similar and no more objectionable character to the above uses which meet the intent and purpose of the district.

*(Amended November 11, 2007)*

### **SECTION 6.02 USES PERMISSIBLE ON SPECIAL APPROVAL**

The following uses of land and structures are permitted only by the approval of the Township Board, upon recommendation of the Planning Commission, pursuant to ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES. Said uses and structures are subject to the conditions contained herein and to any further conditions, including setbacks, buffers, and parking requirements, which the Township Board may impose in order to protect the health, safety, and welfare of the community and to uphold the purpose and spirit of this Ordinance.

1. Adult care facilities and child care organizations in accordance with Section 3.29.
2. A hospital or clinic, sanitarium, dwelling constituting a home for children of others than those residing therein or for the aged, indigent, or physically handicapped, a rest, nursing or

convalescent home. This subsection is subject to the provisions of Section 16a of Act 184, P.A. 1943, as amended.

3. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.
4. Rooming house.
5. Temporary buildings and uses for construction purposes in accordance with provisions outlined in ARTICLE 3, GENERAL PROVISIONS.
6. Churches and other facilities normally incidental thereto except cemeteries.
7. Public, parochial and private elementary, intermediate schools and high schools offering courses in general education; not operated for profit.
8. Rental offices as accessory to a multiple dwelling unit project.
9. Mobile Home Parks constructed, licensed, operated, and maintained in accordance with the provisions of the Mobile Home Commission Act, Act 96, P.A. 1987, connected to a public water and sewer system and/or on-site water and waste water treatment system acceptable by the Michigan Department of Public Health and Michigan Department of Natural Resources, and the provisions outlined in ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS.
10. Small-scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 3.30 of this Ordinance.
11. Other uses of a similar and no more objectionable character to the above uses which meet the intent and purpose of the district.

*(Amended June 15, 1994, November 11, 2007 and August 11, 2009)*

### **SECTION 6.03 SITE PLAN REVIEW**

All principal and special approval uses listed above are subject further to the requirements and provisions of ARTICLE 14, SITE PLAN REVIEW and any other applicable regulations included in this Ordinance.

### **SECTION 6.04 AREA AND SIZE REQUIREMENTS**

See ARTICLE 12, SCHEDULE OF REGULATIONS limiting height and size of buildings and minimum size of lots and yards by permitted land use.

### **SECTION 6.05 PARKING**

See ARTICLE 16, OFF-STREET PARKING AND LOADING REGULATIONS.

### **SECTION 6.06 SIGNS**

See ARTICLE 17, SIGNS.

## **ARTICLE 7 C-1, LOCAL COMMERCIAL DISTRICT**

### **SECTION 7.00 STATEMENT OF PURPOSE**

The C-1, Local Commercial District is designed solely for the convenience shopping of persons residing in adjacent residential areas, to permit only such uses as are necessary to satisfy those limited basic shopping and/or service needs which by their very nature are not related to the shopping pattern of the comparative center.

The following regulations shall apply to all C-1, Local Commercial Districts and shall be subject further to the provisions of ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS.

### **SECTION 7.01 PRINCIPAL USES PERMITTED**

Only the following uses of land and structures shall be permitted by right in the C-1, Local Commercial District.

1. Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods, or other foods, drugs, dry goods, and notions, or hardware.
2. Any personal service establishment which performs services on the premises for persons residing in adjacent areas, such as: shoe repair, tailor shops, beauty parlors, barber shops, or laundromats.
3. Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths and similar or allied professions.
4. Other uses similar to the above and subject to the following restrictions:
  - A. All business establishments shall be retail or service establishments dealing directly with consumers.
  - B. All business servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
5. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and sales.
6. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations with service yards, but without storage yards.
7. Accessory structures and uses customarily incidental to the above permitted principal uses, and provided that they shall be located as required in ARTICLE 3, GENERAL PROVISIONS.
8. Other uses of similar and no more objectionable character to the above uses which meet the intent and purpose of the district.

### **SECTION 7.02 USES PERMISSIBLE ON SPECIAL APPROVAL**

The following uses of land and structures are permitted only by the approval of the Township Board, upon the recommendation of the Planning Commission, pursuant to ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES. Said uses and structures are subject to the

conditions contained herein and to any further conditions, including setbacks, buffers, and parking requirements, which the Township Board may impose in order to protect the health, safety, and welfare of the community and to uphold the purpose and spirit of this Ordinance.

1. Automobile service stations for sale of gasoline, oil, and minor accessories only, and where no automobile repair work is done, other than incidental service, but not including steam cleaning, undercoating, or motor vehicle body bumping, provided that the conditions set forth in ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS are met.
2. Outdoor theaters, in accordance with the standards of Section 15.07 Uses Not Otherwise Included Within Specific Use Districts.
3. Commercial radio, television, microwave, mobile phone, cellular telephone, public utility and other transmitting or relay antenna towers in accordance with the standards of Section 15.07 Uses Not Otherwise Included Within Specific Use Districts.
4. Airports, landing fields, landing strips, runways and platforms, hangars, masts, beacons and other facilities for the operation of aircraft in accordance with the standards of Section 15.07 Uses Not Otherwise Included Within Specific Use Districts.
5. Drag strips, race tracks and similar uses in accordance with the standards of Section 15.07 Uses Not Otherwise Included Within Specific Use Districts.
6. Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.
7. Adult care facilities and child care organizations in accordance with Section 3.29.
8. Small-scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 3.30 of this Ordinance.
9. Other uses of a similar and no more objectionable character to the above uses which meet the intent and purpose of the district.

*(Amended November 11, 2007, August 11, 2009, and October 15, 2023)*

### **SECTION 7.03 SITE PLAN REVIEW**

All principal and special approval uses listed above are subject further to the requirements and provisions of ARTICLE 14, SITE PLAN REVIEW and any other applicable regulations included in this Ordinance.

### **SECTION 7.04 AREA AND SIZE REQUIREMENTS**

See ARTICLE 12, SCHEDULE OF REGULATIONS limiting the height and size of buildings, and the minimum size of lot permitted by land use.

### **SECTION 7.05 OFF-STREET PARKING AND LOADING REQUIREMENTS**

See ARTICLE 16, OFF-STREET PARKING AND LOADING REGULATIONS.

### **SECTION 7.06 SIGNS**

See ARTICLE 17, SIGNS.

## **ARTICLE 8 C-2, GENERAL COMMERCIAL DISTRICT**

### **SECTION 8.00 STATEMENT OF PURPOSE**

The C-2, General Commercial District is designed to cater to the needs of a larger consumer population than served by the restricted C-1, Local Commercial District and for transient motoring traffic. This district is intended to be located at freeway interchanges and other major road intersections, as designated in the Raisinville Township Land Use Plan. Furthermore, these uses should be concentrated so as to avoid undue congestion on feeder streets by reducing the number of entrances and exits onto major thoroughfares to promote smooth traffic flow at freeway interchanges and major road intersections, the protection of adjacent properties in other zones from the adverse influence of traffic, and to avoid strip commercial development.

The following regulations shall apply to the C-2, General Commercial District and shall be subject further to the provisions of ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS.

### **SECTION 8.01 PRINCIPAL USES PERMITTED**

The following uses of land and structures shall be permitted only by right in the C-2, General Commercial District:

1. Any retail business or service establishment permitted in the C-1, Local Commercial District subject to all requirements of this Section.
2. All retail business, service establishments, or processing uses as follows:
  - A. Any retail business whose principal activity is the sale of merchandise in any enclosed building.
  - B. Any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer or an establishment doing radio, television, or home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct and of no more objectionable character than the afore mentioned subject to the provision: that no more than five (5) persons shall be employed at any time in the fabrication, repair, and other processing of goods.
  - C. Restaurants or other places serving food or beverage, except those having the character of "drive-in", so-called.
3. Other uses similar to the above and subject to the following restrictions:
  - A. All business establishments shall be retail or service establishments dealing directly with consumers.
  - B. All business, servicing, or processing, except for off-street parking, loading, and those open air uses indicated as being permissible on special approval in Section 8.01 below, shall be conducted within completely enclosed buildings.
4. Hotels/motels.
5. Mortuary establishments.
6. Auto laundries when completely enclosed in building.

7. Bus passenger stations.
8. New and used auto sale showrooms and/or commercial garages, the showroom and/or commercial garages, the showroom and/or outdoor sales space for farm vehicles and accessories, and the sale of mobile homes and travel trailers.
9. Grain elevators and farm supply businesses.
10. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and sales.
11. Governmental office or other governmental use; public utility offices, exchanges, transformer stations, pump stations, and service yards, but not including outdoor storage.
12. Accessory buildings, provided that they shall be located as required in ARTICLE 3, GENERAL PROVISIONS.
13. Other uses of a similar and no more objectionable character to the above uses which meet the intent and purpose of the district.

## **SECTION 8.02 USES PERMISSIBLE ON SPECIAL APPROVAL**

The following uses of land and structures are permitted only by the approval of the Township Board, upon recommendation of the Planning Commission, pursuant to ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES. Said uses and structures are subject to the conditions contained herein and to any further conditions, including setbacks, buffers, and parking requirements, which the Township Board may impose in order to protect the health, safety, and welfare of the community and to uphold the purpose and spirit of this Ordinance.

1. Business in the character of a drive-in or so-called open front store.
2. Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.
3. Open air business uses when developed in planned relationship with C-2 Districts as follows:
  - A. Retail sales of plant material not grown on site, and sales of lawn furniture, playground equipment, and other garden supplies.
  - B. Recreational space providing children's amusement park and other similar recreation when part of a planned development and when not in conflict with parking area.
4. Bowling alley when the building walls are at least one hundred (100) feet from the district boundary of any residential district.
5. Outdoor theaters, in accordance with the standards of Section 15.07 Uses Not Otherwise Included Within Specific Use Districts.
6. Commercial radio, television, microwave, mobile phone, cellular telephone, public utility and other transmitting or relay antenna towers in accordance with the standards of Section 15.07 Uses Not Otherwise Included Within Specific Use Districts.
7. Airports, landing fields, landing strips, runways and platforms, hangars, masts, beacons and other facilities for the operation of aircraft in accordance with the standards of Section 15.07 Uses Not Otherwise Included Within Specific Use Districts.
8. Drag strips, race tracks and similar uses in accordance with the standards of Section 15.07 Uses Not Otherwise Included Within Specific Use Districts.

9. Adult Regulated Uses, provided that the conditions set forth in ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS are met.
10. Sleeping quarters of a watchman or a caretaker accessory to a principal use permitted or an approved special approval use. Such quarters shall not exceed eight hundred (800) square feet in gross floor area and shall be wholly contained within the main building of the principal use.
11. Adult care facilities and child care organizations in accordance with Section 3.29.
12. Small-scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 3.30 of this Ordinance.
13. Other uses of a similar and no more objectionable character to the above uses which meet the intent and purpose of the district.

*(Amended November 6, 1996, November 11, 2007, August 11, 2009, and October 15, 2023)*

### **SECTION 8.03 SITE PLAN REVIEW**

All principal and special approval uses listed above are subject further to the requirements and provisions of ARTICLE 14, SITE PLAN REVIEW and any other applicable regulations included in this Ordinance.

### **SECTION 8.04 AREA AND SIZE REQUIREMENTS**

See ARTICLE 12, SCHEDULE OF REGULATIONS limiting the height and size of buildings, and the minimum size of lot by permitted land use.

### **SECTION 8.05 OFF-STREET PARKING AND LOADING REQUIREMENTS**

See ARTICLE 16, OFF-STREET PARKING AND LOADING REGULATIONS.

### **SECTION 8.06 SIGN REGULATIONS**

See ARTICLE 17, SIGNS.

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## **ARTICLE 9 C-3, RESTRICTED COMMERCIAL DISTRICT**

### **SECTION 9.00 STATEMENT OF PURPOSE**

The C-3 District is established in order to promote a district in which a variety of retail business and personal service uses can be developed according to stricter site development standards than other commercial districts in the Township. The C-3 District is especially intended for sites located on South Custer Road (M-50) between Raisinville Road and Strasburg Road, which has been identified as an area possessing attributes making it uniquely suited for a type and intensity of development not elsewhere appropriate in the Township. It is the intent of this district to assure that any development within this corridor shall comply with certain standards and requirements in order to address the concerns regarding traffic safety, aesthetics, and the orderly development of Raisinville Township. It is the desire of Raisinville Township to see this area developed in a manner which will promote a unified appearance in terms of architecture, setbacks, signage, road alignments, parking areas, and landscaping. In order to promote such a district, uses are prohibited which would create excessive noise, smoke, vibration, glare, or heavy truck traffic.

The following criteria shall be considered in the establishment of a C-3 district:

1. Preference shall be given to proposed districts which abut existing C-3 districts.
2. Preference shall be given to proposed districts which are in existing sewer and water service areas, or which propose to undertake expansion of existing sewer and water service areas.
3. Preference shall be given to proposed districts which will contribute to the implementation of the Raisinville Township Land Use Plan.

The following regulations shall apply to all C-3, Restricted Commercial Districts and shall be subject further to the provisions of ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS.

### **SECTION 9.01 PRINCIPAL USES PERMITTED**

Only the following uses of land and structures shall be permitted by right in the C-3, Restricted Commercial District.

1. Retail establishments which supply commodities for sale within a completely enclosed building, such as: books, clothing, drugs, dry goods, groceries, hardware, hobby equipment, jewelry, music, notions, small household articles and similar establishments.
2. Personal service establishments which perform services on the premises within a completely enclosed building, such as: banks, beauty parlors, barber shops, clothing and shoe repair, travel agents, real estate agents, stock brokers, and similar establishments.
3. Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, optometrists and similar or allied professions.
4. Restaurants, or other places serving food or beverage for consumption within a completely enclosed building. Those restaurants having the character of a "drive-in", or which provide service predominantly for carry-out or delivery shall not be permitted.

5. Office buildings for any of the following occupations: executive, administrative, professional, governmental, accounting, writing, clerical, stenographic, drafting, and sales.
6. Other uses of similar and no more objectionable character to the above uses permitted by right which meet the intent and purpose of the district.

## **SECTION 9.02 USES PERMISSIBLE ON SPECIAL APPROVAL**

The following uses of land and structures are permitted only by the approval of the Township Board, upon the recommendation of the Planning Commission, pursuant to ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES. Said uses and structures are subject to the conditions contained herein and to any further conditions, including setbacks, buffers, and parking requirements, which the Township Board may impose in order to protect the health, safety, and welfare of the community and to uphold the purpose and spirit of this Ordinance.

1. Planned Community Shopping Centers, provided the following criteria are met:
  - A. Such centers shall consist of a group of establishments engaging in retail or service business, arranged as a functionally coherent unit, together with appurtenant features, such as parking areas and storage facilities.
  - B. No main or accessory building shall be situated less than fifty (50) feet from any property line.
  - C. A planting strip of at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways or entrances.
  - D. All signs shall be affixed to the face of the building and shall be of uniform design throughout, except that one ground pole sign advertising the name of the shopping center is allowed.
  - E. All off-street parking shall be developed with an internal system of roads and walks which effectively separate pedestrian and vehicular traffic.
  - F. All outdoor trash containers shall be effectively screened on three sides and shall be placed in a location which is not visible from any public right-of-way.
2. Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.
3. Indoor recreational and amusement facilities, such as bowling alleys, pool halls, movie theaters, athletic and exercise facilities, and other facilities which are conducted within a completely enclosed building.
4. Outdoor theaters, in accordance with the standards of Section 15.07 Uses Not Otherwise Included Within Specific Use Districts.
5. Commercial radio, television, microwave, mobile phone, cellular telephone, public utility and other transmitting or relay antenna towers in accordance with the standards of Section 15.07 Uses Not Otherwise Included Within Specific Use Districts.
6. Airports, landing fields, landing strips, runways and platforms, hangars, masts, beacons and other facilities for the operation of aircraft in accordance with the standards of Section 15.07 Uses Not Otherwise Included Within Specific Use Districts.
7. Drag strips, race tracks and similar uses in accordance with the standards of Section 15.07 Uses Not Otherwise Included Within Specific Use Districts.

8. Hotels/Motels.
9. New or used automobile sales.
10. Publicly owned buildings, public utility buildings, exchanges, transformer stations, pump stations, and service yards, but not including outdoor storage, when operating requirements necessitate locating within the district to serve the immediate vicinity, and when such uses are not injurious to the surrounding area.
11. Sleeping quarters of a watchman or a caretaker accessory to a principal use permitted or an approved special approval use. Such quarters shall not exceed eight hundred (800) square feet in gross floor area and shall be wholly contained within the main building of the principal use.
12. Adult care facilities and child care organizations in accordance with Section 3.29.
13. Small-scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 3.30 of this Ordinance.
14. Other uses of similar and no more objectionable character to the above uses which meet the intent and purpose of the district, provided that all goods produced on the premises shall be sold at retail on the premises and that all business or services shall be conducted within a completely enclosed building.

*(Amended November 11, 2007, August 11, 2009, and October 15, 2023)*

### **SECTION 9.03 SITE PLAN REVIEW**

All principal and special approval uses listed above are subject further to the requirements and provisions of ARTICLE 14, SITE PLAN REVIEW and any other applicable regulations included in this Ordinance.

### **SECTION 9.04 AREA AND SIZE REQUIREMENTS**

See ARTICLE 12, SCHEDULE OF REGULATIONS limiting the height and size of buildings, and the minimum size of lot permitted by land use.

### **SECTION 9.05 OFF-STREET PARKING AND LOADING REQUIREMENTS**

See ARTICLE 16, OFF-STREET PARKING AND LOADING REGULATIONS.

### **SECTION 9.06 SIGNS**

See ARTICLE 17, SIGNS.

### **SECTION 9.07 ACCESS MANAGEMENT**

All uses in the C-3 district which have frontage on South Custer Road (M-50) between Raisinville Road and Strasburg Road shall be required to comply with the following requirements:

1. Vehicular parking and circulation. Site access, parking and loading shall be controlled in the interest of public safety. The following standards shall apply.

- A. Access drives connected to M-50 shall be restricted to limited locations to be determined by the Township in concert with the Michigan Department of Transportation. Uses proposed are expected to share access drives to M-50.
- B. A cross-access easement for a common driveway is required to connect to adjacent lots and shall be located in the rear of buildings or as approved by the Planning Commission. The cross-access easement language shall be approved by the Planning Commission and Township Attorney. The easement shall be recorded at the same time the site is improved and shall extend to the property's boundary line. The site entry access drive must utilize the cross-access easement.
- C. Where conditions allow, provisions for circulation between developments on adjacent parcels shall be accomplished through cross-access connections, including but not limited to shared parking areas.
- D. Unless the Planning Commission determines that parking in front is permissible, only one maneuvering lane with two rows of parking stalls may be provided in the front yard. The remainder of parking shall be located within the side or rear yard.

2. Pedestrian circulation. Vehicular access and circulation shall be planned to ensure safe pedestrian movement within the development. Pedestrian systems shall provide safe, all-weather, efficient, and aesthetically pleasing means of on-site movement and shall be an integral part of the overall site design.

## **SECTION 9.08 SITE AND BUILDING DESIGN STANDARDS**

All commercial, office, and non-residential uses permitted in this District shall comply with the following standards:

### **1. Building Design.**

- A. New principal structures shall be located no more than seventy-five (75) feet from the required greenbelt line along M-50.
- B. Facades greater than seventy-five (75) feet in length, measured horizontally, shall incorporate projections or recesses extending at least twenty (20) percent of the length of the facade. Variations in depth should be a minimum of ten (10) feet. No uninterrupted length of any facade shall exceed seventy-five (75) horizontal feet.
- C. Windows and doors shall comprise at least thirty-five (35) percent of the facades facing public roads. Gabled areas do not need to be included in the base wall calculation when determining the percent calculation for windows and doors.
- D. Facades facing public roads shall also include architectural features such as awnings, cornice work, edge detailing, or other decorative finish materials. A prominent and highly visible building entrance shall be provided at the front of the building featuring canopies or porticos, overhangs, recesses/projection, arches, integral planters, or other architectural features.
- E. Pitched roofs are required and shall exhibit the following features:
  - i. All roofs shall be hip or gable roof styles with an average slope equal to or greater than six to twelve (6:12). Buildings greater than fifty (50) feet in width may have roofs with a minimum slope of four to twelve (4:12).
  - ii. Overhanging eaves on pitched roofs shall be a minimum of twelve (12) inches.

- iii. Rooftop equipment shall be screened from view of adjacent properties and public roads.
- iv. Additional roofline treatments may be considered by the Planning Commission to minimize the mass of the roof and promote the Township's rural character.

F. Exterior building materials and colors:

- i. Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, stone, architectural steel and glass, and integrally tinted/textured concrete masonry units.
- ii. All walls exposed to public view from the street, parking lot, or an adjacent lot shall be constructed of not less than twenty-five (25) percent brick, face brick, stone or cast stone.
- iii. All façade designs and colors shall be reviewed and approved by the Planning Commission as part of the site plan review process. Colors shall be compatible with the surrounding area.

G. Convenient and safe pedestrian connections shall be provided between parking areas, any public sidewalks, and the building entrance.

H. The Planning Commission may determine that additional standards are required to provide a unified site and building appearance. To achieve this objective the Planning Commission may, at its discretion, add to or modify the required standards above.

- 2. **Dumpsters and Waste Receptacles.** All dumpsters permitted within the C-3 District shall be subject to the provisions of Section 3.23.
- 3. **Exterior Lighting.** All lighting permitted within the C-3 District shall be subject to the provisions of Section 3.24.

*(Amended June 15, 1994, November 11, 2007, December 5, 2017, May 1, 2018, and October 1, 2024)*

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## **ARTICLE 10 M, MANUFACTURING DISTRICT**

### **SECTION 10.00 STATEMENT OF PURPOSE**

The M, Manufacturing District is established to provide for light, primary industrial uses. Provision of this District ensures that these essential industrial facilities are kept from encroaching in areas of districts where they would be incompatible. All activities carried on within the Manufacturing District shall be subject to limitations placed upon the amount of noise, smoke, glare, traffic and industrial effluent which shall be produced as a result of that activity.

The following regulations shall apply to the M, Manufacturing District and shall be subject further to the provisions of ARTICLE 3, GENERAL PROVISIONS.

### **SECTION 10.01 PRINCIPAL USES PERMITTED**

The following uses of land and structures shall be permitted only by right in the M, Manufacturing District:

1. Manufacture, compounding, processing, packaging, treating and assembling from previously prepared materials, such as canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, grains, tobacco, wax, wood and yarns, in the production of:
  - A. Furniture and fixtures.
  - B. Printing and publishing.
  - C. Engineering, measuring, optic, medical, lenses, photographic and similar instruments.
  - D. Pottery and ceramics using kilns.
  - E. Tool, die, gauge and machine shops manufacturing small parts.
  - F. Clothing.
  - G. Jewelry.
2. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other small molded rubber products.
3. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
4. Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
5. Wholesale and retail outlets.
6. Warehouses, cartage businesses.
7. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, warehouses including storage yards, water and gas tanks and holders.
8. Accessory buildings provided that they shall be located as required in ARTICLE 3, GENERAL PROVISIONS.

9. Other uses of a similar and no more objectionable character to the above uses which meet the intent and purpose of the District.

## **SECTION 10.02 USES PERMISSIBLE ON SPECIAL APPROVAL**

The following uses of land and structures are permitted only by the approval of the Township Board, upon the recommendation of the Planning Commission, pursuant to ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES. Said uses and structures are subject to the conditions contained herein and to any further conditions, including setbacks, buffers, and parking requirements, which the Township Board may impose in order to protect the health, safety, and welfare of the community and to uphold the purpose and spirit of this Ordinance.

1. Manufacture, compounding, processing, packaging, treating, and assembling from previously prepared materials in the production of:
  - A. Food products including meat, dairy, fruit, vegetable, grain, bakery, confectionery, beverage and kindred foods.
  - B. Chemical products such as plastics, perfumes, synthetic fibers.
2. Laboratories including experimental, film, and testing.
3. Automobile repair establishments, including body shops, steam cleaning and undercoating establishments.
4. Contractors' yards and building materials storage.
5. Lumber and planing mills.
6. Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.
7. Any production, processing, fabricating or storage of materials, goods, or products which shall conform with the performance standards set forth in ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS, and which do not, according to the findings of the Planning Commission, be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, or glare or heat.
8. Junk Yards and places so called, for the dismantling, wrecking and disposing of the junk and/or refuse material and agricultural and automotive vehicles, may be granted permits or licenses for a one (1) year period upon authorized inspection and approval of the Board of Appeals whose approval shall be based on the performance standards set forth in ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS.
9. Heating and electric power generating plants and all accessory uses; coal, coke and fuel yards and water supply and waste treatment facilities, in accordance with applicable State and Federal Regulations.
10. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
11. Slaughter houses when operated in accordance with the provisions of the Michigan Department of Agriculture and the Monroe County Health Department for onsite waste treatment and water supply.

12. The production of fuels, subject to the provisions outlined in Section 14.00.3, the Crude Oil Windfall Profit Tax Act of 1980 (P.L. 96-223), which regulates and encourages the production of alcohol fuel, through the Bureau of Alcohol, Tobacco and Firearms/Department of Treasury, and in accordance with applicable state and/or national fire code regulations.
13. Sleeping quarters of a watchman or a caretaker accessory to a principal use permitted or an approved special approval use. Such quarters shall not exceed 800 square feet in gross floor area and shall be wholly contained within the main building of the principal use.
14. Adult care facilities and child care organizations in accordance with Section 3.29.
15. Small-scale Wind Energy Conversion Systems (WECS), subject to the provisions of Section 3.30 of this Ordinance.
16. Indoor and/or outdoor storage facilities (either as a principal or accessory use) including, but not limited to, storage of: farm implements, automobiles, trucks, recreational vehicles, mobile homes, boats, jet skis, mowing equipment, construction equipment and similar materials or equipment. Outdoor storage shall comply with the following:
  - A. All outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose of storm water without negatively impacting adjacent property. The Township Board, following a recommendation of the Planning Commission and/or Township Engineer, may approve a gravel surface for all or part of the storage area for low intensity activities, upon a finding that neighboring properties and the environment will not be negatively impacted.
  - B. Outdoor storage shall be prohibited in any required yard pursuant to the SCHEDULE OF REGULATIONS.
  - C. Screening for outdoor storage shall be provided along any property line adjacent to a residential use or district. Such screening shall include new or existing landscaping, berms and/or fencing to the satisfaction of the Planning Commission.
  - D. The Planning Commission may require additional restrictions, such as a limitation on hours of operation, to ensure the protection of surrounding property owners.
17. Large scale Wind Energy Conversion systems (WECS), subject to the provisions of Section 3.30 of this ordinance.
18. Small and large commercial use solar energy systems subject to the provisions of Section 3.31 of this Ordinance. To minimize the impact of commercial use solar energy systems, the overall aggregate amount of land used for small or large commercial use solar energy systems allowed within the Township shall be no more than one thousand (1,000) acres.
19. Other uses of similar and no more objectionable character to the above uses which meet the intent and purpose of the district.

*(Amended November 11, 2007, August 11, 2009, January 14, 2014, December 5, 2017, July 5, 2022, and November 29, 2024)*

### **SECTION 10.03 PERFORMANCE STANDARDS**

All principal and special approval uses listed above are subject further to the performance standards listed in ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS.

#### **SECTION 10.04 SITE PLAN REVIEW**

All principal and special approval uses listed above are subject further to the requirements and provisions of ARTICLE 14, SITE PLAN REVIEW and any other applicable regulations included in this Ordinance.

#### **SECTION 10.05 AREA AND SIZE REQUIREMENTS**

See ARTICLE 12, SCHEDULE OF REGULATIONS limiting height and size of buildings and minimum size of lots and yards by permitted land use.

#### **SECTION 10.06 OFF-STREET PARKING AND LOADING REQUIREMENTS**

See ARTICLE 16, OFF-STREET PARKING AND LOADING REGULATIONS.

#### **SECTION 10.07 SIGNS**

See ARTICLE 17, SIGNS.

## ARTICLE 11 FP, FLOOD PLAIN DISTRICT

### SECTION 11.00 STATEMENT OF PURPOSE

The Township Board of Raisinville Township finds that potential growth, the spreading of development, and increasing demands upon natural resources can have the effect of encroaching upon, despoiling, polluting, or eliminating many of its watercourses and wetlands, and other natural resources and processes associated therewith, which, if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreation and economic assets to existing and future residents of the Township.

The Flood Plain District shall be considered to overlay existing zoning districts and shall constitute additional terms over and above those imposed by the underlying zoning districts. The location of flood protection areas shall coincide with the 100-year flood boundary as shown and identified in the most current report entitled, Flood Insurance Study, Monroe County, Michigan, (All Jurisdictions) and the most current flood insurance rate map. This document shall be adopted and hereby declared to be a part of this Article.

*(Amended April 20, 2000 and December 5, 2017)*

### SECTION 11.01 RULES AND REGULATIONS FOR MANAGEMENT OF THE FLOOD PLAIN DISTRICT

The following rules and regulations shall apply to provide a clear understanding of the minimum requirements for the sound and proper use and development of land in the FP, Flood Plain District. The Flood Plain District shall be subject further to the provisions of ARTICLE 3, GENERAL PROVISIONS.

These rules and requirements shall include, but not be limited to the following:

1. A special permit shall be required for any development within the Flood Plain District. Special permits may include, but are not necessarily limited to permits required under the Floodplain Regulatory Authority found in Part 31, Water Resources Protection, Part 301, Inland Lakes and Streams, Part 303, Wetlands Protection of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).
2. Review all special approval permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required, such as: U.S. Army Corps of Engineers, Michigan Department of Environmental Quality, Monroe County Drain Commission, Monroe County Health Department, Monroe County Soil and Water Conservation District, etc.
3. All development shall be consistent with the standards of Section 60.3(d) and 60.6(a) of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59, etc.).
4. Appropriate attention must be given to area and size restriction for the use being considered for special approval, as such requirements have not been specified in ARTICLE 12, SCHEDULE OF REGULATIONS.

### SECTION 11.02 PRINCIPAL USES PERMITTED

Only the following uses of land and structures shall be permitted by right in the FP, Flood Plain District.

1. Accessory buildings incidental to the permitted principal uses in the underlying zoning district, provided that they shall be located as required in ARTICLE 3, GENERAL PROVISIONS.
2. Cultivation and harvesting of crops according to recognized soil conservation practices.
3. Pasture, grazing land, forestry, outdoor plant nursery, orchard, and harvesting of any wild crops.
4. Wildlife sanctuary, woodland preserves, arborets.
5. Outlet installations for sewage treatment plants, and sealed public and private water supply wells.
6. Recreational uses such as parks, day camps, picnic groves, shooting ranges, golf courses, hunting, fishing, tennis clubs, and boating clubs, provided no building is located in the floodway.
7. Parking lots, when accessory to a use permitted in an adjoining area.

*(Amended November 6, 1996 and April 20, 2000)*

### **SECTION 11.03 USES PERMISSIBLE ON SPECIAL APPROVAL**

The following uses of land and structures are permitted only by the approval of the Township Board, upon the recommendation of the Planning Commission, pursuant to ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES. Said uses and structures are subject to the conditions contained herein and to any further conditions, including setbacks, buffers, and parking requirements, which the Township Board may impose in order to protect the health, safety, and welfare of the community and to uphold the purpose and spirit of this Ordinance.

1. Uses of a similar and no more objectionable character to the above uses permitted by right which meet the intent and purpose of the district.
2. All uses of land, except for those permitted by right in this Section, which are permitted by right or by special approval in the underlying district.

In acting upon such application, in addition to applying the provisions of ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES, the Planning Commission and Township Board shall consider:

- A. The danger to life and property by water which may be backed up or diverted by such obstruction.
- B. The danger that the obstruction will be swept downstream to the injury of others.
- C. The availability of alternate locations.
- D. The construction or alteration of the obstruction in such a manner as to lessen the danger.
- E. The permanence of the obstruction.
- F. The anticipated development in the foreseeable future of the area which may be affected by the obstruction.

*(Amended April 20, 2000)*

#### **SECTION 11.04 SITE PLAN REVIEW**

All principal and special approval uses listed above are subject further to the requirements and provisions of ARTICLE 14, SITE PLAN REVIEW and any other applicable regulations included in this Ordinance.

#### **SECTION 11.05 PARKING**

See ARTICLE 16, OFF-STREET PARKING AND LOADING REGULATIONS.

#### **SECTION 11.06 SIGNS**

See ARTICLE 17, SIGNS.

*(Amended April 20, 2000)*

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## ARTICLE 12 SCHEDULE OF REGULATIONS

ZONING DISTRICTS	MINIMUM LOT SIZE (P)			MAXIMUM BUILDING HEIGHT OF BUILDINGS		MINIMUM YARD SETBACK (A) (P)				MINIMUM FLOOR AREA PER DWELLING UNIT	MAXIMUM LOT COVERAGE
	AREA	WIDTH	DEPTH	IN STORIES	IN FEET	FRONT	SIDES		REAR		
	IN SQUARE FEET OR ACRES	IN FEET	IN FEET			IN FEET	LEAST 1 IN FEET	TOTAL 2 IN FEET	IN FEET		
<b>AG Agriculture</b>	1 Acre	150	(Q)	2	35 (C)	35 (B)	20 (B)	40	35 (B)	960	20
<b>R-1 Single-Family Rural Residential District</b>	30,000 SF	150	-	2	35	35	20	40 (E)	35	960	20
<b>R-2 Single-Family Urban Residential District</b>											
no public sewer or water	30,000 SF	150	-	2	35	35	20	40 (E)	35	960	20
with public sewer & water	12,000 SF	80	-	2	35	35	10	25 (E)	35	960	20
<b>RM Multiple-Family Residential District</b>											
Two-Family Duplex											
no public sewer or water	1 Acre	200	-	2	35	35	20	40 (E)	35	720	20
with public sewer and water	20,000 SF	120	-	2	35	35	10	25 (E)	35	720	20
Row House & Townhouse (shall have sewer and water)	(G)	-	-	2	35	40	-	(E)	35	(H)	20
Apartment (shall have public sewer and water)	(G)	-	-	2½	35	40	15 (F)	35 (E)	35	(H)	20
Mobile Home Parks	20 Acres	-	-	-	-	-	-	-	--	--	--
<b>C-1 Local Commercial</b>	15,750 SF (I)	100	-	1	20 (C)	25 (J)	20 (K)	40 (K)	(M)	600	--
<b>C-2 General Commercial</b>											
with public sewer and water	1½ Acres (I)	150	-	3	40 (C)	75 (J)	50	100	50 (M)	(L)	--
without public sewer and/or public water	3 Acres (I)	300	-	3	40 (C)	75 (J)	50	100	50 (M)	(L)	--
<b>C-3 Restricted Commercial</b>	2½ Acres (I)	250	-	2	30 (C)	50 (J)	20 (K)	40	(M)	--	--
<b>M Manufacturing</b>	3 Acres	300	-	3	40 (C)	75 (N)	50 (N)	100 (N)	50 (N)	--	--
<b>FP Flood Plain (O)</b>	--	-	-	-	-	-	--	--	--	--	--

Refer to Section 12.00 for the footnotes to the Schedule of Regulations

(Amended March 20, 1997, December 20, 2001, November 11, 2007, May 1, 2018, and March 4, 2020)

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## SECTION 12.00 FOOTNOTES FOR SCHEDULE OF REGULATIONS

- A. In determining required yard spaces and lot area for all land uses in any zoning district, the determination of such yard spaces shall be the distance from the building or structure to the nearest lot line. All lots or parcels of land shall front upon a dedicated public thoroughfare or collector street, identified as a Federal, State, County or Township road, the lot area shall be measured from the right-of-way line for such thoroughfare; yard spaces shall be measured from the lot lines to the building or structure on a lot or parcel of land.
- B. Buildings for the boarding, breeding, or care of livestock shall not be located closer than one hundred (100) feet from any residential dwelling or side lot line. This shall not prohibit the alteration or addition of an existing barn or other farm building, except dwellings, which are located closer to the road and which existed prior to the adoption of this zoning Ordinance. Minimum setbacks from County Drains shall be in accordance with provisions of the Drain Code of Michigan, being Act 40, P.A. 1956, as amended, said setback to be at least forty-nine and one-half (49.5) feet as measured from the center of the drain.
- C. The maximum height of non-residential, bonafide agricultural structures such as silos, grain legs, and storage bins, may not exceed one hundred and twenty-five (125) feet. Ornamental and mechanical appurtenances may be added to rooftops or nonresidential buildings, such as steeples, belfries, cupolas, domes, chimneys, and ventilation systems provided the total area of the appurtenance does not exceed twenty-five percent (25%) of the total roof area and the structure is setback from the lot lines an additional one foot for each foot above the permitted height.
- D. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds or utility rooms.
- E. The width of side yards, which abut upon a street on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than the required front yard for said homes which front upon said side street.
- F. Every lot on which an apartment dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one (1) foot for each ten (10) feet or part thereof by which length the multiple dwelling exceeds forty (40) feet in overall dimensions along the adjoining plot line.
- G. Each multiple-family structure shall occupy a lot comprising not less than twenty thousand (20,000) square feet, provided that additional lot areas shall be required for each dwelling unit contained within each apartment structure as follows:

TYPE	APARTMENT	ROW HOUSES, ETC.
Efficiency Unit	2,000 square feet	
One Bedroom Unit	2,500 square feet	3,000 square feet
Two Bedroom Unit	3,000 square feet	4,000 square feet
Three Bedroom Unit	3,500 square feet	5,000 square feet
Extra Bedroom, over 3	500 square feet	1,000 square feet

H. The required minimum floor area for multiple family dwelling units shall be as follows:

TYPE	APARTMENT	ROW HOUSES, ETC.
Efficiency Unit	450 square feet	
One Bedroom Unit	600 square feet	800 square feet
Two Bedroom Unit	750 square feet	1,000 square feet
Three Bedroom Unit	900 square feet	1,200 square feet
Additional Bedrooms	150 square feet	200 square feet

I. Every lot in the C-1, C-2, C-3, and M Districts shall have an area sufficient in size to comply with the requirements pertaining to the particular use with an adequate sewage disposal system as established by standards required by the State of Michigan or Monroe County Health Department rules and regulations.

J. Where an existing front setback 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.

K. 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 twenty (20) feet is required on all corner lots and whenever adjacent to a residential district.

L. Where motels are permitted in a C-2 District, a minimum of two hundred and fifty (250) square feet of floor space per motel unit shall be provided as defined in Section 2.01Definitions.

M. No rear yard is required in the C-1, C-2 or C-3 District where the rear property line abuts upon a twenty (20)-foot alley, but where no alley exists, a rear yard of not less than twenty-five (25) feet shall be provided.

N. Those sides of a parcel within "M" District which abuts an AG, R-1, R-2, RM, C-1, C-2, or C-3 District shall be provided with a twenty (20)-foot transition strip or buffer as specified in Section 3.18 of this Ordinance.

O. Height, size, and area requirements cannot be adequately specified in the ARTICLE 12, SCHEDULE OF REGULATIONS for the Flood Plain District because of the variety of uses which may be permitted upon special approval in the district. However, consideration of appropriate height, size and area regulations is required for approval of the uses as specified in Section 11.01 of this Ordinance.

P. All publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations necessary to provide essential services to the area by governmental units or public utilities will be permitted on lots having the minimum yard setback, and maximum lot coverage (in percent) requirements set forth in the R-1 District of this Ordinance and with a minimum lot size (in area) of fifteen thousand seven hundred fifty (15,750) square feet.

Q. The minimum lot depth for non-farm dwellings in the AG District is two hundred (200) feet, as measured from the edge of the road right-of-way.

*(Amended March 20, 1997, December 20, 2001, November 11, 2007, May 1, 2018, and March 4, 2020)*

## **ARTICLE 13 STANDARDS FOR SPECIAL APPROVAL USES**

### **SECTION 13.00 STATEMENT OF PURPOSE**

This Section provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the investor or developer, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the community.

### **SECTION 13.01 SPECIAL APPROVAL PROCEDURES**

The application for a Special Approval Use shall be submitted and processed under the following procedure:

1. An application shall be submitted to the Building Inspector on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board. In the event the allowance of a desired use requires both a Rezoning and permission for a Special Approval Use, both requests may be submitted jointly, subject to the following:
  - A. The Ordinance procedures for rezoning shall be followed as specified.
  - B. All applicable standards and specifications required by the Ordinance shall be observed.
2. The following is required for only Special Approval Use Requests:
  - A. The special form shall be completed in full by the applicant including a statement by the applicant that Section 13.02 can be complied with.
  - B. A completed site plan as specified in ARTICLE 14, SITE PLAN REVIEW.
3. The application together with all required data shall be reviewed by the Planning Commission, which shall make a recommendation to the Township Board. The Township Board shall make a final decision on a Special Approval Use request. The Board may also impose further conditions, including, but not limited to, setbacks, buffers, and parking requirements in order to protect the health, safety, and welfare of the community and to uphold the purpose and spirit of this Ordinance.
4. A Permit for a Special Approval Use granted pursuant to this Article shall be valid for one (1) year from the date of approval. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the Building Inspector shall notify the applicant in writing that the expiration of the Special Approval Use Permit may terminate unless sufficient cause for failure to complete said construction can be established. If sufficient cause for delay is established by the applicant, the Building Inspector may grant an extension of the Special Approval Use Permit for an additional period of time, not to exceed six (6) months.
5. The Building Inspector shall have the authority to revoke any Special Approval Use after the applicant has failed to comply with any of the applicable requirements of this Article or any other applicable sections of this Ordinance, and after first notifying the applicant of the offense and failure by the applicant to comply within thirty days of notification.

## **SECTION 13.02 SPECIAL APPROVAL STANDARDS**

Before formulating a decision on a Special Approval Use application, the Planning Commission shall require that the following general standards, in addition to those specific standards established for each use shall be satisfied:

1. The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards, and, in addition, shall find adequate evidence that each use on the proposed site will:
  - A. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
  - B. Be served adequately by essential public facilities and services such as: highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
  - C. Not create excessive additional requirements at public costs for public facilities and services.
  - D. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
  - E. Be consistent with the intent and purpose of the zoning district in which it is proposed to locate such use.
2. The Township Board, upon review, may stipulate such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed.
3. All applicable licensing Ordinances shall be complied with.

## **SECTION 13.03 APPEALS**

The decision of the Township Board with respect to the Special Approval Use may be appealed to the Board of Zoning Appeals upon written request by the property owner or petitioner for hearing before said Board. In the absence of such request being filed within thirty (30) days after the decision is made by the Township Board, such decision becomes and remains final.

## ARTICLE 14 SITE PLAN REVIEW

### SECTION 14.00 STATEMENT OF PURPOSE

The purpose of this Article is to regulate the physical layout of land uses, structures and improvements, in order to specifically address potential development impacts on a site and surrounding property, including impacts on: natural resources, pedestrian and vehicular traffic, infrastructure and services, adjacent lots, the local economy, the social and cultural environment, public health, safety and welfare and the character of future development.

### SECTION 14.01 ADMINISTRATIVE APPROVAL

1. **Authority.** The Building Official/Zoning Administrator shall have the authority to approve a plot plan for the following:
  - A. Any change in the use of an existing lot or structure to another permitted use that does not require site plan approval under Section 14.02. The use change will be subject to all other applicable zoning provisions, such as parking and landscaping.
  - B. Any construction or alteration of a structure that does not require site plan approval under Section 14.02, including a single-family dwelling or customary accessory structure, located on a single-family residential lot.
  - C. Any addition or reduction in parking, loading/unloading spaces, and landscape improvements as required by ordinance.
  - D. Ponds excavated for recreational, scenic or farm purposes of greater than one hundred (100) square feet of surface area if soils removed are spread on-site.
  - E. The Building Official/Zoning Administrator shall notify the Planning Commission at the next available, regularly scheduled Planning Commission meeting of all plot plans eligible for review.
  - F. The Building Official/Zoning Administrator is authorized to employ the Township Planner, Engineer or other experts to assist in the review of the plot plan submitted under this section.
2. **Application information.** All applications for plot plan review shall including the following:
  - A. An application form for a zoning compliance permit and the established processing fee; and
  - B. A plot plan, drawn to scale, shall be submitted in two copies to the Building Official/Zoning Administrator including the following information:
    - i. Scale, date, and north point.
    - ii. Location, shape and dimensions of the lot.
    - iii. Dimensioned location, outline, and dimensions of all existing and proposed structures.
    - iv. A clear description of existing and intended uses of all structures.
    - v. Additional information as required by the Building Official or designee, for purposes of determining compliance with the provisions of this Ordinance.

3. Review process.

- A. A complete plot plan and zoning compliance permit application shall be submitted to the Building Official/Zoning Administrator prior to any site preparation (including clearing and grading) or construction and prior to application for a building permit from the Building Official.
- B. The Building Official/Zoning Administrator shall review the plot plan application for completeness and verify its compliance with the provisions of this Ordinance.
- C. Upon approval, the Building Official/Zoning Administrator shall issue a letter authorizing the commencement of work.

(Amended March 20, 1997, and March 4, 2020)

## **SECTION 14.02 SITE PLAN APPROVAL**

Prior to the creation of a use or erection of a building in those districts and conditions listed below, a site plan shall be submitted to the Planning Commission for approval in accordance with the following.

1. Site plan review and approval is required for all proposed uses and structures within the Township except for individual single-family dwellings and farm buildings or structures.
2. Site plan review and approval is required for existing uses or structures except for individual single-family dwellings and farm buildings, where an alteration to the existing use or structure would result in any of the following conditions:
  - A. Any change in use or a development that could affect compliance with the standards set forth in this Ordinance even if the use is permitted in the subject zoning district.
  - B. Relocation of a structure, an increase of the floor area in excess of five hundred (500) square feet or where said addition is in excess of ten (10) percent of the total existing floor area, whichever is less.
  - C. Any change in egress or ingress.
  - D. Any new parking area in excess of two thousand (2,000) square feet or an addition to an existing parking area in excess of two thousand (2,000) square feet.
  - E. Resurfacing of an off-street parking lot where construction activities would alter drainage properties, or the addition or replacement of the base or sub-grade.
  - F. A Special Approval Use.
3. Site Plan review and approval is required for all PUDs.
4. Site plan review and approval is required for all proposed residential developments.

(Amended June 15, 1994 and March 4, 2020)

## **SECTION 14.03 SITE PLAN SUBMITTAL AND REVIEW PROCEDURES**

Before issuance of a building permit for construction, a site plan shall be reviewed by the Planning Commission and approved by the Township Board. Said site plan shall be submitted to the Township in a two-stage review process:

1. A Preliminary Site Plan.
2. A Final Site Plan.

The information required and specified in each stage of the site plan review process shall be presented to the Building Official by the Owner/petitioner in twelve (12) copies by the property owner or petitioner in addition to a pdf copy submitted electronically.

Prior to the presentation of the Final Site Plan to the Township, the property owner or petitioner shall have secured approval from the Monroe County Road Commission, Monroe County Drain Commissioner's office, the Monroe County Health Department, and the City of Monroe for ingress/egress to the site, public utility location and sizing, waste water treatment and potable water supply, respectively.

*(Amended June 15, 1994)*

#### **SECTION 14.04 PRELIMINARY SITE PLAN**

1. **Criteria.** The following information shall be included in the Preliminary Site Plan. The Planning Commission shall have the authority to waive any or all of the Preliminary Site Plan criteria in cases where it finds such information unnecessary or inappropriate to consideration of the particular application.
  - A. The names and addresses of the property owner and/or petitioner, and the professional (architect/engineer/surveyor/landscape architect) responsible for the preparation of the Preliminary Site Plan. Said plan shall also bear the seal of said professional.
  - B. The date, north arrow and scale. The scale shall not be less than one (1) inch equals fifty (50) feet for properties under three (3) acres and at least one (1) inch equals fifty (50) feet for properties three (3) acres or larger.
  - C. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
  - D. The location, dimensions, and proposed use or uses of all existing and proposed buildings and structures.
  - E. The zoning designation of the subject parcel and all abutting parcels.
  - F. A recent aerial photograph of the site, including land within one quarter (1/4) mile of the site at a scale of not less than one (1) inch equals four hundred (400) feet.
  - G. The location of all existing structures within one hundred (100) feet of the subject property.
  - H. An existing and proposed topographic map of the subject property of at a contour interval of not more than two (2) feet interval.
  - I. Proposed finished grade elevations of buildings, driveways, walkways, parking lots, and landscaped areas.
  - J. The location, dimensions, and direction of flow of all drainage facilities located on the subject property and upon adjacent properties.
  - K. The location and size of all existing and proposed utilities, including wells, septic systems, known drain tiles, and surface drainage facilities.

- L. The location of all easements on the subject property or held for use by the subject property upon other properties.
- M. Significant natural features such as existing trees, floodplain, wetlands, ponds, rivers, streams, or creeks.
- N. 100-Year floodplain elevation if in or adjacent to designated flood hazard areas.
- O. The location of all existing and proposed drives, parking areas, and walkways, curb cuts, signs, exterior lighting, loading and unloading areas, recreation areas, bicycle access areas, fire hydrants, rubbish receptacles, and fences, walls or screening.
- P. The location, dimensions and arrangements of all areas devoted to planting lawns, shrubs, and trees for any screening, decorative, or other purpose.
- Q. The location and right-of-way widths of all abutting public or private roads, streets and alleys.
- R. The type of waste water and water system proposed.
- S. A summary schedule should be affixed, if applicable, which gives the following data: The number of dwelling units proposed, to include the number, size, and location of one-bedroom units, two-bedroom units, and the residential area of the site in acres and in square feet, including breakdowns for any sub areas or staging areas.
- T. For multiple-family residential and non-residential development site plans, there shall be shown typical building elevation views showing dimensions, materials, and colors. Typical building floor plans shall also be submitted.
- U. If portions of the project are to be completed in stages, a detailed statement of staging will be required. A less detailed plan of future stages will suffice initially, provided no building permit will be issued until said future stage final site plan is approved.
- V. **Traffic Impact Study.** The Planning Commission may require a traffic impact study which shall include the following:
  - i. Description of existing daily and peak hour traffic on the adjacent roads (based on current Monroe County Road Commission data or a similar source) and a description of any sight distance limitations along the site's right-of-way frontage;
  - ii. Forecasted trip generation of the proposed use for the a.m. and p.m. peak hour and average daily traffic generated (based on the current *Institute of Transportation Engineers Trip Generation Manual*);
  - iii. Description of impact on special transportation modes, including school buses, trucks and bicycles, as applicable;
  - iv. Projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site driveways and nearby intersections. Rationale for the distribution shall be provided;
  - v. Capacity analysis at the proposed driveway(s) using the procedures outlined in the most recent edition of the *Highway Capacity Manual* published by the Transportation Research Board. Capacity analysis shall be provided for all road intersections where the expected traffic will comprise at least 5% of the existing intersection capacity and/or for roadway sections and intersections experiencing congestion or a relatively high accident rate, as determined by the Township

engineer, Monroe County Road Commission or Michigan Department of Transportation;

- vi. Analysis of any mitigation measures warranted by the anticipated traffic impacts. Where appropriate, documentation shall be provided from the appropriate road agency regarding time schedule for improvements and method of funding; and
- vii. A map illustrating the location and design of proposed access, including any sight distance limitations, dimensions from adjacent driveways and intersections within 250 feet, and other data to demonstrate that the driveway(s) will provide safe and efficient traffic operation.

W. Other information as may be reasonably required by the Planning Commission in order to evaluate the proposed development.

*(Amended June 15, 1994, November 11, 2007, and May 1, 2018)*

**2. Review Process.**

- A. In the process of reviewing the Preliminary Site Plan, the Planning Commission shall consider:
  - i. The reports from the Township Planner and Township Engineer. The Township Planner and Township Engineer shall review the application to determine compliance with the Zoning Ordinance and generally accepted planning and engineering standards and submit a written report addressing all issues that must be resolved.
  - ii. The location and design of driveways providing vehicular ingress and egress from the site, in relation to streets giving access to the site and in relation to pedestrian traffic.
  - iii. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
    - a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
    - b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
  - iv. The Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
- B. The Township Planning Commission shall either approve, deny, or require modifications to the Preliminary Site Plan.
- C. Any modification required by the Planning Commission shall be provided in writing to the applicant. If any part of the site plan is found to be in conflict with any Section of this Ordinance in terms of setbacks, parking spaces, lot coverage, etc., the applicant may request a variance from the Zoning Board of Appeals. A written copy of said variance shall accompany the final site plan.
- D. If a preliminary site plan is approved without modification, and if approval has been granted by all other affected agencies, the Planning Commission may waive the final

site plan review requirements, and forward their recommendation directly to the Township Board.

*(Amended June 15, 1994)*

## **SECTION 14.05 FINAL SITE PLAN**

### **1. Criteria.**

- A. All of the required elements for a preliminary site plan.
- B. All modifications made to the final site plan that have been required by the Planning Commission.
- C. Governing agreements, provisions, covenants, master deeds or bylaws.
- D. Other information as may be reasonably required by the Planning Commission in order to evaluate the proposed development.

### **2. Review and Approval Process.**

- A. In the process of reviewing the Final Site Plan, the Planning Commission shall consider:
  - i. All provisions contained in Section 14.04, Preliminary Site Plan and any other applicable provisions of this Article and this Ordinance shall have been met. Insofar as any provisions of this Article shall be in conflict with the provisions of any other Articles of this Ordinance, the provisions of this Article shall apply.
  - ii. Other information as may be reasonably defined by the Planning Commission in order to evaluate the proposed development.
- B. The Township Planning Commission shall either recommend to the Township Board approval, disapproval or request modifications of the Final Site Plan. The Township Board shall take no action on the Final Site Plan until it receives a written recommendation in connection with the Final Site Plan from the Planning Commission.
- C. Approval of the Final Site Plan shall be granted by the Township Board prior to the issuance of a building and/or zoning permit.
- D. A surety bond, cash bond, or an approved bank letter of credit may be required of the applicant for any development or portion thereof in an amount specified by the Township Board.
- E. If the Township Board requires any changes to be made to the final site plan, the applicant shall make the required changes to the site plan and evidence of compliance shall be submitted to the Building Inspector prior to the issuance of a Building Permit.
- F. Final Site Plan Approval Record. Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.

G. Final Site Plan Approval Record. Any conditions and modifications approved by the Planning Commission or the Township Board shall be recorded in the meeting minutes. The Planning Commission and/or the Township Board may in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Township Supervisor and the authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.

## **SECTION 14.06 EXPIRATION OF APPROVAL**

1. Approval of a final site plan granted pursuant to this Article shall be valid for one (1) year from the date of approval. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, approval shall expire and be of no effect following one year of the date of approval by the Township Board, unless sufficient cause for failure to complete said construction can be established. If sufficient cause for delay is established by the applicant, the final site plan approval may be extended for one additional year upon written request to the Building Official/Zoning Administrator and approval by the Township Board, prior to the original expiration date.
2. Final site plan approval shall be revoked if construction is not in conformance with the approved plans. The Building Official/Zoning Administrator shall give the applicant written notice of intention to revoke the land use permit at least ten business days prior to review of the proposed revocation by the Township Board. After conclusion of the review, the Township Board may revoke its approval of the development if it determines that a violation exists and has not been remedied prior to the hearing.

*(Amended March 4, 2020)*

## **SECTION 14.07 AMENDMENT TO APPROVED PLOT PLAN OR SITE PLAN**

1. **Approval of Plans.** Approved plot plans and site plans shall become part of the record of approval, and subsequent actions on the property to the authorized activity shall be consistent with the approved plot plan or site plan, unless a change is approved in accordance with this section.
2. **Request.** An applicant may request a change in an approved site plan. A change in an approved site plan that results in a major change as defined in this section, shall require a plan amendment. Amendments shall follow the procedures and conditions required for original plan submittal and review. A change that results in a minor change, as defined in this section, shall not require a revision to the plan.
3. **Content of Request.** A request to change an approved site plan shall be made in writing to the Building Official/Zoning Administrator. The request shall state clearly the reasons for the change. The reasons may be based upon considerations such as changing economic conditions, potential improvements in layout or design features, unforeseen difficulties or advantages mutually affecting the interests of the Township and the applicant or developer, such as technical difficulties, site conditions, state or federal projects and installations and statutory revisions.
4. **Finding.** The Building Official/Zoning Administrator, upon finding the request reasonable and valid, shall notify the applicant in writing whether the proposed change is major or minor. If the change is deemed major, the applicant shall pay an appropriate fee

determined by the Township Board and the plan amendment process shall follow the procedures and conditions required for original site plan submittal and review. The Planning Commission must approve any major amendment to an approved site plan.

5. **Major Changes.** Changes considered major (i.e., those for which an amendment is required) include one or more of the following:
  - A. A change in the original concept, character or use of the development deemed by the Building Official/Zoning Administrator to have a potentially negative impact on natural features or surrounding properties.
  - B. Any change to a condition of approval imposed by the Planning Commission or Township Board.
  - C. A change in the type, or increase in the number of dwelling units.
  - D. An increase in nonresidential floor area of at least ten percent (10%) or five hundred (500) square feet, whichever is less.
  - E. A change in a structure location of more than twenty (20) feet.
  - F. A change in the character, layout, alignment or function of any access drive or interior road.
  - G. An increase or loss of five (5) or more off-street parking or loading spaces.
  - H. A change in the provision of water, sewage disposal and/or treatment, electricity, or other essential public service.
  - I. A reduction in the amount of land area set aside for common open space or the relocation of the area(s).
  - J. Changes in the final governing agreements, provisions, covenants, master deeds or bylaws.
  - K. Any other change deemed a major change by the Building Official/Zoning Administrator or Planning Commission.
6. **Minor Changes.** If the Building Official/Zoning Administrator rules that a proposed change to a site plan is a minor change as defined by this section, the Building Official/Zoning Administrator may approve the change and it shall be considered approved by the Planning Commission. If a change is approved, the Building Official/Zoning Administrator shall notify in writing the Planning Commission and the Township Board. As minor changes on the site plan drawings are approved by the Building Official/Zoning Administrator, each shall be signed and dated by the applicant or developer and the owner(s) of the subject property and the Building Official/Zoning Administrator, prior to changes being effective. Minor changes shall be defined as any change not defined as a major change above, and shall include but not be limited to the following:
  - A. A decrease in nonresidential floor area or the number of dwelling units.
  - B. The replacement of plant material in the landscape plan with a comparable type and size of planting.
  - C. Changes required by another county, state or federal regulatory agency that do not result in a major change.
7. **Zoning.** Amended site plans shall conform to all regulations of the zoning district in which the development project is proposed.

*(Amended March 4, 2020)*

## **SECTION 14.08 MODIFICATION DURING CONSTRUCTION**

All structures and improvements shall conform to the approved site plan including engineering drawings approved by the Township Engineer. If the applicant makes any changes to the development in relation to the approved site plan, the applicant must cease and desist construction. It shall be the responsibility of the applicant to notify the Township, through the Building Official/Zoning Administrator of the changes. Upon investigation, the applicant shall be required to correct the changes to conform to the approved site plan.

*(Amended March 4, 2020)*

## **SECTION 14.09 FEES**

1. Any application for Site Plan approval or amendment shall be accompanied by a fee as determined and established by resolution of the Township Board.
2. Such fee may be utilized by the Township Board to obtain the services of one or more expert consultants qualified to advise as to whether the proposed development will conform to the applicable Township Ordinance, policies and standards, and for investigation and report of any objectionable elements which are of concern to the Planning Commission. Such consultants should report to the Planning Commission as promptly as possible.

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## **ARTICLE 15 SUPPLEMENTARY DISTRICT REGULATIONS**

### **SECTION 15.00 AUTOMOBILE SERVICE AND REPAIR STATIONS**

In addition to other regulations set forth in this Ordinance, all automobile gasoline service and repair stations and other automobile service and repair facilities shall conform to the following regulations:

1. Sidewalks shall be separate from vehicular parking or circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb, except where driveways cross.
2. The entire area used for vehicular service shall be paved.
3. Hydraulic hoists, service pits, lubricating, greasing, washing and repair equipment and operations shall be located within a completely enclosed structure.
4. The maximum widths of all driveways at the right-of-way line shall be no more than thirty (30) feet.
5. The angle of a driveway intersection with the street from the curb line to lot line shall be not less than sixty (60) degrees.
6. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall conform to specifications of the Monroe County Road Commission.
7. Outdoor storage of trash, including new or discarded vehicle parts, shall be contained within a solid, unpierced enclosure.
8. Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to a junk yard. Such storage shall not occur in front of the building line. Such inoperative vehicles shall not be sold or advertised for sale on the premises.
9. Sales of used cars and other motorized vehicles shall be prohibited.
10. Minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.
11. Automobile service stations shall not be located nearer than one hundred (100) feet to a school, church, public park or auditorium.

### **SECTION 15.01 JUNK YARDS**

In addition to other regulations set forth in this Ordinance, all junk yards shall conform to the following requirements:

1. The junk yard shall be located on a public arterial street, or equivalent major public street as defined in the adopted Monroe County Comprehensive Plan.
2. Travel routes for trucks entering and leaving the junk yard shall be shown on a map of the Township at the time of application for the special approval use permit. Such routes except arterial streets or their equivalent shall not pass through residential areas.

3. A site plan shall be provided at the time of a special approval use permit application and shall meet all requirements of ARTICLE 14, SITE PLAN REVIEW, herein. The site plan 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.
4. Junk materials shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for purposes of fire protection access and visitor safety.
5. Junk material shall not be stored in piles higher than the top of the fence surrounding the junk yard. Automobiles, trucks, and other vehicles shall not be stacked so as to prohibit fire protection and to protect safety of visitors.
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. The junk yard, when established and located within one thousand (1,000) feet of any existing residential district, as measured on a straight line distance, shall not be open for business and shall not be operated at any time other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and Saturdays, and shall not be open for business or otherwise operate on Sunday or legal holidays.
8. Burning shall be prohibited except within an enclosed incinerator, and only if the burning operation and incinerator are approved by the Township Fire Chief or other designated fire official, the Township Building Inspector, and the County Health Department.
9. 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 officials.
10. All drives, parking areas, and loading/unloading areas shall be paved, watered or chemically treated so as to limit nuisances caused by windborne dust on neighboring properties and on public roads.
11. There shall be not more than one (1) entrance way from each public street which adjoins the junk yard.
12. Fencing shall be required as follows:
  - A. A solid, opaque fence or wall, seven (7) feet high as measured from grade at each post in the case of a fence, or at ten (10) feet intervals in the case of a wall, shall be provided along each public street frontage. The fence or wall shall be located on the rear line of the required front yard. Gates shall also be made of solid, opaque material. The front yard shall be landscaped and continuously maintained as a lawn.
  - B. Where the junk yard is adjacent to a rural or urban residence, or commercial district, a solid, screen type fence or wall, seven (7) feet high shall be provided on any side or rear property line or portion thereof, adjoining such lots.
  - C. The fence or wall shall be continuously maintained in such a manner that breakages, decay, etc., are repaired within an appropriate period of time and routine maintenance, such as painting, etc., will also be performed within an appropriate period of time.
  - D. Strips of metal, plastic or other materials inserted into wire fences shall not be permitted in any fence enclosing a junk yard.
13. Wrecking and processing operations are permitted in a junk yard but shall be described in the application for the special use permit.

## **SECTION 15.02 KENNELS/K-FACILITIES**

A kennel or k-facility licensed by the County shall be subject to the following requirements:

1. A minimum lot size shall be ten (10) acres.
2. Exterior structures or pens shall not be located less than three hundred (300) feet from a public right-of-way or less than one hundred (100) feet from a side or rear lot line.
3. Kennels or k-facilities shall not be located less than three hundred (300) feet from any residential district.
4. The kennel or k-facilities shall be established and maintained in accordance with the applicable County and Township sanitation regulations.
5. A site plan shall be prepared in accordance with ARTICLE 14, SITE PLAN REVIEW, herein.

*(Amended November 11, 2007 and January 14, 2014)*

## **SECTION 15.03 MANUFACTURED (MOBILE) HOME PARK REGULATIONS**

Manufactured housing parks shall be subject to all the rules and requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended), the Manufactured Housing Commission General Rules, as amended, and the following minimum requirements:

1. General Requirements:
  - A. Each manufactured home within a manufactured home park shall contain a complete bathroom, including flush toilet, kitchen facilities, sleeping accommodations and plumbing and electrical connections. Travel trailers, motor homes and other recreational vehicles shall not be occupied in a mobile home park.
  - B. Manufactured home skirting shall be vented. Louvered or similar vents shall be at least a minimum of six hundred (600) square inches per one thousand (1,000) square feet of living space. A minimum of one vent shall be placed at the front and rear of the mobile home and to each exposed side. An access panel of sufficient size to allow full access to utility hookups located beneath the mobile home shall be installed. All skirting shall be manufactured of fire-resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions to include, but not limited to, damage caused by freezing and frost, wind, snow, and rain.
  - C. Storage of dangerous or combustible goods and articles underneath any mobile home or out-of-doors at any mobile home site shall be prohibited except in an approved enclosed storage facility.
  - D. Canopies and awnings may be attached to any mobile home and may be enclosed, subject to mobile home site regulations, herein. When enclosed, such canopies and awnings shall be considered a structure and part of the mobile home and building and occupancy permits issued by the Building Official shall be required.
  - E. All garbage and rubbish shall be stored, and transferred in accordance with the procedures outlined in Part 5, Garbage and Rubbish Storage and disposal, of the Manufactured Housing Commission Rules. Garbage and trash removal shall be made

at least once per week, except during the summer when health conditions may warrant additional pickups. Incineration of garbage or rubbish on the site shall be prohibited.

- F. A commercial sales lot activity is prohibited within a manufactured home park except that manufactured homes places on manufactured home sites under the "model home" concept may be sold on site by a licensed manufactured home dealer or broker. This subsection does not prohibit the sale of a manufactured home on site by the mobile home owner.
- G. Entry and exit fees shall be prohibited.
- H. All structures and utilities to be considered, altered, or repaired in a manufactured home park shall comply with all applicable codes of the Township, the State of Michigan, the U.S. Department of Housing and Urban Development, and the Manufactured Housing Commission, including building, electrical, plumbing, liquified petroleum gases, and similar codes, and shall require permits issued therefore by the appropriate offices. However, a mobile home built prior to June 15, 1976 shall be constructed to the State of Michigan standards in effect at that time. All structures and improvements to be constructed or made under the Township Building Code shall have a building permit issued therefore by the Building Official. Such structures or improvements shall have a minimum of two inspections prior to a final inspection therefore by the Building Official.
- I. A manufactured home park shall have a public water and sewer system and/or on-site water and wastewater treatment system acceptable by the Michigan Department of Health and Human Services and the Michigan Department of Energy, Great Lakes & Energy.
- J. The site and surrounding area shall be suitable for residential use. It shall not be subject to hazards such as insect or rodent infestation, objectionable smoke, noxious odors, unusual noises, subsidence, or the probability of flooding or erosion. The soil, groundwater level, drainage, rock formation, and topography shall not create hazards to the property or to the health and safety of occupants.
- K. All land in a manufactured home park shall comprise a single parcel. Public thoroughfares, except extensions of local and collector streets proposed as part of a manufactured home park site plan, shall not bisect or divide a mobile home park to avoid unwarranted public traffic from traveling through the park.
- L. A manufactured home park shall not be occupied unless at least twenty-five (25) or fifty (50) percent of the expected total, whichever is less, manufactured home sites are available for occupancy at the time of opening of the park.
- M. A manufactured home park shall not be developed on less than twenty (20) acres. Individual sites within a park shall be developed with sites having five thousand five hundred (5,500) square feet per mobile home unit being served. This five thousand five hundred (5,500) square feet may be reduced by twenty (20) percent provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of the site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space requirements be less than that required under the Manufactured Housing Commission General Rules.
- N. The minimum setback for a park shall be fifty (50) feet from a public right-of-way.

- O. The manufactured home park shall be constructed pursuant to P.A. 96 of 1987, as amended and the Manufactured Housing Commission General Rules.
- P. Landscaping and/or greenbelts shall be in conformance with the provisions of ARTICLE 14 SITE PLAN REVIEW and ARTICLE 3 GENERAL PROVISIONS, where applicable. Common laundry drying yards, trash collection stations, surface mounted transformers, and similar equipment and facilities shall be screened from view by plant materials or by man-made screens. Required landscape strips shall not be included in the calculation or required recreational areas. Parking shall not be permitted in any required buffer area.
- Q. All manufactured home parks shall be located within the RM, Multiple Residential District as designated in ARTICLE 6 of this ordinance.

2. Manufactured Home Site Regulations

The Mobile Home Code, as established by the Mobile Home Commission and the Michigan Department of Health and Human Services Rules under the authority of P.A. 96 of 1987, regulates manufactured home park density, design, construction, licensing, and individual home installation (anchoring) and health aspects. All manufactured home parks shall be constructed according to the standards of the Code and the Michigan Department of Health and Human Services Rules, which include specifications for internal road widths, lengths, turning radii, alignment, gradients, construction materials, curbing, parking , utilities, pedestrian circulation, pad size, maintenance, setbacks, screening, and health aspects. Any variance from these established standards granted by the Township must be filed with the Michigan Mobile Home Commission, however, the Commission may approve, disapprove, or revoke the variance upon notice and hearing.

3. Utilities

4. Each manufactured home shall be suitably connected to sanitary sewer, water, and other available utility lines and such connections shall meet the following regulations:

- A. A public water system or water system approved by the Michigan Department of Health and Human Services, and in accordance with Act 399, PA 1976 – the Safe Drinking Water Act – shall be provided within a manufactured home park. The water supply shall be adequate for firefighting purposes.
- B. Each mobile home space shall be provided with at least a four (4) inch sanitary sewer connection. The sewer shall be closed when not connected to a mobile home and shall be capped to prevent any escape of odors. The sewer condition shall be watertight and self-draining.
- C. The plumbing connections to each mobile home site shall be constructed so that all lines are protected from freezing, from accidental bumping, or from creating any type of nuisance or health hazard.
- D. All electrical lines to each mobile home site shall be underground. Separate meters shall be installed for each site. All cable television and telephone lines shall be underground. Above ground lines are allowed for the connection between the mobile home unit and the individual site utility pedestals.
- E. No individual exterior television antennas shall be permitted within the mobile home park. If central television antenna systems, cable television, or other such services are provided, the distribution systems shall be underground and shall be constructed and installed pursuant to State and local codes and ordinances.

- F. An electrical service adequate for single-family residence needs shall be provided for each mobile home space. The installation shall comply with all State electrical regulations.
- G. All fuel oil and liquefied gas supplies shall be installed in a manner consistent with the requirements contained in the General Rules of the Michigan Mobile Home Commission as provided for in Act 419 of the Public Acts of 1976.

5. Access and Parking

- A. All internal streets, driveways, motor vehicle parking spaces and walkways within the park shall be hard surfaced and shall further comply with the General Rules of the Michigan Mobile Home Commission as provided for in P.A. 96 of 1987.
- B. All entrances and exits from a mobile home park shall abut a hard surfaced public road (cement and/or bituminous construction). Improvements to said hard surfaced roads, such as acceleration/deceleration lanes, shall be made in accordance with Monroe County Road Commission standards.
- C. Cul-de-sac streets, where proposed, shall have a turnaround with a minimum radius of forty-five (45) feet, in accordance with current Monroe County Road Commission standards, and shall have a maximum length of three hundred (300) feet.
- D. Entrances and exits for a manufactured home park from County or State highways shall have written approval of the highway authority having jurisdiction before the final site plan for all or any phase of the manufactured home park shall be approved by the Mobile Home Commission.
- E. Where a proposed manufactured home development is adjacent to properties that have existing sidewalks on them and the sidewalk abuts the manufactured home park parcel, the developer shall also construct a sidewalk of equal width to act as a connection between, or an extension of the existing public sidewalk (s). Said sidewalk (s) shall be necessary for only those portions of a mobile home park fronting upon a public thoroughfare.

6. Storage Areas

The on-site, outdoor storage of boat trailers, boats, camping units, horse trailers, and similar equipment shall be prohibited. The manufactured home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above-mentioned equipment. Said storage area shall be surfaced with gravel, asphalt, or similar substances and shall be screened from view with plant materials or manmade screening devices.

7. Procedures and Permits

Application for permit to construct a manufactured home park shall be submitted to the Michigan Department of Licensing and Regulatory Affairs. The Department of Licensing and Regulatory Affairs is the agency charged with licensing of mobile home parks. Preparation of the application, support data, and local agency review of the above-mentioned materials shall conform to the requirements of Section 11 of the Mobile Home Communion Act (P.A. 96 of 1987).

*(Amended June 15, 1994 and March 4, 2020)*

**SECTION 15.04 MANUFACTURED HOUSING ON INDIVIDUAL LOT REGULATIONS**

1. **Scope.** The purpose of this Section is to establish standards and regulations governing the location and appearance of Manufactured Housing in Raisinville Township. It is the intent of these regulations to allow a mix of "HOUSING TYPES" and "LIVING STYLES" in a manner which will not adversely affect existing neighborhoods. For this reason, standards have been set that will regulate the appearance of the Manufactured House, allowing only those that are compatibly similar in appearance to site-built houses on individual lots in all zoning districts that allow single family residences.
2. **Location.** For the purpose of this Ordinance Manufactured Housing may be located in the AG, Agricultural, and R-1 and R-2, Single Family Districts, subject further to the regulations contained herein.
3. **General Appearance and Site Standards.**
  - A. Shall 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 1974, as amended.
  - B. Have a minimum width of twenty (20) feet and meet the minimal floor area standards of the district in which it is situated.
  - C. Have two (2) exterior doors (front and rear, or front and side), and where there is a difference in ground elevation, steps must be permanently attached, either to the perimeter wall, as outlined in item "F" below, or to porches connected to said perimeter wall.
  - D. Have a roof drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. Said roof to have wood shake, asphaltic or other acceptable shingles, and meet the snow load standards for this portion of the State of Michigan.
  - E. Have an exterior finish architecturally compatible to that in the surrounding area.
  - F. It is 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.
  - G. The compatibility of design and appearance shall be determined in the first instance by the Township Building Inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Building Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Building Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of manufactured home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of the lots situated within said area; or, where said area is not developed, by the character, design and appearance of one or more residential dwellings located outside of manufactured home parks throughout the Township. The foregoing shall be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard design homes.

- H. Be connected to a public sewer or water system and/or waste treatment or potable water supply system approved by the Monroe County Health Department.
- I. No manufactured house shall be delivered to any lot in Raisinville Township until the requirements of items "F" and "H" have been met.
- J. Said lot shall meet the minimum area and setback requirements for the district in which it is situated.
- K. Manufactured housing shall not be occupied until a certification of occupancy has first been issued.
- L. The provisions of this Section shall not apply to Manufactured Homes situated in licensed Manufactured Home Parks.

4. **Manufactured Home Compliance.** Manufactured Homes which do not conform to the above mentioned standards shall not be used for dwelling purposes within the Township unless located within a licensed Manufactured Home Park, or unless used for temporary residential purposes as outlined in Section 3.04 herein.

5. **Accessory Structures.** Detached accessory structures, as permitted in this Ordinance, shall be built to the Raisinville Township Building Code. Where the accessory structure is attached to the manufactured house it shall be similar in material and integrity and meet the construction standards of the HUD Manufactured Housing Construction and Safety Standards Code of the Michigan Construction Code.

6. **Permits.** Prior to the installation of a manufactured house on a residential lot, the individual shall obtain a building permit from the Building Inspector.

## SECTION 15.05 RECREATION USE

1. **General Requirements.**

- A. Structures associated with outdoor and indoor recreation uses such as private parks, country clubs, golf courses, golf driving ranges, and other similar recreational facilities shall be located at least two hundred fifty (250) feet from a lot line or any adjacent residence or residential district and all ingress and egress from said parcel shall be directly onto a major thoroughfare. Structures associated with gun clubs shall be situated a minimum of one thousand (1,000) feet from the edge of a public thoroughfare and/or residence or residential district.
- B. All primary activities associated with such operations and conducted out-of-doors or in a fashion that would create significant or undue disturbance to adjacent uses shall be limited to hours of operation which shall not exceed 7:00 a.m. to 10:00 p.m., unless approval for an extension of that period is obtained from the Township Board of Appeals. Said approval, if given, shall be valid for a period of time not to exceed one year.

2. **Gun Clubs and shooting ranges regulations.** In addition to those stated above, the following regulations shall apply:

- A. All such facilities must be situated on a parcel of land not less than ten (10) acres in area.
- B. Such parcel of land must be adequately posted through both symbol and written statement so as to inform the public of the nature of the facility at frequent intervals not to be greater than two hundred (200) feet apart.

- C. Range or trap (skeet) areas to be adequately fenced.
- D. Design and operation of such facility shall also be in accordance with specifications and practices outlined in the "Current National Rifle Association Standards".

3. **Golf course regulations.** In addition to those stated above, the following regulations shall apply:

Type	Minimum Area (Acres)
9-hole, Par 3	15
9-hole, Course	60
18-hole, Course	90

*(Amended October 15, 2023)*

## **SECTION 15.06 CHURCHES AND SCHOOLS**

Under such conditions as the Township Board, after hearing, may impose to observe the spirit and purpose of this Ordinance, namely to permit those uses within an Agricultural or Residential zoned district which serve the needs of the persons residing in the general area of Raisinville Township, which excludes the operation of any use which would tend to be a nuisance to the surrounding area, and subject further to the conditions imposed, the following uses may be permitted:

- 1. Churches, and other facilities normally incidental thereto.
- 2. Public, parochial and private elementary, intermediate schools, high schools and/or schools or colleges offering courses in general education, not operated for profit. It is the expressed intent that the following requirements shall not apply to expansion or replacement of existing church or school buildings on the same existing site. Providing further, that the following requirements and regulations shall apply to all proposed new construction and development:
  - A. There shall be submitted a detailed site plan of the proposed development which will include:
    - i. A general description, location, size and shape of the property involved. Scale of said site plan not to be less than one (1) inch equals one hundred (100) feet.
    - ii. A general shape, size and location of proposed buildings, parking areas and service drives, location of existing public roads or streets serving the property, and natural features including general topography.
    - iii. The general location of all existing utilities serving the property or proposed to serve the property.
    - iv. There shall be included a generalized vicinity sketch plan and any other information deemed necessary.
  - B. No church or school building shall be erected within five hundred (500) feet of any zoning district in which churches and schools are not permitted or within five hundred (500) feet of any existing retail store building which is a legal non-conforming use, and five hundred (500) feet distance to be measured in the manner set forth in Section 17A of Act 8 of the Public Acts of 1933, Michigan Liquor Control Act, as amended.

- C. Churches or schools shall be located on parcels of land greater than three (3) acres in area.
- D. Access to the premises from abutting streets or highways shall be limited to curb breaks and/or entrance drives which are located not closer than three hundred (300) feet to any intersecting street on the same side of the street or highway.
- E. Results of tests of subsurface soil conditions (test borings) made at the site of any proposed church or school building and certified by a civil engineer registered in the State of Michigan shall be submitted to the Building Inspector, along with the written statement of a registered civil engineer or architect that such tests indicate the suitability of the site for the building for which a building permit is sought.

## **SECTION 15.07 USES NOT OTHERWISE INCLUDED WITHIN SPECIFIC USE DISTRICTS**

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they shall be considered for review by the Planning Commission and approval by the Township Board in accordance with provisions of ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES. In every case, the use hereinafter referred to shall be specifically prohibited from an R-1, R-2, or RM District.

These uses require special consideration since they service an area larger than the Township or draw from a market beyond the Township, require sizable land areas, or create problems of control with reference to abutting use district. Reference to those uses falling specifically within the intent of this Section 15.07 is as follows:

- 1. **Outdoor Theaters.** Because Outdoor Theaters possess the unique characteristic of being used only after dark, and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted with special approval in non-residential districts. Outdoor Theaters shall further be subject to the following conditions:
  - A. The proposed internal design shall receive approval from the Building Inspector and Township Engineer as to adequacy of drainage, lighting and other technical aspects.
  - B. Points of ingress and egress shall be available to the Outdoor Theater from abutting major thoroughfares and shall not be available from a residential street.
- 2. Commercial radio, television, microwave, mobile phone, cellular telephone, public utility and other transmitting or relay antenna towers and their attendant facilities may be permitted with special approval in non-residential districts under the hereinafter conditions specified and after a public hearing is held relative thereto, providing:
  - A. All commercial towers/antennas shall meet the following conditions:
    - i. The setbacks for such towers from all abutting street right-of-ways or adjacent property lines shall be a distance equal to the total height of such tower plus twenty-five (25) feet.
    - ii. Any lighting on the tower shall be subject to approval.
    - iii. No signs or logo visible from off-site shall be permitted on the tower.
    - iv. A security fence shall be required to prevent access to the tower.

- v. The applicant shall demonstrate that there are no existing towers that can practically accommodate or be modified to accommodate the communication equipment planned for the proposed tower.
- vi. 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 applicant,
  - 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.
- vii. The structural plans must be prepared by a licensed engineer.
- viii. The maximum permitted height of a tower/antenna shall be one hundred twenty (120) feet. A greater height may be permitted based upon a satisfactory demonstration by the applicant that a taller tower is necessary.

B. Height restrictions for all towers, structures and appurtenances erected beneath established aircraft approach lanes shall be as established in Section 15.07.3 below.

*(Amended May 2, 1995)*

- 3. Airports, landing fields, landing strips, runways and platforms, hangars, masts, beacons and other facilities for the operation of aircraft, when and where permitted with special approval in non-residential districts shall be developed in accordance with the rules and regulations of the Michigan Aeronautics Commission, which agency shall approve the preliminary plans before being submitted to the Township. Land under and adjacent to all aircraft approaches shall not be put to any use which might later serve as a basis for an effective argument that the space above or adjacent should not be used by aircraft. Land and buildings, structures, radio and television towers, public utility micro-waves and public utility television transmitting towers, telephone and electric lines and appurtenances thereto located on a part of the airport or lands and uses adjacent thereto shall be so developed as to not endanger safe flight conditions to and from the standard thereto as above mentioned shall be reviewed by the Planning Commission and such uses may be given approval by the Township Board only after appropriate public hearing is held.
- 4. Drag strips, race tracks, and similar uses shall be permitted in with special approval in non-residential districts and shall further be subject to the following conditions:
  - A. All uses shall comply with the performance standards outlined in Section 3.21.
  - B. All parking shall be provided as off-street parking within the boundaries of the development.
  - C. Facilities for such uses shall require no less than five (5) acres, one hundred fifty (150) feet of frontage, and no less than fifty (50) feet from property lines with a twenty (20) feet wide transition strip and a berm along property boundaries in accordance with Section 3.18 of the Township Zoning Ordinance. The Planning Commission may determine that additional or less screening is necessary to effectively buffer the conflicting land use based on existing conditions.

- D. There shall be no broadcast or continuous music and/or announcements over any loudspeaker or public address system.
- E. Hours of operations shall be subject to the Planning Commission recommendation and Township Board approval through the special use approval process.

5. **Disposal of Waste.** The use of lands, wholly or in part, or permitting the use of lands wholly or in part, for the dumping, disposal, burial, spraying, spreading, storage or stockpiling of garbage, sewage, rubbish and offal, and waste from rendering plants, and for the dumping, disposal, storage, burial, spraying, spreading or stockpiling of any refuse, industrial, commercial or municipal sludge or "hazardous waste" as defined by the Environmental Protection Agency of the U.S.A., in any form, be it liquid, semi-liquid or solid, treated or untreated, shall be and is hereby expressly prohibited except in the AG, Agricultural District as hereinafter provided and except where State or Federal statutes supersedes the right of the Township to regulate said uses.

Application shall be made to the Planning Commission to use lands in the AG, Agricultural District for the purpose noted in the preceding paragraph in which there shall be stated the description of the lands and the extent of land proposed to be used for such purpose or purposes. Such application shall be accompanied by the written consent and approval of such application by fifty-one (51) percent of all land owners surrounding the lands proposed to be used, and within one-half mile of such lands as measured from the outside perimeter of the lands which are the subject of the application.

The Planning Commission may then grant or deny such application based upon such application and/or such additional pertinent information as may be submitted or made available to said Board. A public hearing on such application shall be held, a notice of such hearing shall be given as provided by 0 herein.

Application shall be granted only when a majority of the Planning Commission finds that the use of such lands for the purposes noted in the application are consistent with the Land Use Plan of the Township as expressed in its Ordinances, and the majority of the Planning Commission finds that the health, safety, comfort, convenience, air, water, sewers, and general welfare of the public are not adversely affected by the use of the land as requested in the said application.

The Township reserves the right to set reasonable operational standards for the above uses, including hours of operation, setbacks, fencing, screening, setting of haul routes and other measures intended to prevent or limit the off-site impacts of the above uses.

The decision of the Board shall be made in writing within ten (10) days of the hearing on the application, and the reasons for its decision shall be stated therein.

*(Amended October 15, 2023)*

## **SECTION 15.08 AGRICULTURE RELATED COMMERCIAL USES**

1. **Intent.** The intent of this use classification is to allow for certain uses which would otherwise be considered commercial uses but which are directly related to agriculture or which serve to support the viability of agriculture in the community. Agriculture-related commercial uses are intended to be accessory uses to the residence or farm, and although permitted outside of the residence, the commercial use shall not dominate the site or significantly alter the character of the area. The intent is not to encourage uses which would conflict with the purpose of the Agricultural District, with agricultural practices, or with the rural character of

the Township, but rather it is meant to provide for agri-business uses which would complement agricultural production and the farm economy.

2. The following agriculture-related commercial businesses shall be a special approval use in the Agricultural District subject to the requirements of ARTICLE 13 and ARTICLE 14:
  - A. Farm implement and farm vehicle repair and maintenance.
  - B. Pesticide and fertilizer sales and application services.
  - C. Farm Livestock auction yards.
  - D. Saw mills.
  - E. Grain elevators licensed under the Michigan Grain Dealers Act, PA 141 of 1939.
  - F. Commercial food processing not exempted by the Michigan Food Law (PA 92 of 2000, as amended) or Michigan's Cottage Food Law (PA 113 of 2010).
  - G. Wineries, breweries, and distilleries selling product, in a tasting room, containing crops or produce grown on-site.
  - H. Seasonal outdoor mazes of agricultural origins.
  - I. Uses listed above in F, G, and H may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and these activities meet the definition for Generally Accepted Agricultural and Management Practices for Farm Market.
    - i. Value-added agricultural products or activities, such as education tours of processing facilities, etc.
    - ii. Petting farms, animal display, and pony rides.
    - iii. Wagon, sleigh and hayrides.
    - iv. Open air or covered picnic area with restrooms.
    - v. Kitchen facilities, for the processing, cooking, and/or baking of goods containing produce grown on-site.
  - J. 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).
  - K. The Planning Commission shall determine if other uses similar to the above uses shall be considered as agriculture related commercial uses.
3. **Supplementary District Regulations.** In addition to other regulations set forth in this Ordinance, all Agriculture Related Commercial uses permitted under Section 4.02.16 shall conform to the following requirements:
  - A. All sales shall be conducted within an enclosed building, with the exception of farm and livestock auction yards.

- B. 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.
- C. The total floor area of any agri-business structure, including retail space, shall be no larger than 10,000 square feet.
- D. A transition strip shall be required for agriculture related commercial uses along the side and rear property lines where there is an abutting residence.
- E. Greenbelt may be required along the property line abutting a road meeting the standards of Section 3.25 as determined by the Planning Commission.
- F. Agri-business uses must provide off-street parking to accommodate use as follows:
  - i. Parking facilities may be located on a grass or gravel area for seasonal uses such as roadside stands, u-pick operations, and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand, or other visible marking. Overflow parking areas shall be provided which can accommodate seasonal parking peaks.
  - ii. All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
  - iii. Parking for other types of uses shall be provided as required in ARTICLE 16 or as demonstrated by the owner.
  - iv. Paved or unpaved parking areas shall not be located in required setback or buffer areas.
- G. No agriculture-related commercial use 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.
- H. Agriculture-related commercial uses shall observe reasonable hours of operation, except in instances of emergency repairs or activities directly related to agricultural production.
- I. The following operational information must be provided as applicable:
  - i. Ownership of the property.
  - ii. Duration of use (seasonal, annual, weekends, maximum number of events per year etc.).
  - iii. Hours of operation.
  - iv. Anticipated number of customers.
  - v. Maintenance plan for disposal, etc.
  - vi. Maximum number of employees at any one time.
  - vii. Restroom facilities.
  - viii. Verification that all outside agency permits have been granted, i.e., federal, state and local permits.
- J. All areas of the property to be used including all structures on site must be clearly identified.

*(Amended November 11, 2007 and September 4, 2018)*

## SECTION 15.09 QUARRYING REGULATIONS

1. **Purpose.** The purpose of this Section is to regulate the mining, processing, hauling, storage or disposal of sand, gravel, rock, minerals, and other extractive operations and the reclamation of the affected lands in the Township of Raisinville; requiring and regulating the preparation and presentation of applications and permits for such purposes; establishing minimum operating standards of excavating materials; providing for improvements guaranteed to be made by the operator of said mining operations; setting forth the procedures to be followed by the Township Board and Planning Commission in applying these rules, regulations and standards; providing for the payment of costs and fees to the Township; and prescribing penalties for the violation of its provisions. In addition, the purpose of this Section is to protect public health, safety and general welfare; promote aesthetic values and provide for environmentally sound reclamation of land disturbed by mining activities through an impartial series of standards and regulations governing the extraction of materials from the earth. These standards and regulations have been deemed necessary due to the very serious consequences which may result due to mining activities, including, but not limited to: noise, dust, air and water pollution, vibration, blight, safety hazards, road damage, aesthetic concerns, loss of natural resources, land use compatibility problems, enforcement problems, threats to water levels and water supplies, and other very serious social and environmental impacts.
2. **Districts Permitted.** From and after the effective date of this Ordinance, no person, partnership, corporation, association, institution, cooperative enterprise, municipality, or any other duly established legal entity shall use lands wholly or in part, or permit these lands wholly or in part, for the mining of material from the earth including, but not limited to sand, gravel, clay, aggregate, topsoil, minerals, coal or rock, or digs or excavations for other materials, and operations and processing, including washing, crushing, or other processing or removal of mineral resources; the erection of buildings and the installation of necessary machinery and equipment used in extraction, quarrying or processing, or hauling or storing of mined material, except in the AG, Agricultural District and in conformity with the provisions of this Ordinance.
3. **Exceptions.** Notwithstanding other provisions of this Ordinance, the removal of less than one thousand (1,000) cubic yards of material when such removal is in conjunction with building construction, road construction, utility installation, landscaping of the subject property, or agricultural purposes is exempt from the provisions of this Section.
4. **Application Procedures.** Any person, firm or corporation desiring to remove mineral resources from a parcel located within Raisinville Township shall apply to the Raisinville Township Building Department for a special land use permit for such operations under the provisions of this Section. Upon the receipt of such application, it shall be transmitted by the Building Inspector to the Township Planning Commission which shall analyze the application with respect to the impact of the granting of a permit upon the existing environment and planning for land use and development in the vicinity of the premises. It shall also estimate the cost of the services of such analysis and the cost of legal counsel to supervise the proceedings and any other costs involved in connection with the processing of the application. The total of such costs shall be reported to the applicant who shall pay the amount thereof to the Township Treasurer before the work of said professionals begins. If, at any time during the processing of the application, it appears that additional expenditures on the part of the Township are required in order that the Township officials may properly discharge their obligations to the public, the amount of such expenditures shall be reported to the applicant and paid by the applicant to the Township Treasurer forthwith. An applicant for a permit shall deposit with the Township Clerk such fees and/or

costs as are required by Resolution of the Township Board, and shall submit to the Planning Commission twenty (20) copies of an application containing the following information:

- A. The names and addresses of 1) the permit operator; 2) every legal owner of record of the property (surface and mineral) to be mined; 3) the holders of record of any leasehold interest in the property; 4) any purchaser of record of the property under a real estate contract; 5) the operator if he is a person different from the applicant; and 6) if any of these are business entities other than a single proprietor, the names and addresses of the principals, officers and resident agent.
- B. The names and addresses of the owners of record of all surface and subsurface areas adjacent to any of the permit area.
- C. If the operator is a partnership, corporation, association or other business entity, the following where applicable: The names and addresses of every officer, partner, director or person performing a function similar to a director of the applicant, together with the name and address of any person owning of record ten (10) percent or more of any class of voting stock of the operator, partner, or principal shareholder previously operated a mining operation within the United States within the five (5)-year period preceding the date of submission of the application.
- D. A statement of whether the operator, any subsidiary, affiliate, or persons controlled by or under common control with the operator, has had a mining bond or similar security deposited in lieu of bond forfeited and, if so, a brief explanation of the facts involved.
- E. An accurately surveyed map or plan at a scale of not less than two hundred (200) feet to the inch clearly showing the location of tract or tracts of land to be affected as of the date of the application by the proposed operation upon which the operator has the legal right to enter and commence mining operations, including:
  - i. Boundaries of the lands affected including adjacent land;
  - ii. Topography and drainage area of the affected land, with contours drawn at not less than two (2) foot intervals on USGS datum;
  - iii. Location and names of all streams, roads, railroads, utility lines, and pipelines on or immediately adjacent to the area;
  - iv. Location of all buildings within one thousand (1,000) feet of the outer perimeter of the area, present owner and occupants of such buildings, and purpose for which each building is used; and
  - v. Names of owners of the parcels and adjacent property owners.
- F. The climatological factors that are peculiar to the locality of the land to be affected including the average seasonal precipitation, the average direction and velocity of prevailing winds, and the seasonal temperature ranges.
- G. Cross sections of the affected lands at intervals of not more than one thousand (1,000) feet, prepared by or under the direction of and certified by a qualified registered professional engineer or professional geologist with assistance from experts in related fields such as land surveying and landscape architecture, showing pertinent elevations and location of test borings or core samplings and depicting the following information: The nature and depth of the various strata of overburden, the location of subsurface water, if encountered; the location of aquifers; and the estimated elevation of the water table.

- H. Statement of the results of test borings of core samplings from the permit area, including the logs of the drill holes.
- I. Description of the topsoil including soils, types, thickness, and plans for topsoil storage.
- J. A detailed operational plan containing the following information:
  - i. Description of the type and method of mining operation proposed, the engineering techniques proposed, and the equipment proposed to be used;
  - ii. Anticipated or actual starting and termination dates of each phase of the mining operation and number of acres of land to be affected and estimated type and volume of the excavation;
  - iii. Description of the mining and processing equipment to be used.
  - iv. A map at a scale of not more than two hundred (200) feet to the inch showing the proposed location of the mine, waste dumps, tailing ponds, sediment basins, stockpiles and storage yards, roads, railroad lines, structures and other temporary or permanent installations;
  - v. A series of maps or plans at a scale of not less than two hundred (200) feet to the inch showing the proposed sequence of mining, direction of mining, depth of mining, expansion of waste dumps and tailing ponds and other materials movement on an annual basis for the proposed life of the operation, or such time frame as designated by the Township Board;
  - vi. A map or plan describing the control surface and ground waters including natural drainage, water accumulations, mine water sources, mine water disposal, process plant water sources and disposal, and mine and process plant water requirements;
  - vii. Description of measures to be taken to assure compliance with the applicable air and water quality standards;
  - viii. Description of measures to be taken to control noise and vibrations from the operation;
  - ix. Description of measures to be taken to screen the operation from view with earth banks, vegetative or other screening devices;
  - x. Proposed travel routes to be used to transport the mineral material from the mine to off-site processing plants or markets, including an analysis of the physical and design capabilities of these routes to accommodate the potential traffic and to meet the County Road Commission's standards for such traffic;
  - xi. Proposed hours of operation;
  - xii. A description of measures to be taken to prevent the tracking of dirt, mud, gravel and other materials on public roads;
  - xiii. A description of measures to be taken to protect ground water, surface water, and wetlands from contamination, erosion, sedimentation, and diminished flows and water levels; and
  - xiv. Other information as deemed appropriate in order to evaluate the potential impact of the operation and its effect on the surrounding area.
- K. A detailed reclamation plan which shall include the following information:

- i. A map or plan and description of the proposed reclamation including final land use of site, final land shape, estimated topography, physical structures, roads, parking areas, recreation facilities, and the staged sequence of reclamation activity to be conducted;
- ii. Hydrological data, including: ground water levels; rainfall data; capacity of streams and rivers on or in close proximity to site;
- iii. Location of all stream flow points, including: inflow points; outflow points; and catchment areas;
- iv. A description of the utility and capacity of the reclaimed land to support the proposed sequential use;
- v. A description of soil types, soil erodability, stability of existing and proposed slopes; topsoil stripping, topsoil storage, topsoil replacement thickness and time sequence of replacement; and soil erosion and sediment control plan during storage and replacement;
- vi. A map or plan and description of grading and backfilling sequences, final slope angles, highwall reduction, benching and terracing of slopes; slope stabilization and erosion control;
- vii. A map or plan and description of reclamation or removal of waste dumps, tailing ponds, sediment ponds, haulage roads, access roads, surface structures and related facilities;
- viii. A map or plan and description of final surface drainage, water impoundments, and artificial lakes on the affected property;
- ix. A planting plan including existing vegetation, proposed vegetation including description of plant types, planting sequences, and maintenance or replacement of vegetative cover both during mining operations and upon completion of site reclamation;
- x. A plan for disposal of any harmful or toxic materials found in any formations penetrated by the mining operation, produced during the processing of mineral materials on the affected land, and chemicals or materials used during the mining or processing operations;
- xi. The estimated cost of reclamation on a per acre of total project basis;
- xii. Such other pertinent information as may be required to determine the nature of the reclamation of the operation and the effect upon the surrounding area;
- xiii. The use which is proposed to be made of the land following reclamation, including a discussion of the feasibility and capacity of reclaimed land to support a variety of alternative uses and the relationship of such uses to existing land use policies and plans;
- xiv. A detailed description of the methods and materials proposed for reclamation including backfilling, seed stabilization and compacting, grading, restoration of topsoil, and revegetation; and
- xv. A detailed estimated time table for the accomplishment of each major step in the reclamation plan.

L. Such other pertinent information as may be required to determine the nature of the operation and the effect on the surrounding area.

**5. Review Process.**

- A. Upon the determination of the Building Inspector that the application for a special land use permit for a mining operation is complete and all necessary fees have been paid, the application shall be forwarded to the Planning Commission.
- B. The Planning Commission shall hold one or more public hearings to hear any person wishing to present facts, information, or opinions pertaining to the application. The Township shall publish a notice of such hearing and shall send by mail or deliver in person a notice of such hearing to all occupants and owners of properties located within one half mile of the subject property.
- C. At the expense of the applicant, the Planning Commission shall obtain technical reviews pertinent to the application. Such reviews shall address issues such as land use impacts, traffic flow and safety impacts, land value impacts, water quality impacts, other natural resource impacts, compliance enforcement problems, land restoration costs, and other technical concerns. Such reviews shall be conducted by appropriately qualified professionals at the choosing of the Planning Commission. The number of technical reviews, their level of detail, and their cost shall be contained within reason so as to effectively evaluate the application.
- D. The Planning Commission shall make a recommendation regarding the special land use application. The recommendation shall recommend either approval, approval with conditions, or denial. The recommendation shall be based on the criteria for approval included within this Section, on the Standards for Special Approval (ARTICLE 13, STANDARDS FOR SPECIAL APPROVAL USES), as well as on all other factual information, public hearing comments, and technical reports. The recommendation shall include detailed reasons and facts on which it is based.
- E. The Township Board shall consider and review all technical reports, factual materials, public hearing comments, Planning Commission recommendations, and such additional information as it deems pertinent, including additional technical reviews as described above.
- F. The Township Board shall either approve, approve with conditions or disapprove the application. The decision shall be based upon the Criteria for Approval as set forth in this Section.
- G. If the application is approved or approved with conditions, a special land use permit shall be issued. The permit shall refer to, and operations shall conform to: the operations and restoration plan included in the application; any conditions attached thereto by the Board; and the terms and conditions of any other applicable regulations. The permit shall be signed by the Township Supervisor, Clerk, and Treasurer, however the permit shall not be signed until it has been determined that: all review costs have been paid; all sureties and bonds have been deposited; all necessary permits have been obtained; and all other conditions which have been required to be fulfilled prior to commencement of operations have been fulfilled. No change in the operations and restoration plan shall be made except by the issuance of an amended special land use permit pursuant to the same procedures and standards as set forth herein for issuance of the initial permit.
- H. A special land use permit for a mining operation is valid for a period of time to be specified by the Township Board which is not less than twelve (12) months and not greater than one hundred twenty (120) months. A permit may be renewed upon submission and approval of an application for renewal. Said application shall meet all

requirements set for initial approval and shall contain satisfactory evidence that all requirements of this Ordinance and any conditions of approval have been complied with. A special approval permit may be revoked by the Township Board if mining operations fail to commence within twelve (12) months of issuance of the permit.

6. **Standards for Special Land Use Approval Permits for Mining.** The Township Board shall approve the establishment or enlargement of a mining operation only after it has determined, based on the facts submitted by the applicants or otherwise available, that no areas directly or indirectly affected by the proposed mining and related activities will suffer any very serious consequences as a result of the proposed land use. The seriousness of consequences shall also be weighed in relationship to the scarcity of and the public need for the material to be mined. In making such a determination, the Township Board shall make specific, separate findings as to each of the following aspects of the proposed mining operation:

A. Off-Site Impacts.

- i. There will be no very serious impairment to the safety of motorists, school children, or pedestrians as a result of increased congestion, roadway deterioration, debris thrown from trucks, and/or the mixture of slower trucks with faster automobile traffic. In making such a finding, consideration should be given to existing and future traffic volumes, County Road Commission standards and concerns, thoroughfare geometrics, topographic and other pertinent considerations.
- ii. Existing roadways are adequately improved to carry traffic which will result, or there are funds available from sources other than Township funds to make necessary improvements.
- iii. There will be no very serious impairment to the quiet enjoyment of properties due to noise, dust and exhaust from truck traffic generated by the mining site. In making such a finding, consideration should be given to the nature of existing and future development.
- iv. There will be no very serious impairment to the general air quality due to dust, exhaust and other emissions from off-site hauling of mined materials. In making such a finding, consideration should be given to the equipment and the methods used to minimize such impacts.

B. On-Site Impacts.

- i. There will be no very serious impairment to the quiet enjoyment of properties due to noise from the mining and processing of materials on the site. In making such a finding, consideration should be given to the nature of existing and future development.
- ii. There will be no very serious impairment to the quiet enjoyment of properties due to dust, exhaust and other emissions from on-site extraction, moving or processing of mined materials from truck traffic generated by the mining site. In making such a finding, consideration should be given to the nature of existing and future development. In making such a finding, consideration should be given to the nature of existing and future development.
- iii. There will be no contamination of ground water from the mining operations.
- iv. There will be no very serious drawdown of ground water levels or alteration of the direction or flow rate of aquifers.

- v. There will be no very serious negative aesthetic impact from open pits, processing structures, stockpiles of mined material, refuse piles, or other similar facilities.
- vi. Potential attractive nuisance or other dangers associated with mining operations will be minimized by appropriate safety precautions.
- vii. There will be no very serious impairment to the general level of air quality due to dust, exhaust or other emissions from on-site extractions and/or moving or processing of mined materials.

C. Mid- and Long-Range Planning Considerations.

- i. The use of land after reclamation will be compatible with the existing and planned development of surrounding areas.
- ii. There will be no very serious loss of agricultural land and/or alternative development opportunities.
- iii. Other lands within the Township will not be blighted by the mining operations or associated activities.

D. Assurances of Compliance.

- i. The applicants have provided adequate financial assurances that reclamation will occur as approved and on schedule.
- ii. The applicants have provided adequate financial resources to pay all costs of Township monitoring of compliance.
- iii. The applicants have provided adequate financial and contractual assurances that hauling will comply with approved time schedules and routes.
- iv. The applicants have provided all other assurances necessary for the Township to determine that there will be compliance with all requirements of this Ordinance.

E. Scarcity and Need for Material to be Mined. Available supplies of the material to be mined from existing sources other than the proposed mining site and from unidentified, but reasonably anticipated other sites, do not substantially exceed reasonably foreseeable public needs. Consideration shall be given to all supplies and all needs, whether generated inside or outside the Township, which are likely to affect the market area which might be served by the site for which special approval is sought.

**7. Insurance.**

- A. The owner of the land involved, the operator, and the holder of any permit issued under this Ordinance shall assume all responsibility for any and all damage to public and/or private property caused by their fault or negligence or the fault or negligence of their agents in the construction, operation, or maintenance of any mining operation.
- B. The owner of the land involved, the operator, and the holder of any permit issued under this Ordinance shall indemnify, protect, defend, and hold harmless the Township and its agents, employees and professional consultants from and against any and all claims and demands for damages to public and/or private property and injury or death to persons and against any and all claims and demands of any nature which may arise out of or be caused by any of the activities permitted by this Ordinance. The owner of the land involved, the operator, and the holder of any permit issued under this Ordinance shall carry insurance to protect Raisinville Township and its agents, employees and professional consultants from and against any and all claims, demands, actions, judgments, costs, expenses, and liabilities of every name and

nature which may arise or result, directly or indirectly, from or by reason of any mining operation activities.

- C. The owner, operator, and permit holder shall carry public liability and bodily injury insurance of at least one million (1,000,000) dollars for one person, two million (2,000,000) dollars for each occurrence, and one million (1,000,000) dollars property damage insurance with a ten million (10,000,000) dollars umbrella. This insurance shall cover injury or damage occurring on the site of the operation, as well as injuries occurring upon adjoining property as a result of conditions or activities conducted upon the applicant's property.
- D. All insurance policies shall include an endorsement that the insurer will not cancel or change the policy of insurance except after thirty (30) days written notice given to the Township by registered mail.

**8. Bond.**

- A. After receipt and approval of the permit application, the operator shall file a surety bond or some other equitable security satisfactory to the Township Board naming Raisinville Township as the beneficiary thereof in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder; provided, however, that in no case will the sum of the surety bond be less than two thousand five hundred (2,500) dollars for each acre or fraction thereof of land to be covered by the permit. Bond shall guarantee compliance with this Ordinance, the permit requirements and conditions, and that the operation will be carried out according to the approved mining and reclamation plans and specifications. Prior to issuance of the permit, the operator shall deposit with the Township Board the established amount of the bond in such manner or form as requested by the Township Board.
- B. Upon the lack of timely compliance with the requirements for which the bond guarantees, the Township may use the bond proceeds to the extent necessary. By filing an application, every operator shall be deemed to have granted a permit to the Township and its agents and contractors to go onto a property under permit to use the bond proceeds for the purposes allowed by the bond, for which there has been noncompliance.
- C. In fixing the amount of such bond, the Township Board shall take into account the size and scope of the proposed mining and reclamation operations, current prevailing cost of reclaiming the premises upon default of the operator, and other such conditions and factors as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application. The operator shall notify the bonding company and provide proof thereof that the Township be notified in the event of any lapse in the effectiveness of the bond. For each area restored and reclaimed in accordance hereof, or otherwise said bond may be reduced pro rata as determined by the Township Board, but in no case shall the bond be reduced by more than eighty (80) percent of its original amount until all work, including restoration and/or remediation has been completed and inspected in compliance with this Ordinance. The amount of the surety bond shall be subject to annual re-evaluation of its adequacy to pay for all required restoration and remediation of the site. The surety bond may be increased or reduced by the Township Board, which shall consider changes in the Consumer Price Index plus other pertinent factors.

**9. Operating Requirements.**

- A. General Requirements. Operations shall be conducted in a way which is compatible with existing and proposed development and in a way which protects the natural environment and which minimizes negative impacts on surrounding land and development. Operations shall be conducted as specified in the approved special land use permit.
- B. Setback. Mining operations, sedimentation ponds, processing and stockpiling of excavated materials shall not be conducted closer than three hundred (300) feet to any property line or any public roadway. The setback area shall not be used for any use in conjunction with the mining operations, except access roads, directional signs, public notice signs identifying quarry, business sign identifying occupant and landscaping. No mining operations shall have its outer boundaries nearer than one thousand (1,000) feet from the nearest property line of any church, school or public building. Where appropriate, the Township Board may require the outward one hundred fifty (150) feet of the area of excavation to be limited so as to be excavated at a slope not to exceed a steepness of seven (7)-foot horizontal for one (1) foot vertical with the beginning of the grade being the existing grade. The purpose of this is to provide a safe swim area in the event the excavation area is proposed to be restored as a lake.
- C. Property Protection.
  - i. Each mining operation shall be enclosed by a wire fence of chain link construction, with a minimum height of six (6) feet. Such fence shall be maintained at all times. Such fence shall be located on the inside of any required berm or screening. In addition, whenever an excavation results in a temporary edge being formed which is steeper than a five (5) to one (1) slope, there shall be immediately erected a six (6)-foot fence protecting that portion of the site along said edge. Said supplemental fencing shall be located within the perimeter fencing herein required.
  - ii. All active excavating and mining operations shall be visually screened from view from all adjacent public or private highways, roads and streets and residentially used parcels. An earthen berm or vegetative screen shall be erected and maintained to screen the mining operation from view. Said berm or screen shall be of a sufficient height so as to effectively screen the excavated area and processing equipment from view from public roadways and residentially used areas. The Planning Commission and/or the Township Board shall determine the practicality and necessity of screening in each individual mining operation. Berms and vegetative screens shall not be located closer than one hundred fifty (150) feet from the centerline of any public road.
- D. Minimum Area. Any tract of land to be granted a permit for mining operations shall have a minimum area of twenty (20) acres. However, there shall be no minimum area limitation where the tract applied for is contiguous to an active mining operation already permitted, provided:
  - i. Both tracts are developed by the same operator under a coordinated master restoration plan; or
  - ii. If tracts are developed by different operators, the Planning Commission shall review the operations and reclamation plans of both natural source developments, and certify the workability of such plans and the mutual boundaries, such as drainage, restoration, grades, timing and type of planting.
- E. Frontage and Access.

- i. Each tract of land to be granted a permit for mining shall be a minimum highway frontage of two hundred fifty (250) feet, except that the Township Planning Commission may approve a tract with less or no frontage if:
  - a. Proof of legal right of access is submitted; and
  - b. All means of access to the property from any street shall be so located and designed as to avoid the routing of vehicles to and from the property over streets that primarily serve abutting residential development.
- ii. Not more than one (1) entrance and one (1) exit from a highway or road shall be provided to the area of operations. Such vehicular access shall be permitted only to one of the following types of streets:
  - a. Controlled access routes - major highway;
  - b. Local access routes - major highway;
  - c. Connection of secondary (arterial) highway; or
  - d. Private road connecting only with any of the above highways and not directly connected with any residential subdivision stated.
- iii. If required by the Planning Commission, acceleration and deceleration strips shall be provided on either side of such entrance and exit, of not less than one hundred (100) feet in length each, and shall be paved of such material as shall be required by the County Road Commission having jurisdiction. Further, a paved road from the entrance and exit, a distance of not less than three hundred (300) feet from the right-of-way line into the area of operation shall be provided in order to minimize the deposit of dirt and gravel from trucks onto the public highway. Such pavement shall be in accordance with the specifications of the County Road Commission.

F. Safeguards.

- i. All operations shall be conducted in a safe manner, with respect to the likelihood of: hazard to persons; physical damage to adjacent land or improvements; and damage to any street by reason of slides, sinking, collapse or blasting.
- ii. Where topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the excavated area in accordance with the Reclamation Plan. Such overburden stockpiles shall be treated to minimize the effects of erosion by wind or water upon public roads, streams, or adjacent residence(s).

G. Hours of Operation. Except by special permission from the Township Board, excavation, loading, washing, processing and stockpiling of extracted materials and overburden, and all truck movements associated with the hauling of extracted materials and overburden shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and between 7:00 a.m. and 1:00 p.m. on Saturdays. Operations shall not be permitted on Sundays or legal holidays.

H. Blasting.

- i. Blasting and the setting of an explosive shall be restricted between the hours of 8:00 a.m. and 2:00 p.m. on weekdays except in cases of extreme emergency. No blasting shall be permitted on Saturdays, Sundays and legal holidays.
- ii. Any blasting operations used at a mining operation shall be operated in a manner as to minimize dust, noise and vibration and used only in accordance with the following provisions:

- a. The operator shall provide adequate advance written notice to local governments and residents who might be affected by the use of such explosives by publication of the planned blasting schedule in a newspaper of general circulation in the locality and by mailing a copy of the proposed blasting schedule to every resident living within one-half (1/2) mile of the proposed blasting site and by providing daily notice to residents/occupiers in such areas prior to any blasting;
- b. The operator shall maintain, for a period of at least three (3) years and make available for public inspection upon request, a log detailing the location of the blasts, the pattern and depth of the drill holes, the amount of explosives per hole, and the order and length of delay in the blasts.
- c. The operator shall limit the type of explosives and detonating equipment, the size, the timing and frequency of blasts based upon the physical conditions of the site so as to prevent: injury to persons, damage to public and private property outside the permit area, adverse impacts on any underground mine, and change in the course, channels, or availability of ground or surface water outside the permit area;
- d. The operator shall be responsible for providing the services of an independent testing laboratory approved by the Township, who shall provide adequate equipment for the purpose of monitoring the blast and shall be further required to maintain records prepared by an individual certified in the operation of said equipment and able to further attest to the accuracy of the blast monitoring records. Copies of these records shall be provided to the Township.

I. Environmental Protection.

- i. All mining operations shall conform to applicable air and water quality standards.
- ii. All on-site and off-site private access roads shall be surfaced with bituminous or other treated dust free surface for a distance of three hundred (300) feet from the public highway with a minimum width of twenty-five (25) feet.
- iii. Noise, vibration and air pollution at the property lines shall be within the levels established by the Township Board or applicable State laws. All equipment and facilities used in the production, processing or transportation of mined materials or overburden shall be constructed, maintained and operated in such a manner as to eliminate insofar as practicable, sounds, vibrations or dust which may interfere with the reasonable use and enjoyment of surrounding property. All processing facilities and stockpiling inventories shall be located within the excavation area at an elevation as much lower than the general level of the surrounding terrain as is reasonably practicable in order to reduce the visual, noise and dust impacts of the operation.

J. Truck Traffic.

- i. Truck traffic associated with the use shall be prohibited on all streets except those for which it is specifically approved by the Township Board pursuant to special land use approval. Streets shall be approved for truck traffic so as to minimize the impact of such traffic on residential and related uses and activities.
- ii. When the operation of a mined area shall cause the mined material, overburden or similar material to be deposited upon the public roadway, it shall be the

responsibility of the applicant, owner and operator to remove the material within twelve (12) hours of notice from the Township.

- iii. Any and all trucks hauling any materials to or from the site shall, to the extent required by the Township Board, after due consideration, be enclosed or covered to prevent materials from blowing or falling from trucks, and shall be sprayed to prevent gravel or mud from falling or being thrown from the wheels and undercarriage of trucks.

**10. Building and Well Survey.** If an application is approved, the applicant shall, at its expense and prior to commencement of operations on site:

- A. Perform a building survey of the interior and exterior of all buildings located within a distance of one (1) mile from the proposed exterior perimeter of the area of excavation. The survey team shall consist of one designated representative of the Township and one representative of the applicant. The survey team shall make a written report and take video and still photographs. The applicant shall be obligated to perform a similar survey on all newly constructed buildings erected within one (1) mile of the site. The Township shall notify the applicant of any newly erected buildings and shall have the responsibility of scheduling the inspections and obtaining the necessary consent. The original report and all photographs and videotapes shall be retained by the Township.
- B. Perform a written certified pump test of all wells within a distance of one (1) mile from the proposed exterior perimeter of the area of excavation. Said tests shall determine the drawdown and the capacity of the well in gallons per minute and other pertinent information as determined by the expert. The tests shall be performed by a qualified independent person or firm. The applicant shall be obligated to perform a similar test on all newly constructed wells established within one (1) mile of the site. The Township shall notify the applicant of any newly established wells and shall have the responsibility of scheduling the tests and obtaining the necessary consent. The results of the tests shall be retained by the Township.

**11. Reclamation Purpose and Requirements.**

- A. Purpose. The land affected shall be reclaimed and rehabilitated to a condition capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses of which there is reasonable likelihood, so long as such use or uses do not present any actual or probable hazard to public health or safety or pose any actual or probable threat of water diminution or pollution, and the permit operator's declare proposed land use following reclamation is not deemed to be impractical or unreasonable, inconsistent with applicable land use policies and plans, involves unreasonable delay in implementation, or is in violation of Federal, State or local law.

In cases where the Township finds that unrehabilitated sites, previously used for extractive operations, are susceptible to misuse, may contain examples of gross erosion, constitute a threat to public safety, and allow an unproductive use of the community's land resources, therefore, additional purposes of this Section are:

- i. To provide for the prevention of erosion which may menace life and limb, endanger property or affect the safety, usability or stability of any public property.
- ii. To curb misuse of previously mined tracts, which may become an unauthorized disposal area for solid wastes, which could not only pollute the ground water, but may become a breeding ground for insects and rodents.

- iii. To eliminate the unsightly appearance of unrehabilitated areas which detract from the aesthetic value of the landscape.
- iv. To protect against the unproductive use of the Township's land resources, to prevent the general decline of the community facilitated by a potential decrease in land value.
- B. Reclamation Plan. The operator shall present specific plans for the proposed post mining land use and appropriate assurances that such use will be:
  - i. Compatible with adjacent land uses.
  - ii. Feasible according to data regarding expected need and market.
  - iii. Assured of investment in necessary public facilities.
  - iv. Supported by commitment from public agencies where appropriate.
  - v. Practicable with respect to private financial capability for completion of the proposed use.
  - vi. Planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the post mining land use.
  - vii. Designed by a registered engineer or registered landscape architect in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site.
  - viii. The proposed use shall be consistent with adjacent land uses, and existing Township's Land Use Plan and Zoning Ordinance and County developments plans and programs.
  - ix. All other requirements of this Ordinance shall be met.
- C. Timing. Restoration shall proceed in a continuous manner and shall be subject to review and approval at each annual inspection and at the end of the permit period. Specifically, the following standards shall apply:
  - i. Topsoil grading and planting of the area designated for restoration during the permit period shall be completed before a mining permit is renewed.
  - ii. Overburden shall not be removed from an area larger than that mined within one (1) year.
  - iii. Where ground cover or other planting is indicated on the approved reclamation plan, the planting shall be made in areas where excavation is completed and land is not being used for material storage, before further overburden is removed.
  - iv. Within twelve (12) months of cessation of mining operations, all plant structures, buildings, stockpiles and equipment not required for approved restoration activities shall be removed.
- D. Standards.
  - i. All stumps and other debris resulting from the excavation or related activities shall be removed from the site and disposed of by approved methods. Under exceptional circumstances, such debris may be disposed of on the site if covered with a minimum of two (2) feet of soil.
  - ii. All banks shall be left in accordance with topography established in reclamation plans, with no slopes greater than two (2) feet horizontal to one (1) foot vertical. If

water is to be left in the pit in areas below the water table, the slope can be greater than two to one (2:1).

- iii. When topsoil is removed, sufficient arable soil shall be set aside on the site for re-spreading over the excavated area. These overburden stockpiles shall immediately be planted with grass or other plant materials so as to prevent the erosion of slopes.
- iv. Reclamation shall proceed in such a way that natural and storm drainage, where it enters and leaves the premises, shall be altered only to the last degree necessary to carry out excavation and related activities. Any alteration of natural and storm drainage shall not adversely affect public roads or neighboring uses.
- v. After the area is cleared of debris, it shall be covered with a layer of topsoil to a depth of at least six (6) inches, except for area underwater. If the pit is to be used as a basin for spreading water, the topsoil shall not be replaced because it would deter the spreading of the water.
- vi. Establish on the re-graded areas, and all other lands affected, a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area, except that introduced species may be used in the vegetation process where desirable and necessary to achieve the approved post mining land use plan.
- vii. In the event filling of the mined area is necessary during reclamation, said fill material shall be nonorganic only and shall not consist of any hazardous materials, toxic materials, agricultural waste, industrial waste, machinery or equipment, or any similar materials. Only material which will settle firmly and without air pockets shall be used.
- viii. If on-site mining or processing operations are not continuously carried out for a period of one (1) year at any location, the same will be considered to have been abandoned; and prior to any further excavation or processing, a new use permit under the current Ordinance will be required.
- ix. If mining has ceased for a period of twelve (12) months, the Planning Commission shall hold a hearing to determine with the Township Board the future disposition of the site and the source of liability for expenses incurred for restoration of the site.

## 12. Operator Reporting Requirements.

- A. Each operator shall furnish a report to the Planning Commission for each project site every twelve (12) months after issuance of the permit and within thirty (30) days after cessation of all mining at the project site, which shall contain the following information:
  - i. The name and address of the operator and the permit number;
  - ii. A map or plan of the operation and a description of the quantity of land affected during the report period for mineral extraction, reclamation, waste and tailings disposal, surface structures, haulage roads, stockpiles, storage yards and water containment, storage and treatment facilities;
  - iii. A description of any actions taken to control both anticipated and unforeseen environmental conditions which occurred during the reporting period;
  - iv. A description of any environmental monitoring activities carried out during the reporting period;

- v. An estimate of the location and extent of land to be affected by the operation during the subsequent reporting period;
- vi. A description of restoration activities which have occurred during the reporting period; and
- vii. Such other pertinent information and maps as may be required to evaluate the extent of mining and reclamation, if any, accomplished during the permit year.

B. Each operator shall submit a final reclamation report to the Planning Commission within one (1) year after cessation of operations and prior to final release of bonds which shall contain the following information:

- i. Name and address of the operator and the permit number;
- ii. A map or plan showing the final contours and slope angles of the affected land and the locations of any remaining structures and roads;
- iii. A description of all final reclamation activities leading to completion of the approved reclamation plan including: topsoil disposition, topsoil replacement and thickness, re-vegetation practices and plant types, disposition of waste dumps, tailings ponds, sediment ponds, surface structures, haulage roads, and access roads, grading practices and slope angles, surface water drainage and sediment control, size, depth and capacity of artificial lakes or ponds, and planned sequential use of the land; and
- iv. Such other pertinent information and maps as may be required to evaluate the completion of reclamation and the availability of returning the operator's bond.

13. **Fees.** In order to defray the costs of inspection, enforcement, administration, and any or all costs, monetary or otherwise, associated with a mining operation, the operator, owner or owners shall pay a fee equal to five (5) percent of the value of the materials mined and sold, FOB the mine site. Said fee shall be paid to the general fund of the Township. Said fee shall be payable quarterly for as long as the special land use permit is valid. Said fee shall not be less than one thousand (1,000) dollars per quarter.

14. **Inspections.**

- A. Upon issuance of a use permit for the purpose of mining, the operator is deemed to have consented to allow inspection by the Township or its agents. Such inspections shall be at reasonable designated times and with notice, if possible, to determine compliance with the provisions of this Ordinance. The Township or its designated agents shall notify the operator by regular mail of any portions of the site that it deems abandoned and/or ready for reclamation. Upon receipt of such notification, the operator shall have said areas restored within ninety (90) days, or within said ninety (90) days have supplied the Building Inspector with a written reply indicating the dates of anticipated restoration. The Building Inspector may accept or reject such dates. If said dates are accepted, they shall be binding on both parties. If rejected, the Building Inspector shall set new dates which shall be final.
- B. The Township and its designated agents may inspect any required records of a mining operation to determine compliance with the provisions of this Ordinance. Any public or private complaint against any operator may result in an inspection of the mining operation to determine the validity of the complaint.
- C. The Building Inspector shall retain the assistance of planners, engineers and any other professionals necessary to evaluate compliance with this Ordinance.

- D. The cost of all inspections shall be paid by the applicants and such other persons who have been made subject to liability pursuant to this Ordinance.
- 15. **Regulations of Permitted Operations.** The Township may obtain the services of qualified technicians and professionals to monitor the operations of the permit holder at such intervals as they may consider necessary and to report to the Township whether or not the operations are resulting in any nuisance or any hazard to the public health, safety or general welfare or are causing pollution, impairment or destruction of natural resources. The cost of said monitoring shall be paid by the applicants and such other persons who have been made subject to liability pursuant to this Ordinance.
- 16. **Payment of Cost of Regulation. Effect of Failure to Pay.** Upon receiving bills for the services and expenses of the persons designated to monitor the operations of any operator, the Township Treasurer shall forward them to the operator by first class mail. The operator shall pay them within ten (10) days of mailing by the Township Treasurer. Whenever any such bill has not been paid within the time specified above, the permit shall automatically be suspended until payment is made.
- 17. **Enforcement.** This Ordinance shall be enforced by the Township Building Inspector or any Ordinance Enforcement Officer appointed by the Township Board. The Township Clerk and/or their representatives, and Enforcement Officers, shall have the authority to issue Appearance Tickets for a violation hereof pursuant to Act 172 of Public Acts of 1929, as amended, of the State of Michigan.
- 18. **Violations and Penalties.**
  - A. Any person violating any of the provisions of this Ordinance at a mining operation within Raisinville Township, including unproved deviation from the mining or reclamation plan shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred (500) dollars plus costs of prosecution, or imprisonment in the County Jail for a period not to exceed ninety (90) days, or both, such fine and imprisonment at the discretion of the court, together with costs of said prosecution for each occurrence. Each and every day on which a violation continues shall constitute a distinct and separately punishable violation. Any violation of any State or Federal law or regulation arising out of or in the course of any business activity regulated by this Ordinance shall also constitute a violation of this Ordinance.
  - B. In addition to such fine and/or imprisonment as above stated, the Township may, in its discretion, notify the mining operator of any violation of the permit and/or this Ordinance; and upon failure of the operator to abate said notice, said operation site may be summarily closed, and the permit therefore suspended or revoked and resort to the use of the bond for restoration. Any operator aggrieved of any notice sent pursuant to this Section may request a hearing before the Township Board if the request is in writing and delivered to the Township. The request should set forth why the operation site should not be summarily closed, the permit suspended, or revoked, and resort make of the use of the bond. If a request for a hearing within seven (7) days and may after the hearing, continue the suspension or revocation of the permit, or take such other action as appears appropriate under the circumstances. In any case, if the Township Board determines the mining operation would be detrimental to the health and/or safety of persons and/or property, the Board may summarily, and without five (5) days' notice, suspend or revoke the permit, but shall grant a hearing upon request as provided herein.

**19. Other Provisions.** If there are more restrictive provisions of Federal, State or other regulations affecting any part or Section of this Ordinance, those more restrictive provisions shall prevail.

*(Amended June 15, 1994 and September 4, 2018)*

## **SECTION 15.10 SITE CONDOMINIUMS**

All site condominium projects shall comply with the following requirements:

1. **Definitions.** The following definitions shall apply to site condominiums:
  - A. **Building Site.** A lot or a two dimensional condominium unit of land (i.e., envelope footprint) with or without limited common element designed for construction of a principal structure or series of principal structures plus accessory buildings. All building sites shall have access to private or public roads.
  - B. **Common Elements.** Portions of the condominium project other than the condominium units.
  - C. **Condominium Unit.** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, or any other type of use approved by the Michigan Department of Commerce.
  - D. **Limited Common Elements.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
  - E. **Lot.** A measured portion of a parcel or tract of land which is described and fixed in a recorded plat and having frontage on a public street or road either dedicated to the public or designated on a recorded subdivision.
  - F. **Parcel.** A tract or continuous area or acreage of land which is occupied or intended to be occupied by a building, series of buildings, accessory building(s), condominium units, or by any other use or activity permitted thereon and including open spaces and setbacks required under this Ordinance, and having its frontage on a public or private street.
  - G. **Setback.** The minimum horizontal distance a building or structure or any portion thereof is required to be located from the boundaries of a lot, parcel, edge of pavement, or building site of land upon which the same is situated.
  - H. **Site Condominium Project.** A plan or project consisting of not less than two (2) single family units established in conformance with the Michigan Condominium Act P.A. 59 of 1978, as amended.
2. Site condominium projects shall be subject to site plan review, as specified in ARTICLE 14, SITE PLAN REVIEW.
3. Site condominium units shall meet minimum floor area and building height requirements for the zoning district within which they are located.
4. Site condominium building sites shall contain the minimum frontage requirements, setbacks (as defined above), and lot size which are required in the zoning district within which they are located.

5. The standards for roads, sidewalks, utilities, and open space shall be the same as those required under the Raisinville Township Subdivision Control Ordinance, Ordinance #60, as amended.

## **SECTION 15.11 ADULT REGULATED USES.**

In addition to other regulations set forth in this Ordinance, all Adult Regulated Uses, as herein defined, shall conform to the following regulations:

1. **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 operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting, deteriorating and/or downgrading of the surrounding area. These special regulations are itemized in this Section. It is further recognized in the development of this Ordinance that the prohibition against the establishment of more than one Adult Regulated Use (as defined in this Ordinance) within one thousand three hundred twenty (1,320) feet of each other serves to avoid the clustering of a blighted or deteriorated area; 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 immediately adjacent to residential neighborhoods; such prohibition further serves to prevent the deleterious effect of 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.
2. **Itemization of "Adult Regulated Uses".** Uses subject to the controls set forth in this Section shall be as follows, and are referred to and defined herein as "Adult Regulated Uses":
  - A. Adult Book Store.
  - B. Adult Cabaret.
  - C. Adult Motion Picture Theater.
  - D. Adult Novelty Business.
  - E. Adult Personal Services Business.
  - F. Restricted Adult Business.
3. **Requirements:**
  - A. The Adult Regulated Use shall be located only in a C-2, General Commercial District.
  - B. No Adult Regulated Use shall be permitted within one thousand three hundred twenty (1,320) feet of any zoning district which permits residential uses or within one thousand three hundred twenty (1,320) feet of any public, private or parochial school, public library, public park, public playground, day care center or nursery school, church, convent, monastery, synagogue, or other similar religious facility or place of worship, except as provided below.
  - C. 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 one thousand three hundred twenty (1,320) feet of the boundaries of the site of the proposed Adult Regulated Use, except as provided below.

- D. The measurement used to determine the application of any of the above restrictions shall be made from the nearest property line of the proposed Adult Regulated Use on a plane to the nearest property line of the use or zoning district boundary line in connection with which the measurement is being taken.
- E. The Planning Commission shall waive the locational provision requiring minimum distances between Adult Regulated Uses and any zoning district which permits residential uses or any public, private or parochial school, public library, public park, public playground, day care center or nursery school, church, convent, monastery, synagogue, or other similar religious facility or place of worship if all of the following findings are made after public hearing:
  - i. 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,
  - ii. That the proposed use will not contribute to, create, enlarge and/or encourage a blighted or deteriorated area; and,
  - iii. That all applicable regulations of this Ordinance will be observed; and
  - iv. There is no other reasonable location in the Township at which the use is suited.
- F. Discontinuance. An Adult Regulated Use granted pursuant to the terms of this Ordinance may not be re-established after discontinuance for a period of ninety (90) consecutive days without a new grant of approval by the Planning Commission.

4. **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 devoted to the sale or rental of books, magazines, periodicals, photographs, drawings, slides, films, video tapes, recording tapes, or any other media, whether printed or electronic, which are characterized by their emphasis on portrayals of "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.
- B. Adult Cabaret. An establishment which features any of the following: dancers, strippers, male or female impersonators or similar entertainers, performers, wait staff or other persons who reveal or show specified anatomical areas of their bodies or who engage in, perform, or simulate specified sexual activities.
- C. Adult Motion Picture Theater. An establishment used for presenting to others motion picture films, video tapes, cable television, or other visual media which are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas", (as defined below), for observation by patrons therein.
- D. Adult Novelty Business. An establishment which offers for sale devices which simulate human genitals or devices designed for sexual stimulation.
- E. Adult Personal Services Business. An establishment having a person or persons, while nude or while displaying specified anatomical areas, providing personal services for another person or persons, which include, but are not limited to, the following

activities and services: massage parlors, exotic rubs, modeling studios, tattoo parlors, body painting studios, wrestling studios, bath houses, and theatrical performances

- F. Restricted Adult Business. Any of the above defined uses or any similar use which is not customarily open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- G. Specified Anatomical Areas. Less than completely and opaquely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- H. Specified Sexual Activities. Activities which include, but are not limited to: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.
- I. Massage Parlor. Any establishment where private massage is practiced, used, or made available as a principal use of the premises.
- J. Modeling Studio: Any establishment which offers as its principal activity the providing of models for other persons to paint, draw, photograph, or videotape.
- K. Tattoo Parlor. Any establishment which offers the application or placing, by any method, designs, letters, scrolls, figures, symbols, or any other marks upon or under the human skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.
- L. Establishment. A business or enterprise which utilizes any building, structure, premises, parcel, place, or area.

## **SECTION 15.12 FILLING, EXCAVATING AND STRIPPING OPERATIONS**

The removal, grading or stripping of any topsoil, sand, clay, gravel, vegetative surface cover or similar material, or use of land for filling and/or stockpiling shall be unlawful unless said operation occurs pursuant to a site plan which has been approved in accordance with this Ordinance and in conformity with the following procedures:

1. **Permit Requirements For Filling Operations Less Than 20,000 Square Feet In Area.** The Building Inspector may approve a site plan and issue a filling permit for any application which contains an area of less than twenty thousand (20,000) square feet to be filled. The Building Inspector shall issue a permit only if the application is in compliance with the following regulations and all other Township Ordinances:
  - A. The application for filling operation less than twenty thousand (20,000) square feet in area shall contain the following information:
    - i. Names and addresses of the applicant(s) and owner(s) if other than the applicant(s) and person(s) or contractor(s) responsible for the filling.
    - ii. A site plan of the property showing the dimensions of the area to be filled, with current and proposed finish elevations. In the event that the plot plan submitted by the applicant is incomplete, as determined by the Building Inspector, the Building Inspector may require the site plan to be prepared by a registered engineer or land surveyor.
    - iii. A description of the extent, nature and duration of the proposed operation.

- B. The finished elevation of a filled area shall not be higher than twelve (12) inches above the existing grade.
- C. A permit shall be issued only if filling operations are designed and indicated on the submitted plot plan to ensure that storm water runoff is prevented from crossing onto adjacent property by the use of swales and/or subsurface drainage piping.

2. **Permit Exceptions.** A permit shall not be required under this Section of the Ordinance for excavation and/or filling for building construction purposes provided said operation occurs pursuant to a site plan or plat which has been approved in accordance with the rules and regulations of this Ordinance, if applicable, and/or pursuant to a duly issued building permit issued by the Building Inspector.

3. **Permit Requirements for Filling Operations Greater than 20,000 Square Feet in Area, Filling Operations Involving the Placement of Fill in Depths Exceeding Twelve Inches, and All Excavation and Removal Operations Other Than Quarrying or Sand Stripping Operations.** The Township Board, after review by the Township Planning Commission, may issue a filling permit for any application which contains an area twenty thousand (20,000) square feet or greater to be filled, or an excavation and removal permit for any excavation and removal of volumes under one thousand (1,000) cubic yards. Removal of volumes over one thousand (1,000) cubic yards other than sand stripping operations are regulated under Section 15.09, Quarrying Regulations. Each permit shall expire one year from the date issued. Permits may be renewed if required, provided all regulations and requirements of this Ordinance are complied with. In reviewing the application, the following regulations shall be considered.

- A. All applications shall be referred to the Township Building Inspector. The premises described in the application shall be inspected by the Building Inspector and a recommendation shall be made to the Planning Commission based on the adequacy of safeguards to be observed and conformance with the requirements of this Ordinance. The Planning Commission shall then make a recommendation to the Township Board. The applicant shall pay the costs of review and inspection in accordance with the fees established by the Township Board.
- B. The application for permit shall contain a topographic site plan, drawn to scale of at least one (1) inch equals one hundred (100) feet, sealed by a licensed civil engineer or surveyor registered in the State of Michigan, and containing the following information:
  - i. Names and addresses of parties of interest in said premises, setting forth their legal interest (i.e., owner, lessee, etc.).
  - ii. A full legal description of the premises wherein filling or excavation and removal operations are proposed.
  - iii. Boundary lines of the property, dimensions and bearing of the property lines, and gross and net acreage.
  - iv. Existing site improvements, such as buildings, drives, wells, and drain fields; existing public utilities; and location of wooded areas, streams, marshes and other natural features.
  - v. Existing topography on the site and one hundred (100) feet beyond the site, at contour intervals of two (2) feet.
  - vi. Location and description of soil types.
  - vii. Location map.

- viii. Location and nature of structures and stationary equipment to be located on the site during filling or excavation and removal operations.
- ix. Existing and proposed drainage swales, storm sewers, and/or methods of storm water drainage.
- x. Location and width of drives, sign distances, and proposed acceleration/ deceleration lanes.
- xi. An estimate of the content, type and amount of material proposed to be filled or excavated and removed.
- xii. Proposed topography at contour intervals of two (2) feet clearly showing connection to existing undisturbed contour lines.
- xiii. Proposed ground cover and other planting to stabilize the soil surface.
- xiv. A schedule of operations outlining the proposed dates and progress of proposed operation from beginning to end of soil moving operation.
- xv. Such other information the Building Inspector may deem necessary to complete review.

C. The Building Inspector shall review the hours of operation proposed and establish limits which shall not be detrimental to the operation or negatively impact the adjacent property owners.

D. Each owner/applicant shall be held responsible for all public or private highways, roads and streets upon which trucks haul materials from such operations, to keep these roads in a drivable condition at least equal to that which existed prior to the beginning of such operations; and to keep the roads dust-free and to clean any and all spillage of material and dirt, rock, mud and any other debris carried onto the roads by these trucks or other equipment.

E. Any noise, odors, smoke, fumes, or dust generated by the digging, excavating, loading or processing operation and borne or able to be borne by the wind shall be confined within the property lines of said operation so as not to cause a nuisance or hazard of any adjoining lot or public road, in accordance with the environmental standards established by the Michigan Department of Natural Resources and U.S. Environmental Protection Agency.

F. Operations shall not be conducted so as to cause the pollution of any material of any surface or subsurface watercourse or body outside of the lines of the lot on which such use shall be located, or of any existing body of water located within the premises, in accordance with the environmental standards established by the Michigan Department of Natural Resources and U.S. Environmental Protection Agency.

G. Operations shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot, or so as to alter the drainage pattern of surface or subsurface waters on adjacent property. All operations must be in conformance with the requirements of the Soil Erosion and Sedimentation Control Act of the State of Michigan. In the event that said operations cease to be conducted, it shall be the continuing responsibility of the owner(s) and the operator(s) thereof to assure that no erosion or alteration of drainage pattern shall take place after the date of the cessation of operation as specified in this paragraph.

H. Travel routes for trucks entering and leaving said operations shall be shown on a map of the Township at the time of application for the permit. Such routes except major

thoroughfares or their equivalents shall not pass through residential areas, unless alternate routes do not exist. Said routes shall be subject to approval of the Monroe County Road Commission.

- I. Vegetation shall be restored by the appropriate seeding of grasses and the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface, and to minimize erosion.
- J. Any road used for the purpose of ingress and egress to said operation which is located within three hundred (300) feet of occupied residences shall be kept dust-free by hard-topping with cement, bituminous substance or chemical treatment.
- K. No soil, sand, clay, gravel or similar material shall be placed 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.
- L. A sufficient quantity of topsoil shall be stockpiled on said site so that the entire site, when operations are completed, may be recovered with a minimum of six (6) inches of topsoil. The replacement of such topsoil shall be made immediately following the termination of the operation.
- M. Stockpiling of fill material to be used on the site shall not exceed a volume of two (2) feet times the total square footage of the proposed fill or excavated area divided by twenty-seven (27).

Example

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Area to be filled: 200 feet X 200 feet = 40,000 square feet

Permissible volume of stockpile:  $(2 \times 40,000 \text{ square feet}) / 27 = 2,962 \text{ cubic yards.}$

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- N. Stockpiles shall be placed in such a manner as not to obscure traffic or cause unsafe traffic conditions, and shall be limited to a height of fifteen (15) feet. Stockpiles shall remain ungraded for a period of no longer than twenty (20) days.
- O. Upon completion of operations, the site shall be thoroughly finish-graded in accordance with the proposed plan grade (to within plus or minus 0.3 feet). All slopes exceeding one foot on three feet shall be protected from possible soil erosion.
- P. The owner(s) or operator(s) shall submit an "as built plan" to the Township, prepared and certified by a licensed civil engineer or land surveyor registered in the State of Michigan. The purpose of the "as built plan" is to ensure that the filling and finish grading conforms to the originally proposed Topographical Plan. The "as built plan" shall be submitted no later than two (2) months after completion of final grading and shall indicate final grade elevation at all extremities of the site, pertinent points of grade change and swales, and shall be certified by a licensed civil engineer in compliance with the Zoning Ordinance requirements and the original plans. The "as built plan" shall be reviewed by the Building Inspector for final grade certification and compliance with other standards set forth herein prior to release of bonds or escrow funds by the Township.
- Q. All sites in excess of one (1) acre in area shall have prior approval of the Monroe County Drain Commission Soil Erosion and Sedimentation Section, in accordance with the Soil Erosion and Sedimentation Control Act, Act 347, P.A. of 1972, as amended.

R. The Building Inspector may modify the above requirements or may require such other future requirements as are deemed necessary in the interest of the public health, safety, morals and general welfare of the citizens of Raisinville Township.

An application fee shall be paid to the Building Inspector at the time of filing an application for excavation or filling operations. Said fee shall be paid by the applicant in an amount which shall be established by the Township Board. In addition to the above mentioned fee, an inspection fee shall be assessed by the Township to cover final Township inspection costs. The inspection fee shall be established by the Township Board upon recommendation of the Building Inspector. A receipt will be issued to the applicant showing the payment of the inspection fee. Upon the issuance of any permit, the fee, therefore, shall be paid into the General Fund of the Township; said sum is to be used to defray the administrative expenses occasioned by processing such application. In addition to the above reference fees, the applicant shall provide a performance bond to insure compliance to the stated conditions. The amount of the performance bond shall be set by the Township Board upon recommendation of the Building Inspector.

**4. Acceptable Fill Materials.**

- A. Acceptable fill materials are limited to sand, soil, clay, dirt, stone, gravel, rock, brick, concrete, or similar materials, as further specified in the Township Building Code. All filled areas shall be covered with a minimum of six (6) inches of debris-free topsoil suitable for the growing of turf within six (6) months of date of issuance of permit.
- B. Fill materials shall be free from any and all contaminants, pollutants, and/or hazardous or solid waste. Except where herein authorized, fill materials shall not include tires, stumps, appliances, metal, glass, demolition debris, building materials, wood, and/or any materials subject to settling or subsidence.

**5. Permit Requirements for Sand Stripping Operations Involving the Removal of Sand.** Sand stripping operations are permitted in the AG, Agricultural District with special approval in accordance with ARTICLE 13, subject to the following requirements:

- A. All applications shall be referred to the Township Building Inspector. The premises described in the application shall be inspected by the Building Inspector and a recommendation shall be made to the Planning Commission based on the adequacy of safeguards to be observed and conformance with the requirements of this Ordinance. The Planning Commission shall then make a recommendation to the Township Board. The applicant shall pay the costs of review and inspection in accordance with the fees established by the Township Board.
- B. The application for permit shall contain a topographic site plan, drawn to scale of at least one (1) inch equals one hundred (100) feet, sealed by a licensed civil engineer or surveyor registered in the State of Michigan, and containing the following information:
  - i. Names and addresses of parties of interest in said premises, setting forth their legal interest (i.e., owner, lessee, etc.).
  - ii. Names of owners of the parcel (s) and adjacent property owners.
  - iii. Location map.
  - iv. A full legal description of the premises wherein the sand stripping operations are proposed.

- v. Boundary lines of the property, dimensions and bearing of the property lines, and gross and net acreage.
- vi. Existing topography on the site and one hundred (100) feet beyond the site, at contour intervals of two (2) feet.
- vii. Location and description of soil types.
- viii. Location of all buildings on the site and within five hundred (500) feet of the perimeter of the site and boundaries of the land affected, including adjacent land.
- ix. Location and nature of structures and stationary equipment to be located on the site during the sand stripping operations.
- x. Location of all public and private drains on the site
- xi. Existing and proposed drainage swales, storm sewers, and/or methods of storm water drainage.
- xii. An estimate of the content, type and amount of sand proposed to be stripped and removed.
- xiii. Proposed topography at contour intervals of two (2) feet clearly showing connection to existing undisturbed contour lines.
- xiv. Proposed ground cover and other planting to stabilize the soil surface.
- xv. A schedule of operations outlining the proposed dates and progress of proposed operation from beginning to end of soil moving operation.
- xvi. A map showing truck routes to and from the site in conformance with Monroe County Road Commission guidelines.
- xvii. Such other information the Building Inspector may deem necessary to complete review.

C. No sand shall be removed below a point, twelve (12) inches above the mean elevation of the centerline of the nearest existing road established or approved by the Monroe county Road Commission, except as required for the installation of utilities and pavement.

D. The Building Inspector shall review the hours of operation proposed and establish limits which shall not be detrimental to the operation or negatively impact the adjacent property owners.

E. Each owner/applicant shall be held responsible for all public or private highways, roads and streets upon which trucks haul materials from such operations, to keep these roads in a driveable condition at least equal to that which existed prior to the beginning of such operations; and to keep the roads dust-free and to clean any and all spillage of material and dirt, rock, mud and any other debris carried onto the roads by these trucks or other equipment.

F. Any noise, odors, smoke, fumes, or dust generated by the digging, excavating, loading or processing operation and borne or able to be borne by the wind shall be confined within the property lines of said operation so as not to cause a nuisance or hazard of any adjoining lot or public road, in accordance with the environmental standards established by the Michigan Department of Natural Resources and U.S. Environmental Protection Agency.

- G. Operations shall not be conducted so as to cause the pollution of any material of any surface or subsurface watercourse or body outside of the lines of the lot on which such use shall be located, or of any existing body of water located within the premises, in accordance with the environmental standards established by the Michigan Department of Natural Resources and U.S. Environmental Protection Agency.
- H. Operations shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot, or so as to alter the drainage pattern of surface or subsurface waters on adjacent property. All operations must be in conformance with the requirements of the Soil Erosion and Sedimentation Control Act of the State of Michigan. In the event that said operations cease to be conducted, it shall be the continuing responsibility of the owner(s) and the operator(s) thereof to assure that no erosion or alteration of drainage pattern shall take place after the date of the cessation of operation as specified in this paragraph.
- I. Travel routes for trucks entering and leaving said operations shall be shown on a map of the Township at the time of application for the permit. Such routes except major thoroughfares or their equivalents, shall not pass through residential areas, unless alternate routes do not exist. Said routes shall be subject to approval of the Monroe County Road Commission.
- J. Vegetation shall be restored by the appropriate seeding of grasses and the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface, and to minimize erosion.
- K. Any road used for the purpose of ingress and egress to said operation which is located within three hundred (300) feet of occupied residences shall be kept dust-free by hard-topping with cement, bituminous substance or chemical treatment.
- L. No soil or sand 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.
- M. A sufficient quantity of topsoil shall be stockpiled on said site so that the entire site, when operations are completed, may be recovered with a minimum of six (6) inches of topsoil. The replacement of such topsoil shall be made immediately following the termination of the operation.
- N. Stockpiling of material to be used on the site shall not exceed a volume of two (2) feet times total square footage of the proposed stripped area divided by twenty-seven (27).

Example

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Area to be stripped: 200 feet X 200 feet = 40,000 square feet

Permissible volume of stockpile:  $(2 \times 40,000 \text{ square feet}) / 27 = 2,962 \text{ cubic yards.}$

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- O. Stockpiles shall be placed in such a manner as not to obscure traffic or cause unsafe traffic conditions, and shall be limited to a height of fifteen (15) feet. Stockpiles shall remain ungraded for a period of no longer than twenty (20) days.
- P. No materials shall be imported other than topsoil.
- Q. No material shall be removed or stockpiled within 100 feet from any lot lines.

- R. Upon completion of operations, the site shall be thoroughly finish-graded in accordance with the proposed plan grade (to within plus or minus 0.3 feet). All slopes exceeding one foot on three feet shall be protected from possible soil erosion.
- S. The owner(s) or operator(s) shall submit an "as built plan" to the Township, prepared and certified by a licensed civil engineer or land surveyor registered in the State of Michigan. The purpose of the "as built plan" is to ensure that the filling and finish grading conforms to the originally proposed Topographical Plan. The "as built plan" shall be submitted no later than two (2) months after completion of final grading and shall indicate final grade elevation at all extremities of the site, pertinent points of grade change and swales, and shall be certified by a licensed civil engineer in compliance with the Zoning Ordinance requirements and the original plans. The "as built plan" shall be reviewed by the Building Inspector for final grade certification and compliance with other standards set forth herein prior to release of bonds or escrow funds by the Township.
- T. All sites in excess of one (1) acre in area shall have prior approval of the Monroe County Drain Commission Soil Erosion and Sedimentation Section, in accordance with the Soil Erosion and Sedimentation Control Act, Act 347, P.A. of 1972, as amended.
- U. The Building Inspector may modify the above requirements or may require such other future requirements as are deemed necessary in the interest of the public health, safety, morals and general welfare of the citizens of Raisinville Township. An application fee shall be paid to the Building Inspector at the time of filing an application for sand stripping operations. Said fee shall be paid by the applicant in an amount which shall be established by the Township Board. In addition to the above mentioned fee, an inspection fee shall be assessed by the Township to cover final Township inspection costs. The inspection fee shall be established by the Township Board upon recommendation of the Building Inspector. A receipt will be issued to the applicant showing the payment of the inspection fee. Upon the issuance of any permit, the fee, therefore, shall be paid into the General Fund of the Township, said sum is to be used to defray the administrative expenses occasioned by processing such application. In addition to the above reference fees, the applicant shall provide a performance bond to insure compliance to the stated conditions. The amount of the performance bond shall be set by the Township Board upon recommendation of the Building Inspector.

6. **Bond Requirements.** The Building Inspector shall, to insure strict compliance with any regulations contained herein and required as a condition of the issuance of a permit either for filling and/or excavations, require the permittee to furnish a cash or surety bond executed by a reputable surety company authorized to do business in the State of Michigan in an amount determined by the Building Inspector after review by the Township Supervisor to be reasonably necessary to insure compliance hereunder. In fixing the amount of such surety bond, the building official shall take into account the size and scope of the proposed operation, 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 to determining the sum reasonable in the light of all facts and circumstances surrounding each application.

*(Amended September 4, 2018)*

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## **ARTICLE 16 OFF-STREET PARKING AND LOADING REGULATIONS**

### **SECTION 16.00 GENERAL PROVISIONS FOR OFF-STREET PARKING**

1. The regulations of this Article shall be met in all districts whenever any uses are established or any building or structure is erected, enlarged, or increased in capacity.
2. Plans and specifications showing required off-street parking spaces, including the means of access, ingress, egress and circulation shall be submitted to the Building Inspector and the Monroe County Road Commission for review at the time of application for a building permit for the erection or enlargement of a building or at the time spaces are added or altered, unless a site plan is required under ARTICLE 14, SITE PLAN REVIEW, herein, in which case this requirement shall not apply.
3. No parking area or parking space which exists at the time this Ordinance becomes effective, or which subsequently is provided for the purposes of complying with the provisions of this Ordinance, shall be reduced in any manner below the requirements established by this Ordinance.
4. The storage of merchandise or vehicle parts in any parking lot or in any parking area in any district is prohibited.
5. Parking of motor vehicles in the AG and residential districts shall be limited to passenger vehicles, recreation vehicles as regulated by Section 3.22, herein, vehicles used in agricultural operations, and one (1) vehicle requiring a Commercial Driving License to operate, hereafter referred as a commercial vehicle, so long as the commercial vehicle is not a combination vehicle, with the exception of a commercial pickup truck with trailer. Special use approval for the parking of a commercial combination vehicle or for more than one (1) commercial vehicle, in the AG and single-family residential districts, may be granted upon finding that the standards of Section 13.01, herein, and the following requirements are met:
  - A. The proposed parking area shall be within an accessory building, subject to the requirements set forth in Section 3.14, or comply with Section 16.01.2 (A, B, and C) with the exception of marking the parking spaces in a paved lot.
  - B. The proposed parking area, when not within an accessory building shall comply with the minimum setbacks set forth in the SCHEDULE OF REGULATIONS, provided in ARTICLE 12 of this Ordinance and must be located a minimum distance of fifty (50) feet from all dwellings on the adjacent lots, existing at the time of special approval.
  - C. The site shall provide a turnaround area or otherwise be configured so as to prevent the backing of such vehicles from or onto a public street.
  - D. The storage of hazardous or toxic materials shall be prohibited.
  - E. Even when special approval is granted, the applicant must still comply with all other applicable local and governmental laws and regulations.

*(Amended November 11, 2007 and February 26, 2013)*

6. The following motor vehicles are prohibited from parking in residential use or districts:
  - A. Vehicles with expired, suspended, or revoked registration exceeding 30 days.
  - B. Vehicles without visible license plates or current registration tags.
  - C. Abandoned vehicles.

D. Commercial vehicles, except in accordance with Subsection 16.00 (5) above.

*(Amended November 5, 2025)*

7. Off-street parking facilities shall conform to the standards of Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, as well as all other applicable local, State, and Federal guidelines for the size, layout, and number of parking spaces for the handicapped.

## **SECTION 16.01 SPECIFICATIONS FOR PARKING AREAS**

1. Required off-street parking facilities shall be within three hundred (300) feet of the principal building for which the parking is intended.
2. Parcels of land in commercial and manufacturing districts or uses, hereafter used as a public or private parking area shall be developed and maintained in accordance with the following regulations:
  - A. Off-street parking spaces shall not be located in the required front yard or within the required yard along any street. Lawn areas shall not be used for parking.
  - B. All off-street parking areas shall be drained so as to prevent direct drainage onto abutting properties and surface drainage onto public streets. All parking spaces in paved lots shall be marked with striping.
  - C. Parking lot lighting shall be in accordance with the standards of Section 3.24.
  - D. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened, on any side which adjoins a lot in any residential district, by a wall, screen or compact planting strip not less than four (4) feet in height. Any parking area visible from a public road shall provide a minimum of one (1) tree for each twenty-five (25) feet of frontage along said public road, to be planted between the road and the parking area.
  - E. All off-street parking areas that make it necessary or possible for vehicles to back directly into a public street are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.
  - F. All spaces shall have adequate access by means of aisles or lanes.
  - G. Ingress and egress to parking lots shall be provided for all vehicles by means of clearly limited and defined drives. Ingress and egress should be located as far as possible from existing road intersections and should be consolidated to the minimum number of points.
  - H. Aisles for access to all parking spaces on two-way aisles shall be designed and clearly marked for two-way movement. Aisles for angle parking spaces shall have one-way movement only and shall be clearly marked for one-way movement.
  - I. Not more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping. Landscaping in the interior of parking areas shall be provided at the rate of at least ten (10) square feet per parking space in parking areas of fifteen (15) or more spaces. Required interior landscaping shall contain at least one tree and three shrubs planted for each ten (10) parking spaces, or fraction thereof.
  - J. All required landscape areas and screens shall be maintained in a healthy and growing condition for plant materials, and all landscape areas and screens shall be maintained

in a neat and orderly appearance. Raised curbs, parking stops, or other means shall be provided in order to protect landscaped areas from damage by cars. Please refer to Section 3.25 for specific landscaping requirements.

K. The minimum dimensions for off-street parking areas shall be as follows:

Parking Pattern (angle)	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces + Maneuvering Lane	Total Width of Two Tiers of Spaces + Maneuvering Lane
0° (parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30-53°	13 ft.	9 ft.	20 ft.	33 ft.	53 ft.
54-74°	18 ft.	9 ft.	21 ft.	39 ft.	60 ft.
75-90°	25 ft.	9 ft.	19 ft.	44 ft.	63 ft.

3. Off-street parking facilities for trucks at restaurants, service stations, and similar establishments shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities.

*(Amended June 15, 1994, November 11, 2007, and November 5, 2025)*

## SECTION 16.02 RULES FOR CALCULATING REQUIRED NUMBER OF PARKING SPACES

1. Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that floor area used for parking within the principal building, incidental service, storage, installations of mechanical equipment, heating systems, and similar uses.
2. In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each eighteen (18) inches of such seating shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
3. For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
4. For requirements stated in terms of capacity or permitted occupancy, the number shall be determined on the basis of the largest ratings by the local, County or State, building, fire or health codes.
5. Any fractional space shall be counted as one (1) additional required space.
6. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses computed in accordance with this Ordinance. Parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use, except as provided in Section 16.02.7, herein.
7. If a parking lot serves two or more uses where the operating hours of the uses do not overlap, the total number of required spaces may be less than the sum of requirements for each use, to a limit of the sum of one-half (1/2) of the parking requirements of each use. In no case, however, shall the number of spaces required be less than the sum of the largest

number of spaces required for one use plus one-half (1/2) of the required spaces for each additional use. The Building Inspector shall determine the conditions of overlapping requirements and the amount of reductions in the required number of spaces which shall be permitted, in accordance with this Subsection.

8. Off-street parking spaces required for churches may be reduced by fifty (50) percent where churches are located in non-residential districts and within three hundred (300) feet of existing usable public or private spaces that qualify under this Section. The required number of off-street parking spaces may also be reduced in accordance with Section 16.02.7, herein, if applicable.
9. Where a use is not specifically listed in Section 16.03 Schedule of Off-Street Parking Requirements below, the parking requirements of the most similar use shall apply. The Building Inspector shall make the interpretation.
10. The number of spaces required in the Schedule of Off-Street Parking Requirements is the minimum number of spaces required. The developer may appeal the number of required spaces to the Zoning Board of Appeals if evidence can be presented which suggests that the number of spaces required herein is excessive. In such cases the Zoning Board of Appeals may reduce the number of required spaces, but the developer must set aside open space adjacent to the parking area which could be used to provide the number of spaces by which the requirements were reduced in the event that the Building Inspector determines that the existing number of spaces is insufficient.

## **SECTION 16.03 SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS**

### **1. Uses permitted in Flood Plain, Agricultural and Residential Districts:**

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A. Dwelling - Single-Family	Two (2) spaces for each dwelling
B. Dwellings - Mobile Home Park	Two (2) spaces per unit plus the required number of spaces for any accessory uses, if present (i.e., offices, laundry facilities, swimming pools, tennis courts, etc.).
C. Dwellings - Two (2) and Multi-Family	One (1) space for each dwelling unit plus one (1) space for every two (2) bedrooms.
D. Dwellings - Senior Citizens Units	One (1) space for each two (2) bedrooms plus one (1) space for each employee.
E. Nursing Homes, Children's Homes	One (1) space for each three (3) beds plus one (1) space for each employee.
F. Elementary and Junior High Schools	One (1) space for each employee plus one (1) space for each classroom, including portables, plus the required number of spaces for any auditoriums present.
G. Senior High Schools	One (1) space for each employee plus one (1) space for each ten (10) students of the rated capacity, plus one-half (1/2) the requirements for auditoriums.
H. Churches, Auditoriums, Sports Arenas, Theaters, Assembly Halls other than schools	One (1) space for each four seats of maximum capacity.
I. Libraries, Museums	One (1) space for each five hundred (500) square feet of floor area.

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J.	Municipal pools, Swimming pool clubs, Tennis clubs, and similar uses	One (1) space for each one-hundred (100) square feet of pool surface area plus three (3) spaces for each court, plus spaces as required for accessory use, such as a restaurant, plus one space for each employee.
K.	Golf Courses, except Miniature courses	Six (6) spaces for each golf hole and one (1) space for each employee plus spaces required for each accessory use, such as a restaurant.
L.	Nursery Schools, Day Nurseries, Child Care Centers	One (1) space for each employee plus one space for each five (5) children.
M	Miniature Golf	Two (2) spaces per hole

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**2. Uses permitted in the Commercial District and/or by special approval in other Districts:**

A.	General retail sales establishments, not elsewhere classified	One (1) space for each one hundred fifty (150) square feet of floor area for the first fifteen hundred (1,500) square feet and one (1) space for each two hundred fifty square feet over fifteen hundred (1,500) square feet.
B.	Furniture, Appliance, Hardware, Household Equipment Stores and Repair Shops	One (1) space for each four hundred (400) square feet of floor area, plus one (1) space for each employee.
C.	Barber and Beauty Shops	Two (2) spaces for each chair, plus one (1) space for each employee.
D.	Restaurants, Cocktail Lounges, Taverns and Night Clubs	One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees. For restaurants with no seating facilities: one space for each sixty (60) square feet, with a minimum of six spaces. Restaurants with drive-through facilities must provide at least six (6) stacking spaces for each drive through window, designed so as to not impede pedestrian or vehicular circulation on the site or on any abutting street.
E.	Professional and Business Offices	One (1) space for each two hundred (200) square feet of floor area.
F.	Medical and Dental Offices, Clinics	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each employee.
G.	Self-serve Laundry	One (1) space for each two (2) washing machines.
H.	Dry Cleaning Stores	Six (6) spaces plus one for each employee.
I.	Automobile Service Stations	Four (4) spaces, plus two (2) spaces for each service stall, plus one space for each two hundred fifty (250) square feet of sales area.
J.	Automobile or Machinery Sales and/or Service Establishments	One (1) space for each four hundred (400) square feet of showroom floor area plus two (2) spaces for each service stall.
K.	Bowling Alleys	Five (5) spaces for each alley plus parking for accessory uses as provided herein.

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L.	Funeral Parlors	One (1) space for each four (4) seats, plus one (1) space for each fleet vehicle, but in no case less than twenty-five (25) spaces.
M.	Shopping Centers	Five and one-half (5 1/2) spaces for each one thousand (1,000) square feet of leasable floor area under 15,000 square feet and four (4) spaces for each one thousand (1,000) square feet over fifteen thousand (15,000).
N.	Private Clubs, Lodge Halls, Health Clubs	One (1) space for each three (3) persons of maximum capacity.
O.	Automobile Wash	Two (2) spaces for each washing stall (not including space in each stall) plus stacking space for at least four (4) cars per stall.

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**3. Uses permitted in the Manufacturing District and/or by Special Approval.**

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A.	Warehouses	One (1) space for each two thousand (2,000) square feet of floor area or one space for each employee, whichever is greater, plus one (1) space for each vehicle to be stored on the premises.
B.	Utility Substations	One (1) space for each employee, plus one (1) space for each vehicle to be stored on the premises.
C.	Contractors Establishments	One (1) space for each employee, plus one (1) space for each vehicle stored on the premises.
D.	Junk Yards	One (1) space for each employee, plus (1) space for each operating vehicle stored on premises, plus one (1) space for each acre of land in yard.
E.	Industrial or Research Establishments	Shall provide off-street parking for all employees and at least one (1) space on site for every two (2) employees in the largest working shift. Space on site shall be provided for all construction workers during periods of plant construction.
F.	Wholesale Establishments	One (1) space for each two hundred (200) square feet of sales floor area plus one (1) space for each two (2) employees plus one (1) space for each vehicle to be stored on the premises.

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(Amended June 15, 1994)

**SECTION 16.04 GENERAL PROVISIONS FOR OFF-STREET LOADING FACILITIES**

1. In connection with every building or part thereof hereafter erected, except single and two family dwellings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicles shall be provided on the same lot with such buildings. Off-street loading spaces are hereby required in order to avoid interference with public use of streets and parking areas.
2. Plans and specifications showing required loading and unloading spaces and the means of ingress and egress and internal circulation shall be submitted to the Building Inspector and appropriate state or county agency for review at the time of application for a building permit for the erection or enlargement of a use of a building or structure or at the time such spaces

are added or altered, except as required in ARTICLE 14, SITE PLAN REVIEW herein, in which case this requirement shall not apply.

## **SECTION 16.05 SPECIFICATIONS FOR LOADING ACTIVITIES**

1. Each off-street loading/unloading space shall not be less than the following:
  - A. In any residential district, a loading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length, and if roofed space, not less than fifteen (15) feet in height.
  - B. In a commercial district, a loading space shall not be less than ten (10) feet in width and sixty (60) feet in length, if a roofed space, not less than fifteen (15) feet in height.
  - C. In a manufacturing district a loading space shall be provided in the following ratio of space to usable floor area:

<b>Gross Floor Area In Square Feet</b>	<b>Loading/Unloading Space Required per Square Feet of Usable Floor Area</b>
0 - 20,000	One (1) space
20,001 - 100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001 square feet
100,001 - 500,000	Five (5) spaces plus one (1) space for each 40,000 square feet in excess of 100,001 square feet
500,001 and over	Fifteen (15) spaces, plus one (1) space for each 80,000 square feet in excess of 500,001 square feet

2. Subject to the limitations of paragraph four (4) following, a loading space may occupy part of any required side or rear yard, except the side yard along a street in the case of a corner lot shall not be occupied by such space. No part of a required front yard shall be occupied by such loading space.
3. Any loading space shall not be closer than fifty (50) feet to any lot located in residential districts unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting strips not less than six (6) feet in height, in which case such space shall not be located closer to the lot line than the required yard.
4. Off-street loading facilities that make it necessary or possible to back directly into a public street shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way.

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## ARTICLE 17 SIGNS

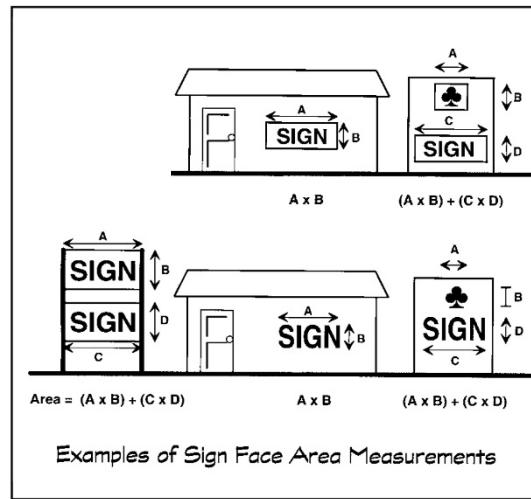
### SECTION 17.00 SIGNS

The purpose of this Section is to regulate signs within Raisinville Township to protect residents' safety, health, and general welfare; to maintain and improve the aesthetic appearance of the Township; to preserve community character; to prevent traffic hazards; by regulating the construction, alteration, repair, maintenance, size, location, and number of signs in the community.

Signs, as defined in Section 2.01, Definitions shall include any publicly displayed sign, all outdoor advertising structures, billboards, signs, symbol or notice on a premise to advertise the business there transacted, or name of persons or firm conducting said business on premise, or directing to some other locale, such signs shall be only permitted in such districts as hereinafter defined and shall be regulated as follows:

1. All plans for the erection and construction, of any new sign shall be submitted to the Building Inspector for review and approval as to conforming to the requirements of this Section and the zoning district wherein said sign or signs are to be located. Upon approval of such plans by the Building Inspector a Building Permit shall be required for the erection and construction. Fees for permits for signs shall be obtained from the Building Inspector.
2. Existing Signs. No sign currently existing as a non-conforming use shall be altered or moved, nor shall any sign, or any substantial part thereof which is blown down, destroyed or removed, be re-erected, reconstructed, rebuilt or relocated unless it is made to comply with all applicable requirements of this Ordinance.
3. The construction of any sign shall be such that it will withstand normal wind forces encountered in the area. All such signs shall be properly maintained and shall not be allowed to become unsightly through disrepair, vandalism or action of the elements.
4. For purposes of determining sign face area size, the size requirements set forth in this Ordinance shall not include the sign poles or posts but shall mean the placard or sign itself, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed by enclosing the most protruding points or edges of a sign within a rectangle as shown below. Back to back sign faces shall be counted as one sign face for the purposes of measurement.

(Amended December 5, 2001 and May 1, 2018)



### SECTION 17.01 AREA, HEIGHT AND PLACEMENT REGULATIONS

1. General Requirements.
  - A. No free-standing sign shall be erected along the side of or facing any County or Township road or highway, unless same shall be for the purpose of advertising

services performed on the premises; providing the area, height, and placement of such sign shall be within the zoning district where permitted and regulated as follows:

- i. No sign shall be located closer than one thousand (1,000) feet from a railroad grade crossing.
- ii. No sign shall interfere with visibility at driveway and road intersections as established in Section 3.09 Visibility at Intersections. The required clear vision area may be modified as appropriate, with input from other agencies. Any revisions shall be based on the existence of traffic control devices, the functional classification of the roads involved, current or anticipated traffic volumes, traffic speeds, geographic or topographic conditions, or a traffic engineering analysis using the standards of the American Association of State and Highway Transportation Officials (AASHTO).
- iii. No sign shall be located closer than sixty (60) feet to any existing residence or residentially zoned district.
- iv. No sign shall be located closer than fifty (50) feet from any other existing sign.
- v. No sign shall be permitted in, project into, or overhang a public right-of-way, except those signs established and maintained by the Township, County, State or Federal Government.

- B. No signs shall be placed within, or project into, a required side yard.
- C. Free-standing ground signs shall be setback ten (10) feet from the road right-of-way.
- D. Signs shall not exceed a height of ten (10) feet above the nearest surface. Sign height shall be measured from the natural surface grade of the land, without including any berm, landscaping, grading, or other artificially or unnaturally constructed or raised portion of land beneath the midpoint of the face of the sign, to the highest point of the sign or supporting structure.
- E. No more than one free-standing ground sign shall be allowed on a parcel.
- F. No more than one wall sign shall be allowed on a parcel, except for a corner lot facing two (2) public road rights-of-way, which may contain two (2) signs, and except for a building which contains multiple occupants, wherein each occupant may have one (1) wall sign not to exceed thirty-two (32) square feet.
- G. No sign shall advertise goods, products, activities or services not provided on the parcel where said sign is located.
- H. Exterior lighting shall be provided from an external light source attached to the sign and directed only to the face of the sign. Sign light sources shall be shielded to prevent visible glare to passing motorists and shall not be directed so as to trespass or encroach in or upon neighboring properties in accordance to the provisions of Section 3.24.
- I. Interior illumination is only permitted for individual letters, logos, or lettering on a wall sign. All illumination shall be steady and stationary in source and intensity.

- 2. **AG District.**
  - A. Two (2) non-illuminated signs pertaining to the sale or lease of the premises or advertising of the produce at a roadside market.

- B. Trespassing, safety or caution signs shall be permitted when necessary for the safety or protection of people and property.
- C. Small commercial agricultural product advertising signs.
- D. All such signs shall not be more than twenty (20) square feet in area.

3. **R-1, R-2, and RM Districts.**

- A. Temporary signs advertising real estate for sale or rent or directing the public to such real estate, shall be permitted provided they are used only during the construction of a building or buildings or the offering for sale or rental of the real estate upon which they are located, and providing they are not larger than twenty (20) square feet in area.
- B. Signs advertising home occupations as provided in 0.
- C. Institutional bulletin boards, when a part of the developed site, and shall not be larger than twenty (20) square feet of display area per face, nor a height of six (6) feet above grade.
- D. Signs identifying a multi-family dwelling, mobile home park, subdivision, single family site condominium development or a planned unit development, are permitted, provided that said signs shall not exceed thirty-two (32) square feet and that one (1) sign shall be permitted at each vehicle entrance.

4. **C-1 and C-2 and C-3 Districts.**

- A. Free-standing ground signs shall not exceed thirty-two (32) square feet in total display area.
- B. All free-standing ground signs in the C-3 Restricted Commercial district shall be monument signs.
- C. Wall signs attached to or painted upon the front elevation, parapet or side walls of a building or structure shall not exceed above the parapet top or above the front or side elevation of the building. The total sign area shall not exceed thirty-two (32) square feet.
- D. Temporary signs advertising real estate for sale or rent or directing the public to such real estate, shall be permitted provided they are used only during the construction of a building or buildings or the offering for sale or rental of the real estate upon which they are located, and providing they are not larger than thirty-two (32) square feet in display area.

5. **M, District.**

- A. Free-standing ground signs advertising the business there transacted or proposed development of vacant land shall not be larger than thirty-two (32) square feet of total display area.
- B. Wall signs attached to or painted upon the front elevation, parapet or side walls of a building or structure shall not exceed above the parapet top or above the front or side elevation of the building. The maximum vertical dimensions shall not exceed three (3) feet. The total sign area shall not exceed thirty-two (32) square feet.
- C. Temporary signs advertising real estate for sale or rental or directing the public to such a real estate, shall be permitted provided they are used only during the construction of a building or buildings or the offering for sale or rental of the real estate upon which

said sign is located, and providing such signs shall not be larger than thirty-two (32) square feet in display area.

**6. FP, District.**

No signs permitted.

*(Amended December 5, 2001)*

**SECTION 17.02 SIGNS EXEMPT FROM PERMITS**

The following signs, as defined in Section 2.01, Definitions are exempt from permit requirements but remain subject to the conditions and limitations set forth herein:

1. Temporary signs, provided said signs are not placed for more than six (6) months.
2. Construction signs, provided said signs are not placed for more than six (6) months.
3. Public signs
4. Political signs, provided said signs are removed within at least ten (10) days following any election, except signs for primary election candidates who are also candidates in the following general election which shall be permitted in between elections.
5. Real Estate signs
6. NO HUNTING signs
7. Small commercial agricultural product advertising signs (less than twenty (20) square feet in area)
8. Garage sale signs
9. Window signs in commercial districts, provided said signs cover no more than twenty-five (25) percent of each window area.
10. Attached nameplates of two (2) square feet or less.

**SECTION 17.03 SIGN SERVICING AND MAINTENANCE**

The provisions of Section 17.04 shall not apply to altering of a sign specifically designed for periodic change of message without change in sign structure, such as bulletin board or similar type of sign, shall be permitted.

**SECTION 17.04 UNSAFE AND UNLAWFUL SIGNS**

Any sign that constitutes a safety hazard, or that has been unlawfully installed, erected or maintained in violation of any of the provisions of this Ordinance or of any other Township Ordinances or laws shall be removed in accordance with the provisions of the official building code of Raisinville Township, and/or the State Of Michigan Highway Advertising Act (Act 106, P.A. 1972, as amended).

**SECTION 17.05 CONSTRUCTIONAL REQUIREMENTS FOR SIGNS**

All signs shall be constructed and maintained in accordance with the provisions of the applicable building code.

## **SECTION 17.06 PROHIBITED SIGNS**

1. Signs with flashing, blinking, moving or intermittent lights, except changing messages which provide public service information such as time and temperature exclusively.
2. Signs which contain words such as "stop", "danger", "look", or any other words, phrases, shapes, or symbols which may be confused with recognized traffic safety signs or which may mislead or interfere with traffic.
3. Signs which contain banners, pennants, flags, spinners, streamers, searchlights, feather flags, inflatable air dancers, or other moving parts.
4. Signs which are dangerous or hazardous to the public safety by virtue of their structure, projection, maintenance or any other reason as determined by the building inspector.
5. Signs which obstruct the visibility of drives or which conflict with or obstruct a traffic control devise for any reason.
6. Signs placed on vehicles, trucks, vans, or trailers which are parked or located for the primary purpose of displaying said sign.
7. Portable signs such as sandwich board signs, roadside portable signs with changeable letters, or signs on wheels.

## **SECTION 17.07 SEVERABILITY CLAUSE**

Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or in part, other than the part so held to be unconstitutional or invalid.

*(Amended May 1, 2018)*



## ARTICLE 18 PUD, PLANNED UNIT DEVELOPMENT

### SECTION 18.00 STATEMENT OF PURPOSE

To provide an alternative residential environment which allows a greater degree of flexibility in the building placement, building type, and lot area than would normally be permitted through strict enforcement of normal regulations. A PUD is intended to provide a unique residential setting where buildings can be clustered together in one portion of a site while preserving large expanses of open space. A PUD is intended to provide for the preservation of unique natural or cultural features and to encourage an efficient use of land and provision of public facilities.

### SECTION 18.01 GENERAL REQUIREMENTS

1. **Districts Permitted.** A PUD shall be a use permitted upon special approval of the Township Board, upon recommendation of the Planning Commission, in the R-1 and R-2 zoning districts.
2. **Uses Permitted.** Uses permitted in a PUD include the following:
  - A. Single family detached dwellings
  - B. Two-family dwellings
  - C. Multiple family dwellings, provided that no structure shall contain more than six (6) dwelling units.
  - D. Accessory buildings, provided they are in compliance with ARTICLE 3, GENERAL PROVISIONS.
  - E. Publicly owned and operated libraries, parks, and recreational facilities.
  - F. Commercial retail or personal service uses which are permitted as principal uses in the C-1 District and which are intended primarily to serve the residents of the PUD.
  - G. Private recreational facilities, such as swimming pools, tennis courts, and golf courses, which are intended to serve the residents of the PUD as well as residents of surrounding areas.
  - H. Public utility buildings and structures, when operation requirements necessitate locating within the district in order to serve the immediate vicinity.
  - I. Non-residential uses of a religious, cultural or educational nature that are characteristically found in residential areas.
3. **Utilities.** All lots shall be served by public sewer and water supply system.
4. **Land Use Mix.** At least fifty (50) percent of all dwelling units shall be single family detached dwellings. No more than five (5) percent of the total site area shall be devoted to commercial retail or personal service type uses.
5. **Minimum Site Size.** The property under consideration must contain twenty (20) acres and must be a single parcel of two (2) or more contiguous parcels under single ownership or control.
6. **Open Space.** The minimum amount of open space which must be dedicated in common use for all residents must total thirty (30) percent of the entire site or three thousand six hundred (3,600) square feet per dwelling unit, whichever is larger. Required open space may include wetlands, drainage courses, or stormwater retention areas, but at least fifty

(50) percent of the required open space must be configured so as to be usable for active recreational use.

## 7. PUD Schedule of Regulations.

Use	Minimum Lot Size Sq. Ft.	Minimum Width Feet	Maximum Height	Yards (B)			Minimum Floor Area /Dwelling Unit Sq. Ft.	Maximum Lot Coverage Percent		
				Stories	Front Feet	Rear Feet	Side Feet			
Single Family	7,200	72	25	2	25	20	20	8	960	50%
Two-Family	12,000	100	25	2	25	20	20	10	720	50%
Apartment/ Townhouse	(A)	none	35	3	35	30	30	12	600	50%
Commercial	12,000	100	20	1	20	20	20	25	-	-

(A) Multiple family dwellings shall be located on lots of at least 16,000 square feet, with an additional 2,000 square feet per dwelling unit.  
(B) All yards which abut the perimeter of a PUD shall have the minimum yard requirement for the zoning district within which the use would normally be located.

*(Amended June 15, 1994)*

## SECTION 18.02 APPLICATION PROCEDURES

An application, including site plan, shall be presented in twenty (20) copies to the Planning Commission, and subsequent action by the Planning Commission, along with the materials and in conformance with the procedure as specified in the following.

1. The owner or owners of any tract of land meeting the aforementioned ownership and minimum project area requirements shall submit the following information, maps and plans as part of the application:
  - A. A legal description of the property or site under consideration which also verifies that said property or site meets the minimum area requirements.
  - B. A recent boundary survey of the property or site as prepared by a registered land surveyor.
  - C. A map indicating the gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the area surrounding the proposed development, including the location of structure and other permanent improvements within two hundred (200) feet thereof.
  - D. A fully dimensioned map of the land showing topographic information at a contour interval of two (2) feet or less, including location of floodplains, bodies of water and unbuildable areas.
  - E. A vicinity map showing the location of the area in relation to surrounding properties, streets, freeways, parks, schools, school sites, historic sites, and other significant features of the community where appropriate.

- F. A statement summarizing the planning concept or theme upon which the development design is based, indicating the types of residential and accessory uses proposed, resultant population and the relationship of the PUD to the surrounding community.
- G. A general development plan or plat with at least the following details shown as to location and dimension.
  - i. Location of each existing and each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between buildings and between buildings and lot lines, setback lines, and approximate location of entrances and loading points.
  - ii. The location and design of all lots to be subdivided and the approximate dimensions of all lot lines, including building setback lines on all corner lots.
  - iii. All streets, driveways, service aisles and parking areas, including general layout and design of parking lot spaces.
  - iv. All pedestrian walks, malls and open areas for parks, recreation and light and air to be dedicated to the public or to be retained by an acceptable property owners' association.
  - v. Location and height of all fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained together with a brief narrative description of the landscaping concept. Location and dimension of all playgrounds and common recreational areas.
  - vi. Architectural sketches, at an appropriate scale, showing building heights, elevations, and other significant architectural features of the development.
  - vii. Indicate and explain the types of surfacing, such as paving, turf, or gravel to be used at the various site locations.
  - viii. Methods of servicing area with water and sewer facilities, including general location and character of lines, manholes, pump stations, lift stations, fire hydrants and other appurtenances.
  - ix. A general grading plan of the proposed development with brief narrative description explaining the general slope and drainage conditions prior to and after the proposed development.
  - x. Proposed private deed restrictions and articles of incorporation and by-laws of any proposed property owners' association to be imposed upon the property after it is developed and/or subdivided to insure that the planned character and use of the project will be preserved and protected.
  - xi. Other information as may be reasonably required by the Planning Commission upon which to base an opinion of the merits proposed Planned Unit Development as an asset to the community.
- 2. **Public Hearings.** Following a receipt of a request to approve a planned unit development, the Township Planning Commission shall hold at least one (1) public hearing on the request. Notification of the hearing date shall be published in a local newspaper of general circulation in Raisinville Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than

fifteen (15) days before the date of the hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. This public hearing shall be held before decision is made on the request to approve the planned unit development.

*(Amended November 11, 2007)*

3. **Review.** In reviewing the PUD application, the Township Planning Commission shall consider, but not be limited to the following standards.
  - A. The proposed use or uses shall be of such location, size and character as to be in harmony with the appropriate and orderly development of the zoning district in which situated and shall not be detrimental to the orderly development of adjacent zoning districts.
  - B. The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, and the assembly or persons in connection therewith, will not be hazardous or inconvenient to the neighborhood nor conflict with the normal traffic of the neighborhood. In applying this standard, the Planning Commission and Township Board shall consider, among other things, convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed project to main traffic thoroughfares and to street and road intersections, and the general character and intensity of the existing and potential development of the neighborhood.
  - C. The location and height of buildings, the location and nature and height of walls and fences, and the nature and extent of landscaping of the site shall be such that they will not hinder or discourage the proper development and use of adjacent land and buildings nor impair the value thereof.
  - D. Compliance with the PUD Schedule of Regulations and all open space requirements.
  - E. There exists, or exist at the time of development, an adequate and proper means of disposing of sanitary sewage and drainage, and providing an approval source of water to each dwelling.
  - F. The applicant has provided for the future financing of public improvements shown on the plan or plat, and the continued maintenance of same, to the satisfaction of the Township.
  - G. The Planning Commission may require such changes or modifications in the site plan as are needed to achieve conformity to the standards as herein specified. Upon the findings by the Planning Commission that all of the standards as herein specified have been met, it may approve the project and the requested modifications, to the provisions of this Ordinance, if any, and recommend approval of the same to the Township Board. It shall also, where it deems appropriate and necessary, recommend to the Township Board those conditions to be imposed upon the project, its operation, or both, that are

needed to assure adherence to the aforesaid standards. The Township Board shall either approve or disapprove an application for a PUD. If disapproved, the Board shall prepare a report stating the basis for its disapproval.

4. **Approval.** If Planned Unit Development Approval is granted by the Township Board, the following conditions shall apply.
  - A. In those instances in which platting is required by law, the owner or owners shall thereafter submit preliminary and final plats for the Planned Unit Development for approval in compliance with Act 288, Public Acts of 1967, as may be amended, and with all Ordinances and regulations pertaining to the procedures and requirements for the approval of plats except to the extent that such requirements have been waived or modified by the Township Planning Commission.
  - B. The Township Board shall instruct the Township Attorney to prepare a contract setting forth the conditions upon which said approval is based. After resolution by the Township Board, this contract shall be executed and recorded in the office of the Monroe County Register of Deeds. Actual approval shall be effective upon such recording. An approved plan may be terminated by the applicant, prior to any development taking place, by filing with the Township and recording with Monroe County an affidavit so stating.
  - C. Such development shall be in strict conformity with the approved plan and the conditions attached thereto, and the provisions of this Ordinance.
  - D. Appropriate private deed restrictions together with any applicable articles of incorporation and bylaws shall be submitted to the Board in recordable form sufficient to assure the use and development of the planned project in accordance with the special exception, the development plan and the provisions of this Ordinance.
  - E. The development plan shall be incorporated into such deed restrictions and recorded with the County Register of Deeds and the Township Building Department, and all building shall thereafter be in accordance with the development plan and the setback lines shown thereon.
5. **Modifications.** The applicant for a special exception to authorize a Planned Unit Development may apply to the Board of Appeals for a modification of the nature and extent of public improvements required to be installed in new subdivisions. The Board of Appeals may, in its discretion, relieve the applicant from installing public improvements as would otherwise be required to the extent that it determines such improvements to be unnecessary within the planned project. In the event of such a determination, the Board shall incorporate the same in its resolution granting the special exception for the planned project.
6. **Fees.** Any application for a Planned Unit Development shall be accompanied by a fee as may be determined by the Township Board. Such fee may be utilized by Raisinville Township to obtain the services of one or more expert consultants qualified to advise as to whether the proposed Planned Unit Development will conform to the applicable Township Ordinances, policies, and standards, and for investigation and report of any objectionable elements that the Planning Commission may wish to be advised on. Such consultants should report to the Planning Commission as promptly as possible. After the Planned Unit Development application has been approved or disapproved by the Township Board, the balance of the fee which is left shall be returned to the applicant.

7. **Revocation.** Special exception for a Planned Unit Development may be revoked by the Township Board in any case when the construction of said development is not in conformance with the approved plans, in which case the Township Board shall give the applicant notice of intention to revoke such permit at least ten (10) days prior to review of the permit by the Board. After conclusions of such review, the Township Board may revoke its approval of the Planned Unit Development if the Township Board feels that a violation in fact exists and has not been remedied prior to such hearing.
8. **Restriction.** Notwithstanding anything heretofore, this Section concerning Planned Unit Development shall not impose any restriction upon any property owner in using his property under other provision of the Zoning Ordinance, including the provisions of the zoning classification upon the property in question. In short, this Section relates only to property owners who desire to apply for a special exception to use their property through a more flexible design which is better related to the surrounding existing development.
9. **Time Limit.** The development of physical improvements and approved public improvements shall be commenced to the satisfaction of the Township Board within two (2) years following approval of the plan or plat as provided for in this Section. This limitation may be extended at the discretion of the Township Board upon application for extension by the applicant, accompanied by reasons for justifying same, for a period not to exceed twelve (12) months.
10. **Final Plans.** Fully detailed and dimensioned site plans, in plain view, showing all rights-of-way, private easements, private use areas, common use areas, parking areas, utilities, accessory uses, topography, and floor plans (typical) shall be submitted to the Building Inspector prior to the issuance of any building permits for buildings to be constructed within the Planned Unit Development.

## **ARTICLE 19 RESIDENTIAL OPEN SPACE PRESERVATION DEVELOPMENT OPTION**

### **SECTION 19.00 PURPOSE**

The purpose of the Open Space Preservation Option is to comply with the Michigan Zoning Enabling Act P.A. 110 of 2006 (MZEA). MZEA requires Township to provide an "Open Space Preservation" option to landowners which provides for the same maximum number of home sites to be developed but which allows them to be clustered on no more than fifty (50) percent of the land. MZEA requires that the remaining land, which must be in excess of fifty (50) percent exists perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means which runs with the land. The intent of the Section is to establish the procedures and standards for review and approval of developments under the Open Space Preservation Option and to ensure full compliance with the regulations in this Ordinance and other applicable Ordinances and State and Federal regulations.

*(Amended November 11, 2007)*

### **SECTION 19.01 STATEMENT OF PRINCIPLES**

The Open Space Preservation Option is an optional method of development that shall be permitted after review and recommendation by the Planning Commission, a public hearing, and approval of the Township Board after having found that the proposed Open Space Preservation Option meets the following requirements:

1. The land proposed to be developed is zoned at a density equivalent to two or fewer dwelling units per acre or if the land is served by public sewer system, three or fewer dwelling units per acre which includes specifically the R1, Single-Family Residential and AG, Agricultural zoning classifications.
2. Not less than fifty (50) percent of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension.
4. The development option provided pursuant to this Section has not previously been exercised with respect to the subject property.

### **SECTION 19.02 CHANGE OF DENSITY**

No application shall be accepted for any use which would exceed the overall density permitted in the zoning district.

### **SECTION 19.03 APPLICATION**

An application for the Open Space Preservation Option shall be made by the owners of any tract where use of the Open Space Preservation Option is contemplated. The application shall be accompanied by a fee and shall cover the cost of evaluating the plan as to the principles and requirements set forth in this Article.

## SECTION 19.04 APPLICATION INFORMATION

An application for approval of the Open Space Preservation Option shall contain the following information:

1. A metes and bounds survey of the acreage comprised in the proposed Open Space Preservation Option development.
2. A topographic survey including natural and man-made features at a scale of one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet with a contour interval not to exceed two (2) feet.
3. A Site Analysis which identifies the character, structure and potential of the site as it relates to this Section. The analysis shall include a minimum of the following:
  - A. Contiguous land uses.
  - B. Topography.
  - C. Surface drainage with plan for grading and sedimentation control.
  - D. Soils.
  - E. Vegetation.
  - F. Existing conditions including structures, utilities and vehicular circulation.
  - G. Special features. All portion of land that is unbuildable for residential purposes due to the presence of wetlands, severe slopes, flood plains or other features prohibiting residential development.
4. The General Development Plan for the Open Space Preservation Development Option which shall include:
  - A. A clear illustration of the portions of land to remain undeveloped and the portions of land that will be used for the clustered development.
  - B. The total number of acres of land to remain undeveloped and total number of acres to be developed and the percentages of each as compared to the total site acreage.
  - C. A clear illustration of the proposed lots and building envelopes to include lot area, frontage width and setbacks.
  - D. Location and type of all proposed structures and improvements that are not dwelling units.
  - E. If the development requires septic tanks and drain fields, the location of each shall be indicated. The applicant shall also provide the required permits of approval from Monroe County Health Department or the Michigan Department of Environmental Quality.
  - F. If the development is to be served by public streets, approval of the Monroe County Road Commission as to the design, layout and construction of the streets. If private streets are intended to serve the development, they must conform to the requirements of the Raisinville Township Zoning Ordinance and Subdivision Regulations Ordinance, as amended.
5. **Parallel Plan.** A Parallel Plan shall be submitted with each application. The Plan shall illustrate how the property would be developed under a conventional single family residential development consistent with the existing conventional zoning requirements for

the parcel as to lot area, lot width, depth etc. In addition, any area which cannot be developed including such areas as wetlands, etc., shall be excluded in the calculation of developable area. This Plan shall be utilized to compute the total number of lots that may be permitted on any given parcel.

## **SECTION 19.05 PUBLIC HEARING REQUIREMENTS**

A public hearing shall be held by the Planning Commission on the proposed Open Space Preservation Option Development in order to acquaint the public with the proposal prior to the finishing of detailed plans and specifications by the applicant. Notice of the hearing shall be published in a newspaper which circulates in the Township and notice shall be given not less than fifteen (15) days before the application will be considered. The notice shall state that an application for development of the Open Space Preservation Option will be the subject of a public hearing and also should indicate the date, time and place for the public hearing and when and where written comments will be received concerning the request. It shall further describe the property that is the subject of the request.

*(Amended November 11, 2007)*

## **SECTION 19.06 OPEN SPACE DEVELOPMENT REQUIREMENTS**

1. All Open Space Preservation Areas shall meet the following provisions:
  - A. Grading in the open space shall be minimal and limited to those areas where accessory uses and/or structures have been approved by the Planning Commission. Existing topography shall be preserved to the extent feasible.
  - B. Stormwater management ponds may not be included and/or constructed within the open space area. These stormwater management facilities shall appear as though they are part of the natural landscape. Fencing adjacent to basin areas shall be prohibited.
  - C. Allowable Structures: Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the open space, subject to approval by the Planning Commission.
2. **Open Space Location.** The location of the Open Space Preservation Areas shall meet the following standards to the greatest extent feasible:
  - A. In addition to Primary and Secondary Conservation Areas, open space shall be provided along the public street rights-of-way to provide additional buffering from the traffic and enhance views from the roadway provided the open space along such rights-of-way shall generally have a depth of at least fifty (50) feet. The open space along a right-of-way shall be either preserved in a natural wooded condition, or landscaped. The open space shall contain native species and shall have a minimum of one (1) evergreen tree, two (2) shrubs, and one (1) large deciduous tree for each forty (40) linear feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance. Preservation of existing trees may be credited, towards meeting the requirement for number of trees listed in this subsection. Berms shall not be permitted.
  - B. The open space provides an ecological link to permanent open space in surrounding lands and is located to connect open spaces, public parks, or bicycle/pedestrian paths throughout the community.

- C. The open space is designed and located to be centrally positioned or in close proximity to all or most of the dwelling units.
- D. All sensitive environmental feature areas, natural features and animal and plant habitats of significant value are included in the Open Space Preservation Areas and are adequately protected.

3. **Guarantee of Open Spaces.** The Open Space Preservation Areas shall be set aside by the developer through an irrevocable conveyance or restriction that is found acceptable to the Planning Commission, such a conservation easement, as defined in this Ordinance. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall not be changed to another use. Such conveyance shall provide for each of the following:

- A. Indicate the proposed allowable use(s) of the dedicated open space. The Planning Commission may require the inclusion of open space restrictions that prohibit the following:
  - i. Dumping or storing of any material or refuse;
  - ii. Activity that may cause risk of soil erosion or threaten any living plant material;
  - iii. Cutting or removal of live plant material except for removal of dying or diseased vegetation;
  - iv. Use of motorized off-road vehicles;
  - v. Cutting, filling or removal of vegetation from wetland areas;
  - vi. Use of pesticides, herbicides or fertilizers within or adjacent to wetlands; and/or
  - vii. Any other restriction deemed appropriate by the Planning Commission.
- B. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space, such as a homeowners association.
- C. Provide an open space maintenance agreement that guarantees scheduled maintenance of the open space.
- D. Provide for maintenance to be undertaken by Raisinville Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

4. **Setbacks from Natural Features:** A minimum of fifty (50) feet setback shall be required from the edge of any lake, pond, river, stream or wetland, provided that the Planning Commission may permit trails, boardwalks, observation platforms or other structures of a similar nature which enhance passive enjoyment of the natural amenities within the setback.

#### **SECTION 19.07 APPROVAL OR DISAPPROVAL BY THE PLANNING COMMISSION**

Within a reasonable time following the public hearing, the Planning Commission shall recommend approval of development under the Open Space Preservation Option if the requirements of this Article and the Michigan Zoning Enabling Act are met. If the requirements are not met, the Planning Commission shall recommend disapproval of the development under that option to the Township Board with the reasons for their recommendation of disapproval and the requirements which are not met.

(Amended November 11, 2007)

## **SECTION 19.08 TOWNSHIP BOARD ACTION**

Upon receipt of the recommendation of the Planning Commission, the Township Board shall review the application along with the recommendation and shall approve the application if it meets the requirements or deny the application if it does not.

## **SECTION 19.09 APPROVAL BY THE TOWNSHIP BOARD**

If the Township approves the application to develop under the Open Space Preservation Option the applicant shall have a period of two years from the date of approval by the Board to submit and receive approval of a conservation easement, and either deed restrictions or a master deed for approval of the Township Board. Such approval to develop pursuant to the Open Space Preservation Option shall not constitute approval of a plat under the Land Division Act and Subdivision Regulations Ordinance or site plan approval under the Condominium Act. The Township Board upon written request of the applicant may grant an extension of the time if the Board finds that the applicant has acted in good faith and has made a substantial effort to complete the process within the time frame established by the Ordinance. Failure to request such an extension prior to the expiration of the two year period, shall be deemed an abandonment of the approval to develop under the Open Space Preservation Option.

## **SECTION 19.10 OPEN SPACE RESTRICTIONS AND EASEMENT REQUIREMENTS**

If the Township Board gives approval to proceed under the Open Space Preservation Option in accordance with the requirements as set forth in this Article, the applicant shall submit to the Planning Commission and Township Board proposed restrictions in the appropriate form based on the type of development proposed and a conservation easement appropriate for recording setting forth the requirements upon which said approval is based. Such restrictions shall include a provision that they may not be amended without the written approval of the Township Board. Such restrictions shall provide for at least the following:

1. Metes and bounds survey of the acreage comprised in the proposed Open Space Preservation area.
2. The manner of ownership of the land.
3. The manner of the ownership and dedication of the Open Space Preservation area in the form of a conservation easement, and former restriction, easement, covenant or condition in the deed.
4. The restrictive covenants required for membership rights and privileges, maintenance and obligation to be assessments for the Open Space Preservation area.
5. The General Development Plan shall be incorporated by reference and as an exhibit.
6. The site analysis shall be incorporated by reference and as an exhibit.

## **SECTION 19.11 ALTERATION, TERMINATION OR REVOCATION OF OPEN SPACE PRESERVATION OPTION**

1. Final approval by the Township Board of the deed restrictions and easement with regard to the Open Space Preservation area signifies the completion of the Open Space Preservation development application process. The applicant shall comply with all conditions or requirements of the General Development Plan and restrictions provided for which shall be

recorded in the record of the Township Board's approval and shall remain unchanged except upon the mutual written consent of the Township and the property owner.

2. Once a parcel has been included within a general development plan for an Open Space Preservation Development Option or the Board has approved such Plan, no development may take place in such area nor may any use thereof be made except in accordance with the approved general development plan unless the plan is terminated as provided herein.
3. An approved General Development Plan and restrictions may with the approval of the Township Board, be terminated by an applicant prior to any development within the Open Space Preservation area involved, by filing with the Township Clerk a request to do so and then upon approval of the Township Board by recording in the Monroe County Register of Deeds Office, an affidavit so stating. The approval of the General Development Plan and restrictions as to the Open Space Preservation Option shall terminate upon said recording. No approved General Development Plan or restrictions shall be terminated after any development commences within the Open Space Preservation Development Option area except with the written approval of the Township Board and of all parties of interest in the land.
4. An Open Space Preservation Development Option approval may be revoked by the Township Board in any case where the conditions of such approval have not been met. The Township Board shall give the applicant notice of its intention to revoke such permit at least ten days prior to review said permit at an open meeting. At the conclusion of such review, the Township Board may revoke the approval if it finds that a violation in fact exists and has not been remedied prior to the date of the hearing.

*(Amended May 3, 2003)*

## ARTICLE 20 SEWER TAP ALLOCATION

### SECTION 20.00 INTENT

The intent of the Sewer Tap Allocation Regulations is to assure the orderly development of the limited areas of Raisinville Township which are served, or have the potential to be served, by the Monroe Metropolitan Sewerage System. It is also the intent of these regulations to encourage a diversity of land uses, as recommended in the Raisinville Township Future Land Use Plan, in the applicable areas of the Township. Furthermore, it is the intent of these regulations to retain the potential for sewer service over time in order to provide for the future growth and development of the Township.

### SECTION 20.01 APPLICABLE AREA

The area of the Township affected by these regulations includes all properties bounded by or having frontage on the following roads:

South Custer Road (M-50) between S. Raisinville and Dunbar  
Strasburg Road between S. Custer and Dunbar  
Dunbar Road between Strasburg and S. Raisinville  
South Raisinville Road between Dunbar and S. Custer

### SECTION 20.02 AVAILABILITY OF SEWER TAPS

The Sewer Tap Allocation Regulations apply to the 994 residential equivalent sewer taps which Raisinville Township acquired the rights to from Monroe Township through an agreement dated September 9, 1969. No area of the Township shall be served by these sewer taps other than the area described above, unless approval is granted as described in Section 20.04.

### SECTION 20.03 ALLOCATION OF SEWER TAPS

The 994 sewer taps shall be allocated among various land uses as follows:

Uses Permitted Under and Located Within	Percentage	Number of Taps
AG, Agricultural		
R-1 and R-2, Single Family Residential	60%	596
PUD, Planned Unit Development		
RM, Multiple Family Residential	20%	199
C-1, C-2, and C-3, Commercial	10%	99
M, Manufacturing	10%	99

*(Amended June 15, 1994)*

### SECTION 20.04 APPEALS

The Township Board shall, upon request and after holding a public hearing and receiving a recommendation from the Planning Commission, have the authority to alter the above defined Applicable Area and the Allocation formula. Any changes to either the Applicable Area or the

Allocation formula shall be made only after due consideration is given to the nature of the proposed development, its impact on future development in the Township, the benefits which would be accrued, and the resultant loss of future development potential.

## **ARTICLE 21 ADMINISTRATION AND ENFORCEMENT**

### **SECTION 21.00 ENFORCEMENT**

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Building Official, or by such deputies of the department as the Building Official may delegate to enforce the provisions of this Ordinance, as approved by the Raisinville Township Board.

#### **SECTION 21.01 DUTIES OF BUILDING OFFICIAL**

The Building Official shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out the duties in the enforcement of this Ordinance and such other duties and responsibilities delegated to the Building Official hereunder. It shall be unlawful for the Building Official approve any plans or issue any permits or certification of occupancy for any excavation or construction plans have been inspected in detail and found them to conform to this Ordinance.

The Building Official shall record all non-conforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Section 3.03 and Section 3.06. If the Building Official shall find that any of the provisions of this Ordinance are being violated, he shall notify the person responsible in writing for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of, its provisions.

The Building Official is, under no circumstances, permitted neither to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his/her duties as Building Official.

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

#### **SECTION 21.02 PLANS**

An application for a building permit shall be accompanied by a plot plan as required in this Section, unless a site plan is required under ARTICLE 14, SITE PLAN REVIEW, herein, in which case the provisions of this Section shall not apply. Plot plans shall be drawn to scale, submitted in two (2) copies, and shall provide the following information:

1. Scale, date, and north point.
2. Location, shape and dimensions of the lot.
3. Dimensioned location, outline, and dimensions of all existing and proposed structures.
4. A clear description of existing and intended uses of all structures.
5. Additional information as required by the Building Official or designee, for purposes of determining compliance with the provisions of this Ordinance.

## **SECTION 21.03 PERMITS**

The following shall apply in the issuance of any permit:

1. **Permits not to be Issued.** No building permit shall be issued for the erection, alteration, or use of any building or structure or part thereof, or for the use of any land which is not in accordance with all provisions of this Ordinance.
2. **Permits for New Use of Land.** No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a building permit is first obtained for the new or different use.
3. **Permits for New Use of Buildings.** No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a building permit is first obtained for the new or different use.
4. **Permits Required.** No person, corporation, partnership, business association or other legal entity shall hereafter erect, alter, move or repair any building or structure or part thereof without a building permit which shall have been first issued for such work. The term "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress or ingress, or other changes affecting or regulated by the Township Building Code, Housing Law of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.
5. **Permit for On-Site Wastewater Disposal System and/or Water Supply.** A permit issued by the Monroe County Health Department, in accordance with Chapter Five of the Monroe County Sanitary Code, must be obtained for construction, repair, or extension of any on-site sewage disposal system in Raisinville Township.
6. **Building Permits.** All Building Permits, when issued, shall be valid for a period of time as specified in the Building Code.

## **SECTION 21.04 CERTIFICATES**

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

1. **Certificates not to be Issued.** No certificates of occupancy pursuant to the Building Code of the Township of Raisinville shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
2. **Certificate Required.** No new building or new structure, which is hereafter erected shall be occupied or used or the same caused to done, unless and until a Certificate of Occupancy shall have been issued for such building or structure.
3. **Temporary Certificate.** Nothing in this Ordinance shall prevent the issuance of a temporary Certificate of Occupancy for a portion of a building or structure in process of erection, provided that such temporary Certificate shall not be effective for a period of time in excess of six (6) months, and provided further that such portion of the building, structure or premises is in conformity with the provisions of this Ordinance.

4. **Records of Certificates.** A record of all certificates issued shall be kept on file and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
5. **Certificates for Dwelling Accessory Buildings.** Buildings accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
6. **Application for Certificates.** Application for Certificates of Occupancy shall be made in writing to the Building Official on forms furnished by the Department, and such Certificates shall be issued within ten (10) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant therefore, shall be notified of such refusal and cause thereof, within the aforesaid ten (10) day period.

## **SECTION 21.05 FINAL INSPECTION**

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

## **SECTION 21.06 FEES**

Fees for inspection 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 Official in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

## **SECTION 21.07 INTERPRETATION, PURPOSE AND CONFLICT**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the 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 premises 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 control.

## **SECTION 21.08 COMPLIANCE WITH PLANS**

Building permits and certificates of occupancy issued on the basis of plans and applications approved by the Building Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Section 21.09, herein.

## **SECTION 21.09 VIOLATIONS AND PENALTIES**

1. **Violations.** Violations of the provisions of this Ordinance, or failure to comply with any of its requirements and provisions of permits and certificates granted in accordance with this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred (500) dollars or imprisonment for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved. Each day such violation continues shall be considered a separate offense. The owner of record or tenant of any building, structure, premise, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation(s) may each be found guilty of a separate offense and suffer the penalties provided by law.
2. **Compliance Required.** The imposition of any fine, or jail sentence, or both shall not exempt the violator from compliance with the provisions of this Ordinance.
3. **Public Nuisance.** Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed after the effective date of this Ordinance, in violation of any of the provisions herein is hereby declared to be a public nuisance, and may be abated by order of any court of competent jurisdiction.
4. The Building Official may impose fees for violations or stop work orders as authorized by the Township Board.

*(Amended November 11, 2007 and March 4, 2020)*

## **ARTICLE 22 AMENDMENTS**

### **SECTION 22.00 ZONING AMENDMENTS**

The Township Board may, from time-to-time, amend, modify, supplement or revise the district boundaries or the regulations of this Ordinance. Amendments may be initiated by the Township Board, the Township Planning Commission, by petition of one or more property owners of Raisinville Township, or by one (1) or more persons acting on behalf of a property owner(s) of Raisinville Township. All proposed amendments shall be referred to the Township Planning Commission for review, public hearing, and recommendation before action may be taken by the Township Board. The procedure for amending this Ordinance shall be in accordance with the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, and the provisions of this Section.

1. A request for the rezoning of land from one zoning classification to a different zoning classification, or a request for a text amendment, shall be made by submitting an application, along with all required information and the required fee as established by the Township Board, to the Building Official/Zoning Administrator. Upon receipt of a completed application, the Building Official/Zoning Administrator shall transmit a copy of the application and required information to the Planning Commission. The Planning Commission shall hold a public hearing on the application.
2. All required notices shall be given in accordance with the provisions of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended and the Township's Zoning Ordinance.
3. Upon receipt of a recommendation from the Planning Commission, the Township Board may hold a public hearing if it considers same to be necessary or otherwise required. The Township Board shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail addressed to the Township Clerk.
4. After receipt of the Planning Commission's report, the Township Board may adopt the proposed amendment, with or without modifications or refer the proposed amendment again to the Planning Commission for further consideration.
5. Following adoption of this Zoning Ordinance and subsequent amendments by the Township Board, one notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice of adoption shall contain the following information:
  - A. In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the Raisinville Township Board."
  - B. In the case of an amendment to an existing Zoning Ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
  - C. The effective date of the ordinance.
  - D. The place and time where a copy of the ordinance may be purchased or inspected.

## **SECTION 22.01 INFORMATION REQUIRED**

1. If an application involves a request to rezone land from one zoning classification to another zoning classification, the petitioner shall submit the following information:
  - A. A legal description of the property, including all street addresses and tax ID number(s).
  - B. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
  - C. The name and address of the petitioner, the record owner, and all other parties claiming an interest in said property.
  - D. The petitioner's interest in the property. If the petitioner is not the record owner, the name and address of the record owner(s), and the record owner(s) and other interested parties consent in writing to the petition.
  - E. Signature(s) of the petitioner(s) and owner(s) certifying the accuracy of the information.
  - F. Identification of the zoning district requested and the existing zoning classification of property.
  - G. A vicinity map showing the location of the property, and adjacent land uses and zoning districts.
  - H. Additional studies such as traffic studies, environmental studies, or market studies as requested by the Planning Commission.
2. If a petition involves a change in the text of the zoning ordinance, the petitioner shall submit the following information:
  - A. A detailed statement of the proposed amendment, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.
  - B. Name and address of the petitioner.
  - C. Reasons for the proposed amendment.

## **SECTION 22.02 MAP AMENDMENT CRITERIA**

In considering any petition for an amendment to the official zoning map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision:

1. Consistency with the goals, policies and future land use map of the Raisinville Township Master Plan, including any subarea or corridor studies. If conditions have significantly changed since the Master Plan was adopted, the consistency with recent development trends in the area.
2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
3. The ability of the site to be reasonably developed with one of the uses permitted under the current zoning.
4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment,

density, nature or use, traffic impacts, aesthetics, infrastructure and potential influence on property values and local economy.

5. The capacity of Township infrastructure and services to accommodate the uses permitted in the requested district without compromising public health, safety or welfare.
6. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand.
7. Where a re-zoning is reasonable given the above criteria, a determination the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.
8. The request has not previously been submitted within the past one year, unless conditions have changed or new information has been provided.

### **SECTION 22.03 CONDITIONAL RE-ZONING OF LAND**

It is recognized that there are certain instances where it would be in the best interest of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be offered by property owners as part of a request for a re-zoning. It is the intent of this section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (Public Act 110 of 2006) as amended by which an owner seeking a re-zoning may voluntarily propose conditions regarding the use and/or development of land as part of the re-zoning request. Therefore, as an alternative to a re-zoning amendment as described above, Raisinville Township may allow conditional re-zoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the re-zoning process in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended. If a property owner submits an offer for conditional re-zoning as provided within this section, then the procedure for the proposed conditional re-zoning of land shall follow the standards and procedures as noted below.

1. **Procedure.** The amendment procedure for a conditional re-zoning shall follow the same procedure as a traditional re-zoning amendment pursuant to Section 22.00, except as modified by this section.
2. **Application and Offer of Conditions.** An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a re-zoning is requested. This offer may be made either at the time the application for re-zoning is filed or may be made later during the re-zoning process. In addition to the procedures noted in Section 22.00, the following procedures, standards and requirements apply to all proposed conditional re-zoning requests:
  - A. A conditional re-zoning request must be voluntarily offered by the owner of land within the Township. All offers must be made in writing and must provide the specific conditions to be considered by the Township as part of the re-zoning request. The offer may be made either at the time the application for re-zoning is filed or may be made later during the re-zoning process. All offers shall be in the form of a written agreement approved by the Township and property owner, incorporating the conditional re-zoning site plan when required below and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional re-zoning is sought.

- B. Conditional re-zoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
- C. Conditional re-zoning shall not alter any of the various zoning requirements for the use(s) in question, i.e. parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage and the like. Conditional re-zonings shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of ARTICLE 23.
- D. The owner's offer of conditions shall bear a reasonable and rational relationship to the property and the surrounding area for which re-zoning is requested.
- E. Conditional re-zoning shall not grant, nor be considered as a grant of special land use approval. The process for review and approval of special land uses must follow the provisions of ARTICLE 13.
- F. All conditions offered by a landowner in relation to a re-zoning request must have a direct relationship to the re-zoning itself. The provisions to allow conditional re-zoning shall not be construed to allow re-zoning by exaction.
- G. In addition to the informational requirements provided for in Section 22.01, the applicant may be required by the Township to provide a conditional re-zoning site plan prepared by a licensed professional allowed to prepare the plans under this Ordinance that may show the location, size, height or other measures for and/or of buildings, structures, improvements and features on, and in some cases adjacent to the property that is the subject of the conditional re-zoning of land. The details to be offered for inclusion in the conditional re-zoning site plan shall be determined by the applicant, subject to approval of the Township. A conditional re-zoning site plan shall not replace the requirement of the Zoning Ordinance for site plan review and approval, or subdivision or site condominium approval, as the case may be.
- H. The offer of conditions may be amended during the process of re-zoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. If the amendment occurs subsequent to the Planning Commission's public hearing on the original re-zoning request, then the re-zoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
- I. An owner may withdraw all or part of his or her offer of conditions at any time prior to final re-zoning action of the Township Board provided that, if the withdrawal occurs subsequent to the Planning Commission's public hearing on the original re-zoning request, then the re-zoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

3. **Planning Commission Review.** The Planning Commission, after public hearing and consideration of the factors for re-zoning set forth in this Ordinance, may recommend approval, approval with recommended changes or denial of the re-zoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
4. **Township Board Review.** After receipt of the Planning Commission's recommendation, the Township Board may deliberate upon the requested conditional re-zoning and may approve or deny the conditional re-zoning request. The Township Board deliberation shall include, but not be limited to, a consideration of the factors for re-zoning set forth in this Ordinance. Should the Township Board consider amendments to the proposed conditional re-zoning advisable and is such contemplated amendments to the offer of conditions are

acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 405 of the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, refer the amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with the statute to deny or approve the conditional re-zoning with or without amendments.

**5. Approval.**

If the Township Board finds the conditional re-zoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of this Ordinance adopted by the Township Board to accomplish the requested re-zoning.

**A. The Statement of Conditions shall:**

- i. Be in a form recordable with the Monroe County Register of Deeds and in a manner acceptable to the Township Board.
- ii. Contain a legal description of the land to which it pertains.
- iii. Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land.
- iv. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any documents are incorporated by reference, the reference shall specify the date of the document and where the document may be examined.
- v. Contain a statement acknowledging that the Statement of Conditions shall be recorded by the Township with the Monroe County Register of Deeds.
- vi. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

**B. The approved Statement of Conditions shall be filed by the Township with the Monroe County Register of Deeds.**

**C. Upon the re-zoning taking effect, the zoning map shall be amended to reflect the new zoning classification along with a designation that the land was re-zoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands re-zoned with a Statement of Conditions.**

**D. Upon the re-zoning taking effect, the use of the land so re-zoned shall conform thereafter to all of the requirements regulating the use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.**

**6. Compliance with Conditions.**

**A. Any person who establishes a development or commences a use upon land that has been re-zoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable**

accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

B. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

7. Time Period for Establishing Development or Use. Unless another time period is specified in the ordinance re-zoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within two (2) years after the conditional zoning agreement took effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Township Board if:

A. It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion.

B. The Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

8. Reversion of Zoning. If approved development and/or use of the re-zoned land does not occur within the time frame specified under sub-section (7) above, then the land shall revert to its former zoning classification as set forth in Section 405 of the Michigan Zoning Enabling Act (Public Act 110 of 2006) as amended. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of re-zoning of the land to its former zoning classification. The procedure for considering and making this reversionary re-zoning shall thereafter be the same as applies to all other rezoning requests.

9. Subsequent Re-zoning of Land. When land that is re-zoned with a Statement of Conditions is thereafter re-zoned to a different zoning classification, or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to division (8) above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Monroe County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

10. Amendment of Conditions.

A. During the time period for commencement of an approved development or use specified pursuant to sub-section (7) above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

B. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original re-zoning and Statement of Conditions.

11. Township Right to Re-zone. Nothing in the Statement of Conditions nor in the provisions of this section shall be deemed to prohibit the Township from re-zoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any re-zoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.

12. Failure to Offer Conditions. The Township shall not require an owner to offer conditions as a requirement for re-zoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

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## **ARTICLE 23 BOARD OF ZONING APPEALS**

### **SECTION 23.00 CREATION OF BOARD OF ZONING APPEALS**

There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided by Act 110 P.A., 2006, as amended in such a way that the objectives of this Ordinance shall be attained, public safety secured and substantial justice done.

#### **SECTION 23.01 BOARD MEMBERSHIP**

The Board of Appeals shall consist of five (5) members appointed by the Township Board:

1. The first member shall be a member of the Township Planning Commission.
2. The second member may be a member of the Township Board and shall not serve as Chairman of the Board of Zoning Appeals.
3. The additional member(s) shall be from among the electors residing in the unincorporated area of the Township, provided that no elected office of the Township, nor any employee of the Township Board may serve simultaneously as an additional member. The members selected shall be representative of the various interests present in the Township.
4. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the regular member has abstained, for reasons of conflict of interest. If appointed, an alternate member shall serve in the case until a final decision is made. Alternate members shall have the same voting rights as regular members of the Zoning Board of Appeals when called during their term of appointment. If there are two (2) alternate members appointed by the Township Board then they may be called by the chairman as needed based on availability. Alternate members shall possess the qualifications required for board membership.
5. Members of the Board of Zoning Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing by the Township Board.

*(Amended January 14, 2014)*

#### **SECTION 23.02 MEETINGS**

All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such time as the Board of Zoning Appeals may determine. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning 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. The five (5) members of the Board shall have the power to require the attendance of witnesses, administer oaths, compel testimony, and the production of books, files, and other evidence pertinent to the matters before it.

### **SECTION 23.03 APPEALS**

An appeal may be taken to the Board of Zoning Appeals by any person, firm or corporation, or by any officer, department, board or bureau aggrieved by a decision of the Building Inspector or an Administrative Official or body charged with enforcement of the Zoning Ordinance. Such appeals shall be taken within such time as shall be prescribed by the Board of Zoning Appeals by general rule, by filing with the Building Inspector and with the Board of Zoning Appeals a Notice of Appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board of Zoning Appeals all of the papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Board of Zoning Appeals after the Notice of Appeals shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Appeals or by the Circuit Court.

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

### **SECTION 23.04 NOTICE OF HEARING**

The Board of Appeals shall make no recommendation except in a specific case and after a public hearing, conducted by the Board of Zoning Appeals, has been held. Notice of the hearing of the appeal shall be given to all owners of record of property and occupants within a radius of 300 feet of the premises involved, such notice to be delivered personally or by first class mail, postage fully prepaid, addressed to the respective owners or occupants at the addresses provided in the latest assessment roll. A notice of the time and place of such public hearing shall be published in a paper of general circulation in the Township of Raisinville at least fifteen (15) days prior to the hearing. Such notice shall contain the address, if available, and location of the property for which a variation or other ruling is sought of the Board of Zoning Appeals as well as a brief description of the nature of the appeal.

*(Amended November 11, 2007)*

### **SECTION 23.05 POWERS OF BOARD OF ZONING APPEALS**

The Zoning Board of Appeals shall not have power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance nor to permit any use in a district in which it is not permitted, but does have power to act on those matters where this Ordinance provides for an administrative review or interpretation and to authorize a variance as defined in this Section and laws of the State of Michigan.

The concurring vote of a majority of the members of the Board of Zoning 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.

The Board of Zoning Appeals shall have the power to interpret the provisions of this Ordinance and the zoning map accompanying this Ordinance.

1. **Administrative Review.** The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, or determination made by any administrative official or body charged with enforcement and of any provisions of this Ordinance. They shall also hear and decide all matters referred to them or upon which they are required to pass under this Ordinance.
2. **Variance.** Where owing to special conditions, a literal enforcement of the use provisions of this Ordinance would involve practical difficulties within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification of the use provisions of this Ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the use provision of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:
  - A. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone. Such circumstances or conditions cannot be self-created.
  - 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 zone or districts 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. In consideration of all appeals and all proposed variations of this Ordinance, the Board of Zoning 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 fires or endanger the public safety, or reasonably 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.
3. **Permits.**
  - A. The Board of Zoning 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 Board 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.
  - B. The Board of Zoning 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.

C. The Board of Zoning Appeals shall have the power to permit temporary buildings and uses for periods not to exceed one (1) year.

4. **Orders.** In exercising the above powers, the Board of Zoning Appeals may reverse or affirm wholly or partly, or may modify the orders, requirements, decisions, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Building Inspector from whom the appeal is taken. The decision of the Board of Zoning Appeals rendered pursuant to the above shall be final.

*(Amended January 14, 2014)*

## **SECTION 23.06 BOARD OF ZONING APPEALS APPROVAL**

The Board of Zoning Appeals may require the appellant or applicant requesting a variance to submit all necessary surveys, plans, or other information the Board may reasonably require and may impose a reasonable fee for review by a consultant of the Township when deemed necessary by the Township Building Official. The Board of Zoning 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.

*(Amended January 14, 2014)*

## **SECTION 23.07 APPROVAL PERIOD**

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

*(Amended November 11, 2007)*

## **SECTION 23.08 FILING FEE**

Application for a Board of Zoning 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 23.09 EFFECTIVE DATE OF ACTION**

The decision of the Board of Zoning Appeals shall not become effective until the expiration of five (5) days from the entry of the order unless the Board of Zoning Appeals shall find the immediate effect of the order is necessary for the preservation of property rights and so shall certify on the record.

## ARTICLE 24 EFFECTIVE DATES AND CERTIFICATES

### SECTION 24.00 EFFECTIVE DATE

This Ordinance was adopted by the Township Board of Trustees of Raisinville Township, Monroe County, Michigan, at a meeting held on May 3, 1994 and shall be published within fifteen (15) days thereafter in the Monroe Guardian, a newspaper having general circulation in said Township, as required by Act 184, Public Acts of 1943, as amended. This Ordinance shall be effective thirty (30) days after publication.

Date: May 3, 1994  
Township Supervisor

Mark Brant

Date: May 3, 1994  
Township Clerk

Janet Kuehnlein

### SECTION 24.01 CERTIFICATES

1. We, the members of the Township Board of Raisinville Township, Monroe County, Michigan, duly assembled in a meeting of said Board held at the Raisinville Township Hall on May 3, 1994 do hereby approve and adopt this Zoning Ordinance of Raisinville Township.

		aye	nay
Supervisor	Mark Brant		✓
Clerk	Janet Kuehnlein		✓
Treasurer	Rosemarie Meyer		✓
Trustee	Robert Oberski		✓
Trustee	Donald Secor		✓

2. I, Janet Kuehnlein, Clerk of Raisinville Township, Monroe County, Michigan, hereby certify that the Zoning Ordinance of Raisinville Township hereinafter described was duly adopted by the Township Board of Raisinville at a meeting held on May 3, 1994, and that the public notice of said meeting was given pursuant to the Open Meeting Act, Act 267, Public Acts of Michigan, 1976, and, that after a duly noticed public hearing, the Planning Commission of Raisinville Township submitted said Ordinance to the Monroe County Planning Commission in accordance with Act 184, Public Acts of Michigan, 1943.

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## AMENDMENT HISTORY

### Zoning Ordinance Adopted May 3, 1994

#### Amendments Adopted June 15, 1994

- Section 2.01 Definition (Farm, Farm Building, Non-Farm Building, Horses, Family)
- Section 3.10 Home Occupation
- Section 3.12 Required Frontage/Access to Streets
- Section 3.14 Accessory Buildings
- Section 3.16 Storage of Materials
- Section 4.01 Principal Uses Permitted (AG District)
- Section 4.02 Uses Permissible on Special Approval (AG District)
- Section 5.01 Principal Uses Permitted (R-1 and R-2 Districts)
- Section 5.02 Uses Permissible on Special Approval (R-1 and R-2 Districts)
- Section 6.02 Uses Permissible on Special Approval (RM District)
- Article 9 C-3 Restricted Commercial District
- Section 14.00 Scope
- Section 14.01 Submittal and Review Procedures
- Section 14.02 Preliminary Site Plan
- Section 15.03 Manufactured (Mobile) Home Park Regulations
- Section 15.09 Quarrying Regulations
- Section 16.01 Specifications for Parking Areas
- Section 16.02 Rules for Calculating Required Number of Parking Spaces
- ARTICLE 18 PUD, Planned Unit Development
- Section 20.03 Allocation of Sewer Taps

#### Amendment Adopted May 2, 1995

- Section 15.07.2 Uses Otherwise Not Included Within Specific Use Districts (Commercial radio, television, microwave, mobile phone, cellular telephone, public utility and other transmitting or relay antenna towers)

#### Amendment Adopted October 3, 1995

- Section 3.14 Accessory Buildings

#### Amendments Adopted April 3, 1996

- Section 2.01 Definition (Pond)
- Section 3.15 Ponds
- Section 5.02 Uses Permissible on Special Approval (R-1 and R-2 Districts)

#### Amendments Adopted November 6, 1996

- Section 8.02 Uses Permissible on Special Approval (C-2 District)
- Section 11.02 Principal Uses Permitted (FP Flood Plain District)

#### Amendment Adopted March 20, 1997

- ARTICLE 12 Schedule of Regulations

#### Amendment Adopted August 20, 1998

- Section 3.14 Accessory Buildings

**Amendments Adopted April 20, 2000**

- Section 2.01 Definitions (Flood Insurance Study and Rate Map)
- Section 11.00 Statement of Purpose
- Section 11.01 Rules and Regulations for Management of the Flood Plain District
- Section 11.02 Uses Permissible on Special Approval (FP District)

**Amendments Adopted December 5, 2001**

- Section 17.00 Signs
- Section 17.01 Area, Height and Placement Restrictions

**Amendments Adopted December 20, 2001**

- Section 3.14 Accessory Buildings
- Section 12.00 Schedule of Regulations

**Amendment Adopted February 18, 2002**

- Section 3.14 Accessory Buildings

**Amendments Adopted April 8, 2003**

- Section 2.01 Definitions (Building Height)
- Section 3.14 Accessory Buildings

**Amendments Adopted May 3, 2003**

- Section 2.01 Definitions (Conservation Easements, Greenway, Open Space Preservation Area, Parallel Plan, Undeveloped State)
- ARTICLE 19 Residential Open Space Preservation Development Option

**Amendment Adopted June 19, 2006**

- Section 4.01 Principal Uses Permitted (AG District)

**Amendments Adopted November 11, 2007**

- Section 2.01 Definitions (Adult-Care Facility, Adult-Care Facility, State Licensed)
- Section 3.14 Accessory Buildings
- Section 3.15 Ponds
- Section 3.16 Storage of Materials
- Section 3.19 Swimming Pools, Private
- Section 3.20 Fences, Walls and Other Protective Barriers
- Section 3.23 Dumpster and Waste Receptacles
- Section 3.24 Exterior Lighting
- Section 3.25 Landscaping
- Section 3.26 Exceptions
- Section 3.27 Keeping of Livestock and Other Animals
- Section 3.28 Portable Moving and Storage Containers
- Section 3.29 Adult Care Facilities and Child Care Organizations
- Section 4.01 Principal Uses Permitted (AG District)
- Section 4.02 Uses Permissible on Special Approval (AG District)
- Section 5.01 Principal Uses Permitted (R-1 and R-2 District)
- Section 5.02 Uses Permissible on Special Approval (R-1 and R-2 Districts)
- Section 6.01 Principal Uses Permitted (RM District)
- Section 6.02 Uses Permissible on Special Approval (RM District)
- Section 7.02 Uses Permissible on Special Approval (C-1 District)
- Section 8.02 Uses Permissible on Special Approval (C-2 District)

Section 9.02	Uses Permissible on Special Approval (C-3 District)
Section 9.07	Access Road Requirements
Section 10.02	Uses Permissible on Special Approval (M District)
ARTICLE 12	Schedule of Regulations
Section 14.02	Preliminary Site Plan
Section 15.02	Kennels
Section 15.08	Agriculture Related Commercial Uses
Section 16.00	General Provisions for Off-Street Parking
Section 16.01	Specifications for Parking Areas
Section 18.02	Application Procedures
Section 19.00	Purpose
Section 19.05	Public Hearing Requirements
Section 19.07	Approval or Disapproval by the Planning Commission
Section 21.09	Violations and Penalties
Section 22.04	Notice of Hearing
Section 22.07	Approval Period

**Amendments Adopted August 11, 2009**

Section 2.01	Definitions (Wind Energy Conversion Systems Terms)
Section 3.30	Wind Energy Conversion Systems
Section 4.02	Uses Permissible on Special Approval (AG District)
Section 5.02	Uses Permissible on Special Approval (R-1 and R-2 Districts)
Section 6.02	Uses Permissible on Special Approval (RM District)
Section 7.02	Uses Permissible on Special Approval (C-1 District)
Section 8.02	Uses Permissible on Special Approval (C-2 District)
Section 9.02	Uses Permissible on Special Approval (C-3 District)
Section 10.02	Uses Permissible on Special Approval (M District)

**Amendment Adopted February 26, 2013**

Section 16.00.5	General Provisions for Off-Street Parking
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**Amendments Adopted January 14, 2014**

Section 2.01	Definitions (Building and Kennel/K-Facility)
Section 3.14	Accessory Buildings
Section 3.31	Solar Energy Collectors
Section 4.01.7	Principal Uses Permitted (AG District)
Section 10.02	Uses Permissible on Special Approval (M District)
Section 15.02	Kennels/K-Facilities
Section 22.01	Board Membership
Section 22.05	Powers of Board of Zoning Appeals
Section 22.06	Board of Zoning Appeals Approval

**Amendment Adopted May 29, 2014**

Zoning Map Amendment
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**Amendment Adopted December 5, 2017**

Section 2.01	Definitions (Flood Insurance Rate Map and Solar Energy System)
Section 3.31	Solar Energy Systems
Section 9.01	Principal Uses Permitted and Uses Permissible on Special Approval
Section 9.07	Access Management
Section 10.02	Uses Permissible on Special Approval (Large Scale Solar Energy Systems)

Section 11.00 Statement of Purpose  
Zoning Map Update

**Amendment Adopted May 1, 2018**

- Section 2.01 Definitions (Lot Width and Ground Sign)
- Section 3.09 Visibility at Intersections
- Section 3.18 Transition Strip
- Section 9.07 Access Management
- Section 9.08 Site and Building Design Standards
- ARTICLE 12 Schedule of Regulations
- Section 14.02 Preliminary Site Plan
- ARTICLE 17 Signs

**Amendment Adopted September 4, 2018**

- Section 2.01 Definitions (Sand Stripping)
- Section 3.15 Ponds
- Section 3.20 Fences, Walls and Other Protective Barriers
- Section 4.02 Uses Permitted on Special Approval
- Section 15.08 Agriculture-Related Commercial Uses
- Section 15.09 Quarrying Regulations
- Section 15.12 Filling, Excavating and Stripping Operations

**Amendment Adopted March 4, 2020**

- Section 2.01 Definitions
- Section 3.01 Official Zoning Map
- Section 3.03 Non-Conforming Uses
- Section 3.04 Temporary Structures
- Section 3.05 Mobile Homes
- Section 3.10 Home Occupation
- Section 3.13 Zoning Board
- Section 3.14 Accessory Buildings and Structures
- Section 3.15 Ponds
- Section 3.16 Storage of Materials
- Section 3.17 Preservation of Environmental Quality
- Section 3.19 Swimming Pools, Private
- Section 3.20 Fences, Walls and Other Protective Barriers
- Section 3.21 Performance Standards
- Section 3.31 Solar Energy Systems
- Section 4.01 Principal Uses Permitted
- Section 4.02 Uses Permitted on Special Approval
- Section 5.02 Uses Permitted on Special Approval
- Section 6.00 Statement of Purpose
- Section 9.02 Uses Permitted on Special Approval
- Section 10.02 Uses Permitted on Special Approval
- ARTICLE 12 Schedule of Relations
- Section 12.00 Footnotes for Schedule of Regulations
- ARTICLE 14 Site Plan Review
- Section 15.03 Manufactured (Mobile) Home Park Regulations
- ARTICLE 21 Administration and Enforcement
- ARTICLE 22 Amendments
- Section 23.00 Creation of Board of Zoning Appeals

**Amendment Adopted July 5, 2022**

- Section 2.01 Definitions (Solar Energy Systems)
- Section 3.30 Wind Energy Conversion Systems
- Section 3.31 Solar Energy Systems
- Section 4.02 Uses Permissible on Special Approval (AG District)
- Section 10.02 Uses Permissible on Special Approval (M District)

**Amendment Adopted December 6, 2022**

- Section 3.02 Number of Residences on a Lot
- Section 3.04 Temporary Structures

**Amendment Adopted October 3, 2023**

- Section 3.21 Performance Standards
- Section 3.04 Temporary Structures
- Section 4.02 Uses Permitted on Special Approval
- Section 7.02 Uses Permitted on Special Approval
- Section 8.02 Uses Permitted on Special Approval
- Section 9.02 Uses Permitted on Special Approval
- Section 15.05 Recreation Use
- Section 15.07 Uses Not Otherwise Included Within Specific Use Districts

**Amendment Adopted November 29, 2024**

- Section 2.01 Definitions (Solar Energy Systems)
- Section 3.31 Solar Energy Systems
- Section 4.02 Uses Permissible on Special Approval (AG District)
- Section 10.02 Uses Permissible on Special Approval (M District)

**Amendment Adopted November 5, 2025**

- Section 2.01 Definitions (Gazebo)
- Section 3.14.2 Accessory Buildings and Structures - Placement
- Section 3.31.2B Solar Energy Systems – Ground-Mounted Systems
- Section 16.00 General Provisions for Off-Street Parking
- Section 16.01 Specifications for Parking Areas