Ira Township
Zoning Ordinance

Effective November 18, 2015
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How to Use This Ordinance

1. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

**Article Tabs** link to the first page of each Article. Red tab indicates the Article in which the current page is located.

**User Notes** provide helpful information for digital and hard copy formats. User Notes are always highlighted in blue.

**Sections and Subsections** contain the Ordinance regulations in a hierarchical manner.

**Blue bold font** links to standards in other sections of the Ordinance.

**Graphics, figures, and tables** illustrate concepts or clarify regulations.

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**3.1.1 Agriculture Estates Conservation**

The Townships have established a rural yet urban character by using the zoning zone conservation district to allow for the preservation of the Townships existing rural character as well as promote the natural and naturalized systems within the Townships districts. The Townships zones are designed to promote the natural and naturalized systems within the Townships districts. The Townships has adopted the larger than zone conservation district to allow for the preservation of the Townships existing rural character as well as promote the natural and naturalized systems within the Townships districts.

For further information, please refer to Article 3.1.1: Agriculture Estates Conservation.
How to Use This Ordinance

2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Zoning Ordinance:

- Indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a symbol. Consult Article 2, Definitions, for a list of all defined terms.)

- Indicates there is a graphic that illustrates the standard or requirement.

- Identifies a property line.

- Identifies the right-of-way centerline.

- Identifies the right-of-way.

- Identifies a User Note that provides helpful information for all users.

- Identifies a Digital User Note that provides helpful information for users with a digital version of the Zoning Ordinance.
How to Use This Ordinance

3. READING THE ORDINANCE

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:

- Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.

- Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.

- The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission or Zoning Board of Appeals.

- Article 2, Definitions, contains over 80 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.

- Conjunctions are often used and must be read accurately:
  - AND indicates that all connected items, conditions, provisions or events shall apply.
  - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
  - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see Section 2.1 Construction of Language.

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Digital User Note:

What is a link?

A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.

If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

What information is linked?

All blue text is linked to either another page within the Zoning Ordinance, a separate Township ordinance or document, or an external website.

In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:

- Article tabs located on the side of each page are linked to the Contents page of each Article.
- Icons located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, and the Zoning Map.
- Use Matrix district headings are linked to the corresponding district regulations page in Article 3.
- ‘How do I calculate height’ button located on each district regulations page is linked to the definition of building height in Article 2.
- Zoning Map Legend headings are linked to the corresponding district regulations page in Article 3.
# How to Use This Ordinance

## 4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult Section 3.1 as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use  
S = Special Land Use

### Digital User Note:
Click on a district heading below to go directly to the corresponding district regulations.

<table>
<thead>
<tr>
<th>Use</th>
<th>AEC</th>
<th>RS</th>
<th>RU</th>
<th>RT</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
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<td>Colleges, universities, and other such institutions of higher learning</td>
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<td>Convalescent or rest home, home for the aged, indigent, or physically handicapped</td>
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How to Use This Ordinance

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P = Principal Permitted Use
S = Special Land Use

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Continued on next page
How to Use This Ordinance

4. USE MATRIX (Continued)

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<th>Use</th>
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<th>I-1</th>
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<td>Automobile and boat sales or showroom, new</td>
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<td>Automobile laundries and car washes</td>
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<td>Automobile race track</td>
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<td>Automotive repair garages, auto engine and body repair, and</td>
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<td>undercoating shops</td>
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<td>Banks and financial institutions</td>
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<td>Beaches and water-related recreation areas</td>
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<td>Berthing, protection, or servicing of recreational boats, yachts,</td>
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<td>Colleges, universities, and other such institutions of higher learning</td>
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<td>Fairgrounds, horse and dog race tracks</td>
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<td>Freight yards and terminals</td>
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<td>Gasoline service station</td>
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<td>Hotels, motels, cabin courts, and tourist lodging facilities</td>
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</tbody>
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<td>Laboratories - experimental, film or testing</td>
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<td>Metal plating, buffing and polishing</td>
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<td>similar trades</td>
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<td>Offices for executive, administrative, professional, governmental,</td>
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<td>P</td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>and sales</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Offices for medical and dental, including clinics</td>
<td></td>
<td>P</td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Offices for public utility</td>
<td></td>
<td>P</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Outdoor space for the exclusive sale of second-hand automobiles,</td>
<td></td>
<td></td>
<td></td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>house trailers, and travel trailer rental</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor storage, businesses using</td>
<td></td>
<td>S</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Packaging, food</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Personal service establishments</td>
<td></td>
<td>P</td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Production, processing, cleaning, servicing, testing, repair, or</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>storage of materials, goods, or products</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Places of worship</td>
<td></td>
<td>P</td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Quarry and stripping operations</td>
<td></td>
<td></td>
<td></td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Radio, television, satellite dish and communications antennae</td>
<td></td>
<td></td>
<td></td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Railroad transfer and storage tracks and railroad right-of-ways</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recreation space, outdoor commercially used</td>
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<td></td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Repair shops, engine and hull</td>
<td></td>
<td>S</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repair shops, propeller and shaft</td>
<td></td>
<td>S</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurants</td>
<td></td>
<td>S</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Retail and food establishments providing amplifies outdoor music</td>
<td></td>
<td>S</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>and noise, beverage and food sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail business</td>
<td></td>
<td>P</td>
<td></td>
<td>P</td>
<td>S</td>
</tr>
</tbody>
</table>

*Continued on next page*
4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult Section 3.1 as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use
S = Special Land Use

<table>
<thead>
<tr>
<th>Use</th>
<th>B-1</th>
<th>B-2</th>
<th>WM</th>
<th>I-1</th>
<th>I-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail business, waterfront marina</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail industrial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail sales and display of fireworks from a permanent location</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Riding academies and stables</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools, business or private schools operated for profit</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service convenience needs, industrial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shelter for attendant</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Signs, non-accessory</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage, transfer, electrical and gas service buildings and yards</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theaters, assembly halls and similar places of assembly</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theaters, outdoors</td>
<td></td>
<td></td>
<td></td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Trucking facilities</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Utility and public service facilities</td>
<td>P</td>
<td>P</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Utility exchanges, transformer stations, pump stations and service yards and other public service facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veterinary hospitals and clinics</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehousing</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Warehousing and storage of consumer fireworks</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste lagoon ponds</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Wastewater treatment systems, private</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Water and propane tank holders</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Wholesale</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
How to Use This Ordinance

5. DISTRICT SUMMARY TABLE

Below is a quick reference table that summarizes district regulations. Consult Article 3 Zoning Districts for additional requirements and exceptions to the information below.

<table>
<thead>
<tr>
<th>District Summary Table</th>
<th>District (Residential District)</th>
<th>Min. Lot Size (acres or sq. ft.)</th>
<th>Min. Lot Width (feet)</th>
<th>Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Front Yard (feet)</td>
</tr>
<tr>
<td>AEC Agricultural Estates Conservation</td>
<td>Along Marine City Highway</td>
<td>3.5 acres</td>
<td>250</td>
<td>125</td>
</tr>
<tr>
<td></td>
<td>Along Major Thoroughfares</td>
<td></td>
<td></td>
<td>110</td>
</tr>
<tr>
<td></td>
<td>Along Collector Roads</td>
<td></td>
<td></td>
<td>93</td>
</tr>
<tr>
<td></td>
<td>Along Local Streets</td>
<td></td>
<td></td>
<td>83</td>
</tr>
<tr>
<td>RS Residential Suburban</td>
<td>Along Marine City Highway</td>
<td>43,560 sq. ft. without sewer/15,000 sq. ft. with sewer</td>
<td>150 without sewer/100 with sewer</td>
<td>105</td>
</tr>
<tr>
<td></td>
<td>Along Major Thoroughfares</td>
<td></td>
<td></td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>Along Collector Roads</td>
<td></td>
<td></td>
<td>73</td>
</tr>
<tr>
<td></td>
<td>Along Local Streets</td>
<td></td>
<td></td>
<td>30</td>
</tr>
<tr>
<td>RU Residential Urban</td>
<td>Along Marine City Highway</td>
<td>7,200 sq. ft.</td>
<td>60</td>
<td>105</td>
</tr>
<tr>
<td></td>
<td>Along Major Thoroughfares</td>
<td></td>
<td></td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>Along Collector Roads</td>
<td></td>
<td></td>
<td>73</td>
</tr>
<tr>
<td></td>
<td>Along Local Streets</td>
<td></td>
<td></td>
<td>30</td>
</tr>
<tr>
<td>RT Residential Transition</td>
<td>Along Marine City Highway</td>
<td>43,560 sq. ft. without sewer/32,000 sq. ft. with sewer</td>
<td>150 without sewer/125 with sewer</td>
<td>105</td>
</tr>
<tr>
<td></td>
<td>Along Major Thoroughfares</td>
<td></td>
<td></td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>Along Collector Roads</td>
<td></td>
<td></td>
<td>73</td>
</tr>
<tr>
<td></td>
<td>Along Local Streets</td>
<td></td>
<td></td>
<td>30</td>
</tr>
<tr>
<td>RM-1 Multiple-Family Residential (Low-Rise)</td>
<td>Multiple- and Two-Family Developments</td>
<td>12,000 sq. ft. See 3.1.5 for min. land area per dwelling</td>
<td>100</td>
<td>25</td>
</tr>
<tr>
<td>RM-2 Multiple-Family Residential (Low-Rise)</td>
<td>Multiple- and Two-Family Developments</td>
<td>12,000 sq. ft. See Section 3.1.6 for min. land area per dwelling</td>
<td>100</td>
<td>25</td>
</tr>
<tr>
<td>RM-3 Multiple-Family Residential (High-Rise)</td>
<td>Multiple-Family Developments</td>
<td>3 acres</td>
<td>200</td>
<td>See Section 3.8</td>
</tr>
<tr>
<td>MH Mobile Home Park</td>
<td>Mobile Home Park See Section 3.9</td>
<td>10 acres park See Section 3.9 for min. land area per dwelling</td>
<td>—</td>
<td>35</td>
</tr>
</tbody>
</table>

Continued on next page

Ira Township Zoning Ordinance
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XV
5. District Summary Table (continued)

Below is a quick reference table that summarizes district regulations. Consult Article 3 Zoning Districts for additional requirements and exceptions to the information below.

<table>
<thead>
<tr>
<th>District (Non-Residential Districts)</th>
<th>Min. Lot Size (acres or sq. ft.)</th>
<th>Min. Lot Width (feet)</th>
<th>Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Front Yard (feet)</td>
</tr>
<tr>
<td>B-1 Local Business</td>
<td>All Development</td>
<td>—</td>
<td>25</td>
</tr>
<tr>
<td>B-2 General Business</td>
<td>All Development</td>
<td>—</td>
<td>25</td>
</tr>
<tr>
<td>WM Waterfront Marina</td>
<td>All Development</td>
<td>—.</td>
<td>25</td>
</tr>
<tr>
<td>I-1 Light Industrial</td>
<td>Abutting Residential</td>
<td>—</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>Abutting Non-Residential</td>
<td>—</td>
<td>10</td>
</tr>
<tr>
<td>I-2 Heavy Industrial</td>
<td>Abutting Residential</td>
<td>—</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Abutting Non-Residential</td>
<td>—</td>
<td>20</td>
</tr>
</tbody>
</table>
How to Use This Ordinance

ZONING MAP

Official Zoning Map
Ira Township
St. Clair County, Michigan

AEC Agricultural
RS Residential Suburban
RU Residential Urban
RT Residential Transitional
RM1 Multiple-Family Residential (Low-Rise)
RM2 Multiple-Family Residential (Low-Rise)
RM3 Multiple-Family Residential (High-Rise)
MH Mobile Home Park
B1 Local Business
B2 General Business
WM Waterfront Marina
I-1 Light Industrial
I-2 Heavy Industrial

Digital User Note:
Click on a district heading in the map legend to go directly to the corresponding district regulations.

Base Map Source: St. Clair County GIS
Map Created: July 27, 2015
Includes amendments adopted through November 3, 2014 and Effective
Article 1.0
Purpose and Introduction
<table>
<thead>
<tr>
<th>Article 1.0</th>
<th>Purpose and Introduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Short Title</td>
</tr>
<tr>
<td>1.2</td>
<td>Conflicting Regulations</td>
</tr>
<tr>
<td>1.3</td>
<td>Scope</td>
</tr>
<tr>
<td>1.4</td>
<td>Vested Right</td>
</tr>
<tr>
<td>1.5</td>
<td>Severance Clause</td>
</tr>
<tr>
<td>1.6</td>
<td>Conflicting Provisions Repealed</td>
</tr>
<tr>
<td>1.7</td>
<td>Enactment and Effective Date</td>
</tr>
</tbody>
</table>
1.0 Purpose and Introduction

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

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

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

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

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

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

1.7 ENACTMENT AND EFFECTIVE DATE
The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, welfare and morals of the people of the Township of Ira, and are hereby ordered to be given immediate effect from and after the date of its passage by the Township Board and subsequent publication as required by law.
(Intentionally Blank)
Article 2.0 Definitions
# Article 2.0 Definitions

## 2.1 Construction of Language

## 2.2 Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Term</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory building</td>
<td>District</td>
<td>Loading Space</td>
</tr>
<tr>
<td>Accessory Retail Uses</td>
<td>Drive-In</td>
<td>Lot</td>
</tr>
<tr>
<td>Alley</td>
<td>Drive-In Restaurant</td>
<td>Lot Area</td>
</tr>
<tr>
<td>Alterations</td>
<td>Dwelling, One-Family</td>
<td>Lot, Canal</td>
</tr>
<tr>
<td>Apartment</td>
<td>Dwelling, Two-Family</td>
<td>Lot, Corner</td>
</tr>
<tr>
<td>Automotive Service Center</td>
<td>Dwelling, Multiple Family</td>
<td>Lot Coverage</td>
</tr>
<tr>
<td>Auto Repair Garage</td>
<td>Dwelling Unit</td>
<td>Lot Depth</td>
</tr>
<tr>
<td>Balcony</td>
<td>Erected</td>
<td>Lot, Double Frontage</td>
</tr>
<tr>
<td>Basement</td>
<td>Essential Services</td>
<td>Lot, Interior</td>
</tr>
<tr>
<td>Bed and Breakfast Lodging Facilities</td>
<td>Excavation</td>
<td>Lot Lines*</td>
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<tr>
<td>Billboard</td>
<td>Family</td>
<td>Lot, Waterfront</td>
</tr>
<tr>
<td>Boarding House</td>
<td>Family Day-Care</td>
<td>Lot Width</td>
</tr>
<tr>
<td>Boat House, Private</td>
<td>Farm</td>
<td>Lot of Record</td>
</tr>
<tr>
<td>Boat House, Commercial</td>
<td>Fence</td>
<td>Manufacturing</td>
</tr>
<tr>
<td>Buildable Area</td>
<td>Fence, Obscuring</td>
<td>Marina, Commercial</td>
</tr>
<tr>
<td>Buildable Land Area (For Density Computation and Habitatation of Large Animals)</td>
<td>Fence, Privacy</td>
<td>Marina, Private</td>
</tr>
<tr>
<td>Building</td>
<td>Filling</td>
<td>Massage Parlor</td>
</tr>
<tr>
<td>Building, Earth-Sheltered</td>
<td>Firearm</td>
<td>Master Plan</td>
</tr>
<tr>
<td>Building Height</td>
<td>Firework or Fireworks</td>
<td>Migratory Labor Camp</td>
</tr>
<tr>
<td>Building Inspector or Building Official</td>
<td>Fireworks, Consumer</td>
<td>Motel or Motor Court</td>
</tr>
<tr>
<td>Building Line</td>
<td>Fireworks, Low-impact</td>
<td>Municipal and Commercial</td>
</tr>
<tr>
<td>Building, Main</td>
<td>Floor Area</td>
<td>Composting Operations</td>
</tr>
<tr>
<td>Club</td>
<td>Floor Area, Usable</td>
<td>Nonconforming Building</td>
</tr>
<tr>
<td>Commercial Use</td>
<td>Garage, Private</td>
<td>Nonconforming Use</td>
</tr>
<tr>
<td>Compost</td>
<td>Garbage</td>
<td>Occupancy Load</td>
</tr>
<tr>
<td>Compostable Material</td>
<td>Gasoline Service Station</td>
<td>Off-Street Parking Use</td>
</tr>
<tr>
<td>Composting</td>
<td>Grade</td>
<td>Open Dance Hall</td>
</tr>
<tr>
<td>Condominium Act</td>
<td>Greenbelt</td>
<td>Overnight Camping</td>
</tr>
<tr>
<td>Condominium Master Deed</td>
<td>Gun Club</td>
<td>Parking Space</td>
</tr>
<tr>
<td>Condominium Subdivision Plan</td>
<td>Home Occupation</td>
<td>Pawnshop</td>
</tr>
<tr>
<td>Condominium Unit</td>
<td>Hospital</td>
<td>Person</td>
</tr>
<tr>
<td>Contaminants</td>
<td>Hotel</td>
<td>Personal Service Establishment</td>
</tr>
<tr>
<td>Davit</td>
<td>Hotel</td>
<td>Pinball or Video Game Arcade or Establishment</td>
</tr>
<tr>
<td>Deck</td>
<td>Impervious Surface</td>
<td>Pool or Billiard Hall</td>
</tr>
<tr>
<td></td>
<td>Industrial Use</td>
<td>Private Road</td>
</tr>
<tr>
<td></td>
<td>Jetty</td>
<td>Public Service</td>
</tr>
<tr>
<td></td>
<td>Jib Crane</td>
<td>*Multiple terms are defined in this ordinance.</td>
</tr>
<tr>
<td></td>
<td>Junk Yard</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kennel, Commercial</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Laboratory</td>
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</tr>
</tbody>
</table>
Public Utility
Recreational Vehicle Park
Retail Business
Retail Business, Waterfront
Marina
Retail Uses, Industrial
Roadside Stands or Markets
Rubbish
Sanitary Land Fill
Satellite Dish Antenna
Sauna, Hot Tub or Other Similar
Health or Body
Improvement Enterprise
Secondhand Store
Setback
Sexually Oriented Business*
Sign*
Site
Specified Anatomical Areas
Specified Sexual Activity
Stable, Commercial
Stable, Private
Story
Street
Structure
Temporary Building or Use
Thoroughfare, Major
Thoroughfare, Secondary
Tourist Home
Trailer Coach (Mobile Home)
Trailer Court (or Mobile Home Park)
Travel Trailer and/or Motor Home
Use
Use, Accessory
Utility Room
View-Obscuring
View-Obscuring Landscape
Wind Energy Conversion Systems (Windmills)*
Yard Waste
Yards*

*Multiple terms are defined in this ordinance.
2.0 Definitions

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

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

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

2.2 DEFINITIONS

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

Accessory Retail Uses: Service needs which may be required for the convenience of related industrial uses, such as, but not limited to: eating and drinking establishments, banks, savings and loan associations, credit unions, gasoline service stations, motel or bowling alley, trade or industrial schools, or medical or other offices serving the district including an industrial clinic.

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

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

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

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

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

Balcony: A balcony shall be defined as a platform used for the private use of the tenant of the unit or for exterior access to such unit and which projects from the exterior wall of a residence and is surrounded by a railing or other confining element.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the average grade to the ceiling is over five (5) feet, such basement shall be rated as a first story. An approved earth-sheltered building shall not be considered a basement.
Bed and Breakfast Lodging Facilities: A use which is subordinate to the principal use of a dwelling unit as a single-family unit, and a use in which transient guests are provided a sleeping room and board in return for payment.

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

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

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

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

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

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

Building: A structure, either temporary or permanent, having a roof supported by columns, or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind, including tents, awnings, or vehicles situated on private property and used for such purposes. Tents as used in this Ordinance shall not include those used solely for children's recreational purposes.

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

Building Height: The vertical distance measured from the established grade of the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
Building Inspector or Building Official: The Building and Zoning Enforcement Administrator of Ira Township, or other deputies authorized by the Township to enforce this Ordinance.

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

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

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

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

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

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

Composting: A yard waste management alternative to burning and/or landfilling in which compostable yard waste is collected, processed and recovered as a resource rather than disposed of. Involves the biological decomposition of organic matter under controlled conditions characterized by piles that generate heat under aerobic conditions.


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

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

Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
Contaminants: Material received along with the yard wastes, which cannot be composted and, therefore, should be removed from the yard wastes in preparation for composting. Contaminants include, but are not limited to, plastic bags, string or wire used to bundle brush, cardboard boxes, burlap wrapping, etc.

Davit: A crane that projects over the side of a ship, dock, or seawall which is used to hoist or lower boats and/or other watercraft.

Deck: For the purposes of this Ordinance, a deck shall mean a structure constructed above the established grade of the property which is constructed on piers or a foundation for the purpose of outdoor living space. A deck may be constructed of any material and shall not have a structural roof and shall not be fully enclosed (except for required railings) for year-round living.

District: A portion of the unincorporated part of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

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

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

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

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

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

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

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

Essential Services: The term "essential services" means the erection, construction, alteration, maintenance, addition, reconstruction, or replacement by public utilities or municipal departments or commissions of underground, surface or overhead distribution gas, electricity, communications (excluding commercial radio, television, cellular, digital, and other transmitting or relay, antenna, towers or monopoles), steam or water transmission or distributing systems, collection, supply or disposal system, including pools, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines towers in connection with such lines, firm alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories, in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service to this municipality and immediate surrounding territory by such public utilities or municipal departments or commission. Such facilities, both above and below ground, designated to serve users outside this municipality and immediate surrounding territory shall not be considered essential services under this definition.

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

Family: One (1) or two (2) persons or parents, with their direct lineal descendants and adopted children, or a group of not more than six (6) unrelated individuals, living together in a dwelling unit and comprising a single housekeeping unit.
Family Day-Care: Means a facility receiving more than six (6), but less than thirteen (13), pre-school or school-age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. Family day-care does not include a Sunday school conducted by a religious institution nor a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

Farm: The carrying on of any agricultural activity or the maintaining or the raising of domestic livestock, or small animals, when conducted on at least five (5) acres or more in an agricultural district. The keeping of a horse for the purpose of this Ordinance, shall also constitute a farm.

Fence: An artificially constructed structure of any material or combination of materials, erected to enclose, screen, separate, confine or project areas of land.

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

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

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

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

Firework or Fireworks: Means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

Fireworks, Consumer: Means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer Fireworks does not include low-impact fireworks.

Fireworks, Low-Impact: Means ground and handheld sparking devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

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

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

Garage, Private: A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located and with a capacity of not more than three (3) motor driven vehicles.

Garbage: The word "garbage" shall be held to include every refuse, accumulation of all waste, animal, fish, fowl, fruit, or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables, including spoiled food, dead animals, animal manure and fowl manure.
Gasoline Service Station: A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and the servicing of and minor repair of automobiles.

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

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

Gun Club: Any club, organization, or use, whether operated for profit or not, which caters to or allows the use of firearms. A gun club shall include a shooting range as defined within P.A. 269 of 1989 provided such range meets the State's adopted generally accepted operation practices.

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

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

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

Impervious Surface: Shall mean hard surfaces including buildings (principal and accessory), paved parking areas, driveways, hard gravel surfaces, sidewalks, pathways, patios, decks, pools, and the like.

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

Jetty: A structure extended out into a sea, lake, or river to influence the current or tide or to protect a harbor or dock.

Jib Crane: A crane that has a horizontal arm on which a trolley moves and carries the load.

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

Kennel, Commercial: Any lot or premises on which four (4) or more dogs, four (4) months old or over for sale, breeding, boarding, or training purposes, are either permanently or temporarily boarded for remuneration.

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

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

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

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

Lot, Canal: Any lot that abuts a canal shall be considered a canal lot.
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 (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

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

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

Lot, Double Frontage: A lot that fronts on two (2) parallel streets, or which fronts on two (2) streets which do not intersect at the boundaries of the lot. Waterfront lots and canal lots shall not be considered to be double frontage lots.

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

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

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

3. **Side Lot Line**: Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

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

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

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

**Manufacturing**: Manufacturing consists of the following uses:

1. The compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge, and machining shops.
2. The compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood, and yarns.
3. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay.
4. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.
5. Fabrication or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
6. Fabrication and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

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

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

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

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

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

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Admin and Enforcement

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

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

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

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

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

Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, ingress and egress.

Open Dance Hall: An establishment where open public dancing by patrons is available during at least four (4) days per week, with or without partners furnished by the establishment.

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

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

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

Person: Means any individual, proprietorship, partnership, corporation, association or any other legal entity.

Personal Service Establishment: An establishment which performs such services as, but not limited to: shoe repair, tailor shops, beauty parlors, barber shops, interior decorators, photographers, dry cleaners and self-service laundries.

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

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

Private Road: A private road shall be considered to mean vehicular ingress and egress, other than a driveway, for two (2) or more parcels of land, where such road is not under the jurisdiction and control of a public agency.
Public Service: Public service facilities within the context of this Ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, public health facilities and similar uses.

Public Utility: Any governmental unit, corporation, firm or other entity duly authorized to furnish to the public, electricity, gas, sanitary sewers, water, communications, transportation, or other services or commodities pursuant to Federal, State or municipal regulations, excluding commercial radio, television, cellular, digital, and other communications services regarding transmitting or relay antenna towers or monopoles.

Recreational Vehicle Park: All lands and structures which are owned and operated by private individuals, a business or corporation, or a public agency which are predominantly intended to accommodate travel trailers and/or motor homes and provide outdoor recreational activities for the temporary or seasonal occupants.

Retail Business: In the B-1 district, a generally recognized business which supplies such commodities as groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware.

Retail Business, Waterfront Marina: A business which supplies commodities for persons using the facilities of the (WM) Waterfront Marina District, such as the sale of boats, engines and accessories, fishing equipment, general repair and similar items.

Retail Uses, Industrial: Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities, such as, but not limited to: lumberyards, building materials, outlets, garage sales, upholsterer, cabinet maker, outdoor boat, house trailer, automobile, or agricultural implement sales.

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

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

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

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

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

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

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

Sexually Oriented Business: Means any of the following:

1. Adult Arcade: Means any place to which the public is permitted or invited, wherein coin-operated, slug-operated, or for compensation, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video screens, videotape decks, computer screens, or other image-producing devices are maintained to show images to five (5) or fewer persons at a time and where the images so displayed are distinguished or characterized by the depicting or describing of "specific sexual activities" or "specified anatomical areas".
2. **Adult Book Store, Adult Video Store or Adult Novelty Store:** Means a commercial establishment which as one of its principal business purposes (meaning either a substantial or significant portion of its stock in trade) offers for sale or rental, or for any form or consideration, any one (1) or more of the following:

A. Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas", or

B. Instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities". Condoms and clothing articles are excepted.

Commercial establishments may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specific anatomical areas" and still be categorized as "adult book store" or "adult video store". Such other business purposes will not serve to exempt such a commercial establishment from being so categorized as long as one of its principal business purposes is the offering for sale or rental for consideration, materials depicting or describing "specified sexual activities" or "specified anatomical areas". For purposes of video cassettes or films which are X-rated or of substantially equivalent content of X-rated films, shall be considered to depict or describe "specified sexual activities" or "specified anatomical areas" notwithstanding any more restrictive definition set forth herein.

3. **Adult Cabarets:**

A. **Adult Cabaret-Non-Liquor Establishment:** Means a nightclub, bar, restaurant or similar commercial or non-commercial establishment which does not furnish or serve alcoholic beverages or permit the consumption of alcoholic beverages which permits any of the following:

i. Persons who appear in a state of nudity or semi-nudity, or

ii. Live performances characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or

iii. Films, motion pictures, video cassettes, slides, computer presentations, or other moving-images reproductions characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

B. **Adult Cabaret-Liquor Establishment:** Means a nightclub, bar, restaurant or similar commercial or non-commercial establishment which serves, furnishes or permits the consumption of alcoholic beverages which permits any of the following:

i. Persons who appear in a state of nudity or semi-nudity, or

ii. Live performances characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or

iii. Films, motion pictures, video cassettes, slides, computer presentations, or other moving-images reproductions characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

4. **Adult Establishment:** Means and includes any of the following:

A. The opening or commencement of any sexually oriented business as a new business;

B. The conversion of an existing business, whether or not sexually-oriented, to any sexually-oriented business;

C. The addition of any sexually-oriented business to any other existing sexually-oriented business; or

D. The relocation of any sexually oriented business.

5. **Adult Mini-Motion Picture Theater:** An enclosure with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as hereinafter defined for observation by patrons therein.
6. **Adult Motel:** Means a hotel, motel, or similar commercial establishment which:
   A. Offers accommodations to the public for any form of consideration and provides patrons with closed circuit television transmissions of X-rated motion pictures or motion pictures equivalent to X-rated motion pictures and has a sign visible from the public right-of-way advertising the availability of this type of photographic reproductions; or
   B. Offers a sleeping room for rent for a period that is less than eight (8) hours.

7. **Adult Motion Picture Theater:** Means a commercial establishment where for any form of consideration films, motion pictures, video cassettes, or similar photographic reproductions are regularly shown which are X-rated or the equivalent of X-rated.

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

9. **Adult Theater:** Means a theater, concert hall, auditorium or similar commercial establishment which regularly features person who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas".

10. **Escort:** Means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees to privately model lingerie or to privately perform a striptease for another person.

11. **Escort Agency:** Means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

12. **Nude Model Studio:** Means any place where a person appears in the state of nudity or displayed specified anatomical areas to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by any other person who pays money, or any other form of consideration.

13. **Nudity or State of Nudity:** Means the exposure of the human male or female genitals, pubic area, or buttocks with less than a fully-opaque covering, the showing of the female breast with less than a fully-opaque covering of any part of the nipple or areola, or the showing of the covered male genitals in a discernibly turgid state.

14. **Permittee and/or Licensee:** Means a person in whose name permit and/or license to operate a sexually oriented business has been issued as well as the individual listed as the applicant on the application for permit and/or license.

15. **Semi-Nude:** Means a state of dress in which clothing covers no more than the genitals, anus, pubic region and areola of the female breast as well as portions of the body covered by supporting straps or devices.

16. **Sexual Encounter Center:** Means of business or commercial enterprise that as one (1) of its principal business purposes offers for any form of consideration:
   A. Contract in the form of wrestling or tumbling between semi-nude or nude persons of the opposite sex; or
   B. Physical contract between male and female persons and/or persons of the same sex, where one (1) or more of the persons is in a state of nudity and the contact includes actual or simulated specified sexual activity.

17. **Other similar uses.**
Sign: Any use of words, numbers, figures, devices, designs, logos, trademarks, letters, characters, pictures, or similar devices visible to the general public and designed to inform or attract attention.

The following definitions pertain to Section 5.6 Signs:

1. Accessory Sign - A sign, which is accessory to the principal use of the premises. A sign, which directly relates to the business activity or service conducted on the premises upon which the sign is placed.

2. A-Frame - A temporary, freestanding sign with two (2) panels attached at the top with hinges.

3. Alter - Change to the physical component of the sign, including but not limited to the structural size, height or width of the sign. This definition shall not include replacing the face of an existing sign.

4. Animation - Animation means displaying images in a dynamic way, like television or movie video or having graphics portraying a moving scene.

5. Awning - A metal, wooden, fiberglass, canvas, or other fabric cover fastened to a building, which extends over a porch, patio, deck, balcony, window, door or open space.

6. Awning Sign - An accessory sign that is printed on, or otherwise affixed to, an awning.

7. Balloon Sign - One (1) or more balloons, or any other air-filled or gas-filled object used as sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered or manufactured, or to any entertainment.

8. Banner Sign - A sign or display constructed of paper, plastic or fabric of any kind, intended to be hung, either with or without frames.

9. Billboard Sign - An off-site or non-accessory outdoor sign, which advertises a business use or service not conducted on the premises upon which the sign is placed. Billboard structures are generally leased or rented and designed with changeable copy.

10. Canopy - A roof-like structure providing shelter to a public access area which is either freestanding or is projecting from a building and is supported by structural members. A canopy may be constructed of metal, wood, or any approved fire-retardant material, such as cloth, canvas, fabric, plastic, or any light flexible material which is attached to or constructed on a frame or building.

11. Canopy Sign - An accessory sign that is printed on or otherwise affixed to a canopy.

12. Directional Sign - A sign not utilized for advertising purposes, but used to direct vehicular or pedestrian traffic to parking areas, loading areas, or to portions of a building.

13. Display Interval - The amount of time between displaying different messages or images.

14. Flag - A rectangular piece of fabric fastened to a pole on one end and free on the other. A series of flags on a single pole or pole string, or similar type of mount, shall be considered a pennant.

15. Freestanding Sign - A sign permanently attached to the ground by poles or braces and attached to any building.

16. Identification Sign or Nameplate - An accessory wall-mounted sign, which displays only the name of a person or firm.
17. **Monument or Ground Sign** - A freestanding accessory sign which is permanently fastened to the ground by upright(s), brace(s) or similar object(s), and which is not attached to a building or structure. Any on-site, accessory, permanent and freestanding sign with one (1) foot or less of clearance between the bottom of the sign and the established grade shall be a monument sign or ground sign.

18. **Off-Site Signs** - A sign, which is not accessory to the principal use of the premises. Any card, cloth, paper, metal, painted glass, wood, plastic, stone, or other object of any kind or character whatsoever, placed for non-accessory advertising purposes on ground or on any tree, wall, bush, post, fence, building, structure or thing whatsoever. The term "placed" as used in this definition shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or other fastening, affixing, or making visible in any manner whatsoever to the public.

19. **Pennant Sign** - A sign or display consisting of long, narrow, usually triangular flags.

20. **Political Sign** - A sign relating to the election of a person or persons to public office, or relating to a political party or a political issue, or relating to a matter to be voted upon at an election.

21. **Portable Sign** - A sign, which is not permanently fastened to a building, structure, or the ground.

22. **Projecting Sign** - A sign, which is permanently fastened to the surface of a wall in such a way that the sign face is perpendicular to the surface of the wall. The sign face shall consist of two (2) sides, mounted flush back-to-back.

23. **Pylon Sign** - A freestanding accessory sign which is permanently fastened to the ground by upright(s), brace(s) or similar object(s), and which is not attached to a building or structure. Any on-site, accessory, permanent and freestanding sign with more than one (1) foot of clearance between the bottom of the sign and the established grade shall be a pylon sign.

24. **Real Estate Sign** - An accessory sign, which advertises the particular property upon which it is placed for sale, rent or lease.

25. **Real Estate Development Sign** - A freestanding accessory sign informing when a subdivision or other real estate development will commence construction or when it will be available for sale, use or occupancy.

26. **Resurface** - The replacement or restoration of a previously approved sign, which does not include alteration of the existing structure or brackets.

27. **Scrolling** - Scrolling means having the letters or images move across the sign in any direction or pattern.

28. **Sign Height** - The vertical distance from the uppermost portion of a sign or sign structure to the grade at the base of the sign.

29. **Subdivision Entrance Sign** - A sign depicting the name of a residential, office/service, commercial, or industrial subdivision, and which sign is located at the entrance to said subdivision.

30. **Temporary Sign** - An accessory sign that is intended to be displayed for a short amount of time as regulated herein, including A-frame, banners, pennants, or any other sign that is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored to the ground.
31. **Trailer Sign** - A sign mounted on, or a part of, a trailer or wheeled vehicle.

32. **Vehicle Business Sign** - A vehicle upon which a sign is painted or attached and is parked upon a premise for the purpose of advertising. Vehicle business signs shall not include licensed commercial vehicles regularly used to transport persons or property for the operation of the business.

33. **Wall Sign** - An accessory sign permanently fastened to a building or structure, or a sign attached to, or placed flat against the exterior wall surface of any building, no portion of which projects more than twelve (12) inches from the wall.

34. **Window Sign** - A sign which is affixed, attached, painted or otherwise placed on or adjacent to the interior of a window in such a manner as to be readily visible from the exterior of the building.

**Site** - All land in a development which is necessary or indicated as part of the development proposal to meet parking requirements, setback requirements, landscaping requirements, drainage requirements (i.e., retention or detention basin), and lot coverage requirements.

**Specified Anatomical Areas**: Means the less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below the point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activity**: Means and includes any of the following:

1. The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus, or female breasts;

2. Sex acts, actual or simulated, including intercourse or oral copulation, masturbation, or sodomy.

3. Excretory functions, as part of or in connection with any of the activities set forth in subsections 1 and 2 above.

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

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

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

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

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

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

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

**Thoroughfare, Secondary**: An arterial street which is intended to serve as a trafficway serving primarily the immediate Township area and serving to connect with major thoroughfares.
Tourist Home: Any dwelling used or designed in such a manner that certain rooms other than those used by the family and occupied as a dwelling unit are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

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

Trailer Court (or Mobile Home Park): Any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are or may be located.

Travel Trailer and/or Motor Home: A recreational vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit for one (1) or more persons. These recreational vehicles shall be designed for conveyance upon the public streets or highways, duly licensable as such, and may be self-propelled or towed by another vehicle.

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

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

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

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

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

Wind Energy Conversion Systems (Windmills): The following terms shall apply to wind energy conversion systems:

1. Wind Energy Conversion Systems (hereinafter referred to as WECS): Any device that converts wind energy to mechanical or electrical energy.

2. Wind Rotor: The blades plus hub to which the blades are attached used to capture wind for purposes of energy conversion.

3. Tower Height: The height of the actual tower, plus one-half the rotor diameter on horizontal axis installations, and on vertical axis installations, the distance from the base of the tower to the top of the unit.

4. Survival Wind Speed: The maximum wind speed a WECS in automatic, unattended operation (not necessarily producing power) can sustain without damage to structural components or loss of the ability to function normally.

Yard Waste: For the purpose of this Ordinance, yard wastes shall be limited to leaves, grass, clippings, vegetable or other garden debris, shrubbery or brush, tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, agricultural wastes, animal waste, sewerage sludge or garbage.
Yards: The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

3. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.
Article 3.0
Zoning Districts
### Article 3.0  Zoning Districts

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## 3.0 Zoning Districts

### 3.1 DISTRICTS ESTABLISHED

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

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<th>District Code</th>
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<td>Local Business District</td>
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<td>B-2</td>
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<td>13</td>
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3.1.1 AEC Agriculture Estates Conservation

A. INTENT

The Township has established a rural lot size that is of sufficient size to allow for the preservation of the Township’s existing rural character as well as promotes the general trend and character of the land within its northern sections, which includes farmland and open space, existing vegetation and wetlands, natural streams, floodplains and the like. The central and northern sections of the Township are home to the remaining farms and agricultural operations within the Township. The planning and zoning for larger lots promotes their continued operation by minimizing the possibility of conflict. Further, the Township has adopted the larger lot sizes contained within the AEC Agriculture Estates Conservation district in an effort to avoid the inappropriate overcrowding of land as well as the undesirable congestion of population, roadways and public services taking into account the intent of development of these areas within the Township Master Plan*. It is intended that the AEC Agricultural Estates Conservation district be the Township’s only district in which the keeping of larger, hoofed animals be permitted, therefore larger lot sizes are more appropriate.

User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Farms §4.1
ii. Keeping of Horses §4.58
iii. Places of worship, libraries and public community buildings or public recreation centers, and public and parochial schools §4.4
iv. Private stables
v. Plant nurseries §4.3
vi. Uses similar to the above permitted uses, as determined by the Planning Commission
vii. Accessory buildings §5.21 and uses customarily incident to one of the above permitted uses

The following uses are permitted uses, subject to the conditions set forth in Section 3.5.

vii. One-family detached dwellings
viii. Public buildings, public libraries, publicly owned and operated parks, parkways and recreational facilities
ix. Garage sales, yard sales or similar types of sales §4.2
x. Uses similar to the above permitted uses, as determined by the Planning Commission
xi. Accessory buildings §5.21 and uses customarily incidental to any of the above permitted uses

C. SPECIAL LAND USES

i. Utility and public service facilities and uses §4.4
ii. Cemeteries §4.6
iii. Public and parochial schools, private schools, charter schools, colleges, universities, and other such institutions of higher learning
iv. Non-public recreational areas and recreation facilities §4.7
v. Golf courses §4.8
vi. Driving ranges §4.15
vii. Nursery schools, day nurseries and child care centers §4.9
viii. An orphanage or a home for the aged, indigent, or physically handicapped, a rest or convalescent home §4.10
ix. General hospitals §4.11
x. Home occupations §4.12
xi. Family day-care (7–12 persons) §4.13
xii. Bed and breakfast lodging facilities §4.14
xiii. Private wastewater treatment systems §4.16
xiv. Agri-business (value farming operation) §4.17
xv. Recreational Vehicle Parks §4.57
xvi. Riding academies and stables §4.62
xvii. Airports and related uses §4.63
xviii. Kennels, commercial §4.64
xix. Overnight Camping Facilities §4.65
xx. Roadside markets §4.66
xxi. Waste lagoon ponds §4.67
xxii. Hog Farms §4.68
xxiii. Quarry and stripping operations §4.71
xxiv. Accessory buildings §5.21 and uses customarily incidental to any of the above permitted uses
xxv. Accessory building over 3,600 square feet §4.76
xxvi. Uses similar to the above uses

*Ira Township Master Plan, adopted on April 8, 1996, and its subsequent amendments
D. DEVELOPMENT STANDARDS

Lot Size
Minimum lot area: 3.5 acres
Minimum lot width: 250 ft

Lot Coverage
Maximum lot coverage: 35%

Setbacks
Minimum front yard setback:
- Marine City Highway: 125 ft
- Major thoroughfare: 110 ft
- Collector road: 93 ft
- Local street: 83 ft
Minimum rear yard setback: 60 ft
Minimum side yard setback: 20 ft

Building Height
Maximum building height: 30 ft or 2 stories

Depth Ratio
Maximum Depth to Width Ratio: 4-to-1

Floor Area
Minimum floor area:
- One-story structure: 1,200 sq ft
- Two-story structure:
  - First floor: 650 sq ft
  - Total floor space: 1,200 sq ft

NOTES
- For additions to the above requirements, refer to Section 3.4: A, B, C, and D.

SELECTED REFERENCES

3. Zoning Districts
- Notes to AEC §3.5
- Residential Open Space §3.11
- General Exceptions §3.13

4. Use Standards
- Swimming Pools, Private §4.48
- Earth-Sheltered Buildings §4.50
- Wind Powered Electric Generators §4.51
- Condominium Subdivision §4.53
- Ponds §4.54
- Temporary Uses §4.55
- Garage, Private §4.59
- Waterfront and Canal Lot Accessory Structures and Boathouses §4.73
- Additional Access Drives §4.75

5. Site Standards
- Off-Street Parking Requirements §5.1
- Off-Street Parking Space Layout Standards... §5.2
- Off-street Loading and Unloading §5.3
- Performance Standards §5.4
- Landscaping and Screening §5.5
- Signs §5.6
- Exterior Lighting §5.7
- Corner Clearance §5.8
- Walls and Fences §5.9
- Residential Entryways §5.10
- Access Requirements and Private Roads §5.12
- More than One Principal Structure on a Lot §5.13
- Waterfront Lots §5.14
- Building Appearance §5.15
- Decks §5.16
- Building Grades §5.17
- Non-Residential Driveways §5.18
- Traffic Impact Study §5.19
- Natural Resource Greenbelt §5.20
- Use Restriction §5.22

6. Development Procedures
- Site Plan Review §6.1
- Special Land Use Approval Requirements §6.2
3.1.2 RS Residential Suburban District

A. INTENT

This residence district is designed to provide for one-family dwelling sites and the residentially related uses in keeping with the Ira Township Master Plan* of residential development in the Township. The RS Residential Suburban district includes those areas presently served by public water and sewer and those areas that the Township anticipates will be served by public sewers within the next two decades. Principal Permitted Uses and Special Land Uses are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic influences.

User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. One-family detached dwellings  §4.18
ii. Places of worship and any uses normally incidental thereto  §4.5
iii. Public buildings, public libraries, publicly owned and operated parks, parkways and recreational facilities
iv. Accessory buildings  §5.21 and uses customarily incidental to any of the above permitted uses.
iv. Garage sales, yard sales or similar types of sales  §4.2

C. SPECIAL LAND USES

i. Utility and public service facilities  §4.4
ii. Cemeteries  §4.6
iii. Public and parochial schools, private schools, charter schools, colleges, universities, and other such institutions of higher learning
iv. Non-public recreational areas and recreation facilities  §4.7
v. Golf courses, which may or may not be operated for profit  §4.8
vi. Nursery schools, day nurseries and child care centers  §4.9
vii. An orphanage or a home for the aged, indigent, or physically handicapped, a rest or convalescent home  §4.10
viii. General hospitals  §4.11
ix. Home occupations  §4.12
x. Family day-care  (7—12 persons)  §4.13
xi. Bed and breakfast lodging facilities  §4.14
xii. Private wastewater treatment systems  §4.16
xiii. Accessory boathouses, boat hoists, and boat storage  §4.74
xiv. Accessory buildings  §5.21 and uses customarily incidental to any of the above permitted uses
xv. Accessory building over 3,600 square feet  §4.76
xvi. Uses similar to the above uses

*Ira Township Master Plan, adopted on April 8, 1996, and its subsequent amendments
### RS Residential Suburban District

**1. Purpose and Introduction**

**2. Definitions**

**3. Zoning Districts**

**4. Use Standards**

**5. Site Standards**

**6. Development Procedures**

**7. Admin and Enforcement**

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**D. Development Standards**

- **Lot Size**
  - Minimum lot area:
    - No public sewer: 43,560 sq ft
    - With public sewer: 15,000 sq ft
  - Minimum lot width:
    - No public sewer: 150 ft
    - With public sewer: 100 ft

- **Lot Coverage**
  - Maximum lot coverage: 35%

- **Setbacks**
  - Minimum front yard setback:
    - Marine City Highway: 105 ft
    - Major thoroughfare: 90 ft
    - Collector road: 73 ft
    - Local street: 30 ft
  - Minimum rear yard setback: 40 ft
  - Minimum side yard setback: 15 ft

- **Building Height**
  - Maximum building height: 25 ft or 2 stories

- **Depth Ratio**
  - Maximum Depth to Width Ratio: 4-to-1

- **Floor Area**
  - Minimum floor area:
    - One-story structure: 1,200 sq ft
    - Two-story structure:
      - First floor: 650 sq ft
      - Total floor space: 1,200 sq ft

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**NOTES**
- For additions to the above requirements, refer to Section 3.4: A, B, C, D, and E.

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**SELECTED REFERENCES**

3. Zoning Districts
- Residential Open Space §3.11
- Planned Development §3.12
- General Exceptions §3.13

4. Use Standards
- Swimming Pools, Private §4.48
- Earth-Sheltered Buildings §4.50
- Wind Powered Electric Generators §4.51
- Condominium Subdivision §4.53
- Ponds §4.54
- Temporary Uses §4.55
- Garage, Private §4.59
- Waterfront and Canal Lot Accessory Structures and Boathouses §4.73
- Additional Access Drives §4.75

5. Site Standards
- Off-Street Parking Requirements §5.1
- Off-Street Parking Space Layout Standards... §5.2
- Off-street Loading and Unloading §5.3
- Performance Standards §5.4
- Landscaping and Screening §5.5
- Signs §5.6
- Exterior Lighting §5.7
- Corner Clearance §5.8
- Wails and Fences §5.9
- Residential Entrways §5.10
- Access Requirements and Private Roads §5.12
- More than One Principal Structure on a Lot §5.13
- Waterfront Lots §5.14
- Building Appearance §5.15
- Decks §5.16
- Building Grades §5.17
- Non-Residential Driveways §5.18
- Traffic Impact Study §5.19
- Natural Resource Greenbelt §5.20
- Use Restriction §5.22

6. Development Procedures
- Site Plan Review §6.1
- Special Land Use Approval Requirements §6.2
3.1.3 RU Residential Urban District

A. INTENT

This residence district is designed to provide for one-family dwelling sites and the residentially related uses in keeping with the Ira Township Master Plan* of residential development in the Township. The RU Residential Urban districts includes the waterfront areas south of M-29, which were platted as small lots several decades ago and were served by public water and sewer. Principal Permitted Uses and Special Land Uses are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic influences.

User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. One-family detached dwellings §4.18

ii. Places of worship and any uses normally incidental thereto §4.5

iii. Public buildings, public libraries, publicly owned and operated parks, parkways and recreational facilities

iv. Accessory buildings §5.21 and uses customarily incidental to any of the above permitted uses.

iv. Garage sales, yard sales or similar types of sales §4.2

C. SPECIAL LAND USES

i. Utility and public service facilities §4.4 and uses

ii. Cemeteries §4.6

iii. Public and parochial schools, private schools, charter schools, colleges, universities, and other such institutions of higher learning

iv. Non-public recreational areas and recreation facilities §4.7

v. Golf courses, which may or may not be operated for profit §4.8

vi. Nursery schools, day nurseries and child care centers §4.9

vii. An orphanage or a home for the aged, indigent, or physically handicapped, a rest or convalescent home §4.10

viii. General hospitals §4.11

ix. Home occupations §4.12

x. Family day-care (7–12 persons) §4.13

xi. Bed and breakfast lodging facilities §4.14

xii. Private wastewater treatment systems §4.16

xiii. Accessory boathouses, boat hoists, and boat storage §4.74

xiv. Accessory buildings §5.21 and uses customarily incidental to any of the above permitted uses

xv. Accessory building over 3,600 square feet §4.76

xvi. Uses similar to the above uses

*Ira Township Master Plan, adopted on April 8, 1996, and its subsequent amendments
D. DEVELOPMENT STANDARDS

Lot Size
Minimum lot area: 7,200 sq ft
Minimum lot width: 60 ft

Lot Coverage
Maximum lot coverage: 35%

Setbacks
Minimum front yard setback:
- Marine City Highway: 105 ft
- Major thoroughfare: 90 ft
- Collector road: 73 ft
- Local street: 30 ft
Minimum rear yard setback: 35 ft
Minimum side yard setback: 10 ft

Building Height
Maximum building height: 25 ft or 2 stories

Depth Ratio
Maximum Depth to Width Ratio: 4-to-1

Floor Area
Minimum floor area:
- One-story structure: 1,200 sq ft
- Two-story structure:
  - First floor: 650 sq ft
  - Total floor space: 1,200 sq ft

NOTES
- For additions to the above requirements, refer to Section 3.4: A, B, C, D, and E.

SELECTED REFERENCES

3. Zoning Districts
- Residential Open Space §3.11
- Planned Development §3.12
- General Exceptions §3.13

4. Use Standards
- Swimming Pools, Private §4.48
- Earth-Sheltered Buildings §4.50
- Wind Powered Electric Generators §4.51
- Condominium Subdivision §4.53
- Ponds §4.54
- Temporary Uses §4.55
- Garage, Private §4.59
- Waterfront and Canal Lot Accessory Structures and Boathouses §4.73
- Additional Access Drives §4.75

5. Site Standards
- Off-Street Parking Requirements §5.1
- Off-Street Parking Space Layout Standards... §5.2
- Off-street Loading and Unloading §5.3
- Performance Standards §5.4
- Landscaping and Screening §5.5
- Signs §5.6
- Exterior Lighting §5.7
- Corner Clearance §5.8
- Walls and Fences §5.9
- Access Requirements and Private Roads §5.10
- More than One Principal Structure on a Lot §5.13
- Waterfront Lots §5.14
- Building Appearance §5.15
- Decks §5.16
- Building Grades §5.17
- Non-Residential Driveways §5.18
- Traffic Impact Study §5.19
- Natural Resource Greenbelt §5.20
- Use Restriction §5.22

6. Development Procedures
- Site Plan Review §6.1
- Special Land Use Approval Requirements §6.2
3.1.4 RT Residential Transitional District

A. INTENT

The RT Residential Transitional district is designed to provide single family housing sites and residentially related uses within the planned densities and rationales of the Ira Township Master Plan*. This district is generally intended to provide a transition between the Township traditional planned sewer district and the outlying larger, non-sewered properties within the western portions of the Township. Principal Permitted Uses and Special Land Uses are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic influences.

User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. One-family detached dwellings§ 4.18
ii. Places of worship and any uses normally incidental thereto §4.5
iii. Public buildings, public libraries, publicly owned and operated parks, parkways and recreational facilities
iv. Accessory buildings§ 5.21 and uses customarily incidental to any of the above permitted uses.

C. SPECIAL LAND USES

i. Utility and public service facilities§ and uses §4.4
ii. Cemeteries §4.6
iii. Public and parochial schools, private schools, charter schools, colleges, universities, and other such institutions of higher learning
iv. Non-public recreational areas and recreation facilities §4.7
v. Golf courses, which may or may not be operated for profit §4.8
vi. Nursery schools, day nurseries and child care centers §4.9
vii. An orphanage or a home for the aged, indigent, or physically handicapped, a rest or convalescent home §4.10
viii. General hospitals §4.11
ix. Home occupations §4.12
x. Family day-care (7–12 persons) §4.13
xi. Bed and breakfast lodging facilities§ §4.14
xii. Private wastewater treatment systems §4.16
xiii. Accessory boathouses, boat hoists, and boat storage §4.74
xiv. Accessory buildings§ §5.21 and uses customarily incidental to any of the above permitted uses
xv. Uses similar to the above uses

*Ira Township Master Plan, adopted on April 8, 1996, and its subsequent amendments
D. DEVELOPMENT STANDARDS

Lot Size
Minimum lot area:\nNo public sewer: 43,560 sq ft
With public sewer: 32,000 sq ft
Minimum lot width:\nNo public sewer: 150 ft
With public sewer: 125 ft

Lot Coverage
Maximum lot coverage: 35%

Setbacks
Minimum front yard setback:
Marine City Highway: 105 ft
Major thoroughfare: 90 ft
Collector road: 73 ft
Local street: 30 ft
Minimum rear yard setback: 40 ft
Minimum side yard setback: 15 ft

Building Height
Maximum building height: 30 ft or 2 stories

Depth Ratio
Maximum Depth to Width Ratio: 4-to-1**

Floor Area
Minimum floor area:
One-story structure: 1,200 sq ft
Two-story structure:
First floor: 650 sq ft
Total floor space: 1,200 sq ft

NOTES
- For additions to the above requirements, refer to Section 3.4: A, B, D, and E.

SELECTED REFERENCES

3. Zoning Districts
- Planned Development §3.12
- General Exceptions §3.13

4. Use Standards
- Swimming Pools, Private §4.48
- Earth-Sheltered Buildings §4.50
- Wind Powered Electric Generators §4.51
- Condominium Subdivision §4.53
- Ponds §4.54
- Temporary Uses §4.55
- Garage, Private §4.59
- Waterfront and Canal Lot Accessory Structures and Boathouses §4.73
- Additional Access Drives §4.75

5. Site Standards
- Off-Street Parking Requirements §5.1
- Off-Street Parking Space Layout Standards... §5.2
- Off-street Loading and Unloading §5.3
- Performance Standards §5.4
- Landscaping and Screening §5.5
- Signs §5.6
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- Decks §5.16
- Building Grades §5.17
- Non-Residential Driveways §5.18
- Traffic Impact Study §5.19
- Natural Resource Greenbelt §5.20
- Use Restriction §5.22

6. Development Procedures
- Site Plan Review §6.1
- Special Land Use Approval Requirements §6.2
3.1.5  RM-1  Multiple-Family Residential (Low-Rise) District

A. INTENT

The Multiple-Family Residential district is designed to provide sites for multiple dwelling structures with height restrictions compatible with single-family residential districts to serve the limited needs for the apartment type of unit in an otherwise single-family residential community, and to provide zones of transition. The RM-1 district is intended generally for the development of a planned complex of buildings on acreage parcels.

User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Multiple-family dwellings}\(\text{§3.6}\)
ii. Two-family dwellings}\(\text{§4.18}\)
iii. Places of worship and any uses normally incidental thereto}\(\text{§4.5}\)
iv. Accessory buildings}\(\text{§5.21}\)

The following uses are permitted as regulated in the immediately abutting One-Family Residential District:
v. One-family detached dwellings}\(\text{§4.18}\)
vi. Public buildings, public libraries, publicly owned and operated parks, parkways and recreational facilities
vi. Garage sales, yard sales or similar types of sales}\(\text{§4.2}\)

C. SPECIAL LAND USES

The following uses are permitted as regulated in the immediately abutting one-family residential district:

i. Utility and public service facilities and uses}\(\text{§4.4}\)
ii. Cemeteries}\(\text{§4.6}\)
iii. Public and parochial schools, private schools, charter schools, colleges, universities, and other such institutions of higher learning
iv. Non-public recreational areas and recreation facilities}\(\text{§4.7}\)
v. Golf courses, which may or may not be operated for profit}\(\text{§4.8}\)
vi. Nursery schools, day nurseries and child care centers}\(\text{§4.9}\)

Celebrate Life in a Community Where it Matters Most...
RM-1  Multiple-Family Residential (Low-Rise) District

D. DEVELOPMENT STANDARDS

Lot Size
Multiple and two-family minimum lot area:\( \geq \) 12,000 sq ft
Multiple and two-family minimum lot width:\( \geq \) 100 ft

<table>
<thead>
<tr>
<th>Minimum Land Area Per Dwelling Unit</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling Unit</td>
<td>Minimum Land Area Per Unit</td>
</tr>
<tr>
<td>Efficiency</td>
<td>3,200 sq. ft.</td>
</tr>
<tr>
<td>One-Bedroom</td>
<td>3,800 sq. ft.</td>
</tr>
<tr>
<td>Two-Bedroom</td>
<td>4,200 sq. ft.</td>
</tr>
<tr>
<td>Three-Bedroom</td>
<td>4,600 sq. ft.</td>
</tr>
<tr>
<td>Four-Bedroom</td>
<td>5,000 sq. ft.</td>
</tr>
</tbody>
</table>

Lot Coverage
Maximum lot coverage: \( \leq \) 30%

Setbacks
Minimum front yard setback: \( \geq \) 25 ft
Minimum rear yard setback: \( \geq \) 35 ft
Minimum side yard setback: \( \geq \) 20 ft

Building Height
Maximum building height: \( \leq \) 30 ft or 2 stories

Floor Area
Minimum floor area: See Section 3.6.5

NOTES
For additions to the above requirements, refer to Section 3.4: F

SELECTED REFERENCES

3. Zoning Districts
- Notes to Permitted Uses in the RM-1, RM-2 and RM-3 Districts §3.6
- Notes to Permitted Uses in the RM-1 and RM-2 §3.7
- Planned Development §3.12
- General Exceptions §3.13

4. Use Standards
- Swimming Pools, Private §4.48
- Earth-Sheltered Buildings §4.50
- Wind Powered Electric Generators §4.51
- Condominium Subdivision §4.53
- Ponds §4.54
- Temporary Uses §4.55
- Waterfront and Canal Lot Accessory Structures and Boathouses §4.73
- Additional Access Drives §4.75

5. Site Standards
- Off-Street Parking Requirements §5.1
- Off-Street Parking Space Layout Standards... §5.2
- Disposal of Sewage §5.3
- Performance Standards §5.4
- Landscaping and Screening §5.5
- Signs §5.6
- Exterior Lighting §5.7
- Corner Clearance §5.8
- Walls and Fences §5.9
- Residential Entryways §5.10
- Access Requirements and Private Roads §5.12
- More than One Principal Structure on a Lot §5.13
- Waterfront Lots §5.14
- Building Appearance §5.15

6. Development Procedures
- Site Plan Review §6.1
- Special Land Use Approval Requirements §6.2

DEPARTMENTS

Ira Township Zoning Ordinance clearzoning® 3-13
3.1.6 RM-2 Multiple-Family Residential (Low-Rise) District

A. INTENT

The Multiple-Family Residential district is designed to provide sites for multiple dwelling structures with height restrictions compatible with single-family residential districts to serve the limited needs for the apartment type of unit in an otherwise single-family residential community, and to provide zones of transition. The RM-2 district is intended for limited usage in areas where land use transition is desired, but where the existing pattern of platting is in small lots.

User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Multiple-family dwellings §3.6
ii. Two-family dwellings §4.18
iii. Places of worship and any uses normally incidental thereto §4.5
iv. Accessory buildings §5.21 and uses customarily incidental to any of the above permitted uses.

The following uses are permitted as regulated in the immediately abutting One-Family Residential District:
v. One-family detached dwellings §4.18
vi. Public buildings, public libraries, publicly owned and operated parks, parkways and recreational facilities
vi. Garage sales, yard sales or similar types of sales §4.2
vii. Accessory buildings §5.21 and uses customarily incidental to any of the above permitted uses.

C. SPECIAL LAND USES

The following uses are permitted as regulated in the immediately abutting one-family residential district:
i. Utility and public service facilities and uses §4.4
ii. Cemeteries §4.6
iii. Public and parochial schools, private schools, charter schools, colleges, universities, and other such institutions of higher learning
iv. Non-public recreational areas and recreation facilities §4.7
v. Golf courses, which may or may not be operated for profit §4.8
vi. Nursery schools, day nurseries and child care centers §4.9
vii. An orphanage or a home for the aged, indigent, or physically handicapped, a rest or convalescent home §4.10
viii. General hospitals §4.11
ix. Family day-care (7–12 persons) §4.13
x. Bed and breakfast lodging facilities §4.14
xi. Private wastewater treatment systems §4.16
xii. Accessory buildings §5.21 and uses customarily incidental to any of the above permitted uses
xiii. Uses similar to the above uses
D. DEVELOPMENT STANDARDS

Lot Size
- Multiple and two-family minimum lot area: 12,000 sq ft
- Multiple and two-family minimum lot width: 100 ft

Minimum Land Area Per Dwelling Unit

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<td>3,800 sq. ft.</td>
</tr>
<tr>
<td>Three-Bedroom</td>
<td>4,200 sq. ft.</td>
</tr>
<tr>
<td>Four-Bedroom</td>
<td>4,600 sq. ft.</td>
</tr>
</tbody>
</table>

Lot Coverage
- Maximum lot coverage: 30%

Setbacks
- Minimum front yard setback: 25 ft
- Minimum rear yard setback: 35 ft
- Minimum side yard setback: 20 ft

Building Height
- Maximum building height: 30 ft or 2 stories

Floor Area
- Minimum floor area: See Section 3.6.5

NOTES
- For additions to the above requirements, refer to Section 3.4: F
3.1.7  RM-3  Multiple-Family Residential (High-Rise) District

A. INTENT

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

User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Multiple-family dwelling units\textsuperscript{a} in high-rise structures §4.19

ii. Business uses §4.20

iii. Accessory buildings\textsuperscript{a} §5.21 and uses customarily incidental to any of the above permitted uses

C. SPECIAL LAND USES

i. Private wastewater treatment systems §4.16
D. DEVELOPMENT STANDARDS

Lot Size
Multiple-family minimum lot area: 3 acres
Multiple-family minimum lot width: 200 ft

Lot Coverage
Maximum lot coverage: 30%

Setbacks
Minimum front yard setback: See Section 3.8
Minimum rear yard setback: See Section 3.8
Minimum side yard setback: See Section 3.8

Building Height
Maximum building height: See Section 3.8

Floor Area
Minimum floor area: See Note to District Standards 3.6.5

Land Area
Minimum land area per dwelling unit: See Section 3.8

For Development Standards See Section 3.8

SELECTED REFERENCES

3. Zoning Districts
- Notes to Permitted Uses in the RM-1, RM-2 and RM-3 Districts §3.6
- Planned Development §3.12
- General Exceptions §3.13

4. Use Standards
- Swimming Pools, Private §4.48
- Earth-Sheltered Buildings §4.50
- Wind Powered Electric Generators §4.51
- Condominium Subdivision §4.53
- Ponds §4.54
- Temporary Uses §4.55
- Waterfront and Canal Lot Accessory Structures and Boathouses §4.73
- Additional Access Drives §4.75

5. Site Standards
- Off-Street Parking Requirements §5.1
- Off-Street Parking Space Layout Standards... §5.2
- Off-street Loading and Unloading §5.3
- Performance Standards §5.4
- Landscaping and Screening §5.5
- Signs §5.6
- Exterior Lighting §5.7
- Corner Clearance §5.8
- Walls and Fences §5.9
- Residential Entryways §5.10
- Access Requirements and Private Roads §5.12
- More than One Principal Structure on a Lot §5.13
- Waterfront Lots §5.14
- Building Appearance §5.15

- Decks §5.16
- Building Grades §5.17
- Non-Residential Driveways §5.18
- Traffic Impact Study §5.19
- Natural Resource Greenbelt §5.20
- Use Restriction §5.22

6. Development Procedures
- Site Plan Review §6.1
- Special Land Use Approval Requirements §6.2
3.1.8 MH Mobile Home Park Districts

A. INTENT

The MH Mobile Home Park district is designed to permit the development of residential neighborhoods in planned mobile home park settings.

B. PRINCIPAL PERMITTED USES

- Mobile home parks (trailer court) §3.9
- Accessory commercial uses §3.9
- Signs §3.9

C. SPECIAL LAND USES

- Private wastewater treatment systems §4.16
- Recreational Vehicle Parks §4.57

User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards.
D. DEVELOPMENT STANDARDS

Lot Size
Minimum Mobile
Home Park Size: 10 acres
Minimum lot area: 5,500 sq ft

Setbacks
Minimum front yard setback: 35 ft
Minimum rear yard setback: 35 ft
Minimum side yard setback: 35 ft
Minimum road setback: 35 ft

Building Height
Maximum building height: 25 feet or 2 stories

Floor Area
Minimum floor area: 720 sq ft

For Development Standards
See Section 3.9

The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts
- Mobile Home Parks §3.9
- Planned Development §3.12
- General Exceptions §3.13

4. Use Standards
- Wind Powered Electric Generators §4.51
- Ponds §4.54
- Temporary Uses §4.55
- Waterfront and Canal Lot Accessory Structures and Boathouses §4.73
- Additional Access Drives §4.75

5. Site Standards
- Off-Street Parking Requirements §5.1
- Off-Street Parking Space Layout Standards... §5.2
- Off-street Loading and Unloading §5.3
- Performance Standards §5.4
- Landscaping and Screening §5.5
- Signs §5.6
- Exterior Lighting §5.7
- Corner Clearance §5.8
- Walls and Fences §5.9
- Residential Entryways §5.10
- Access Requirements and Private Roads §5.12
- More than One Principal Structure on a Lot §5.13
- Waterfront Lots §5.14
- Building Appearance §5.15
- Decks §5.16
- Building Grades §5.17
- Non-Residential Driveways §5.18
- Traffic Impact Study §5.19
- Natural Resource Greenbelt §5.20
- Use Restriction §5.22

6. Development Procedures
- Site Plan Review §6.1
- Special Land Use Approval Requirements §6.2
B-1  Local Business District

A. INTENT

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

B. PRINCIPAL PERMITTED USES

The following uses are subject to the regulations in Section 3.10.

i. Office buildings for executive, administrative, professional, governmental and sales
ii. Medical and dental offices, including clinics
iii. Banks and financial institutions
iv. Retail business
v. Personal service establishment
vi. Private clubs and lodge halls.
vii. Places of worship
viii. Utility and public service facilities and uses §4.4
ix. Accessory buildings §5.21 and uses customarily incidental to the above permitted uses
x. Other uses similar to the above uses

C. SPECIAL LAND USES

i. Restaurants §4.21
ii. Hotels, motels, cabin courts, and tourist lodging facilities §4.22
iii. Private wastewater treatment systems §4.16
iv. Retail sales and display of fireworks §4.23
v. Accessory buildings §5.21 and uses customarily incidental to the above permitted uses.
vi. Uses similar to the above uses.

User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards.
B-1 Local Business District

D. DEVELOPMENT STANDARDS

Lot Size
Minimum lot area: None Specified
Minimum lot width: None Specified

Lot Coverage
Maximum lot coverage: See Section 3.4.2.K

Setbacks
Minimum front yard setback: 25 ft
Minimum rear yard setback: 20 ft
Minimum side yard setback: 5 ft

Building Height
Maximum building height: 30 ft or 2 stories

Impervious Surface
Maximum impervious surface: 60%

NOTES
For additions to the above requirements, refer to Section 3.4: G, H, I and K.

SELECTED REFERENCES

3. Zoning Districts
- B-1 Permitted Uses §3.10
- Planned Development §3.12
- General Exceptions §3.13

4. Use Standards
- Wind Powered Electric Generators §4.51
- Ponds §4.54
- Temporary Uses §4.55
- Waterfront and Canal Lot Accessory Structures and Boathouses §4.73
- Additional Access Drives §4.75

5. Site Standards
- Off-Street Parking Requirements §5.1
- Off-Street Parking Space Layout Standards... §5.2
- Off-street Loading and Unloading §5.3
- Performance Standards §5.4
- Landscaping and Screening §5.5
- Signs §5.6
- Exterior Lighting §5.7
- Corner Clearance §5.8
- Walls and Fences §5.9
- Residential Entrances §5.10
- Access Requirements and Private Roads §5.12

6. Development Procedures
- Site Plan Review §6.1
- Special Land Use Approval Requirements §6.2

- More than One Principal Structure on a Lot §5.13
- Waterfront Lots §5.14
- Building Appearance §5.15
- Decks §5.16
- Building Grades §5.17
- Non-Residential Driveways §5.18
- Traffic Impact Study §5.19
- Natural Resource Greenbelt §5.20
- Use Restriction §5.22
3.1.10 B-2 General Business District

A. INTENT

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

User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Office buildings for executive, administrative, professional, governmental and sales

ii. Medical and dental offices, including clinics

iii. Banks and financial institutions

iv. Retail business

v. Personal service establishment

vi. Private clubs and lodge halls.

vii. Places of worship

viii. Utility and public service facilities and uses

ix. Tourist facilities including, but not limited to: rooming houses, motels and hotels, cabin courts, and gift shops

x. Wholesale uses and storage uses

xi. Theaters, assembly halls and similar places of assembly

xii. Bottling works and food packaging

xiii. New automobile and boat sales or showroom

xiv. Restaurants, supper clubs and taverns

xv. Bowling alleys, pool or billiard parlor or club.

xvi. Commercial printing and newspaper offices

xvii. Business schools or private schools operated for profit

xviii. Offices and showrooms of plumbers, electricians, decorators, or similar trades

xix. Governmental offices or other governmental uses; public utility offices, and uses, utility exchanges, transformer stations, pump stations and service yards; and other public service facilities

xx. Veterinary hospitals and clinics

xxi. Accessory buildings and uses customarily incidental to the above uses

xxii. Uses similar in character to the above-listed uses

C. SPECIAL LAND USES

i. Outdoor sales space for the exclusive sale of second-hand automobiles, house trailers, travel trailer rental

ii. Commercially used outdoor recreational space

iii. Gasoline service station

iv. Car washes

v. Businesses utilizing outdoor storage

vi. Adult uses (sexually oriented business)

vii. Private wastewater treatment systems

viii. Retail and food establishments providing amplified outdoor music and noise, beverage and food service

ix. Retail sales and display of fireworks from a permanent location

x. Overnight camping facilities

xi. Accessory buildings and uses customarily incidental to the above special land use

xii. Other uses similar to the above and regulated as special land uses
B-2 General Business District

D. DEVELOPMENT STANDARDS

Lot Size
Minimum lot area: None Specified
Minimum lot width: None Specified

Lot Coverage
Maximum lot coverage: See Section 3.4.2.K

Setbacks
Minimum front yard setback: 25 ft
Minimum rear yard setback: 20 ft
Minimum side yard setback: 5 ft

Building Height
Maximum building height: 30 ft or 2 stories

Impervious Surface
Maximum impervious surface: 75%

NOTES
- For additions to the above requirements, refer to Section 3.4: G, H, I, and K

SELECTED REFERENCES

3. Zoning Districts
- Planned Development §3.12
- General Exceptions §3.13

5. Site Standards
- Off-Street Parking Requirements §5.1
- Off-Street Parking Space Layout Standards... §5.2
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- Access Requirements and Private Roads §5.12

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- Decks §5.16
- Building Grades §5.17
- Non-Residential Driveways §5.18
- Traffic Impact Study §5.19
- Natural Resource Greenbelt §5.20
- Use Restriction §5.22

6. Development Procedures
- Site Plan Review §6.1
- Special Land Use Approval Requirements §6.2

The above drawings are not to scale.
A. INTENT

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

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards.

B. PRINCIPAL PERMITTED USES

All of the requirements of **Section 5.4** shall be strictly adhered to for the following uses:

i. Federal, state, municipal, or private development of either the berthing, protection, or servicing of recreational boats, yachts, cruisers, inboards, outboards and sailboats

ii. Commissary facilities for the provision of food, beverages and the like to be stored aboard boats

iii. Federal, state, municipal or private beaches, and water-related recreation areas

iv. Retail businesses, waterfront marina

v. Restaurants, lounges or clubs.

vi. Hotels or motels or other such facilities to provide temporary homeport accommodations.

vii. **Accessory buildings**  and uses customarily incidental to the above permitted uses.

viii. Other uses which are similar to the above permitted uses

ix. Boat fuel stations

x. **Accessory dwelling unit**

C. SPECIAL LAND USES

All of the requirements of **Section 5.4** shall be strictly adhered to for the following uses:

i. Engine and hull repair shops

ii. Propeller and shaft repair shop.

iii. **Private wastewater treatment systems**

iv. **Retail uses which provide service to the general public (beyond marina users)**

v. **Accessory boathouses, boat hoists, and boat storage**

vi. Other similar uses as approved by the Planning Commission
### D. DEVELOPMENT STANDARDS

| **Lot Size** | Minimum lot area: None Specified |
| | Minimum lot width: None Specified |

| **Lot Coverage** | Maximum lot coverage: See Section 3.4.2.K |

| **Setbacks** | Minimum front yard setback: 25 ft |
| | Minimum rear yard setback: 20 ft |
| | Minimum side yard setback: 5 ft |

| **Building Height** | Maximum building height: 30 ft or 2 stories |

| **Impervious Surface** | Maximum impervious surface: 75% |

### NOTES
- For additions to the above requirements, refer to Section 3.4: G, H, I and K

### SELECTED REFERENCES

| 3. Zoning Districts | §3.12 Planned Development |
| | §3.13 General Exceptions |
| 4. Use Standards | §4.49 Watercraft Occupancy Prohibited |
| | §4.51 Off-Street Parking Requirements |
| | §4.52 Off-Street Parking Space Layout Standards |
| | §4.53 Off-street Loading and Unloading |
| | §4.54 Performance Standards |
| | §4.55 Landscaping and Screening |
| | §4.56 Signs |
| | §4.57 Exterior Lighting |
| | §4.58 Corner Clearance |
| | §4.59 Walls and Fences |
| | §4.60 Residential Entryways |
| | §4.61 Docks and Seawalls |
| | §4.62 Access Requirements and Private Roads |
| | §4.49 Watercraft Occupancy Prohibited |
| | §4.51 Off-Street Parking Requirements |
| | §4.52 Off-Street Parking Space Layout Standards |
| | §4.53 Off-street Loading and Unloading |
| | §4.54 Performance Standards |
| | §4.55 Landscaping and Screening |
| | §4.56 Signs |
| | §4.57 Exterior Lighting |
| | §4.58 Corner Clearance |
| | §4.59 Walls and Fences |
| | §4.60 Residential Entryways |
| | §4.61 Docks and Seawalls |
| | §4.62 Access Requirements and Private Roads |

| 5. Site Standards | §5.13 More than One Principal Structure on a Lot |
| | §5.14 Waterfront Lots |
| | §5.15 Building Appearance |
| | §5.16 Decks |
| | §5.17 Building Grades |
| | §5.18 Non-Residential Driveways |
| | §5.19 Traffic Impact Study |
| | §5.20 Natural Resource Greenbelt |
| | §5.22 Use Restriction |

| 6. Development Procedures | §6.1 Site Plan Review |
| | §6.2 Special Land Use Approval Requirements |
I-1 Light Industrial District

A. INTENT

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

B. PRINCIPAL PERMITTED USES

i. Basic research, design and pilot or experimental product development §4.40
ii. Warehousing and wholesale establishments
iii. Trucking facilities
iv. Manufacturing
v. Laboratories - experimental, film, or testing
vi. Storage, transfer, electric and gas service buildings and yards
vii. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations
viii. Water and propane tank holders
ix. Railroad transfer and storage tracks and railroad rights-of-way
x. Storage facilities for building materials, sand, gravel, stone, lumber, or storage of contractor's equipment and supplies
xi. Central dry-cleaning plants or laundries
xii. Automotive repair garages, auto engine and body repair and undercoating shops §4.36
xiii. Non-accessory signs
xiv. Warehousing and storage of consumer fireworks
xv. Other uses which are similar to the above uses
xiv. Accessory buildings §5.21 and uses customarily incidental to the above permitted uses

C. SPECIAL LAND USES

i. Retail uses, industrial
ii. Accessory retail uses
iii. Lumber and planing mills §4.37
iv. Metal plating, buffing and polishing, §4.38
v. Private wastewater treatment systems §4.16
vi. Colleges, universities and other such institutions of higher learning, public or private §4.39
vii. Retail sales and display of fireworks from a permanent location §4.23
viii. Outdoor theaters §4.52
ix. Radio, television, satellite dish and communications antennae §4.56
x. Auto race track (including midget auto and karting tracks) §4.60
xi. Fairgrounds, horse and dog race tracks §4.61
xii. Riding academies and stables §4.62
xiii. Airports and related uses §4.63
xiv. Kennels, commercial §4.64
xv. Gun clubs §4.70
xvi. Quarry and stripping operations §4.71
xvii. Communication Towers, Personal Wireless Service (Cell Towers) and Similar Towers and Antennas §4.72
xviii. Accessory buildings §5.21 and uses customarily incidental to any of the above permitted uses.

xix. Uses similar to the above uses.
D. DEVELOPMENT STANDARDS

Lot Size
Minimum lot area: None Specified
Minimum lot width: None Specified

Lot Coverage
Maximum lot coverage: See Section 3.4.2.K

Setbacks
Minimum front yard setback: 30 ft
Minimum rear yard setback:
  - Abutting Residential: 40 ft
  - Abutting Non-Residential: 30 ft
Minimum side yard setback:
  - Abutting Residential: 40 ft
  - Abutting Non-Residential: 10 ft

Building Height
Maximum building height: 30 feet or 2 stories

Impervious Surface
Maximum impervious surface: 75%

NOTES
- For additions to the above requirements, refer to Section 3.4.2: H, J, and K.

SELECTED REFERENCES

3. Zoning Districts
   - Planned Development §3.12
   - General Exceptions §3.13

4. Use Standards
   - Wind Powered Electric Generators §4.51
   - Ponds §4.54
   - Temporary Uses §4.55
   - Waterfront and Canal Lot Accessory Structures and Boathouses §4.73
   - Additional Access Drives §4.75

5. Site Standards
   - Off-Street Parking Requirements §5.1
   - Off-Street Parking Space Layout Standards... §5.2
   - Off-street Loading and Unloading §5.3
   - Performance Standards §5.4
   - Landscaping and Screening §5.5
   - Signs §5.6
   - Exterior Lighting §5.7
   - Corner Clearance §5.8
   - Walls and Fences §5.9
   - Residential Entrances §5.10
   - Access Requirements and Private Roads §5.12

6. Development Procedures
   - Site Plan Review §6.1
   - Special Land Use Approval Requirements §6.2

More than One Principal Structure on a Lot §5.13
Building Appearance §5.15
Decks §5.16
Building Grades §5.17
Non-Residential Driveways §5.18
Traffic Impact Study §5.19
Natural Resource Greenbelt §5.20
Use Restriction §5.22
### I-2 Heavy Industrial District

**A. INTENT**

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

**B. PRINCIPAL PERMITTED USES**

1. Basic research, design and pilot or experimental product development §4.40
2. Warehousing and wholesale establishments
3. Manufacturing
4. Laboratories - experimental, film, or testing
5. Storage, transfer, electric and gas service buildings and yards
6. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations
7. Water and propane tank holders
8. Railroad transfer and storage tracks and railroad rights-of-way
9. Storage facilities for building materials, sand, gravel, stone, lumber, or storage of contractor's equipment and supplies
10. Central dry-cleaning plants or laundries
11. Automotive repair garages, auto engine and body repair and undercoating shops §4.36
12. Non-accessory signs
13. Warehousing and storage of consumer fireworks
14. Serve convenience needs, industrial
15. Lumber and planing mills §4.37
16. Metal plating, buffing and polishing, §4.38
17. Colleges, universities and other such institutions of higher learning, public or private §4.39
18. Retail sales and display of fireworks from a permanent location §4.23
19. Tractor and trucking facilities, including storage and repair
20. Heating and electric power generating plants, and all necessary uses
21. Production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products §4.41
22. Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay §4.42
23. Freight yards and terminals

**B. PRINCIPAL PERMITTED USES (continued)**

24. Accessory buildings §5.21 and uses customarily incidental to any of the above permitted uses.
25. Uses similar to the above uses

**C. SPECIAL LAND USES**

1. Retail uses, industrial
2. Junk yards §4.43
3. Incineration of garbage or refuse §4.44
4. Accessory retail uses
5. Municipal or commercial composting operations for leaves and grass §4.45
6. Private wastewater treatment systems §4.16
7. Outdoor theaters §4.52
8. Radio, television, satellite dish and communications antennae §4.56
9. Auto race track (including midget auto and karting tracks) §4.60
10. Fairgrounds, horse and dog race tracks §4.61
11. Riding academies and stables §4.62
12. Airports and related uses §4.63
13. Kennels, commercial §4.64
14. Waste lagoon ponds §4.66
15. Mushroom plants and farms §4.69
16. Gun clubs §4.70
17. Quarry and stripping operations §4.71
18. Communication Towers, Personal Wireless Service (Cell Towers) and Similar Towers and Antennas §4.72
19. Accessory buildings §5.21 and uses customarily incidental to any of the above permitted uses
20. Uses similar to the above uses
I-2 Heavy Industrial District 3.1.13

D. DEVELOPMENT STANDARDS

Lot Size
Minimum lot area: None Specified
Minimum lot width: None Specified

Lot Coverage
Maximum lot coverage: See Section 3.4.2.K

Setbacks
Minimum front yard setback: 50 ft
Minimum rear yard setback: 50 ft
Minimum side yard setback:
  Abutting Residential: 40 ft
  Abutting Non-Residential: 20 ft

Building Height
Maximum building height: 30 feet or 2 stories

Impervious Surface
Maximum impervious surface: 75%

NOTES
- For additions to the above requirements, refer to Section 3.4: H, J and K.

SELECTED REFERENCES

3. Zoning Districts
   - Planned Development §3.12
   - General Exceptions §3.13

4. Use Standards
   - Wind Powered Electric Generators §4.51
   - Ponds §4.54
   - Temporary Uses §4.55
   - Waterfront and Canal Lot Accessory Structures and Boathouses §4.73
   - Additional Access Drives §4.75

5. Site Standards
   - Off-Street Parking Requirements §5.1
   - Off-Street Parking Space Layout Standards... §5.2
   - Off-street Loading and Unloading §5.3
   - Performance Standards §5.4
   - Landscaping and Screening §5.5
   - Signs §5.6
   - Exterior Lighting §5.7
   - Corner Clearance §5.8
   - Walls and Fences §5.9
   - Residential Entryways §5.10
   - Access Requirements and Private Roads §5.12

6. Development Procedures
   - Site Plan Review §6.1
   - Special Land Use Approval Requirements §6.2

   - More than One Principal Structure on a Lot §5.13
   - Building Appearance §5.15
   - Decks §5.16
   - Building Grades §5.17
   - Non-Residential Driveways §5.18
   - Traffic Impact Study §5.19
   - Natural Resource Greenbelt §5.20
   - Use Restriction §5.22

The above drawings are not to scale.
3.2 BOUNDARIES

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

1. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.

2. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Board of Appeals.

3.3 ZONING OF VACATED AREAS.

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

3.4 NOTES TO DISTRICT REGULATIONS

1. Applicability. The notes contained in Section 3.4.2 are additions, exceptions, and clarifications to the district standards contained in Section 3.1. The applicability of individual notes to each district is provided in the table on the following page.

2. Notes to District Standards:

A. Lots that legally existed and were recorded prior to the adoption of this amended Ordinance may be developed, provided they meet the yard setback requirements of this Article.

B. The front setback line in the AEC district is measured from the road right-of-way centerline. In all single-family residential districts, local street setbacks shall be measured from the established road right-of-way or road easement line. For all other roads the front setback line is measured from the road right-of-way centerline.

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

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

E. The one remaining lot or parcel from the parent parcel may exceed the 4-to-1 depth ratio.

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

G. Planned developments involving three (3) acres or more under one ownership shall be subject to the approval of the Township Board after review by the Planning Commission, after public hearing, regarding modifications with respect to height regulations in "B-1," "B-2," and "B-3" districts.

H. Parking may be provided in the front yard after approval of the parking plan layout and points of access by the Township Board after review by the Planning Commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines.

I. No side yards are required along the interior side lot lines, except as otherwise specified in an applicable Building Code. On the exterior side yard that borders on a residential district or street, there shall be provided a setback of not less than ten (10) feet on the side abutting the residential district or street.
3.4.1 Applicability of Notes to District Standards

<table>
<thead>
<tr>
<th>Note to District Standard</th>
<th>AEC</th>
<th>RS</th>
<th>RU</th>
<th>RT</th>
<th>RM-1</th>
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</table>

J. The Board of Appeals may, upon review of the proposed site plan and after public hearing, modify side and rear yard requirements upon a finding that 1) adequate ingress and egress for parking, loading, and fire and police protection needs are met, and 2) that any Building Code requirements relative to the relationship between buildings are met.

K. The maximum percentage of lot coverage shall be determined by the meeting of yard requirements by the actual use, and by the provision of required off-street parking and loading facilities.

3.6 NOTES TO PERMITTED USES IN THE RM-1, RM-2, AND RM-3 DISTRICTS

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

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

A. The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety; and

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

3.5 NOTES TO PERMITTED USES IN THE AEC AGRICULTURAL DISTRICT

All principal uses permitted in the RS and RU zoning districts are permitted in the AEC district, provided the minimum lot or parcel area is at least three and one-half (3½) acres and has at least two hundred and fifty (250) feet of frontage on a public road.
circulation routes located as to interfere with police or fire equipment access.

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

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

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

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

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

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

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

   D. Three or More Bedroom Unit: The term, "Three or More Bedroom Unit" shall mean a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of one hundred fifty (150) square feet to the minimum floor area of seven hundred fifty (750) square feet.

3.7 NOTES TO PERMITTED USES IN THE RM-1 AND RM-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

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

<table>
<thead>
<tr>
<th>Building Relationship</th>
<th>Overall Distance Between Buildings (Exclusive of Parking Area)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front to side</td>
<td>45 feet</td>
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<tr>
<td>Front to front</td>
<td>50 feet</td>
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<tr>
<td>Front to rear</td>
<td>*60 feet</td>
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<tr>
<td>Rear to rear</td>
<td>*60 feet</td>
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<tr>
<td>Rear to side</td>
<td>45 feet</td>
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<tr>
<td>Side to side</td>
<td>20 feet</td>
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<tr>
<td>Corner to corner</td>
<td>15 feet</td>
</tr>
</tbody>
</table>

*Parking may be permitted in fifty (50) percent of the required rear yard provided that there shall be at least fifteen (15) feet of yard space between said parking area and the multiple family dwelling.
3.8 NOTES TO PERMITTED USES IN THE RM-3 MULTIPLE-FAMILY RESIDENTIAL (HIGH-RISE) DISTRICT

1. No multiple-family dwelling in an "RM-3" district shall be erected on a lot or parcel of land which has an area of less than three (3) acres, or has a width of less than two-hundred (200) feet. Refer to Table 3.8.1 for the minimum lot area allowed per dwelling unit.

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

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

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

"RM-3" district shall be as follows:

Where:

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

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

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

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

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

4. In "RM-3" districts, all exterior yards shall be at least equal to the height of the building; except that where a lot line abuts a street, one-half (½) the width of the right-of-way of said street may be considered as yard setback provided that said yard shall not be less than fifty (50) feet in depth. In no instance shall more than thirty (30) percent of any required yard be occupied by parking lots or drives.

### Table 3.8.1 Minimum Lot Area Per Dwelling Unit Type

<table>
<thead>
<tr>
<th>Dwelling Unit Type</th>
<th>3-Story Building</th>
<th>4-Story Building</th>
<th>5 or More Story Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency</td>
<td>1,800 sq ft</td>
<td>1,200 sq ft</td>
<td>600 sq ft</td>
</tr>
<tr>
<td>One-Bedroom</td>
<td>2,400 sq ft</td>
<td>1,800 sq ft</td>
<td>900 sq ft</td>
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<tr>
<td>Two-Bedroom</td>
<td>3,000 sq ft</td>
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<td>Three-Bedroom</td>
<td>3,600 sq ft</td>
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<tr>
<td>Four-Bedroom</td>
<td>4,000 sq ft</td>
<td>3,600 sq ft</td>
<td>1,800 sq ft</td>
</tr>
</tbody>
</table>
3.9 NOTES TO PERMITTED USES IN THE MOBILE HOME PARK DISTRICT

The regulations contained herein recognize the unique physical characteristics of mobile home park communities and the regulation of these developments by the State of Michigan.

Unlike the typical single-family subdivision, in which the individual lot provides the open space and amenities necessary for family living, mobile home parks more closely resemble multiple-family development. Mobile home parks are constructed, managed and regulated by the developer. Streets, utilities, recreation areas and amenities are also similarly under the control of the developer. As a result of these similarities, mobile home parks should be designed to provide adequate space and land use separation consistent with their land use intensity relative to the Township's other residential zoning districts. The rules and regulations, as promulgated by the State of Michigan Mobile Home Commission, shall be applicable to the development of mobile home parks in Ira Township, except as modified by Section 3.9:

1. Permitted uses.
   A. Mobile home parks are subject to the requirements as established and regulated by the Mobile Home Commission pursuant to Public Act 96 of 1987, as amended, as well as all other applicable Township codes and ordinances referenced herein.
   B. Accessory commercial uses may be conducted in a mobile home park in separate, permanent structures, and for such purposes as the office of the manager, laundry and dry cleaning facilities, or other services primarily for the residents of the park. The park proprietor or management may display mobile homes and accessories for sale, provided such accessories for sale may be displayed only in a mobile home or other approved permanent structure for this purpose.
   C. Signs. One (1) sign, identifying the premises and use, and containing not more than thirty-two (32) square feet in area for identification (without additional advertising), may be placed at the main entrance of the mobile home park. One (1) sign, no larger than ten (10) square feet, limited to the same information as shown on the entrance sign, may be erected at any secondary entrance to a mobile home park which adjoins a public road. The identification sign shall be part of a permanent decorative entranceway that shall be compatible with the surrounding areas. All signs shall observe the setback and height limitations cited in Section 5.6 of this Ordinance.

2. General site regulations.
   A. Lot Size. The mobile home park shall be developed with sites averaging five-thousand five-hundred (5,500) square feet per mobile home unit. The five-thousand five-hundred (5,500) square feet for any one (1) site 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 a 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 and distance requirements be less than that required under RS25.1046, Rule 946 and RS25.1941 and RS25.1944, Rules 941 and 944 of the Michigan Administrative Code.
   B. Access to Public Roads. A mobile home park shall have direct access to a major thoroughfare by access roads that shall be hard surfaced.
   C. Paving. All internal roads and parking facilities shall be provided with a paved surface in compliance with AASHTO specifications referenced in Rule 922 of the Mobile Home Commission Rules.
   D. Sidewalks. Concrete walks, not less than three (3) feet wide and four (4) inches thick, shall be installed in the mobile home park from the public entrance to all mobile home lots, and to all required service facilities such as, but not limited to, central laundry, central parking, and central recreation and park areas.
   E. Plumbing, Electrical, and TV. All electrical and telephone wiring shall be underground. The installation of all plumbing and electrical services to mobile home sites shall be in compliance with all applicable standards of the Mobile Home Commission.
   F. Floor Space. There shall be not less than seven-hundred twenty (720) square feet of
floor space within each mobile home. The floor area of any porch, sun deck or other structure above the roof or outside the floor or walls of the mobile home shall not be counted as part of the seven-hundred twenty (720) square foot minimum.

G. Screening and Greenbelt. When the mobile home park adjoins a site zoned or developed for single-family residential use, there shall be installed on the park site along the boundary line of such residential site a screening or a greenbelt, as required under Section 5.5 of the Zoning Ordinance.

H. Storage and Skirting. There shall be no storage of any kind under a mobile home. Each such home shall be skirted within ninety (90) days after being placed on the lot.

I. Fences. All fences (other than the perimeter screening requirements) shall be uniform in height and shall be constructed and installed in such a manner as not to interfere with free access by firefighters to all sides of a mobile home and shall not exceed thirty-six (36) inches in height. Barbed wire shall not be used in any such fence. Two (2) access gates shall be provided to all fenced areas pursuant to the requirements of the Mobile Home Commission.

J. Storage. No personal property shall be stored outside or under any mobile home. Storage sheds may be used to store property, but need not be supplied by the owner of the mobile home development. Any storage sheds placed on individual mobile home sites shall be maintained in good condition and kept painted. Storage sheds shall be placed in side or rear yard areas.

K. Site Plan. In accordance with Sections 11, 12 and 13 of the Mobile Home Commission Act, Public Act No. 96 of 1987, as amended, a person desiring to develop a mobile home park shall submit a preliminary plan to the Ira Township Planning Commission for review and approval. The preliminary plan shall include the location, layout, general design and a general description of the project. The preliminary plan does not need to include detailed construction plans.

L. Parking. A minimum of two (2) parking spaces shall be provided for each mobile home site. A minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking. Such parking shall be located convenient to the area served. If boats, boat trailers and utility trailers are permitted to be parked in the mobile home park, adequate parking spaces shall be provided in a central or collective parking area.

M. Smoke Alarms. Smoke alarms and fire extinguishers shall be installed in each mobile home unit pursuant to the requirements of Rule 703 of the Mobile Home Commission.

N. Water Supply and Sanitary System. Each mobile home, occupied as a dwelling unit on a lot, shall be connected with a water supply and sewerage disposal system approved by the Michigan Department of Health.

O. Fuel Tanks. Individual fuel oil, liquid petroleum, and other fuel tanks shall not be permitted.

3.10 NOTES TO PERMITTED USES IN THE B-1 DISTRICT

In the B-1 district, all permitted uses shall be subject to the following limitations:

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

2. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.
3.11 RESIDENTIAL OPEN SPACE DEVELOPMENT

1. The intent of this Section of the Zoning Ordinance is to provide a preferable alternative to conventional single-family development regulations within the Agricultural Estates Conservation, Residential Suburban and Residential Urban districts. All residential open space developments shall promote the following objectives:
   A. Maintain the Township's open space and rural setting.
   B. Preserve the Township's natural resources, including woodlands, wetlands, topography, floodplains and similar natural assets.
   C. Preserve open space and farming.
   D. Achieve a balance between farming, open space and growth.
   E. Encourage a creative approach to the development of parcels exhibiting unusual characteristics and/or land use relationships.
   F. Provide alternatives to conventional subdivision development.

2. Submission and Preservation Requirements.
   A. All natural assets and cultural/historic features on the site must be identified on the plan. Such assets shall include natural stands of large trees, wetlands, floodplains, productive farmland, topography, bodies of water (i.e. streams, rivers), land which serves as a natural habitat for wildlife, or other natural assets which should be preserved. Regulated natural features such as, but not limited to, wetlands and floodplains must be identified through documentation from the appropriate Federal, State and/or local authorities. Cultural and historic features may include farmhouses, stone fence lines and buildings or foundations of historic value. Residential open space developments shall preserve all of the above amenities to the extent feasible and desirable to the Township.
   B. A detailed map of the parcel identifying soil conditions shall be provided.
   C. The submittal shall include both passive and active recreation areas for residents within the open space community. Active recreation areas shall include an improved trail way system. Trail ways shall not be less than five (5) feet in width and shall be located throughout the entire development. Passive recreation shall include common green areas of a substantial size and open/preserved natural amenity areas. Passive recreation areas could also include benches, barbeques and gazebo-like structures. This provision does not apply to farmland preservation projects.
   D. A maintenance agreement for all open space areas and common elements.
   E. A yield plan, as described in subsection (3) Density below.
   F. An application for a residential open space development shall also include an application for tentative preliminary plat, tentative condominium review or simple land divisions. An approval for an open space development shall be synonymous with tentative preliminary plat approval, tentative condominium approval, or land division approval.

3. Density. The maximum number of units allowed shall be determined by the submission of a "Yield Plan" (or "Parallel Plan"). The Yield Plan shall be provided by the developer and shall be a feasible development under the requirement standards of the specified zoning district with regard to lot width, lot area, width-to-depth ratios, setbacks, adequate buildable areas, and which meets the State Land Division Act (where applicable). The yield plan shall meet all requirements of the Ira Township Land Development Ordinance. The yield plan shall provide lots with buildable areas of sufficient size to build a house and rear yard deck or patio. Buildable areas shall not include wetlands, floodplains, drainageways, or other non-buildable natural features regulated by Federal, State, County or local agencies.
The Planning Commission may require soil and ground water perk tests for lots of a suspect nature. They may also require test wells if adequate well water is questionable. If it is determined through these tests that the number of housing lots proposed is unfeasible, the site plan will be revised and resubmitted, minus the number of house lots that failed the perk and/or water test. Detailed engineering is not required at this stage.

4. Open Space Requirements.
   A. Building sites and roads shall not cover more than fifty (50) percent of the entire parcel.
   B. At least one-half (½) of the resulting open space shall be arranged so as to be useable for recreation (upland areas) or agricultural purposes.
   C. The applicant shall make provisions satisfactory to the Township Board to assure that all designated open space will be irrevocably committed for that purpose and prohibiting the use of this land for development purposes in the future.
   D. A minimum of fifty (50) percent of all dwelling units within the development shall abut the dedicated open space. This percentage may be reduced at the discretion of the Planning Commission if active farmland is preserved or created.
   E. A minimum of one (1) access point to the open space, being a minimum of fifty (50) feet in width, shall be provided for each eight (8) households. These access points shall link the open space to the roadway and the remainder of the development.
   F. Developments shall provide open space in a manner that encourages the future linkage of open space to adjacent parcels.
   G. Non-agricultural open fields shall be planted with native prairie grass or similar types of ground cover. In addition, two (2) trees of two-and-one-half (2½) inch-caliper or greater shall be planted for each one (1) acre of open field. Such trees shall be planted and maintained within the open field area.

5. Utilities. The applicant shall provide adequate sanitary sewage treatment, water supply and storm water drainage systems to serve the development as approved by the Township Board and the St. Clair County Health Department.

6. Roads. All interior streets and roads shall be public and shall conform to the St. Clair County Road Commission Subdivision Street Standards.

7. Lot Sizes. The minimum lot size within an open space development shall be seven-thousand (7,000) square feet if public sewer and water service the site. If the site is to be serviced with well and septic, the St. Clair County Health Department requirements for such systems shall dictate the minimum lot size permitted.

8. Setbacks. The following building setbacks shall be required:
   A. Sixty-three (63) feet from the centerline of any interior road right-of-way.
   B. Fifteen (15) feet side yard setbacks. No two (2) principal structures shall be located within thirty (30) feet of each other.
   C. Rear yard setbacks shall be a minimum of fifty (50) feet. This requirement may be reduced by a maximum of fifty (50) percent, if a majority of the rear property line (over fifty-one (51) percent) abuts dedicated common open space.
   D. No lot, property line or building site shall be located within two-hundred ten (210) feet of the centerline of any external road right-of-way.

9. Fencing. The use of perimeter fencing around building sites is prohibited except as permitted herein. Rear yards and side yards may be enclosed with split rail, picket-type, wrought iron, or other similar decorative fencing. Such fences shall not exceed forty-eight (48) inches in height. In no case shall view obscuring fences, privacy fences, chain-link fences or other similar wire fences be permitted on a site. Fences are prohibited in the front yard or street-side (front) yard. These provisions shall not apply to open space developments, which incorporate farmland preservation or active pastures.
3.12 PLANNED UNIT DEVELOPMENT (PUD)

1. Statement of Purpose. It is deemed necessary to the preservation of health, safety and welfare that the certain uses hereinafter set forth be specially controlled because they serve an area, market and/or purpose considerably beyond the borders of the Township and/or create particular problems of control in relation to adjoining uses, districts, public health, safety and welfare. These uses, because of their unique characteristics and/or effects upon public health, safety and welfare, are deemed to be impractical to be permitted without Special Land Use or Planned Unit Development (PUD) approval, and then only as specifically allowed.

The PUD concept is intended to provide a greater degree of flexibility in the regulation of land development and the arrangement of uses. Through this option, more creative approaches to development can be utilized which take advantage of the special characteristics of the land moreso than would otherwise be possible through the strict enforcement of the Ordinance. The specific objectives of this article are to:

A. Provide for a mixture of acceptable uses such as commercial, industrial, office, and residential.
B. Allow for an innovative site design, which incorporates all uses, parking, open spaces, etc.
C. Approve the development of a planned unit development through an overall site development plan.
D. Provide regulations for coverage, density, and building heights.
E. Provide a mechanism for managing site access for multiple uses through joint roads and driveways as well as interconnection of uses.

2. Location. PUDs may be permitted as regulated in this Section within all zoning districts with the exception of the AEC Agricultural Estates Conservation District.

3. Permitted Uses.

A. All permitted uses within RS and RU Single-family zoning districts (single-family residential densities shall not exceed those permitted in these districts. A yield plan which shows how the parcel could be developed conventionally using the same land use acreage allocations shall be submitted justifying residential densities.)

Proposed residential units within a non-residential zoning district may be permitted at a density consistent with the RS Single-family zoning district based on the availability/non-availability of public sewer infrastructure.

B. All permitted uses within the B-1, B-2, and I-1 zoning districts. Uses consisting largely of outdoor storage and/or outdoor operation shall be located in an internal location when feasible. Further, landscaping and screening which completely masks such storage or activity shall be provided.

4. Special Land Uses.

A. All special land uses within the RS and RU Single-family zoning districts.
B. All special land uses within the B-1, B-2 and I-1 zoning districts.
C. All permitted and special land uses within the I-2 zoning district.
D. All permitted uses within the RM-1, RM-2 and RM-3 zoning districts.

5. Minimum Site Criteria.

A. Ownership and Minimum Site Area. Any person or persons having a beneficial interest or right to obtain a beneficial interest in at least five (5) acres of land may apply for development as a PUD under the procedures for and in compliance with, the standards of this Article. PUDs shall not be permitted within the AEC zoning district.

B. Access. The PUD must have direct access to regional, major or secondary roads as defined in the Township Master Plan. Local roads adjacent to the PUD shall not be used except for uses and traffic intensity compatible with the adjacent zoning. Access drives within close proximity to major intersections of public streets shall be avoided. Common drives or roadways shall be provided for all uses on site. The use of boulevard roadways and entryways is encouraged. Further, separate roads may be provided for truck traffic as deemed appropriate by the Planning Commission.
6. Procedures for Submission and Approval. Approval of a PUD shall require a two-step process: preliminary and final PUD approval. The preliminary phase shall involve a review of the preliminary PUD development plan to determine its suitability and consistency with the land use patterns and zoning of the Township. The final phase shall require detailed site plans for all or various parts of the preliminary PUD development plan prior to the issuance of building permits.

A. Submission of Preliminary Plans. An application as supplied by the Township along with all applicable fees as established by the Township Board shall be submitted to the Township along with the necessary number of copies of the site plan and supplemental information. Once placed on the agenda, a presentation shall be made to the Planning Commission for review and recommendation to the Township Board of the following:

i. A boundary survey of the exact acreage being requested, to be performed by a registered land surveyor or civil engineer (Scale: 1 inch = 200 feet).

ii. A topography map drawn as contours, with an interval of a least two (2) feet. This map shall indicate all stands of trees, bodies of water and unbuildable area due to soil conditions, wetlands, topography or similar conditions (Scale: 1 inch = 200 feet).

iii. A recent aerial photograph of the area shall be provided (Scale: 1 inch = 200 feet).

iv. A preliminary development plan for the entire PUD area, carried out in such detail as to indicate the functional use areas, any subdivision of land, building layout architecture and design and the character of non-residential development being requested; the densities being proposed; a generalized major thoroughfare, traffic and pedestrian circulation plan; natural resource areas and other usable open spaces, and common areas for residents and users of the Planned Unit Development (Scale: 1 inch = 200 feet). Phasing lines (if proposed) must be shown on the plan at this time.

v. A preliminary utility plan shall show each utility as a one-line diagram, with flow direction drawn on the proposed street layout. Preliminary estimates shall also be provided regarding contemplated total storm water flow, sanitary sewage flows and water requirements. The anticipated method of treating sanitary sewer flows and providing water shall be specified. Compliance with the Township's sanitary sewer allocation policy and the Township's Sewer and Water Master Plan must be shown at this phase.

vi. All supporting documentation and material as to the development's objectives and purposes to be served; economic feasibility; conformity to plans and policies of the Township; market needs; utilities and circulation facilities; impact on natural resources; impact on the general area and adjacent property; estimated cost; and a staging plan showing the general time schedule of and expected completion dates of the various elements of the plan. The Township may further require the applicant to provide additional information demonstrating the demand for this project and the applicant's capability of undertaking the project. Such information may include, but shall not be limited to, the following: market demand studies, relevant financial information, banking references, and examples of previously completed projects.

vii. The general architectural themes shall be established at preliminary planned unit development approval.
B. Preliminary Approval. Upon receipt of an application for preliminary approval, the Planning Commission shall review all applicable site plans, correspondence, additional studies, public comment, etc. in reviewing a PUD application. In addition the Planning Commission shall review the planning standards contained within Section 6.2, Special Land Use Approval Requirements. Further, in reviewing the PUD application, the Planning Commission shall also review adjacent land use, adjacent zonings, adjacent Master Plan designations, etc. to ensure that the intent of the PUD meets the intent of the Township’s goals, policies and land use planning practices for the particular area in which it is proposed. There is, or will be at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water, and the road system and storm water drainage system will be adequate.

After review and recommendation, the Planning Commission shall forward a record of the findings of fact, along with a recommendation for either approval or denial to the Township Board. The Township Board shall consider the Planning Commission’s record and recommendation and any additional information it deems necessary or appropriate to make its final determination.

Further, the Township Board shall set and hold a public hearing on such application. Proper notice, as required by Public Act 110 of 2006, as amended, shall be given.

C. Approval of Preliminary Planned Unit Plan by Board.

i. If the Board determines to grant the application and approve the use areas within the preliminary development plan, it shall do so by motion including the finding of facts and reasons for such approval or denial.

ii. No change to a preliminary PUD plan shall occur without review by the Planning Commission and approval by the Township Board.

iii. Final PUD plans should be submitted within two years or preliminary PUD plan approval, or the preliminary approval will expire.

D. Submission of Final Plans. Before any building permits shall be issued for buildings and structures within the area of the Planned Unit Development district, a final detailed site plan for all or a portion of the PUD site shall be submitted to the Planning Commission for review and recommendation to the Township Board of the following:

i. A detailed site plan (meeting the requirements of Section 6.1, Site Plan Review), fully dimensioned, showing a fully scaled plan view of all buildings, all public road rights-of-way and private streets (commercial and industrial), boundaries and acreage of each use area and the proposed ultimate density thereof, parking areas, utilities and the detailed site plan shall indicate plans for natural resource preservation, the development of open space or areas to be set aside for the use of the public or by residents within the development (Scale: 1” = 50’).

ii. The proposed topography, contour interval of at least two (2) feet, shall be superimposed on all site plans (Scale: 1” = 50’).

iii. Typical floor plan for all principal buildings and structures, including single-family detached dwellings, with a schedule of building types, shall be included in the final plan.

iv. Each plat or site plan within the PUD submitted for final approval shall, either individually or in combination with previously approved project areas, meet the standards of this Section as to density and open space requirements. Open space shall be computed as a proportionate amount of the total open space requirement.

v. All other provisions of Section 6.1, Site Plan Review Requirements and Procedures unless otherwise provided in this Section.
E. Approval of Final Submittal by the Township Board. Upon approval of the Board, each detailed final site plan shall be effective for a period of one (1) year. If development in compliance with a final site plan is not completed in this period, further development shall not be approved until the final site plan in question is completed or until completion is extended or waived by the Township Board. In reviewing and approving the final site plans, the following condition shall be set forth.

i. All final PUD site plans shall be subject to the review and approval of the Township Board following a recommendation by the Planning Commission.

ii. Where necessary, the provision of public roads shall be made so as to cause continuity of public access between any abutting thoroughfare and ingress and egress to all development within the plan.

iii. Before approval of any final, detailed site plan, the Township Planning Commission and Township Board shall determine:

a. That all areas throughout the PUD designated on the development plan for use by the public or the residents of land within the PUD have been irrevocably committed to such uses by dedication, restrictive covenants or in some other manner satisfactory to the Township.

b. That the final detailed site plan is in conformity with the original preliminary plan previously approved.

c. That the sanitary sewer, public water and storm water drainage requirements of the proposed development have been adequately provided for by the applicant in accordance with the Township's Sewer Allocation Plan as well as the Sewer and Water Master Plan.

iv. Provisions satisfactory to the Planning Commission and Township Board shall be made to provide for the financing of any improvements shown on the site plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured by a means satisfactory to the Planning Commission. The Planning Commission and Township Board may require that conveyances or other documents be placed in escrow to accomplish this.

F. Conditions to Approvals

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

a. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

b. Be related to the valid exercise of the police power and purposes, which are affected by the proposed use or activity.
c. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.

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

e. Once a Special Land Use or Planned Unit Development has been approved, no Zoning Board of Appeals requests shall be permitted. Any changes in the development plans must be made following the same procedure as with the detailed-final-site plan in accordance with revision procedures contained herein.

ii. The Township Board shall have the right to establish a Special Assessment district for the entire project boundary to ensure that the uses and buildings approved as a part of the overall PUD are kept in a clean, safe and acceptable manner. The terms and conditions of any special assessment district shall be established by the Board and reviewed by the Township Attorney.

7. Detailed Site Criteria.

A. Consistency of Uses. The uses proposed shall be generally consistent with the Ira Township Master Plan. Any variations from the Township Master Plan shall be duly noted and rationale for such deviation shall be made a part of the Planning Commission and Township Board record.

B. Perimeter Setbacks. All residential structures shall be located not less than fifty (50) feet from all perimeter PUD property lines, and all non-residential structures shall be located not less than one-hundred (100) feet from all such lines.

Further, a twenty-five (25) foot greenbelt shall be provided along all exterior property lines of the PUD. This area shall not be used for building, parking, maneuvering, etc. and shall be planted with a mixture of deciduous and evergreen trees. These plantings shall provide a continuous visual screen. Trees shall be planted at a rate of one (1) tree for each thirty (30) feet of frontage. Trees may be grouped to allow landscape variation. The required tree plantings shall be supplemented with shrubbery and other decorative plantings.

C. Interior Setbacks. All proposed uses shall comply with the applicable setback, height, minimum floor area and coverage requirements of the applicable zoning district. The Township Board, upon recommendation by the Planning Commission, may modify any of these standards, when found to be consistent with the general planning standards of Section 6.2, Special Land Use Approval Requirements. In making any such modifications, the Township shall determine that all structures are located and designed to assure maximum privacy. Building elevations and floor plans shall be required to assure compliance with these requirements.

D. Landscaping and Screening. Whenever incompatible uses, in particular, off-street parking areas, service areas for loading and unloading vehicles other than passengers, and areas for storage and collection of refuse and garbage abut one another or are visible from public view or public right-of-way, either within the area of the PUD or between the PUD and the adjacent land uses or zoning districts adequate screening and buffering must be provided.

E. Architectural Compatibility. Architectural features of all structures shall be designed to be compatibly integrated within the overall PUD. The plan shall demonstrate such common architectural designs, materials, and amenities. The general architectural themes shall be established at preliminary PUD approval.
F. Access Management. Well-defined circulation routes shall be required. Particular attention shall be paid to entry and exit drives and the potential conflicts that arise either on-site or off-site. Access drives shall be the absolute minimum number needed to adequately serve the site. Main drives connected to the entry and exit points shall be provided. These drives shall limit the number of intersections or cross traffic within the parking and maneuvering areas.

Further, landscaping parking islands shall be provided along with above noted main drives and shall also be provided at the end of all parking aisles. Parking lot landscaping shall be provided at a rate of one (1) tree per six (6) parking spaces. These trees shall be planted within concrete islands placed at the end of parking lanes to provide a parking lot definition.

G. Open Space. A minimum of fifteen (15) percent of the total project area shall be developed for outdoor recreation and open space uses; but such areas shall not include space devoted to streets and parking. In calculating open space acreage, the applicant may, at the discretion of the Township, include existing natural features that occur on the site, including wetlands, lakes or ponds, woodlands, etc., provided facilities are made available as apart of the PUD approval to use these areas for active or passive recreation purpose.

H. Parking Requirements. The applicant may propose a reduction in the overall number of parking spaces serving the site. Information and support data shall also be furnished to the Township substantiating such reduction. The Planning Commission may allow for the banking of parking spaces onsite. This will allow for a reduction in the total number of parking spaces. Banked spaces must be shown on the site plan. Provision of such spaces would allow the Township to require the number of parking spaces reduced or banked to be built at a later date upon a finding that such spaces are necessary for the effective and safe operation of the site.

I. Signage. As a part of the overall signage for the PUD, the applicant shall submit a sign package that either meets the standards of the Zoning Ordinance or allows sign sizes to be averaged over the entire site. The Planning Commission and Township Board shall approve this package, upon a determination that it is in the best interest of the Township.

3.13 GENERAL EXCEPTIONS AS TO AREA, HEIGHT AND USE

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

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

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

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

4. Lot Area. Any lot existing and of record at the time this Ordinance became effective may be used for any principal use permitted, other than conditional uses for which special lot area requirements are specified in this Ordinance, in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance, except as provided in Section 7.23.2.B, "Nonconforming Lots" of this Ordinance. Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

5. Lot Adjoining Alleys. In calculating the area of a lot that adjoins an alley, for the purpose of applying lot area requirements of this Ordinance, one-half (½) of the width of such alley abutting the lot shall be considered as part of such lot.
6. Yard Regulations. When yard regulations cannot reasonably be complied with, as in the case of a planned development in the Multiple-family district, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.

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

8. Porches and Decks. An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies. A deck shall not be exempt from the setback requirements of this Ordinance when it is constructed above the average grade (see Section 5.16).

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

10. Residential Yard Fences. All residential yard fences shall conform to the following requirements:

   A. Side and Rear Yard Fences. Fences constructed within a side or rear yard shall not be higher than six (6) feet, except as provided herein.
   
   B. Front Yard Fences.
   
   i. In the AEC district and on properties over one (1) acre in size in the RT, RS and RU districts:

   Only decorative nonconfining fences (opaque wooden privacy, stockade or shadow box style fences shall not be permitted) shall hereafter be located in the required front yard of a lot. Fences located in the front yard shall not exceed a total height of four (4) feet. No fence, hedge or other landscaping located in a required front yard area shall interfere with visibility from a driveway approach.

   ii. On properties less than one (1) acre in size in the RT, RS and RU districts:

   No fences, regardless of the type or configuration shall be permitted within the front yard.

   iii. Privacy gates located across driveways shall be permitted on all properties subject to the following conditions:

   a. The property on which the gates are located is at least three and one half (3.5) acres in size and has a minimum of two-hundred fifty (250) feet of frontage.
   
   b. The height of the privacy gates not exceeding six (6) feet in height.
   
   c. Emergency access being provided in a manner acceptable to the Township Fire Department

   iv. Fencing for farms shall not be subject to the above conditions.

   v. For the purpose of this Ordinance, the construction of columns, pillars or other similar structures shall be subject to the above provisions. For those columns, pillars or other similar structures constructed immediately adjacent to a driveway the height may be increased to six (6) feet in height.

11. Access Through Yards. For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing the like function, and not in excess of nine (9) inches above grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.
Article 4.0
Use Standards
## Article 4.0 Use Standards

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### 4.0 Use Standards

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<th>4.1 FARMS</th>
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<tr>
<td>Farms are a permitted use in the AEC district. Where the raising of animals is conducted, the minimum area of lots shall be five (5) acres, with a minimum frontage of two-hundred fifty (250) feet.</td>
</tr>
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<table>
<thead>
<tr>
<th>4.2 GARAGE SALES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garage sales, yard sales or similar types of sales, are permitted uses in the AEC, RS, and RU districts, provided no such sale shall take place for a period exceeding fourteen (14) days and no residence shall be permitted more than two (2) such garage sales per year. A permit shall be obtained from the Township Clerk for all garage sales. The fee for the permit is to be established by resolution of the Township Board.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>4.3 PLANT NURSERIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plant nurseries are a permitted use in the AEC district without retail sales, except roadside stands as permitted in Section 4.66, Roadside Stands.</td>
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<tr>
<th>4.4 UTILITY AND PUBLIC SERVICE FACILITIES AND USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Utility and public service facilities and uses are permitted as a special land use in the AEC, RS, RU, RT, and P-1 districts, and as a permitted land use in the B-1 and B-2 districts when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity.</td>
</tr>
<tr>
<td>2. In the AEC, RS, RU, RT, and P-1 districts, storage yards are excluded, and uses are subject to review and recommended approval of location by the Planning Commission.</td>
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<thead>
<tr>
<th>4.5 PLACES OF WORSHIP</th>
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<td>Places of worship and any uses normally incidental thereto are permitted in the AEC, RS, RU, B-1, B-2, and RT districts, provided that ingress and egress from said site shall be directly onto a major thoroughfare. Wherever the parking plan is so laid out as to beam automobile headlights toward any residential land, an obscuring wall or fence four feet six inches (4'6&quot;) in height shall be provided along that entire side of the parking area.</td>
</tr>
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<table>
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<tr>
<th>4.6 CEMETERIES</th>
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<tbody>
<tr>
<td>Cemeteries are permitted as a special land use in the AEC, RS, RU, and RT districts, when developed on sites of fifty (50) acres or more subject to review and recommended approval of location by the Planning Commission after first holding a hearing.</td>
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<table>
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<tr>
<th>4.7 NON-PUBLIC RECREATIONAL AREAS AND RECREATION FACILITIES</th>
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<tr>
<td>Non-public recreational areas and recreation facilities are permitted as a special land use, subject to the following:</td>
</tr>
<tr>
<td>1. In the AEC district, when operated on sites of at least ten (10) acres, provided the location has been reviewed and recommendation made by the Planning Commission.</td>
</tr>
<tr>
<td>2. In the RS, RU, and RT districts, when not operated for profit and primarily intended to serve Township residents after recommended approval by the Planning Commission, after first holding a public hearing and further providing that one-hundred percent (100%) of the property owners abutting the proposed site shall be given written notice of the hearing at least ten (10) days prior to the hearing.</td>
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<th>4.8 GOLF COURSES</th>
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<td>Golf courses are permitted as a special land use subject to the following:</td>
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<tr>
<td>1. In the AEC, RS, RU and RT districts,</td>
</tr>
<tr>
<td>A. All sites shall have a minimum area of one-hundred twenty (120) acres.</td>
</tr>
<tr>
<td>B. Access to the site shall be directly onto a major thoroughfare having an existing or planned right-of-way width of at least one-hundred twenty (120) feet as indicated on the Ira Township Master Plan.</td>
</tr>
<tr>
<td>C. The clubhouse and parking lot shall be set back at least two-hundred 200 feet from the boundaries of any adjacent property zoned or developed for single-family purposes.</td>
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<tr>
<td>D. Maintenance yards and buildings shall be set back at least one-hundred (100) feet from any abutting single-family zoned or developed site and screened from view by a landscaped greenbelt when visible from adjoining residential sites.</td>
</tr>
<tr>
<td>E. Tees, greens and cart paths shall observe a setback of fifty (50) feet from all property lines.</td>
</tr>
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F. Parking for a golf course shall be provided as per the requirements of Section 5.1.12.B.viii. If a restaurant is provided, additional parking shall be required as specified in Section 5.1.12.C.vi.

2. In the RS, RU, and RT districts, driving ranges and miniature golf courses are not permitted.

4.9 NURSERY SCHOOLS, DAY NURSERIES, AND CHILD CARE CENTERS

Nursery schools, day nurseries and child care centers are permitted as a special land use in the AEC, RS, RU and RT districts, provided that for each child so cared for, there is provided and maintained a minimum of one-hundred (100) square feet of outdoor play area. Such play space shall have a total minimum area of at least one-thousand (1,000) square feet and shall be fenced or screened from any adjoining residential land.

4.10 ORPHANAGE, HOME FOR THE AGED, INDIGENT OR PHYSICALLY HANDICAPPED, OR REST OR CONVALESCENT HOMES

Orphanages, homes for the aged, indigent, or physically handicapped, and rest or convalescent homes are permitted as a special land use in the AEC, RS, RU, RT districts, provided the following conditions are met:

1. All vehicular ingress and egress from the site shall be directly onto a major thoroughfare.

2. The maximum extent of development shall not exceed thirty (30) children or patients per acre.

4.11 GENERAL HOSPITALS

General hospitals are permitted as a special land use in the AEC, RS, RU, RT districts, when the following conditions are met:

1. Approval shall be contingent upon a finding that:
   - A. The site plan does show that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety; and
   - B. All the development features, including the principal building and accessory buildings open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property.

2. All such hospitals shall be developed on sites consisting of at least five (5) acres in area for the first one-hundred (100) beds or less, plus one (1) acre for each additional twenty-five (25) beds.

3. The proposed site shall have at least one (1) property line abutting a major thoroughfare, and vehicular ingress and egress to the site shall be directly onto said thoroughfare.

4.12 HOME OCCUPATIONS

Home occupations, as defined in Article 2, are a permitted accessory use in residential districts, subject to the following standards:

1. No person other than members of the family residing on the premises shall be engaged in such occupation.

2. There shall be no sale of any goods manufactured elsewhere in connection with such home occupation.

3. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.

4. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.

5. Permitted signs shall be limited to one (1) sign not exceeding two (2) square feet in area, non-illuminated and mounted flat against the wall of the building.

6. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

7. Not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used for the purposes of the home occupation.
8. The home occupation shall be carried out completely within the dwelling.

9. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupations, other than one (1) sign not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the dwelling.

10. There shall be no sale of any goods manufactured elsewhere in connection with such home occupation.

### 4.13 FAMILY DAY CARE

A family day-care (7—12 persons) is permitted as a special land use in the AEC, RS, RU and RT districts, subject to the following:

1. The proposed use shall not be located closer than one-thousand five-hundred 1,500 feet to any of the following facilities, as measured along a street, road or other thoroughfare, excluding an alley:
   - Another licensed group day-care home.
   - Another adult foster care small group home or large group home, licensed by the State of Michigan.
   - A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, whether or not the State of Michigan licenses it.
   - A community correction center, resident home, halfway house or other similar facility, which houses an inmate population, under the jurisdiction of the Department of Corrections or a similar governmental authority.

2. Front, rear and side yard minimums shall be the same as is applicable to the zoning district in which the special land use is requested.

3. Maximum lot coverage shall be the same as for the zoning district in which the special land use is requested.

4. On-site parking shall be provided for all employees, in addition to the required off-street parking for the residence. No off-street parking shall be permitted in the required front yard space.

5. Fencing shall be required next to residential uses or districts in accordance with Section 5.9 and shall enclose all outdoor play areas.

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

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

### 4.14 BED AND BREAKFAST LODGING FACILITY

Bed and breakfast lodging facilities are permitted as a special land use in the AEC, RS, RU and RT districts, subject to the following:

1. Not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.

2. There shall be no separate cooking facilities used for the bed and breakfast stay.

3. Sufficient off-street parking has been provided to meet the requirements of the existing single-family structure as specified in Section 5.1, as well as one (1) parking space per double-occupied room.

4. No retail or other sales shall be permitted.

5. Signage shall be limited to one (1) non-illuminated nameplate not more than two (2) square feet in area, containing only the name of the establishment.

6. The use will not alter the basic single-family residential characteristics of the surrounding area through the creation of nuisances, such as noise, odor, smoke, electrical disturbances, night lighting, excessive traffic or high public utility loads.

### 4.15 DRIVING RANGES

Driving Ranges are permitted as a special land use in the AEC district, subject to the following:

1. All sites shall have a minimum area of at least 20 acres.

2. Access to the site shall be directly onto a major thoroughfare having an existing or planned right-of-way width of at least one-hundred twenty (120) feet as reflected on the Ira Township Master Plan.
3. No activity shall take place within thirty (30) feet of the perimeter of the site. All such activities shall be adequately screened from abutting property by either a protective wall or landscaped greenbelt.

4. Parking and buildings shall be set back at least two-hundred (200) feet from the boundaries of any adjoining single-family property.

5. Related accessory uses may be permitted in conjunction with the driving range when it is clearly incidental to the principal use.

6. Hours of operation shall be specified.

7. The use of loud speakers and perimeter netting or screening is prohibited.

8. Exterior lighting may be permitted, provided that all such lighting is directed away from any abutting residentially developed or zoned property and arranged so as not to adversely affect driver visibility on adjoining thoroughfares. The maximum height of any site lighting shall be twenty-five (25) feet.

9. Parking shall be provided at the following ratio for driving ranges: one (1) parking space for each tee and one (1) space for each employee. Additional parking shall be required for any accessory uses of the applicable ratio specified in Section 5.1.

C. Each application for a private wastewater treatment system shall be accompanied by a Development Impact Statement which shall consist of the following:

   i. Qualifications of Preparer: Name(s) and address(s) or firm(s) responsible for the preparation of the impact statement and a brief description of their qualifications.

   ii. Information and Data Required:

      a. The Development Impact Statement shall include all applicable information as normally required for site plan review, rezoning, or special land use, as specified in Sections 6.1, 7.1, and 6.2 of the Zoning Ordinance; and, in addition, the following supplemental information shall be required:

         (1) Location map at 1" = 200', indicating the location of the subject property in relation to the Township’s thoroughfare system.

         (2) Zoning Map, indicating the subject property and the zoning of adjacent properties for a radius of one-half (½) mile, measured from the boundaries of the site.

         (3) Land Use Map, indicating the subject property and adjacent land uses by type for a radius of one-half (½) mile, measured from the boundaries of the site. An aerial photograph may be used to illustrate this information.

         (4) Site conditions of the subject property, indicating the following information. All information shall be depicted graphically on an existing conditions map and accompanied by the most recent aerial photography supplied by the St. Clair County Equalization Department or by the Southeast Michigan Council of Governments (SEMCOG).

4.16 PRIVATE WASTEWATER TREATMENT SYSTEMS

Private wastewater treatment systems may be permitted as a special land use in the AEC, RS, RU, RT, RM-1, RM-2, RM-3, MH, B-1, B-2, I-1, I-2, and WM districts, only outside the Township sewer district, subject to the following:

1. In the AEC, RS, RU, RM-1, RM-2, RM-3, MH, B-1, B-2, I-1, I-2 and WM districts, only outside the Township sewer district, subject to the following:

   a. No private systems shall be allowed within one-thousand two-hundred fifty (1,250) feet of the Anchor Bay coast line.

   b. No private systems shall be allowed to be located within or discharge into the Susceptible Area for the Fair Haven Water Treatment Plant, as defined in the Source Water Assessment Report for the Fair Haven Water Supply.
Ira Township Zoning Ordinance

Ira Township Zoning Ordinance

[1] Purpose and Introduction

[2] Definitions

[3] Zoning Districts

[4] Use Standards

[5] Site Standards


[7] Admin and Enforcement

[A] Location and size of existing natural features, such as streams, bodies of water, floodplains, soil types and conditions, topography, and ground water table. If the possibility of wetlands exist on-site, and official wetlands assessment conducted by the Michigan Department of Environmental Quality or Township Wetlands Official shall be conducted.

[B] Location and size of existing facilities and utilities (thoroughfares, water service, sanitary sewer, storm drain, gas lines, electric lines, etc.) on the site or available to serve the site.

[C] Improvements adjacent to and directly across the street, i.e., driveway approaches, passing lanes, curb cuts, etc.

(5) Conceptual Plan, showing how the proposed development relates to the above-referenced conditions.

(6) Other information, as determined by the Township Planning Commission, that may be necessary to assess the impact of the proposed development.

b. Impact Assessment. The applicant shall provide information assessing the impact of the proposed development as it pertains to the following factors. The required information shall be provided in narrative and graphic formats, as appropriate.

(1) Land Use Impacts.

[A] Brief description of the proposed land use.

[B] Hours of operation, if applicable.

[C] Identify whether the proposed use will create dust, noise, odor or glare that may impact abutting property.

[D] Project phasing plan or schedule.

[E] Describe how existing natural features will be preserved.

[F] Describe any impact on ground water quality or quantity.

[G] Describe any impact on drinking water quality or quantity.

(2) Impact on Public Utilities.

[A] Describe how the site will be provided with water, including the adequacy of the existing public utility system to accommodate the proposed new development.

[B] General calculations for water flows and water demands.

[C] For sites to be served by wells and septic systems, documentation of adequacy and/or permits from the St. Clair County Health Department shall be required.

[D] Describe the methods to be used to control storm water drainage from the site. This shall include a description of measures to control soil erosion and sedimentation during construction. Correspondence from the St. Clair County Drain Commissioner stating their initial concerns and recommendation shall be attached.
(3) Impact on Public Services. Describe the number of expected residents, employees, visits or patrons, and the anticipated impact on public schools, police, fire and other emergency services. Particular attention to the relationship of the proposed development to the municipal fire stations shall be paid. Letters from the appropriate agencies shall be provided, as appropriate.

(4) Hydrologic Impacts.

[1] Suitability of an aquifer to yield the needed water for the intended purpose to be established by conducting a hydrogeologic study for all Type I Community Public Water Supplies, Type II Non-transient Non-Community Public Water Supplies and Type II Transient Non-Community Public Water Supplies.

[2] All hydrogeologic studies to be performed in accordance with the Michigan Safe Drinking Water Act, and in particular, pursuant to R 325.10807 (Rule 807), R 325.10809 (Rule 809), R 325.10812 (Rule 812), R 325.10813 (Rule 813), R 325.10814 (Rule 814), and R 325.10830 (Rule 830) of the administrative rules adopted under the Safe Drinking Water Act, Public Act 399 of 1976.

[3] A hydrogeologic study report shall be submitted to the Township, concurrent with application to the State for the water supply, and will include all data and information collected upon which the conclusions and recommendations for the water supply are based.

iii. In reviewing Development Impact Statements, the Planning Commission shall consider the information provided in relation to the following standards:

a. Land Use Impacts.

(1) The use shall not result in a negative impact on surrounding development, taking into consideration the type and intensity of use on the basis of the potential for nuisances (glare, noise, odor, etc.).

(2) The use is compatible with planned development patterns, as expressed in the Township’s adopted Master Plan.

b. Public Utilities.

(1) Public water with adequate capacity to serve the site is available, as determined by the Township Engineer.

(2) For sites where public utilities are not available, documentation has been provided by the appropriate agency that the site is capable of supporting well(s).

(3) That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading the water courses in the area.
(4) That the plan provides for the proper extension of public utilities and drainage improvements as provided for in the Township Master Plan and as determined by the Township Engineer.

c. Public Services.
   (1) The Township is capable of providing police and fire protection to the proposed development on the basis of existing equipment and personnel.
   (2) Adequate recreation facilities are available to serve the anticipated residents of the development (applicable to residential projects only).
   (3) Public schools are available to serve the anticipated number of children to be generated by the proposed development (residential projects only).

d. Natural Resources.
   (1) That natural resources will be preserved to the maximum extent feasible, and that areas to be left undisturbed during construction shall be so indicated on the plan.
   (2) The proposed development does not encroach into waterways, floodways, floodplains, or wetlands.
   (3) That soil conditions are suitable for excavation and site preparation and the wet or unstable soils not suitable for development will be either undisturbed or modified in an acceptable manner.
   (4) The proposed development will not cause soil erosion or sedimentation problems.

e. Any adverse impacts, which are the direct result of mitigation strategies shall also be addressed.

4.17 AGRI-BUSINESS (VALUE FARMING OPERATIONS)

Agri-Business (Value Farming Operation) is permitted as a special land use in the AEC district, subject to the following:

1. Intent. The Township recognizes the need for farming and its ancillary uses to evolve as the broader market and economic conditions of farming evolve. Further that, to maintain the remaining farms within the Township, it may be necessary to allow ancillary uses connected with the typical farm and farm operations. This Section of the Ordinance is intended to provide a mechanism to allow value added farming while protecting the long-term interests of the Township. This Section, however, shall only apply to those farming operations that desire to provide ancillary sales and activities above and beyond those of a traditional farming operation, which are permitted under Section 4.66 of the Ira Township Zoning Ordinance.

As part of the approval process, a farm must produce some form of recognition from the State of Michigan that the subject site is a bona fide farm. These methods may include tax records, enrollment in state or federal programs, or other acceptable means. Bona fide farms shall not be subject to the full extent of the site plan review requirements set forth in this Ordinance due to the size and large frontage associated with these parcels. However, a site plan of all ancillary activity areas shall be provided and shall be subject to the site plan review process and/or public hearing requirements for special land use approval as provided below.

2. Uses Permitted After Special Land Use Approval. The following uses may be determined acceptable as part of a bona fide farming operation after special land use approval:

   A. Animated barns (fun houses, haunted house, or similar).
   B. Ancillary retail sales and gift shops, including the sale of crafts and antiques. The Township may restrict the percentage of hard good sales as it relates to the overall farming operation sales. In this case, a statement from a certified accountant (or other acceptable means as determined by the Township) shall be provided showing compliance with the condition as set forth by the Township.
C. Kitchen facilities (only accessory to farm markets or cider mill activities).
D. Small scale entertainment (not including permanent seating areas).
E. Other similar uses as approved by the Township.
F. Agricultural products grown onsite, including food products and flowers (a minimum of fifty-five (55) percent grown onsite).
G. Cider mills or wineries derived from produce grown primarily onsite (a minimum of fifty-five (55) percent grown onsite).
H. Bakeries selling baked goods containing produce grown primarily onsite (a minimum of fifty-five (55) percent grown onsite).
I. Children play areas (not including motorized vehicles or rides).
J. Petting zoos (limited to farm animals) and pony rides.

3. Minimum Site Requirements. These ancillary uses may only be considered on farms or orchards as recognized by the Township.

A. Setbacks: See Section 3.1.1

   The Township in the case of an existing structure or use may alter these requirements.

B. Pedestrian Circulation. Dedicated pedestrian walkways or pathways shall be provided from all parking areas to the designated activity or shopping area. Walkways shall incorporate some form or combination of fencing, curbing, landscaping, etc., as a method of separation.

C. Parking and Access.

   i. Permanent parking areas shall be provided for farm stands. Such parking areas shall be paved or gravel.

   ii. The applicant shall provide estimates for seasonal parking. Overflow parking areas shall be provided which can accommodate seasonal parking peaks. Such parking areas are not required to be paved or gravel.

   iii. Parking for other types of uses shall be provided as required by this Ordinance.

   iv. Parking shall be properly screened from adjacent residential uses. Screening shall consist of a landscape greenbelt consistent with the standards of this Ordinance.

   v. No parking shall occur within the required side or rear yard setbacks.

   vi. Proper access shall be provided for all parking and maneuvering areas servicing the farm stand or farm use.

D. Conditions.

   i. As a part of the special land use approval the applicant shall provide an emergency reaction plan if the uses being proposed call for such.

   ii. All proper permitting and licensing records (as required), including those from the St. Clair County Health Department, shall be submitted to the Township.

   iii. Noise emanating from such use shall meet the acceptable decibel requirements set forth in this Section 5.4.

   iv. Lighting shall be shielded downward away from adjacent residences.

   v. Signs shall meet the requirements of this Ordinance.

   vi. No outdoor storage shall be permitted. All storage shall occur within existing buildings.

4.18 ONE AND TWO FAMILY DWELLING STANDARDS

1. A building permit issued by Ira Township must be obtained prior to construction, reconstruction, relocating, locating or moving into or within the Township. All dwelling units and additions thereto shall be able to meet or exceed the construction standards of the Township building, electrical, plumbing, mechanical and fire codes.
2. Plans for modulars, prefabricated units and similarly constructed units shall be approved by the State of Michigan Construction Code Commission as meeting the State Construction Code (Public Act 230 of 1972 and Public Act 371 of 1980, as amended) prior to issuance of a building or occupancy permit. Mobile homes or trailers shall meet or exceed the requirements applicable to such structures or shall include a seal attached to the unit. Any addition to a mobile home must be based upon an architectural plan deemed compatible with the overall design of the mobile home and approved by the Building Inspector.

3. All construction shall meet the minimum lot size, yard spaces, setbacks, parking, and all other minimum site requirements applicable to residential dwellings within the zoning district in which the use will be located.

4. All dwelling units shall meet the minimum living area standards for one-family or two-family residential dwellings of the zoning district in which said home is to be located.

5. All one-family dwelling units shall have a minimum width across any front, side or rear elevation of twenty-four (24) feet.

6. All units shall be constructed with a pitched roof of not less than a 4:12 pitch.

7. All dwelling units shall be attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions as the dwelling and additions thereto and be constructed of such materials and type as required in the building code. In the event that the dwelling is a mobile home, as defined here, the dwelling shall also be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a continuous perimeter wall, as required above.

8. Single-family dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than one (1) foot on all sides, or alternatively with roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two (2) exterior doors, with the second one being in either the rear or side of the dwelling and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. In determining compatibility, the Building Inspector may consider the following factors: total square footage, length to depth proportions; value and quality of construction; exterior building materials; architectural style and design and roof line; as well as the character, design and appearance of a majority of the residential dwellings within one-thousand (1,000) feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

4.19 MULTIPLE-FAMILY DWELLING UNITS IN HIGH-RISE STRUCTURES

Multiple-family dwelling units in high-rise structures (three (3) stories or greater) are a permitted use in the RM-3 district, subject to the conditions herein imposed:

1. All vehicular ingress or egress from the site shall be onto a major thoroughfare.

2. The entire area of the site shall be treated so as to service only the residents of the multiple-family development, and any accessory buildings, uses or services shall be developed solely for the use of residents of the main building. Uses considered herein as accessory uses include parking structures, swimming pools, recreation areas, pavilions, cabanas, and other similar uses.

4.20 BUSINESS USES IN RM-3

In the RM-3 district, business uses shall be permitted on the site when developed as retail or service uses clearly accessory to the main use, within the walls of the main structure, and obscured from view so as not to encourage patronage from beyond the RM-3 project development.

4.21 RESTAURANTS

Restaurants are permitted as a special land use in the B-1 district, provided that:

1. All lighting shall be shielded so as not to glare or reflect upon any residential district.

2. All patrons are served while seated within the building occupied by the establishment, and where said establishment does not extend as an integral part of or accessory thereto, any service of a drive-in or open front store.
4.22 HOTELS, MOTELS, CABIN COURTS, AND TOURIST LODGING FACILITIES

Hotels, motels, cabin courts, and tourist lodging facilities are permitted as a special land use in the B-1 district, provided:

1. The use will not be detrimental or cause any nuisance to surrounding districts and uses.
2. There is a direct access onto a major thoroughfare.
3. The location is logical for attracting tourist or seasonal visitors passing through the Township.
4. All lighting shall be shielded so as not to glare or reflect upon any residential district.

4.23 RETAIL SALES AND DISPLAY OF FIREWORKS

Retail sales and display of fireworks from a permanent location is permitted as a special land use in the B-1, B-2, and I-1 districts. Retail sales of fireworks from a temporary facility such as a tent, trailer, stand, area covered by canopy, etc. is not permitted.

4.24 WHOLESALE AND STORAGE USES

Wholesale uses and storage uses are permitted uses in the B-2 district, when in a completely enclosed building except that new vehicles and/or earth moving equipment for sale may occupy a rear yard area.

4.25 THEATERS, ASSEMBLY HALLS, AND SIMILAR PLACES OF ASSEMBLY

Theaters, assembly halls and similar places of assembly are permitted uses in the B-2 district, when conducted completely within enclosed buildings.

4.26 OFFICES AND SHOWROOMS OF PLUMBERS, ELECTRICIANS, DECORATORS AND SIMILAR TRADES

Offices and showrooms of plumbers, electricians, decorators, or similar trades are permitted uses in the B-2 district, provided:

1. The ground floor premises facing upon, and visible from any abutting street, shall be used only for entrances, offices or display.
2. All storage of material or any incidental repair shall be within the confines of enclosed buildings.

4.27 VETERINARY HOSPITALS AND CLINICS

Veterinary hospitals and clinics are permitted uses in the B-2 district, provided that all animals are kept inside a building.

4.28 OUTDOOR SALES SPACE

Outdoor sales space for the exclusive sale of second-hand automobiles, house trailers, and travel trailer rental is permitted as a special land use in the B-2 district, subject to the following:

1. All lighting shall be shielded from adjacent residential districts.
2. Ingress and egress to the outdoor sales area shall be at least twenty-five (25) feet from a street intersection or residential district.
3. When adjacent to districts zoned for residential use, there shall be provided a completely obscuring wall or fence four-feet six-inches (4’6”) in height, measured from the surface of the ground of the abutting residential district.

4.29 COMMERCIALLY USED OUTDOOR RECREATIONAL SPACE

Commercially used outdoor recreational space for adult or children's amusement parks, carnivals, rebound tumbling facilities, miniature golf courses, and golf driving ranges are permitted as a special land use in the B-2 district, subject to the following:

1. All lighting shall be shielded from adjacent residential districts.
2. Parking areas shall be provided off the road right-of-way and shall be fenced with a four-foot six-inch (4’6”) wall or fence where adjacent to the use.
3. Children's amusement parks must be fenced on all sides with a four-foot six-inch (4’6”) wall or fence.
4. Rebound tumbling facilities must be fenced on all sides used for trampoline activity. Said fence shall be no less than six (6) feet high. Pits shall not exceed four (4) feet in depth, shall be drained at all times and filled with earth to grade when the use is discontinued. All manufacturers’ specifications for spacing, safety and construction shall be complied with.
5. No loud speaker or public address systems shall be used except by the written consent of the Township Board wherein it is deemed that no public nuisance or disturbance will be established.

### 4.30 GASOLINE SERVICE STATIONS

Gasoline service stations are permitted as a special land use in the B-2 district, subject to the following:

1. Entrances and exits shall be no less than thirty-five (35) feet from any street intersection or residential district.
2. All lighting shall be shielded so as not to glare or reflect upon any residential district or use.
3. There shall be provided on those sides abutting or adjacent to a residential district or use, a four-foot six-inch (4'6") completely obscuring masonry wall measured from the surface of the ground of the abutting residential district or use, and/or a fifteen (15) foot wide greenbelt with planting, all in accordance with Section 5.5 and Section 5.9.
4. Body repair and undercoating are expressly prohibited.
5. The storage of damaged or wrecked vehicles, or those waiting for minor repair or services, shall be obscured from public view in an area provided for such purposes on the site, and no vehicle of any kind shall be stored on-site for a period exceeding one (1) week.
6. Gasoline pumps, air and water hose stands, and other appurtenances, shall be set back not less than twenty (20) feet from all existing or proposed street right-of-way lines.

### 4.31 CAR WASHES

Car washes are permitted as a special land use in the B-2 district, subject to the following:

1. There shall be adequate off-street waiting space for all customers to prevent obstruction of traffic on a public right-of-way. To this end, there shall be provided on-site no less than three (3) waiting spaces for every one (1) space in the wash line.
2. Where a car wash also incorporates gasoline sales, all setback requirements of Section 4.30 shall be met.
3. The greenbelt and screen/wall requirements of Sections 5.5 and 5.9 shall be met.

### 4.32 BUSINESSES UTILIZING OUTDOOR STORAGE

Businesses utilizing outdoor storage, including the storage of machinery, vehicles, boats, building supplies and similar equipment, are permitted as a special land use in the B-2 district, subject to the following:

1. The storage portion of the site shall be in an area enclosed by a masonry wall or an obscuring fence, in accord with the requirements of Section 5.9, of this Ordinance.
2. All storage areas shall be treated or surfaced so as to facilitate proper drainage and to prevent dust or dirt from blowing.
3. Storage areas shall be protected by posts, curbs or similar construction to prevent damage to the enclosure and encroachment upon adjacent property.

### 4.33 ADULT USES (SEXUALLY ORIENTED BUSINESS)

In the development and execution of the amendment to this Ordinance, it is recognized that certain uses as a result of their nature have serious objectionable operational characteristics. In particular, when several of them are concentrated under certain circumstances, they have a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to assure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. It has been determined by the Township through the adoption of this Ordinance, professional consultation, as well as through the development of independent studies that associate blight and increased crime with sexually oriented businesses, that the following provisions are necessary. The independent studies include the City of Detroit, Michigan, in the early 1970s, the City of St. Paul, Minnesota in 1978, the City of Phoenix, Arizona in 1979, the City of Minneapolis, Minnesota in 1980, the City of Austin, Texas in the early 1980s, the City of Indianapolis, Indiana in 1987, Oklahoma City, 1986, 1992, the City of Los Angeles, California in 1984, Adams County, Colorado in 1988, the report of the Minnesota Attorney General Issued in 1989, Times Square, New York 1974, Dallas, Texas 1994, 1997, and Newport News, Virginia 1996.
It has been demonstrated that the establishment of sexually oriented businesses in business districts, which are immediately adjacent to and which serve residential neighborhoods, have a deleterious effect on both businesses and residential segments of the neighborhood. These uses have been shown to cause blight, down grade property values, and in some instances increase crime in the vicinity.

Sexually oriented businesses defined herein shall only be permitted, as a special land use, in the B-2 Zoning district, subject to the following requirements and conditions:

1. Such uses shall be permitted only in the B-2 Zoning district provided no portion of the property upon which such business is situated is within five-hundred (500) feet of any of the following:
   - A. A residentially zoned district;
   - B. Property upon which a residential use exists;
   - C. A place of worship;
   - D. A school;
   - E. Night club or dance hall permitting the congregation of persons under twenty-one (21); or
   The method of measurement shall utilize the two (2) property edges closest to each other, measured with a direct line.

2. This distance prohibition is subject to waiver upon presentation to the Ira Township Planning Commission and Ira Township Board of a valid petition requesting waiver signed by fifty-one (51) percent, or more, of each of the following categories:
   - A. Persons owning property within five-hundred (500) feet of the proposed location; and
   - B. Persons residing within or occupying any dwelling unit within five hundred (500) feet; and
   - C. Persons or entities operating any of the prescribed uses within five-hundred (500) feet of the proposed location.

### 4.34 RETAIL AND FOOD ESTABLISHMENTS PROVIDING AMPLIFIED OUTDOOR MUSIC AND NOISE, BEVERAGE AND FOOD SERVICE

Retail and food establishments providing amplified outdoor music and noise, beverage and food service are permitted as a special land use in the B-2 district, subject to the following:

1. No patio, deck, tent, or other outdoor service areas may be added to any facility furnishing beverage or food service unless special land use has been issued pursuant to these provisions.

2. No outdoor service area shall be permitted which exceeds twenty-five (25) percent of the gross floor area of the fully enclosed permanent structure in which the facility offering outdoor beverage or food service is situated.

3. No outdoor service area shall include any attachment or appurtenance exceeding the height of one (1) story and no such area shall be located other than in an elevation equal to or less than the elevation of the lowest floor of the facility, excluding the basement.

4. No outdoor service area shall be located within twenty (20) feet of a residential property line, unless otherwise regulated by this Ordinance.

5. Adequate soundproofing measures shall be provided which regulate the amount of noise emanating from the site. When the site abuts a non-residential district, the acceptable decibel level shall be seventy (70) dbs, at the property line. When such use is adjacent to a residential zoning district, the acceptable decibel level at the property line shall be fifty-five (55) dbs. The Township may require appropriate documentation of sound studies to verify compliance with this regulation.

6. The Township may limit the hours of operation for any outdoor entertainment area when such use abuts a residential use.

7. Adequate parking for both interior and exterior service areas shall be provided as required in this Ordinance.

8. Adequate screening shall be provided between the proposed exterior service area and any adjacent residential use.

9. Such use shall be compatible with the planning standards of Section 6.2.

10. Civic or other non-profit uses may request an exemption from these provisions for one time...
or weekend activities. Such request shall be made to the Township Board of Trustees in writing prior to the planned activity. In granting any request, the Township Board may place reasonable conditions on such waiver as it relates to noise, time, etc.

2. Those buildings to be used for servicing or maintenance, such as heating plants, garages, storage structures and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.

4.35 SHELTER FOR ATTENDANT

Shelters for attendants are permitted in the P-1 district, provided they do not exceed fifteen (15) feet in height.

4.36 AUTOMOTIVE REPAIR GARAGES, AUTO ENGINE AND BODY REPAIR AND UNDERCOATING SHOPS

Automotive repair garages, auto engine and body repair and undercoating shops are permitted uses in the I-1 district, when completely enclosed. The storage of damaged or wrecked automobiles on the site shall be obscured from public view and no vehicle of any kind shall be stored in the open for a period exceeding one (1) week.

4.37 LUMBER AND PLANING MILLS

Lumber and planing mills are permitted as a special land use within the I-1 district, when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the "I-1" district.

4.38 METAL PLATING, BUFFING AND POLISHING

Metal plating, buffing and polishing are permitted as special land uses in the I-1 district, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.

4.39 COLLEGES, UNIVERSITIES AND OTHER INSTITUTIONS OF HIGHER LEARNING

Colleges, universities and other institutions of higher learning, public or private, offering courses in general, technical or religious education are permitted as a special land use in the I-1 district, provided:

1. No building shall be closer than seventy-five (75) feet to any property line.

4.40 BASIC RESEARCH, DESIGN AND PILOT OR EXPERIMENTAL PRODUCT DEVELOPMENT

Any use charged with the principal function of basic research, design and pilot or experimental product development is permitted in the I-1 district, when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.

4.41 PRODUCTION, PROCESSING, CLEANING, SERVICING, TESTING, REPAIR, OR STORAGE OF MATERIALS, GOODS, OR PRODUCTS

Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products is permitted in the I-2 district, provided it conforms with the performance standards set forth in Section 5.5.

4.42 MANUFACTURE OF POTTERY AND FIGURINES OR OTHER SIMILAR CERAMIC PRODUCTS

The manufacturing of pottery and figurines or other similar ceramic products is permitted in the I-2 district, only when using previously pulverized clay.

4.43 JUNK YARDS

Junk yards are permitted as a special land use in the I-2 district, provided they are entirely enclosed within an eight (8) foot obscuring wall. There shall be no burning on the site and all industrial processes including the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
4.44 INCINERATION OF GARBAGE OR REFUSE
Incineration of garbage or refuse is permitted as a special land use in the I-2 district, when conducted within an approved and enclosed incinerator plant.

4.45 MUNICIPAL OR COMMERCIAL COMPOSTING OPERATIONS FOR LEAVES AND GRASS
Municipal or commercial composting operations for leaves and grass are permitted as a special land use in the I-2 district, subject to compliance with the following standards:

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

2. Application Requirements (may be shown on the site plan or as an addendum to the plan).
   A. A site plan meeting the requirements of Section 6.1.
   B. Name, address and telephone number of the person, firm or corporation who or which will be conducting the actual composting operation.
   C. Types of materials to be composted.
   D. Types and number of equipment used (i.e., shredders, front-end loaders, and windrow turning machine, screening and shakers).
   E. Location and sizes of staging area, windrows, curing area, screening area, finished product, shipping and loading.
   F. Location and dimensions of office control booths, maintenance and storage buildings. Plans shall show the location of all fuel storage facilities and shall detail all primary and secondary containment for all hazardous materials.
   G. Location, numbers, types and cross-sections for landscaping, screening, berms and buffers.
   H. Location of any adjacent wetland or floodplain.
   I. On-site topography with elevations or contours not greater than two (2) feet. The site shall be graded in such a fashion as to eliminate all ponding and have a uniform gradient of between two (2) and three (3) percent.
   J. A site drainage plan addressing the method of storm water runoff shall be provided for review and approval by the Township Engineer. Ponded water shall not be permitted to collect on site. A settling basin/detention pond or similar device shall be installed prior to the discharge off site.
   K. Soil types and water table.
   L. Water source.
   M. Personnel, number and classifications.

   A. A composting facility shall not be allowed in any 100-year or 500-year floodplain, unless the Michigan Department of Natural Resources (MDNR) has approved the area for such operations. Permission from the MDNR stating where composting operations will be allowed in the floodplain shall be necessary before site plan review.
   B. A composting facility shall not be allowed in any protected wetland, as determined by the Michigan Department of Environmental Quality. A wetland determination shall be made by the MDEQ prior to site plan review.
   C. The site shall be compacted, graded and/or ditched to prevent contaminants from exiting the site via surface or groundwater.
D. Sanitary facilities shall be provided in accordance with the requirements of the Township, St. Clair County Health Department, or State of Michigan.

E. To ensure that ground or surface waters are not contaminated, monitoring wells shall be installed by the owner/operator and/or lessee on site prior to construction of the composting facility in accordance with MDNR standards. The number and location of said wells shall be subject to the requirements of the Township Engineer.

F. If any stream, swale, County drain or other natural watercourse is present on the site, it shall be buffered by a twenty (20) foot unoccupied setback measured from the outer edge of the floodplain or all alluvial soils. Approval from the St. Clair County Health Department and the designated agent responsible for the enforcement of the Soil Erosion Control Act (the St. Clair County Department of Public Works) shall be required, ensuring the stream is adequately protected from pollution.

G. The surface and groundwater at a composting facility shall comply with the water quality requirements of Act 451 of Public Acts of 1995, as amended, being Section 323.1 et seq. of the Michigan Administrative Code.

H. Sampling of groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two-year period after operations cease. The monitoring shall be done under the supervision of the MDNR. All costs for such monitoring shall be assumed by the owner/operator and/or lessee.

I. Should test wells reveal the presence of contamination, the petitioner shall be required to install a groundwater redemption system. The system shall be based on one of the following:
   i. Purge well system, in which water is pumped at a sufficient volume to capture contaminated groundwater, by creating a cone of influence.
   ii. Cutoff trench system, in which the trench intercepts contaminated groundwater.

   iii. Either system shall be installed to MDNR specifications. Contaminated water collected by either system shall be treated in accordance with MDNR specification to remove contaminants before discharge to a storm or sanitary system. Periodic monitoring of the system shall also conform to MDNR specifications. All costs associated with these procedures shall be assumed by the owner/operator and/or lessee.

J. Surface water monitoring shall also be required in addition to groundwater monitoring to assess the adequacy of leachate containment and runoff control. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator and/or lessee.

K. Analysis for all ground and surface water monitoring events shall be submitted to the Health Department within sixty (60) days after analysis.

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

A. Methods of composting to be used on site.

B. Operation cycle and timetable from acceptance of material on site to disposition of the final product. This shall include shredding, aeration, moisture control, mechanical turning, and screening.

C. Proposed methods of disposing of the final product. The applicant shall show that sufficient contracts exist for the sale of the final product. The plan shall show the size and height of the storage area. The plan shall indicate the type of sales or distribution of product (i.e., retail, individual bags, truckloads or wholesale).

D. All operational details shall be clearly delineated. The hours of operation and days of the week the facility is open shall be stated.

E. Use of any chemicals or accelerating agents, including bacteria, fungi, nitrogen or sewerage. The location and storage characteristics of any hazardous substances shall be identified, including secondary containment measures to prevent spills.
F. Monitoring and control methods for environmental protection (odor, dust, anaerobic problems, methane production). Prior to the start of operation, the owner or operator shall provide a written control plan to the Township, which shall outline the steps necessary to reverse a breakdown in the system or a pollution problem. Upon a declaration by the Township that such a problem exists, the owner and operator shall be notified and given a reasonable time to correct the problem. If the problem is not corrected, the Township shall have the right to intervene, correct the problem, and use the performance bond to pay for the services.

G. Plan to ensure that trash and contaminants are not brought onto the site or, if they are, that there is a plan for proper disposal of non-yard wastes at an approved sanitary landfill.

H. Plan for disposition of unmarketable compost.

I. Yard waste shall be actively rotated. There shall be a maximum accumulation period of three (3) years.

5. Area, Height and Placement Requirements.
   A. Front Yard Setbacks: One-hundred twenty-five (125) feet from right-of-way centerline. No stockpiling shall be located closer than one-hundred seventy-five (175) feet from the right-of-way centerline.
   B. Side and Rear. No composted material, stockpiling or processing shall be located closer than one-hundred (100) feet from side or rear property lines.
   C. Height. The height of any composted material (windrows or stockpiling) shall be limited to eight (8) feet.
   D. Distance to Housing. No stockpiling, storage, transfer, loading or unloading, processing, windrows or composting shall take place within five-hundred (500) feet of an existing residential dwelling unit.

6. Other Requirements.
   A. Screening. That portion of the site used for composting or stockpiling, which is visible from the street or an adjacent residence or located adjacent to property zoned for residential or agricultural purposes, shall be enclosed, screened or buffered, as determined by the Planning Commission and meeting the requirements of Sections 5.5 and 5.9.
   B. Trash Receptacles. Adequate trash receptacles shall be provided and shall be completely obscured from view by a screen fence or wall.
   C. Signs. There shall be no more than one (1) freestanding or ground sign, not to exceed thirty-two (32) square feet of sign area or exceed six (6) feet in height.
   D. Parking. The Planning Commission shall determine the number of additional parking spaces necessary based on the number of employees and the anticipated traffic that will be generated as proposed in the applicant’s site plan and operational plan.
   E. Performance Guarantees. The Township Board shall require and establish the amount of any performance guarantees, such as bonds or letters of credit, to assure zoning and special approval compliance; to correct breakdowns in the composting system; and to guarantee restoration in the event of abandonment, hazardous waste or other environmental pollution.
   F. Approvals. The applicant shall provide letters from St. Clair County and the State Department of Natural Resources (DNR) that this operation, based on the proposed site plan:
      i. Is consistent with the St. Clair County Solid Waste Plan; and
      ii. That the State DNR Waste Management Division has reviewed the plan and is not aware of any problems and does not have any environmental concerns from the proposed operation.
   G. Annual Operational Permit. All composting facilities and operations regulated by this Ordinance shall be subject to an annual operational permit issued by the Ira Township Board. Any violation of this Ordinance or any other appropriate State, County or local regulation, or noncompliance with the conditions of the special land use approval, shall be grounds for the denial of an operational permit or its renewal. Renewal of an annual operational permit shall not be given without receipt of a letter of compliance from the Michigan Department of Natural Resources Waste Management Division and the County Health Department and compliance with and receipt of a performance guarantee as required in this Section.
H. Inspection. An annual summer inspection for rodents, or one required upon a signed complaint of sighting, shall be performed by a licensed pest control company. Copies of the report shall be transmitted to the Township. If rodents are detected, appropriate measures shall be taken to capture or exterminate the rodents in an environmentally safe manner.

4.46 ACCESSORY DWELLING UNIT

One accessory dwelling unit for the owner or caretaker of a marina is permitted in the WM district, provided the dwelling unit meets the minimum requirements for a dwelling in the RU Residential Urban zoning district.

4.47 GENERALIZED RETAIL USES WHICH PROVIDE SERVICE TO THE GENERAL PUBLIC (BEYOND MARINA USERS)

Generalized retail uses which provide service to the general public (beyond marina users) are permitted as a special land use in the WM district, subject to the following:

1. The parking and maneuvering relationship between those areas dedicated for general public use and those dedicated for marina users shall ensure that proper safety is being maintained.
2. The Planning Commission may limit the amount of general retail usage on the site based on the surrounding existing and planned land uses.
3. Additional parking may be required based on the types of uses and the anticipated separate users of the general retail uses and the marina itself.
4. Generalized retail uses shall be ancillary to either existing or proposed marina use. If the marina use ceases to exist, so shall the generalized retail use unless a rezoning is obtained to an appropriate zoning district.
5. The Planning Commission shall pay particular attention to the relationship of the existing marina use as well as those retail uses which are being proposed to the existing surrounding land uses and the need to minimize impacts between non like uses. In addition, the overall access to the site (driveway and access road) shall also be found to be satisfactory in terms of size, configuration, surface material, etc. prior to approval.

4.48 SWIMMING POOLS, PRIVATE

1. Application for Building Permit. The application for building permit to erect a swimming pool shall include: the name of the owner; a plot plan and location of adjacent buildings, fencing, gates, public utilities; specifications and plans to scale of pool walls, slope, bottom, walkway, diving boards; type and rating of auxiliary equipment, piping and valve layout; and any other detailed information affecting construction as required by the State Health Department.
2. Pool Location. Swimming pools shall not be located in any front yard, waterfront yard or canal yard setbacks. Pool locations shall observe the side yard requirements of the district. Rear yard setbacks shall not be less than four (4) feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line, or less than four (4) feet between the pool wall and any building on the lot.
3. Enclosure. For the protection of the general public, all pools shall be completely enclosed by an acceptable barrier meeting the requirements of the Township's adopted building code.
4. Electrical Installation. All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall provide written proof of satisfactory arrangements with the utility involved for the relocation of such wires before a permit shall be issued for the construction of a swimming pool.
5. Swimming Pool Construction. All in-ground or public swimming pools erected in the Township shall be erected by a contractor licensed to install swimming pools.

4.49 WATERCRAFT OCCUPANCY PROHIBITED

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

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

1. Structural integrity of the building, particularly the increased wall and roof loads involved in building underground, shall be certified by a Registered Architect or Professional Engineer licensed by the State of Michigan.

2. Special attention shall be given to the design of systems for waterproofing all areas of the building to be located underground. The system should be impermeable, able to bridge cracks and accommodate minor structural movements, resist temperature extremes, soil chemicals and aging in underground service, and have the ability to localize a leak should it occur. Where necessary, the Building Inspector may seek the advice of the Township Engineer in evaluating such systems.

3. Guardrails should be provided on or near the edge of any accessible roof where there is a grade change greater than thirty (30) inches.

4. Alternative fire fighting entrance provisions should be made for interior courts below grade, such as a stairway within the court leading directly to the exterior ground level.

5. Total window area must exceed eight (8) percent of total habitable floor area, but individual rooms may be windowless where ventilation and exit requirements are met.

6. Setbacks shall be the same as those for aboveground buildings.

4.51 WIND ENERGY CONVERSION SYSTEMS (WINDMILLS)

1. Applicable Zones. Wind Energy Conversion System (WECS) or similar weather monitoring devices may be permitted in any zoning district subject to the following Special Land Use Approval Requirements except as provided for in this Section.

2. Applicability of Ordinance. The standards that follow shall apply to systems intended for the provision of the electrical or mechanical power needs of the owner/operator of the system; also, such a system shall be for one main building and its accessory buildings only. Said approval shall cover the location of the system (shown on a survey of the property) on the site, the noise generated by the system, assurances as to the safety of the features of the system, and compliance with all state and federal statutes and regulation. Planning Commission approval shall specifically be required for arrays of more than one WECS and for systems wherein one WECS is intended to provide the electric power for more than one main building.

Further, 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 local jurisdiction airport overlay zone regulations.

3. Standards for and Regulation of WECS.

   A. Construction: Tower construction shall be in accordance with the latest edition of the Michigan Building Code, and any future amendments and/or revisions to it.

   B. Electric-Magnetic Interference (EMI): WECS generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause harmful interference with radio and/or television broadcasting or reception, and shall comply with the provisions of Title 47, Chapter 1, Part 15 of the Federal Code of Regulations and subsequent revisions governing said emissions.

   The structural design shall be signed and sealed by a professional engineer, registered in the State of Michigan, certifying that the structural design complies with all the standards set forth for safety and stability in all applicable codes then in effect in the State of Michigan and all sections referred to herein above.

   C. Setbacks: The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to the height of the tower. The setback shall be measured from the edge of the base of the tower to the nearest applicable property line.

   The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the
WECS or its supporting structure will not cause any portion of it to fall within five (5) feet of utility lines.

D. Maximum Height: The maximum height permitted shall be one-hundred and fifty (150) feet, unless otherwise prohibited by any state or federal statutes or regulations.

E. Minimum Blade Height: The minimum distance between the ground and any protruding blades utilized on a WECS shall be twenty (20) feet, as measured at the lowest point of the arc of the blades.

F. Labeling Requirements: A minimum of one sign shall be posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the WECS:
   i. The maximum power output of the system and the wind speed at which it is achieved.
   ii. Nominal voltage and maximum current.
   iii. Manufacturer’s name and address, serial number and model number.
   iv. Maximum survival wind speed and the emergency and normal shut down procedures.

G. Utility Company Notification: The Detroit Edison Company (or other applicable energy company) shall be notified in writing of any proposed interface with company’s grid prior to installing such interface and shall conform with any legislated requirements governing installations of WECS so as to comply with the Utility Tariff specifications.

H. Safety: The WECS manufacturers shall document that the WECS model has been tested and certified by Underwriter’s Laboratory, or other such applicable independent accrediting agency, and that when installed in accordance with recommended specifications shall have a maximum survival wind speed of not less than eighty (80) miles per hour.

I. Noise: The maximum level of noise to be generated by a WECS shall be fifty (50) decibels, as measured on the dBA scale, measured at each property line at any time. Proof from the manufacturer that the unit is capable of meeting these requirements shall be provided at the time a permit is requested.

4. Miscellaneous.
   A. All electric line/utility wires shall be buried underground.
   B. Any mechanical equipment associated with and necessary for operation, including a building for batteries and storage cells shall be enclosed with a six (6) foot fence and properly landscaped/screened.
   C. When a building is necessary for storage of cells or related mechanical equipment, the building may not exceed one-hundred forty (140) square feet in area nor eight (8) feet in height, and must be located at least the number of feet equal to the height of tower from any property line.
   D. The tower and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the tower and related structure shall be dismantled and removed from the property within sixty (60) days. To ensure the removal of such structure, a financial guarantee acceptable to the Township shall be submitted. The amount of such guarantee shall be based on a cost estimate supplied by the applicant and accepted by the Township.
   E. Every WECS shall be insured with minimum liability insurance of five-hundred thousand dollars ($500,000) for each occurrence. Proof of insurance shall be furnished to the Township.

5. WECS (Single Family Use)
   A. The erection of one (1) WECS on a single parcel of land shall be considered a permitted use in the AEC zoning district and shall not require special land use and Planning Commission approval. The approval of a windmill under this requirement shall be subject to administrative approval through the Building Department, as well as all other applicable provisions of this Section of the Zoning Ordinance.
   B. The erection of all WECS within the TR, RS, and RU Single Family zoning districts shall require special land use approval regardless of height.
   C. Setbacks shall be equal to the height of the tower. If the height exceeds the setback which can be provided, special land use approval shall be required.
4.52 OUTDOOR THEATERS

Outdoor Theaters. Because outdoor theaters possess the unique characteristic of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted as a special land use in the I-1 and I-2 districts, subject to the following conditions:

1. The proposed internal design shall receive approval from the Building Inspector or Official as to adequacy of drainage, lighting and other technical aspects.

2. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares of one-hundred and twenty (120) foot right-of-way or greater, and shall not be available from any residential street.

3. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space in the ratio of one (1) space for every ten (10) viewing spaces within the drive-in. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.

4.53 CONDOMINIUM SUBDIVISIONS

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

2. Submission Requirements. All subdivisions shall be submitted and comply with the requirements of the Ira Township Land Division Regulations Ordinance.

All condominium subdivision plans shall be submitted for review as required by Section 6.1 of this Ordinance and Section 66 of the Condominium Act, and include the following additional information:

A. Name, address and telephone number of all persons, firms, corporations and partnerships that have an interest in the land, with a description of their interest (fee simple, land contract, purchaser or optionee).

B. A survey of the condominium subdivision site.

C. A survey or drawing delineating all natural features on the site including, but not limited to, ponds, streams, lakes, drains, floodplains, wetlands and woodland areas.

D. The location size, shape, area and width of all condominium units and common elements, and the location of all proposed streets.

E. A generalized plan for the provision of utilities and drainage systems.

F. A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project.

G. A utility plan showing all sanitary sewer, water, and storm drainage improvements, plus all easements granted to the Township for installation, repair and maintenance of all utilities.

H. A street construction, paving, and maintenance plan for all streets within the proposed condominium subdivision plan.

I. A storm drainage and stormwater management plan, including all line, swales, drains, basins, and other facilities.

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

A. Preliminary Plan Review - In the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of the Ira Township Zoning Ordinance and Master Land Use Plan. Plans submitted for preliminary review shall include information specified in items A - E of Section 4.53.2 Submission Requirements.
B. Final Plan Review - Upon receipt of Preliminary Plan Approval, the applicant should prepare the appropriate engineering plans and apply for Final Review by the Planning Commission. Final plans shall include information as required by items A - I of Section 4.53.2 Submission Requirements. Such plans shall be reviewed by the Township Attorney and the Township Engineer. Further, such plans shall be submitted for review and comment to all applicable local, county and state agencies as may be appropriate. Final approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on said plans.

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

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

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

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

4.54 PONDS

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

1. The applicant shall obtain a permit from the Zoning Administrator, which shall contain the following:
   A. The name of the owner(s) of the property.
   B. The legal description of the property, along with commonly known address.
   C. A site plan prepared with drafting instruments and drawn to a scale suitable to demonstrate compliance with applicable regulations.

2. Requirements:
   A. All ponds shall be located on a contiguous parcel of at least two (2) acres.
   B. Ponds shall only be of an excavation type as defined by the Soil Conservation Service (SCS) engineering standard and all ponds shall be constructed to the SCS standards. (See circular 378 of the Soil Conservation Service.)
   C. No commercial activities including public (paid or unpaid) fishing shall be allowed.
   D. The pond and any incidental structures and uses shall be a minimum distance of fifty (50) feet to the public rights-of-way. A minimum fifty-foot setback is required to the property line of abutting lands. Where a three-foot high berm is constructed between the pond and the adjoining property line, the setback to the property line of abutting lands may be reduced to twenty (20) feet.
   E. Ponds shall be provided with a drainage system to protect adjacent properties from water overflow.
   F. A pond shall not be greater than twenty-five (25) feet in depth.
   G. A pond may occupy up to a maximum of twenty (20) percent of the lot or property upon which it is placed.
   H. A pond shall be a minimum of fifty (50) feet from any dwelling, septic field or well. This requirement shall take precedence over any setback requirement herein specified.
I. If the pond is intended for swimming, the swimming area shall be free of all underwater obstacles, such as sudden drop-offs, deep holes, trees, stumps, brush, rubbish, wire, junk machinery, and fences. The swimming area, if any, shall be marked with a float line.

J. A pond shall be located so as to prevent sewerage or run-off from barnyards from draining into the pond.

3. No pond shall be constructed without first obtaining a permit from the Michigan Department of Environmental Quality (MDEQ) if such pond would be:
   A. Five (5) acres or greater in area, or
   B. Connected to an existing lake or stream, or
   C. Located within five-hundred (500) feet of the ordinary high water of an existing inland lake or stream.

Obtaining a permit from the MDEQ, however, shall not relieve a person from also complying with the requirements of this Section.

4.55 TEMPORARY USES—SPECIAL EVENTS AS APPROVED BY THE TOWNSHIP BOARD

The Township Board may approve a temporary use or special event subject to the following:

1. The period of operation of the proposed use shall not exceed seven (7) consecutive days.

2. An application shall be filed in the manner specified by the Township, thirty (30) days in advance of the event, accompanied by a plot plan drawn to scale showing the proposed layout of the site (if applicable), along with a fee to be established by Township Board resolution.

3. Written verification of ownership of the subject site shall be provided if requested. Written permission of the property owner shall also be furnished to the Township if applicant is not the owner.

4. No activity shall be conducted within the public right-of-way.

5. There shall be adequate parking provided (hard-surface if deemed appropriate) on the site consistent with the scope of the proposed use.

6. The proposed site shall be laid out so as to ensure safe vehicular and pedestrian circulation.

7. The hours of operation may be limited to hours specified by the Township Board. Such hours shall generally be consistent with the nature of the use and compatible with other activities on the site and adjacent parcels.

8. All sanitary service, electrical lines, and all other operations shall comply with all applicable Township codes, ordinances, and regulations and any other applicable statutes, rules, or regulations of any governmental body having jurisdiction over the activity. Any permits required shall be obtained by the applicant, or if required, by a licensed contractor. The Township Board may forward the application to various Township departments, as deemed necessary, to determine compliance with the applicable Township codes, regulations, and standards.

9. Any temporary structures shall be erected in a safe manner in accordance with any applicable Township codes, ordinances, or standards. If approval is granted by the Township Board, the applicant agrees to schedule required inspections prior to the beginning of the event. Further, a financial means acceptable to the Township shall be in an amount and by a company satisfactory to the Township Board to ensure the prompt removal of any temporary use or structure.

10. The property shall be maintained in a neat and orderly condition, and cleaned immediately after the close of each business day.

11. Final clean-up shall be the responsibility of the applicant, and shall be assured by the posting of a cash deposit or irrevocable letter of credit in an amount determined by the Township Board to ensure performance of the clean-up within forty-eight (48) hours of termination of the temporary use.

12. If the proposed temporary use or any part does not meet all of the conditions determined to be applicable by the Township Board, the use shall not receive administrative approval and may be reviewed and considered for approval only by the Zoning Board of Appeals under the temporary use powers set forth in this Ordinance.
4.56 RADIO, TELEVISION, SATELLITE DISH AND COMMUNICATIONS ANTENNAE.

Radio, television, satellite dish and communications antennae shall be permitted as a special land use in the I-1 and I-2 districts, subject to the following:

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

B. In a residential district, no antenna shall be located between the principal building and the front lot line. The maximum overall height for a ground-mounted antenna, including mounting hardware, shall be fifteen (15) feet. The maximum diameter for satellite dish antennae shall be twelve (12) feet. Only perforated or mesh-type satellite dishes shall be permitted when mounted on or above a building roof. Roof mounted satellite dishes shall not exceed the height limit of the zoning district. Ground mounted satellite dishes shall be set back the height of the antenna from all lot lines and no satellite dish shall overhang any lot line. All satellite dishes shall be mounted at least twelve (12) feet from any electric wires.

C. In a non-residential zone, no satellite dish antenna shall be located between any principal building and the front lot line. All satellite dish antennae over twelve (12) feet in diameter and all ground mounted satellite dishes over fifteen (15) feet in overall height shall require Special Land Use approval by the Township Board. Roof mounted satellite dishes shall not exceed the zoning district height limit. Where placement of the satellite dish will cause it to be visible from a residential district or a public right-of-way, it shall be screened from view. The screening may consist of structures, plant materials, earth berms and/or fences. At least seventy-five (75) percent of the antenna, to a height of six (6) feet above the average ground elevation, must be screened from view of the abutting lot or right-of-way.

4.57 RECREATIONAL VEHICLE PARKS

Recreational Vehicle Parks may be permitted as a special land use, subject to the following:

1. All Recreational Vehicle Parks shall be used solely for the temporary placement of motor homes, travel trailers, and similar recreational vehicles and shall be developed in accordance with Act 368 of 1978 (Public Health Code), as may be amended and Administrative Rules and Regulations promulgated subsequent to the Act, as may be amended.

2. Only seasonal occupancy shall be permitted; no year-round residency in a motor home, travel trailer, or similar recreational vehicle shall be permitted. No recreational vehicle park shall be open for more than eight (8) months per year.

3. No more than one (1) permanent dwelling unit shall be allowed in a recreational vehicle park, which shall only be occupied by the owner, manager or an employee.

4. The minimum site size shall be twenty (20) acres with a minimum lot width of six hundred sixty (660) feet in the AEC district. Minimum site size and lot width in the MHP district shall be determined by the Planning Commission’s review of a site plan, based upon the proposed number of recreational vehicle sites, and demonstration of compliance with required setbacks, provision of recreation space, required sanitary facilities, and appropriate landscaping and screening.

5. Each recreational vehicle site shall be not less than one thousand two hundred (1,200) square feet in area.

6. A common use, recreational area shall be provided at a rate of two hundred fifty (250) square feet per recreational vehicle site.

7. Each recreational vehicle site shall be provided a picnic table.

8. All recreational vehicle sites shall have a central water supply system with potable water under pressure provided to each site.

9. Where a public water supply system is available within one hundred fifty (150') feet of any portion of the recreational vehicle park, the water supply system shall be connected to the public water supply.

10. All recreational vehicle sites shall have a fire extinguisher or fire hydrant located within five hundred (500) feet.
11. Separate male and female toilet and bathing facilities shall be provided at a ratio of one each per twenty (20) recreational vehicle sites for each sex and shall provide hot and cold running water.

12. All such toilet and bathing facilities shall be approved by the state and county health departments.

13. Where a public sanitary sewer is available within five hundred (500') feet of any portion of the recreational vehicle park, toilet and bathing facilities and all facilities for disposal of sanitary waste from holding tanks on the individual motor homes, travel trailers, and similar recreational vehicles shall be connected to the public sanitary sewer.

14. Sewer, water, fuel, electrical, and telephone installations and connections shall be in accordance with plans approved by the appropriate utility, public agency, and the Township Board, upon recommendation from the Planning Commission.

15. In MHP districts, access to all recreational vehicle sites shall be by means of a roadway paved with asphalt or concrete for a minimum width of twenty (20') feet, in accordance with the Ira Township Land Development and Engineering Standards Ordinance. In AEC districts, the roadway may have a gravel surface, provided it complies with the Ira Township Land Development and Engineering Standards Ordinance. Parking shall be prohibited on such roadways, which shall be posted “No Parking”. Parking areas shall be provided by means of separate parking bays or parking lanes.

16. If a parking bay or lane is not provided, one parking space shall be provided on each recreational vehicle site. This provision may be modified for those sites designed for a more natural outdoor experience. In such case, an adequately sized off-roadway parking stall shall be provided for each recreational vehicle site at an alternate location on the property.

17. No building, structure, or accessory use shall be located closer than thirty (30) feet to any exterior property line in the AEC district. In the MHP district, buildings, structures and all recreational vehicle sites shall be buffered from an adjoining residential district or use by a minimum landscaped area 10 feet wide, unless the Planning Commission finds that a wider separation and screening is required to protect a residential neighbor.

18. Fences and/or greenbelts may be required by the Township Board, upon recommendation by the Planning Commission.

19. No business of any kind shall be conducted on the premises, except for a management office, laundry facilities and/or camp store for the sole use of recreational vehicle park customers.

20. The site plan shall demonstrate that a proper relationship exists between all recreational vehicle sites, the internal roadway, and the public streets so that proper circulation, vehicular and pedestrian safety is assured.

21. Each recreational vehicle site shall include a pedestal or similar facility with a site number clearly posted, to aid emergency services personnel.

22. There shall be no fire pits nor tents permitted at any recreational vehicle park or on any recreational vehicle site.

23. Recreational Vehicle Park management shall prohibit the sub-leasing of recreational vehicle sites and/or renting or leasing of private recreational vehicles within the park.

### 4.58 KEEPING OF HORSES

The keeping of a horse for the purpose of this Ordinance, shall constitute a farm and require at least five (5) acres for the first horse with no more than two (2) horses on the first five (5) acres plus one (1) acre for each additional horse.

### 4.59 GARAGE, PRIVATE

Private garages shall be construed to permit the storage on any one lot, for the occupants thereof, of not more than one commercial vehicle not exceeding a rated capability of three-fourths (3/4) ton. This shall not include the storage of large tractors, backhoes, bulldozers, other construction-type equipment or similar equipment.
4.60 AUTO RACE TRACK
Because auto race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas, and cause noise levels which may project beyond the property so used, they shall be permitted as a special land use in the I-1 and I-2 districts when located adjacent to a major thoroughfare, and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following:

1. All parking shall be provided as off-street parking within the boundaries of the development and shall meet the requirements of Sections 5.1 and 5.2.
2. All access to the parking area shall be provided from a major thoroughfare.
3. All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot wide greenbelt planting, and fence or wall, so as to obscure from view all activities within the development. Said planting shall be in accord with Section 5.5.

4.61 FAIRGROUNDS, HORSE AND DOG RACE TRACKS
Because horse and dog race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas and require sizeable land areas which would be incompatible with business or residential districts, they shall be permitted as a special land use in the I-1 and I-2 districts when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following conditions:

1. All parking shall be provided as off-street parking within the boundaries of the development.
2. All access to the parking area shall be provided from a major thoroughfare.
3. All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot wide greenbelt planting, and fence or wall, so as to obscure from view all activities within the development. Said planting shall be in accord with Section 5.5.

4.62 RIDING ACADEMIES AND STABLES
Facilities for horseback riding, accessory trails and stables may be permitted as a special land use on parcels of ten (10) acres or more, or on parcels zoned AEC, I-1 and I-2, provided that animal housing facilities or enclosures are located at least two hundred and fifty (250) feet from any residential structure. Under a temporary permit basis, riding trails may extend into the rugged and/ or undeveloped portions of the AEC district.

4.63 AIRPORTS AND RELATED USES
Airports, landing fields, and platforms, hangars, masts, and other facilities for the operation of aircraft, may be permitted as a special land use in the AEC, I-1, and I-2 districts, subject to the following conditions:

1. The plans for such facility shall be given approval by the Federal Aviation Agency prior to submittal to the Planning Commission and Township Board for their review and action.
2. The standards for determining obstruction to air navigation as announced in the FAA Technical Order N-18, April 26, 1950 (as amended July 30, 1952) and any amendments thereto shall be complied with. The class of airport as determined by the FAA shall apply this standard.
3. The area of the "clear zone" (see FAA definition) shall be provided for within the land area under airport ownership, and in no instance shall the "clear zone" be above property zoned RS, RU, RM, or MH.

4.64 KENNELS, COMMERCIAL
The raising for profit of any fur bearing animals or operation of a commercial kennel shall be permitted as a special land use on a farm of five (5) acres or more in size subject to the following:

A. The pens and cages shall be located not less than one-hundred (100) feet from any front, side or rear property line.
B. The use shall not be injurious to the surrounding neighborhoods.
C. Commercial kennels may also be allowed in I-1 and I-2 districts if district regulations are met. Further, all requirements of Section 5.4 shall be adhered to. In the case of all temporary kennels, a temporary permit shall be obtained from the Board of Appeals (refer to Section 7.22.4).
4.65 OVERNIGHT CAMPING FACILITIES

Overnight camping facilities, such as recreational campgrounds for tents, campers, and travel trailers, may be permitted as a special land use in the AEC and B-2 districts, provided the following special standards are met:

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

B. An eight (8) foot wall or fence shall be erected around the entire site, and control gates for ingress and egress shall be installed.

4.66 ROADSIDE MARKETS

Because roadside markets are seasonal in character and utilized on a temporary basis, roadside markets may be permitted as a special land use in the AEC district, provided the following provisions are met:

1. The sale of farm products in a roadside market shall not take place within the dedicated right-of-way of any thoroughfare within the Township, and assurances shall be made to the Township that ample off-street parking has been provided, and adequate ingress and egress provided to the market.
2. No permanent structure of any type shall be erected, and upon discontinuance of the temporary use, the temporary structures shall be removed from the roadside.
3. All requirements of Section 7.22.4 shall be met.

4.67 WASTE LAGOON PONDS

Because waste lagoon ponds are industrially oriented and permanent in character, and because of technical treatments necessary for the proper operation of lagoon ponds, they shall be permitted as a special land use in I-2 and AEC districts (if related to an agricultural use), provided the following conditions are met:

A. In no instance shall a waste lagoon pond be closer than one-hundred and fifty (150) feet to front property line or abutting residential district.

B. An eight (8) foot wall or fence shall be erected around the entire site, and control gates for ingress and egress shall be installed.

4.68 HOG FARMS

Because of the nature of hog farms and piggeries, they may be permitted as a special land use in the AEC district only, provided the following requirements are met:

1. All requirements of Section 5.4 shall be strictly adhered to.
2. Pens and cages shall be located no closer than one-hundred and fifty (150) feet to any front property line, or any adjacent property line.

4.69 MUSHROOM PLANTS AND FARMS

Because of the nature of the process for growing mushrooms, mushroom growing plants may be permitted as a special land use in the I-2 district only, provided the following conditions are met:

1. The plant structure shall be located no closer than one-hundred and fifty (150) feet to any front property line, or to any adjacent property.
2. The area utilized for the dispensing of waste material shall be no closer than three-hundred (300) feet to any existing or proposed public right-of-way or to any adjacent property line.
3. All requirements of Section 5.4 shall be strictly adhered to.
4. No residential structure, either permanent or temporary shall be placed closer than five-hundred (500) feet to any mushroom growing plant.

4.70 GUN CLUBS

Gun Clubs. Gun clubs, whether operated for profit or not, may be permitted as a special land use in the I-1 and I-2 districts only, provided the following conditions are met:

1. All Federal, State, County and Township codes and ordinances in regard to firearms shall be strictly adhered to.
2. In no instance shall a firearm be discharged closer than one-thousand (1,000) feet to an existing residence.
3. In no instance shall a firearm be discharged on any range in any gun club without the presence of an employee of the gun club for supervision.
4. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission for review in compliance with Section 6.1, and clearly indicate all safety provisions to assure that any missile fired within the confines of a gun club shall not carry into or over any adjacent district or area.

5. A six (6) foot chain link fence shall be provided around the entire gun club site to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged.

6. Any other provision which the Township Board and Planning Commission deem necessary to assure the health, safety and general welfare of the inhabitants of Ira Township and adjacent communities.

4.71 QUARRY AND STRIPPING OPERATIONS

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

1. The Board shall first seek the finding and recommendation of the Planning Commission clearly demonstrating that the winning of natural resources will not permanently impair the intended land use potential of the property in question.

2. The Board shall issue said permit only after a proper notice shall have been made and only after a public hearing shall have been held.

3. The Board shall find that all requirements set forth in the Township Board's resolution establishing standards, operating requirements, application and review procedures, and the posting of bonds shall have been met.

A. Quarry Excavation.

i. Where an excavation in excess of five (5) feet will result from such operations, the applicant shall erect a fence with warning signs completely surrounding the portion of the site where the excavation extends. Said fence will be of wire mesh or other suitable material and not less than five (5) feet in height complete with gates, which shall be kept locked when operations are not being carried on.

ii. When operations cease at any quarry, the entire excavation shall be fenced with a suitable eight (8) foot high chain link or comparable fence, upon which there shall be placed and maintained appropriate signs warning the public of danger.

iii. Where quarrying operations result in a body of water, the owner, operator and/or permittee shall place appropriate "KEEP OUT - DANGER" signs around said premises not more than two-hundred (200) feet apart.

iv. Any road used for the purpose of ingress or egress to said excavation site, which is located within three-hundred (300) feet of occupied residences, shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.

v. No cut or excavation shall be made closer than one-hundred (100) feet from the nearest street or highway right-of-way line, nor closer than one-hundred (100) feet to any property line, nor nearer than two-hundred fifty (250) feet to the nearest residence providing that where the cut reaches any limitations as above set forth, a chain link or comparable fence eight (8) feet in height shall be erected and in case of an adjoining residence or Residential district, a twenty-foot (20) wide greenbelt, inside the fence, shall be maintained in good condition by the property owner; provided further, that the Board may prescribe more strict requirements in order to give sublateral support to surrounding properties where soil or geographic conditions warrant it.

vi. The slope of the banks within the second one-hundred (100) feet measuring from the near edge of a public highway, or within the second one-hundred (100) feet measuring from the property line of an adjoining land owner, or within the second two-hundred fifty (250) feet to the nearest residence, shall not exceed one (1) foot vertical drop to each seven (7) feet horizontal.
vii. The Board may require such other performance standards where, because of peculiar conditions, they deem it necessary for the protection of health, safety, morals and well being of the citizens of Ira Township.

B. Regulations for Stripping or Removal Operations Not Incidental to Quarry Operations.

i. No soil, sand, gravel, clay or similar materials shall be removed below a point twelve (12) inches above the mean elevation of the center line of the nearest existing or proposed street or road established or approved by the St. Clair County Road Commission, except as required for the installation of utilities and pavements; provided further that where approved county drain ditches exist and/or are adjacent to the property under permit, that the grade and slope of removal will meet all requirements and approval of the St. Clair County Drain Commission.

ii. Any road used for the purpose of ingress or egress to said excavation site, which is located within three-hundred (300) feet of occupied residences, shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.

iii. No soil, sand, clay, gravel or similar materials shall be removed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health or safety. The premises shall at all times be graded so that surface water drainage is not interfered with.

iv. Wherever topsoil exists suitable for growing turf or for other land uses, at the time the operations begin, a sufficient quantity of topsoil shall be stockpiled on said site so that the entire site, when stripping or removal operations are completed, may be recovered with a minimum of four (4) inches of topsoil and the replacement of such topsoil shall be made immediately following the termination of the stripping or removal operation. In the event, however, that such stripping or removal operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored topsoil over the stripped areas as he progresses. Such replacement shall be in a manner suitable for growing turf or for other land uses.

v. The Board may require such other and further requirements as is deemed necessary in the interest of the public health, safety, morals and general welfare of the citizens of Ira Township.

4.72 COMMUNICATION TOWERS, PERSONAL WIRELESS SERVICE (CELL TOWERS) AND SIMILAR TOWERS AND ANTENNAS

1. Purpose and Intent. It is the general purpose and intent of Ira Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems as may be required by law. However, it is the further purpose and intent of the Township to provide for such authorization only in a manner that will retain the integrity of neighborhoods and the character, property values, and aesthetic quality of the community at large. In fashioning and administering the provisions of this Ordinance, an attempt has been made to balance these potentially competing interests.

Pursuant to the general purpose and intent as set forth above, the goals of this Ordinance are to:

A. Protect residential areas and land uses from the potential adverse impact of towers and antennas.

B. Permit the location of towers in non-residential areas.

C. Minimize the total number of towers or antennas throughout the community.

D. Strongly encourage the joint use of existing tower or antenna sites, rather than construction of additional ones.

E. Require users of towers and antennas to locate in areas where the adverse impact on the community is minimal.

F. Encourage personal wireless services to configure or design antennas in a way that minimizes the adverse visual impact of the towers and antennas through stealth technology, careful design, siting, landscape screening and innovative camouflaging techniques.
G. Avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of tower structures.

H. In furtherance of these goals, Ira Township shall give due consideration to the Township's Master Plan, Zoning Ordinance, existing land uses, and environmentally sensitive area in considering sites for the location of towers and antennas.

The Township also determine that the presence of towers and/or pole structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, may have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of tower and/or pole structures which have a negative architectural and aesthetic appeal to most persons. It recognizes that the absence of such regulation would or could adversely impact property values and, further, that this economic component is an important element to preserving public health, safety and welfare.

2. District Requirements.

A. Wireless communication towers, including their respective transmission towers, relay and/or receiving antennas, and normal accessory facilities may be permitted as a special land use in the industrial zoning districts. It is noted that communication towers do not fall under the classification of essential services and may in no way be regulated as such.

B. New towers may be located in the I-1 and I-2 Zoning districts, after Special Land Use Approval (Section 6.2), provided the location of such facilities does not represent a hazard to the use and/or development of other uses on the site or within the vicinity of the site.

C. The development of stealth, concealed antennas, or such appurtenances on existing buildings or structures may be permitted in other zoning districts, subject to Special Land Use Approval (Section 6.2) and the provisions of this Section. Such approval would require a unique approach with no adverse impacts on the surrounding residential properties or adjacent neighborhoods.

D. All new tower construction shall provide for multiple facilities upon the tower. The applicant shall provide a letter of intent to lease any excess space on a tower facility and commit itself to:

   i. Promptly responding to any requests for information from a potential co-user of their tower/antennae.

   ii. Negotiate in good faith and allow for leased, shared use of the facility, when it is their tower/antenna.

   iii. Make no more than a reasonable charge for a shared use lease.

A. The Township strongly encourages the development of towers on suitable Township property or co-location upon current towers already constructed within the Township. The applicant shall have reviewed public sites, existing towers, tall buildings, or similar structures which are, or may be, capable of providing adequate service.

B. If the application is for co-location on an existing tower or structure, the site plan requirements are waived by the Planning Commission and approval shall be by the Building Official after review of the construction plan, the approved site plan for the tower, and documentation by the co-user as to their compliance with all of the terms and conditions required of the host applicant and this Ordinance.

C. The Township encourages innovative designs and utility pole camouflage as practical solutions for minimizing the visual pollution impact on residential neighborhoods or the motoring public. Monopole (stealth or equivalent type) antenna structures may be required where they are technologically feasible.

D. No tower or antenna shall exceed one-hundred eighty (180) feet in height.

3. Requirements of the Applicant.

A. A site plan, as referred to in Section 6.1 of the Zoning Ordinance, shall be prepared and submitted, showing the location, size, roads, adjacent uses within two-hundred (200) feet, screening, and design of all buildings and structures including fences and outdoor equipment, all of which shall be designed to conform to applicable building codes and the Zoning Ordinance.
B. If a new tower is proposed, the application shall include a map showing existing and known proposed wireless communication facilities within the Township and, further, showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township, in the location and area relevant in terms of potential co-location or in demonstrating the need for the proposed facility.

C. The Township may also request that the applicant provide a map or overlay identifying all of the tower locations, "search rings," or coverage areas within Ira Township and the nearest adjoining units of government which are within a one-mile radius of the applicant's site. The Township may also require the applicant to show why a cable based, fiber optic, or similar system cannot or should not be used in lieu of a wireless communication tower.

D. If, and to the extent, the information in question is on file with the Township, the applicant shall be required only to update as needed. Any such information, which is a trade secret and/or other confidential commercial information which, if released, would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy (MCL 15.243(1)(g). This Ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.

E. The tower site shall be landscaped in an aesthetically pleasing and functional manner. The purpose of this landscaping is to obscure the view of the tower base, accessory buildings, and/or protective fences from any public right-of-way by means of a greenbelt or landscaped berm in accordance with Section 5.5 of this Ordinance. Greenbelts or landscaped berms may also be required along any residential zoning district. Such landscaping shall be incorporated along access drives servicing the tower site.

F. The application shall include three (3) copies of a signed and sealed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure would fall under the most catastrophic conditions. The fall zone criteria should also include the area in which there is a potential hazard from falling ice, debris, or collapsing material. This certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities. When located in or adjacent to non-residential zoning districts, the setback shall not be less than the certified fall zoned noted above.

If such information is not provided or not accepted or approved, the setbacks shall be established as follows:

i. When adjacent to a residential district, the tower setback shall not be less than the overall height of the tower/antenna, plus fifty (50) feet.

ii. When adjacent to a non-residential zoning district, the setback shall be equal to or exceed the overall height of the tower.

Further modifications to setbacks may be considered when it is documented that the adjacent property is unbuildable due to wetlands, floodplains, or other significant limitations. It shall also be found that no adverse effects on reasonable development patterns in the area would be created by developing the tower or antenna.

G. A visual simulation (rendered drawing) may be required in a district that is within or abuts sensitive or extremely visible areas, as deemed by the Planning Commission. This simulation should include existing structures and natural elements and the tower's relation to those elements.

H. In addition to site plan review for new or reconstructed towers, the Planning Commission, upon deeming it necessary, shall require an independent third party review of an application. Such review shall be conducted by a professional engineer specializing in this type of communication technology and will be paid for by the applicant. The requirement for such a review shall be based on one (1) or more of the following findings:

i. The applicant has not substantiated a need for a proposed tower to the satisfaction of the Commission.
ii. The applicant has been unable to
disprove the ability to co-locate on an
existing tower or structure to the
satisfaction of the Commission.

iii. The applicant has not substantiated
the structural safety of a structure to
be commensurate with the requested
setback.

iv. The data supplied by the applicant is
determined to be disorganized,
confusing or misleading by the
Commission.

I. The applicant has not substantiated that
alternative technology cannot be utilized as
a substitute to the proposed tower
construction.

J. All structures, buildings, and required
improvements shall comply with all other
applicable codes and ordinance, including
Federal Aviation Agency and Federal
Communications Commission standards,
and shall be continuously maintained in a
safe and complying condition. The permit
may include a requirement for periodic
structural and safety inspections and
reports, as deemed necessary by the
building official.

K. The applicant shall submit a letter agreeing
that should any tower/antenna facility
approved under this Section cease to be
used for its approved use for more than
ninety (90) continuous days, or more than
ninety (90) days of any one-hundred twenty
(120) day period, it shall be removed from
the site within one-hundred eighty (180)
days of cessation. Removal of the tower/
antenna and its accessory use facilities
shall also include removing the top three
(3) feet of the caisson upon which the
tower is located and covering the
remaining portion with top soil. If the tower
has not been removed within one-hundred
eighty (180) days of cessation, Ira
Township may order the tower removed
and assess all costs, including legal,
against the property owner and/or owners
of the tower.

4. Planning Commission Decisions. The record of
the Planning Commission and Township Board
shall include findings of fact and evidence to
support such decisions. The written findings
and conclusions shall be contained within the
minutes of the Commission.

4.73 WATERFRONT AND CANAL LOT
ACCESSORY STRUCTURES AND
BOATHOUSES

This subsection is intended to provide for
waterfront and canal lot accessory structures and
boathouses on vacant lots that may or may not be
part of the lot of record containing the residence.
Such lots may be separated from the lot of the
principal structure by a road or alley, and may have
a separate parcel identification number. The
Township may permit these types of accessory
buildings only after special land use approval.

4.73 Waterfront and Canal Lot Accessory
Structures and Boathouses on Vacant Lots

1. The structure shall be located in a manner that
reasonably facilitates vehicular access and
circulation without encroaching on surrounding
properties. Further, such structure shall be
constructed so that clear vision along the
adjacent roadway or alley is maintained.

2. Setbacks shall be determined by the Planning
Commission as an element of special land use
approval, based upon the following:

A. Standard setbacks for accessory structures
in the district shall be the guide.
B. Setback from the street right-of-way shall not be less than twenty (20) feet.
C. Side setbacks shall not be less than five (5) feet.
D. Setbacks shall be subject to building separation standards in the Building Code.

3. Height requirements for standard accessory structures shall apply.
4. Unless otherwise stated herein, all other applicable regulations pertaining to accessory structures and/or boathouses shall apply.
5. A plot plan shall be deemed acceptable for the initial site plan review, in lieu of a site plan. However, depending on the complexity of the application the Planning Commission may request additional topographic or surveying data.
6. No more than a total of two (2) waterfront accessory structures shall be permitted for each corresponding residence. One (1) may be a boathouse.
7. As a condition of the special land use approval, the land owner shall file with the St. Clair County Register of Deeds a deed restriction with each lot which binds the parcels under separate parcel identification numbers as one (1) lot or parcel. A copy of such deed restriction shall also be placed on file with the Township.

4.74 ACCESSORY BOATHOUSES, BOAT HOISTS & BOAT STORAGE

In the RS, RU, RT, and WM districts, accessory boathouses, boat hoists, boat storage devices and similar apparatuses may be located in the waterfront setback subject to special land use approval and the following standards:
1. Side yard setbacks for standard accessory structures shall apply.
2. Height requirements for standard accessory structures shall apply.
3. Unless otherwise stated herein, all other applicable regulations pertaining to accessory structures and/or boathouses shall apply.
4. A plot plan shall be deemed acceptable for the initial site plan review, in lieu of a site plan. However, depending on the complexity of the application the Planning Commission may request additional topographic or surveying data.
5. No more than a total of two (2) waterfront accessory structures shall be permitted for each corresponding residence. One (1) may be a boathouse.

4.75 ADDITIONAL ACCESS DRIVES

Additional access driveways may be permitted by the Township Board subject to special land use approval.
1. The Planning Commission and Township Board shall consider the request for special land use approval after a traffic impact study has been submitted by the applicant which substantiates the need for additional access drives. The Planning Commission and Township Board may waive certain provisions of Section 5.19, Traffic Impact Studies which are deemed non-applicable.
2. In making the determination as to whether or not additional access drives are necessary, the Planning Commission and Township Board shall consider the location of driveways on adjacent sites and across the street, turning movements and traffic volumes.

4.76 ACCESSORY BUILDINGS OVER 3,600 SQUARE FEET

In the AEC, RS, and RU districts, accessory buildings which are proposed to exceed three-thousand six-hundred (3,600) square feet in size (parcels must be a minimum of five (5) acres) may be permitted as a special land use providing the following conditions are met:
1. The accessory structure is in harmony with the principal structure, environment, topography, and the surrounding properties.
2. There is proportionality between the size of the lot, principal structure, and the size of the accessory structure.
Article 5.0

Site Standards
Article 5.0 Site Standards

5.1 Off-Street Parking Requirements
5.2 Off-Street Parking Space Layout, Standards, Construction and Maintenance
5.3 Off-Street Loading and Unloading
5.4 Performance Standards
5.5 Landscaping and Screening Standards
5.6 Signs
5.7 Exterior Lighting
5.8 Corner Clearance
5.9 Walls and Fences
5.10 Residential Entranceway
5.11 Dock and Sea Walls
5.12 Access Requirements and Private Roads
5.13 Erection of More than One Principal Structure on a Lot
5.14 Waterfront Lots
5.15 Building Appearance
5.16 Decks
5.17 Building Grades
5.18 Non-Residential Driveways
5.19 Traffic Impact Study
5.20 Natural Resource Greenbelt
5.21 Accessory Buildings
5.22 Use Restrictions
5.0 Site Standards

5.1 OFF-STREET PARKING REQUIREMENTS

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

1. Off-street parking may be located within any non-required yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted in a required front or side yard setback unless otherwise provided in this Ordinance.

2. Off-street parking for other than residential use shall be either on the same lot or within three-hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership or use agreements acceptable to the Township Attorney shall be shown of all lots or parcels intended for use as parking by the applicant.

3. Residential off-street parking shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of Section 5.21, Accessory Buildings, of this Ordinance.

4. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere, except that, eighty (80) percent of the parking area required for uses in the WM Waterfront Marina district may be used for winter storage of recreational boats after review of the parking and winter storage layout by the Planning Commission and approval by the Township Board as a part of site plan review. Further, no parking lot in the WM district shall be occupied by stored boats during the period from June 15 to September 15. All such storage shall be arranged in an orderly manner and at least one-half (1/2) of the parking area shall be conveniently available for customer parking by June 1.

5. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

6. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

7. In the instance of dual-function off-street parking spaces, where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.

8. Within parking areas, the storage of merchandise, motor vehicles for sale, trucks or repairs of vehicles is prohibited.

9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use that the Planning Commission considers similar in type.

10. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (½) shall be disregarded and fractions over one-half (½) shall require one (1) additional parking space.

11. In this Section, the reference to "permitted by maximum occupancy" shall refer to the occupancy levels as established by the Township Fire Chief or Fire Marshall.

12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:
### 5.1.12 Minimum Off-street Parking Spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum number of parking spaces per unit of measure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Residential:</strong></td>
<td></td>
</tr>
<tr>
<td>i. Residential, one-family and two-family</td>
<td>Two (2) for each dwelling unit</td>
</tr>
<tr>
<td>ii. Residential, multiple-family:</td>
<td></td>
</tr>
<tr>
<td>a. Efficiency unit</td>
<td>Two (2) for each dwelling unit*</td>
</tr>
<tr>
<td>b. 1-bedroom unit</td>
<td>Two (2) for each dwelling unit*</td>
</tr>
<tr>
<td>c. 2-bedroom units</td>
<td>Two and one-half (2½) for each dwelling unit*</td>
</tr>
<tr>
<td>d. 3 or more bedroom units</td>
<td>Three (3) plus one-half (½) space for each bedroom over three (3) bedrooms*</td>
</tr>
<tr>
<td>*In addition to the above minimum parking requirements for 1, 2, and 3 or more bedroom units, one-half (½) space per unit shall be provided for visitor parking.</td>
<td></td>
</tr>
<tr>
<td>iii. Housing for the elderly</td>
<td>One (1) for each two (2) units and one (1) for each employee. Should units revert to general occupancy, then one and one-half (1½) spaces per unit shall be provided</td>
</tr>
<tr>
<td>iv. Mobile home park</td>
<td>Two (2) for each mobile home plus one (1) for each employee of the mobile home park</td>
</tr>
<tr>
<td><strong>B. Institutional:</strong></td>
<td></td>
</tr>
<tr>
<td>i. Places of worship</td>
<td>One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship</td>
</tr>
<tr>
<td>ii. Hospitals</td>
<td>One (1) for each one (1) bed</td>
</tr>
<tr>
<td>iii. Homes for the aged/convalescent homes</td>
<td>One (1) for each two (2) beds</td>
</tr>
<tr>
<td>iv. Elementary and junior high schools</td>
<td>One (1) for each teacher, employee, or administrator, in addition to the requirements of the auditorium (see xi) below) with the exception of the additional employee spaces</td>
</tr>
<tr>
<td>v. Senior high schools</td>
<td>One (1) for each one (1) teacher, employee, or administrator and one (1) for each five (5) students, in addition to the requirements of the auditorium (see xi) below) with the exception of the additional employee spaces</td>
</tr>
<tr>
<td>vi. Private clubs and lodge halls</td>
<td>One (1) for each three (3) persons permitted by maximum occupancy</td>
</tr>
<tr>
<td>vii. Private golf clubs, tennis clubs, or other similar uses.</td>
<td>One (1) for each two (2) member families or individuals plus one (1) per employee</td>
</tr>
<tr>
<td>viii. Golf courses open to the general public except miniature or &quot;par-3&quot; courses (see C.x. below)</td>
<td>Nine (9) for each one (1) golf hole and one (1) for each one (1) employee</td>
</tr>
</tbody>
</table>
### 5.1.12 Minimum Off-street Parking Spaces (continued)

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum number of parking spaces per unit of measure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B. Institutional: (continued)</strong></td>
<td></td>
</tr>
<tr>
<td>ix. Fraternity or sorority</td>
<td>One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater</td>
</tr>
<tr>
<td>x. Stadium, sports arenas, or similar place of outdoor assembly</td>
<td>One (1) for each three (3) seats or six (6) feet of benches</td>
</tr>
<tr>
<td>xi. Theaters and Auditoriums</td>
<td>One (1) for each three (3) seats plus one (1) for each two (2) employees. If no seats, then one (1) space for each three (3) persons permitted by maximum occupancy.</td>
</tr>
<tr>
<td>xii. Libraries</td>
<td>One (1) space for each five-hundred (500) square feet of gross floor area</td>
</tr>
<tr>
<td>xiii. Child care</td>
<td>One (1) space for each employee; plus one (1) space for each four (4) children/students on site at one time. In addition, appropriate drop off areas shall be provided.</td>
</tr>
<tr>
<td>xiv. Gymnasium</td>
<td>One (1) space for each three (3) seats plus one (1) space for each two (2) employees. If no seats, then one (1) space for each three (3) persons permitted by maximum occupancy.</td>
</tr>
<tr>
<td>xv. Government offices</td>
<td>One (1) space for each two-hundred (200) square feet of gross floor area</td>
</tr>
<tr>
<td>xv. Municipal composting operations for leaves and grass</td>
<td>Three (3) off-street parking spaces shall be provided and shall be laid out in such a way that they can be safely and conveniently used.</td>
</tr>
<tr>
<td><strong>C. BUSINESS AND COMMERCIAL</strong></td>
<td></td>
</tr>
<tr>
<td>i. Planned commercial or shopping center located in a &quot;B&quot; district</td>
<td>One (1) for each two-hundred (200) square feet of gross floor area</td>
</tr>
<tr>
<td>ii. Auto wash</td>
<td>One (1) for each one (1) employee. In addition, reserve or stacking parking spaces equal in number to five (5) times the maximum capacity of the auto wash for automobiles awaiting entrance to the auto wash shall be provided. Further two (2) drying spaces shall be provided at the exit of such facility. Maximum capacity of the auto wash for the purpose of determining the required reserve parking shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet in each wash line by twenty (20).</td>
</tr>
<tr>
<td>iii. Beauty parlor or barber shop</td>
<td>Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1½) spaces for each additional chair</td>
</tr>
<tr>
<td>iv. Bowling alleys</td>
<td>Five (5) for each one (1) bowling lane. Restaurants, bars and the like shall be calculated separately.</td>
</tr>
<tr>
<td>v. Dance halls, pool or billiard parlors, pinball arcades and similar game rooms, roller or skating rinks, exhibition halls, and assembly halls without fixed seats</td>
<td>One (1) for each three (3) persons allowed within the maximum occupancy</td>
</tr>
</tbody>
</table>
### 5.1.12 Minimum Off-street Parking Spaces (continued)

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum number of parking spaces per unit of measure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>C. BUSINESS AND COMMERCIAL (continued)</strong></td>
<td></td>
</tr>
<tr>
<td>vii. Furniture and appliance, household equipment repair shop, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses</td>
<td>One (1) for each eight-hundred (800) square feet of usable floor area. In addition, one (1) space shall be provided for each two (2) persons employed therein.</td>
</tr>
<tr>
<td>viii. Automobile service stations</td>
<td>Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump. Spaces for convenience stores or restaurants shall be calculated separately.</td>
</tr>
<tr>
<td>ix. Laundromats and coin-operated dry cleaners</td>
<td>One (1) for each two (2) machines</td>
</tr>
<tr>
<td>x. Miniature &quot;par-3&quot; golf courses</td>
<td>Three (3) for each one (1) hole plus one (1) for each one (1) employee</td>
</tr>
<tr>
<td>xi. Mortuary</td>
<td>One (1) for each three (3) persons permitted within the maximum occupancy</td>
</tr>
<tr>
<td>xii. Motel, Hotel or other commercial lodging establishment</td>
<td>One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.</td>
</tr>
<tr>
<td>xiii. Motor vehicle sales and service establishments</td>
<td>One (1) for each three-hundred (300) square feet of gross floor area of sales room and one (1) for each one (1) auto service stall in the service room.</td>
</tr>
<tr>
<td>xiv. Retail stores except as otherwise specified herein</td>
<td>One (1) for each two-hundred (200) square feet of gross floor space.</td>
</tr>
<tr>
<td>xv. Waterfront marinas</td>
<td>On shore, in-and-out or rack storage, and boat rentals. Three-quarters (¾) of a space for each boat stored or rented. Where launching from a boat trailer is permitted, twenty-four (24) vehicle/trailer spaces (ten (10) feet x forty (40) feet) shall also be provided for each launching ramp as part of any parking plan.</td>
</tr>
<tr>
<td></td>
<td>In-water boat wells or marinas (rental/lease). One (1) space for each boat, plus one (1) for every two (2) employees in the largest working shift, plus one (1) for every one-thousand five-hundred (1,500) square feet of indoor storage or work floor space.</td>
</tr>
<tr>
<td></td>
<td>In-water boat wells (Dockominiums). Two (2) spaces for each watercraft moored in the water or hoisted individually above the well.</td>
</tr>
<tr>
<td>xvi. Drive-in restaurants</td>
<td>One (1) for each two (2) employees; plus one (1) space for every three (3) seats intended for patrons within the restaurant building; plus one (1) space for every twenty (20) square feet of gross floor area available in the order -waiting area.</td>
</tr>
<tr>
<td>xvi. Agri-business (Value Farming Operations)</td>
<td>One (1) space for each seventy-five (75) square feet of farm stand area.</td>
</tr>
<tr>
<td>xvi. Commercial composting operations for leaves and grass</td>
<td>Three (3) off-street parking spaces shall be provided and shall be laid out in such a way that they can be safely and conveniently used.</td>
</tr>
</tbody>
</table>
5.2 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

Wherever the off-street parking requirements in Section 5.1 above require the building of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until the Building Inspector or Official therefore issues a permit. Permits shall not be granted until such time that the Planning Commission and Township Board have reviewed and approved plans for such.

2. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum number of parking spaces per unit of measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>D. OFFICES</td>
<td></td>
</tr>
<tr>
<td>i. Banks</td>
<td>One (1) for each two-hundred (200) square feet of gross floor space.</td>
</tr>
<tr>
<td>ii. Business offices or professional offices except as indicated in the following item (iii).</td>
<td>One (1) for each two hundred (200) square feet of gross floor space.</td>
</tr>
<tr>
<td>iii. Medical office</td>
<td>One (1) for each examining room, dental or similar use chair, and the like plus one (1) space for each three-hundred (300) square feet of gross floor area.</td>
</tr>
<tr>
<td>E. INDUSTRIAL</td>
<td></td>
</tr>
<tr>
<td>i. Industrial or research</td>
<td>Five (5) plus one (1) for every one and one-half (1½) establishment's employees in the largest working shift, or one (1) for every seven-hundred fifty (750) square feet of gross floor area, whichever is greater. Space on site shall also be provided for all construction workers during site or plant construction.</td>
</tr>
<tr>
<td>ii. Wholesale establishments</td>
<td>Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every one-thousand seven-hundred (1,700) square feet of gross floor area, whichever is greater.</td>
</tr>
<tr>
<td>iii. Mini-warehouse or self-storage</td>
<td>Two (2) spaces for the residential caretaker's unit; plus one (1) space per fifty (50) square feet of gross floor area used for office purposes.</td>
</tr>
<tr>
<td>iv. Heavy and major auto repair</td>
<td>Three (3) spaces for each service bay; plus one (1) for each employee.</td>
</tr>
<tr>
<td>v. Quick oil change</td>
<td>Two (2) spaces per bay; plus one (1) space per employee; plus one (1) space for each two-hundred (200) square feet of gross floor area used for retail sales.</td>
</tr>
</tbody>
</table>
PARKING LAYOUTS

75-90 Degree
- 64' Min.
- 24'
- 20'
- 10'
- Two-way

54-74 Degree
- 58'
- 36.5'
- 15'
- One-way

30-53 Degree
- 52'
- 32'
- 12'
- One-way

Parallel
- 32'
- 12'
- 10'
- 23'
- One-way

©clearzoning
5.2.2 Minimum Off-street Parking Dimensions

<table>
<thead>
<tr>
<th>Parking Pattern</th>
<th>Maneuvering Lane Width</th>
<th>Parking Space Width</th>
<th>Parking Space Length</th>
<th>Total Width of One Tier of Spaces Plus Maneuvering Lane</th>
<th>Total Width of Two Tiers of Spaces Plus Maneuvering Lane</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 parallel parking</td>
<td>12'</td>
<td>10'</td>
<td>23'</td>
<td>22'</td>
<td>32'</td>
</tr>
<tr>
<td>30 to 53</td>
<td>12'</td>
<td>10'</td>
<td>20'</td>
<td>32'</td>
<td>52'</td>
</tr>
<tr>
<td>54 to 74</td>
<td>15'</td>
<td>10'</td>
<td>20'</td>
<td>36'6&quot;</td>
<td>58'</td>
</tr>
<tr>
<td>75 to 90</td>
<td>24'</td>
<td>10'</td>
<td>20'</td>
<td>44'</td>
<td>64'</td>
</tr>
</tbody>
</table>

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

5. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.

6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least fifty (50) feet away from any adjacent property located in any single-family residential district.

7. The off-street parking area shall be provided with a continuous and obscuring wall of four (4) feet six (6) inches to six (6) feet in height, as determined by the Planning Commission measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district and shall be subject further to the requirements of Section 5.9, Walls and Fences.

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

8. Surfacing Requirements

A. In RM-1, RM-2, RM-3, MH, B-1, B-2, B-3, and WM districts and for all special land uses, the entire parking area, including all parking spaces and maneuvering lanes required under this Section, shall be provided with dust free and durable asphalt or concrete surfacing in accordance with specifications approved by the Township Board. The parking area shall be surfaced within one (1) year of the date the certificate of occupancy is issued.

B. In I-1 and I-2 districts only, parking areas need not have a paved surface if the following requirements and standards are met: Engineering plans shall be submitted for review by the Township Engineer that show proper design including removal of topsoil, a compacted base course, a compacted dust-free top course, and proper grading plan to ensure positive drainage.

C. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the Township Board.
D. In the case of seasonal and temporary uses, or institutional, religious and similar buildings where the building or use will only be occupied on an infrequent basis (that is, generally less than twenty-four (24) hours in any one (1) week), the Township Board may waive the hard surfacing requirements for a specific period not to exceed two (2) years. All such uses shall provide an entrance drive and parking area in accordance with the standards listed in Section 5.2.8.B above. If the parking lot is not paved within the allotted time granted by the Township Board, the Township shall have the power to have the parking lot paved at the owner's expense.

E. All curbing within a parking lot area shall be concrete.

9. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only. The Planning Commission may require a photometric study to verify illumination levels.

10. In all cases where a wall extends to any alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.

11. Cast in place concrete curb landscaped islands shall be placed at the ends of parking groupings to separate parking spaces from maneuvering aisles and provide for safe traffic flow.

12. Parking lot trees shall be planted within the parking area at a rate of one (1) tree for each five (5) parking spaces. These trees shall be planted within the parking islands or directly adjacent to the parking lot area.

13. In any area where front-end parking abuts a curbed area or raised walk, a two (2) foot vehicle overhang shall be required to maintain a five (5) foot walkway.

14. If sufficient evidence is provided that the total number of parking spaces required in this Ordinance is excessive, based on the specific needs of the use, the Planning Commission may reduce the total number of spaces required to be built, provided that the number of spaces which the total is reduced by is shown on the site plan as "reserve parking." If the Township or the owner determine that traffic patterns or a change in use constitutes a need for the reserve spaces to be constructed, such spaces shall be constructed as shown on the site plan.

15. Upon application by the property owner of the off-street parking area, and after a recommendation of the Planning Commission, the Board of Appeals may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section.

5.3 OFF-STREET LOADING AND UNLOADING

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

1. All loading spaces shall be located in the rear or required rear yard and designed to avoid creating traffic hazard to public use of all public rights-of-way, and shall not block any required parking spaces(s). For the purposes of this Ordinance, overhead doors shall be considered loading and unloading areas.

2. All spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five-hundred (500) square feet in area, with clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in Industrial districts shall be provided in the following ratio of spaces to floor area:
3. In the B-1, B-2, and WM districts, loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building, and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.

### 5.4 PERFORMANCE STANDARDS

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

1. **Smoke.** It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period or periods aggregating four (4) minutes in any thirty (30) minutes.

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

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

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

4. **Glare and Radioactive Materials.** Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, including electro-magnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
5. Fire and Explosive Hazards. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended.

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

7. Odors. Creation of offensive odors shall be prohibited.

8. Wastes. No waste shall be discharged in the public sewer system that is dangerous to the public health and safety. The following standards shall apply at the points wastes are discharged in the public sewer.
   A. Acidity or alkalinity shall be neutralized within an average pH range of between 5½ to 7½ as a daily average on the volumetric bases, with a temporary variation of pH 4.50 to 10.0.
   B. Wastes shall contain no cyanides. Wastes shall contain no chlorinate solvents in excess of 0.1 p.p.m.; no fluorides shall be in excess of 10 p.p.m. and shall contain no more than 5 p.p.m. of hydrogen sulfide and shall contain not more than 10 p.p.m. of sulfur dioxide and nitrates and shall contain not more than 25 p.p.m. of chromate.
   C. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceed a daily average over 500 p.p.m. or fail to pass a number eight (8) standard sieve or have a dimension greater than one-half (½) inch.
   D. Wastes shall not have chlorine demand greater than 15 p.p.m.
   E. Wastes shall not contain phenols in excess of 0.05 p.p.m.
   F. Wastes shall not contain any grease or oil or any oil substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.

9. Waste and Rubbish Dumping. No garbage, sewerage, filth, refuse, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes, and crates or other offensive or obnoxious matter shall be piled, placed, stored, or dumped on any land within the Township until the operator has obtained a landfill permit from the Michigan Department of Natural Resources under the rules and regulations of Public Act 451 of 1994, as amended. Such uses shall be located only on land that has been shown as a landfill site on the adopted St. Clair County Waste Management Plan.

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

5.5 LANDSCAPING AND SCREENING STANDARDS

Whenever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

1. Plant Material Spacing.
   A. All required greenbelts shall be at least ten (10) feet in width.
   B. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
   C. Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows.
   D. Evergreen trees shall be planted not more than thirty (30) feet on centers.
   E. Narrow evergreens shall be planted not more than six (6) feet on centers.
   F. Deciduous trees shall be planted not more than thirty (30) feet on centers.
   G. Tree-like shrubs shall be planted not more than ten (10) feet on centers.
   H. Large deciduous shrubs shall be planted not more than four (4) feet on centers.

2. Suggested Plant Materials; Minimum Size. See Table 5.5.2 Plant Materials with Minimum Height Requirements.
<table>
<thead>
<tr>
<th>Suggested Plant Material</th>
<th>Minimum Height Requirement in Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evergreen trees</td>
<td></td>
</tr>
<tr>
<td>Juniper</td>
<td>5</td>
</tr>
<tr>
<td>Hemlock</td>
<td>5</td>
</tr>
<tr>
<td>Fir</td>
<td>5</td>
</tr>
<tr>
<td>Pine</td>
<td>5</td>
</tr>
<tr>
<td>Spruce</td>
<td>5</td>
</tr>
<tr>
<td>Douglas Fir</td>
<td>5</td>
</tr>
<tr>
<td>Narrow Evergreens</td>
<td></td>
</tr>
<tr>
<td>Column Hinoki Cypress</td>
<td>3</td>
</tr>
<tr>
<td>Blue Columnar Chinese Juniper</td>
<td>3</td>
</tr>
<tr>
<td>Pyramidal Red Cedar</td>
<td>3</td>
</tr>
<tr>
<td>Swiss Stone Pine</td>
<td>3</td>
</tr>
<tr>
<td>Pyramidal White Pine</td>
<td>3</td>
</tr>
<tr>
<td>Irish Yew</td>
<td>3</td>
</tr>
<tr>
<td>Douglas Arborvitae</td>
<td>3</td>
</tr>
<tr>
<td>Columnar Giant Arborvitae</td>
<td>3</td>
</tr>
<tr>
<td>Large Deciduous Shrubs</td>
<td></td>
</tr>
<tr>
<td>Flowering Crabs</td>
<td>4</td>
</tr>
<tr>
<td>Russian Olives</td>
<td>4</td>
</tr>
<tr>
<td>Mountain Ash</td>
<td>4</td>
</tr>
<tr>
<td>Dogwood</td>
<td>4</td>
</tr>
<tr>
<td>Redbud</td>
<td>4</td>
</tr>
<tr>
<td>Rose of Sharon</td>
<td>4</td>
</tr>
<tr>
<td>Hornbeam</td>
<td>4</td>
</tr>
<tr>
<td>Hawthorn</td>
<td>4</td>
</tr>
<tr>
<td>Magnolia</td>
<td>4</td>
</tr>
<tr>
<td>Large Deciduous Trees</td>
<td></td>
</tr>
<tr>
<td>Honeysuckle</td>
<td>6</td>
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<tr>
<td>Viburnum</td>
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</tr>
<tr>
<td>Mock Orange</td>
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<tr>
<td>Forsythia</td>
<td>6</td>
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<tr>
<td>Lilac</td>
<td>6</td>
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<tr>
<td>Ninebark</td>
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<td>Cotoneaster</td>
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<td>Hazelnuts</td>
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<td>Evonymus</td>
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<td>Privet</td>
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<td>Buckhorn</td>
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<td>Sumac</td>
<td>6</td>
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<tr>
<td>Large Deciduous Trees</td>
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<tr>
<td>Oaks</td>
<td>8</td>
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<tr>
<td>Hard Maples</td>
<td>8</td>
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<td>Hackberry</td>
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<td>Planetree (Sycamore)</td>
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<td>Beech</td>
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<td>Hop Hornbeam</td>
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<tr>
<td>Sweet Gum</td>
<td>8</td>
</tr>
<tr>
<td>Linden</td>
<td>8</td>
</tr>
</tbody>
</table>
3. Trees Not Permitted.
   A. Box Elder
   B. Soft Maple (Red Silver)
   C. Elms
   D. Poplars
   E. Willows
   F. Horse Chestnut (Nut Bearing)
   G. Tree of Heaven
   H. Catalpa

5.6 SIGNS

1. The following conditions shall apply to all signs erected or located in any use district.

   A. Permit Required. No person shall alter, relocate, erect, re-erect or construct any sign, except those that are exempted in this Section, unless the Township has issued a permit for it. Signs that are approved as part of a site plan do not require a separate application and sign fee for Planning Commission review. This does not include building permit fees.

   B. Application for Permit.
      i. Written application shall be made on forms provided therefore by the Township.
      ii. Such application shall be accompanied by a site plan, sign drawing and sign data presented in accordance with the following requirements and showing the information hereinafter required:
         a. The site plan shall be drawn to a scale not less than fifty (50) feet to the inch.
         b. The site plan shall show the location of all existing and proposed sign(s) on the site.
         c. The site plan shall show the location of existing and proposed streets, roadways, parking areas, entrances and exits within fifty (50) feet of the proposed sign(s). Clearly indicate the setback and clear vision triangle.

   d. Drawing of the proposed sign(s) to be erected or installed on the site shall be submitted with the site plan and shall include all of the following detailed information:
      (1) Height of the sign above the ground.
      (2) Surface of the sign (material, color and dimensions).
      (3) Area of sign surface. Clearly outline the areas computed as sign area on an illustration.
      (4) Lettering of sign drawn as it will appear on the erected sign. It need not be in the style of the finished sign, but must be neatly printed in the size and weight approximating that of the final constructed sign.
      (5) Method and color of illumination, if any.
      (6) Logos, emblems or additional features.
      (7) Such additional information as the Planning Commission deems necessary and/or pertinent to the application.
      (8) A drawing of the total building wall upon whose face the sign is to be displayed at a reasonable scale, preferably one-quarter (¼) inch to one (1) foot.

   C. Granting and Issuance of Permit.
      i. All new signs, which are not exempt, shall be reviewed by the Planning and Zoning Administrator or the Building Inspector. The Planning and Zoning Administrator or the Building Official, at his/her discretion, may order any sign to be reviewed by the Planning Commission. Signs may be, and are encouraged to be, reviewed and approved by the Planning Commission as part of the overall site plan review process.
ii. Upon receipt of all necessary materials required by this Ordinance, the Planning and Zoning Administrator or the Building Official shall review such application for conformance with this Ordinance. The Planning and Zoning Administrator or Building Inspector shall either approve or disapprove the application within a reasonable time based upon the standards set forth in this Ordinance. If the application is referred to the Planning Commission the Planning Commission shall review such application at its next available Planning Commission meeting. If the application is approved by the Planning and Zoning Administrator, Building Inspector or the Planning Commission and conforms to Building Code requirements, the Building Official shall issue a permit. If the application is denied the reasons for such denial shall be clearly set forth and the application returned to the applicant.

2. Zoning District Regulations. For the purpose of the Ordinance, the term "site" shall be defined as all land in a development which is necessary or indicated as part of the development proposal to meet parking requirements, setback requirements, landscape requirements, drainage requirements (i.e., retention or detention basin), and lot coverage requirements.

   i. One (1) identification sign or nameplate is permitted for each dwelling unit with a permitted home occupation.
   ii. One (1) monument sign is permitted for each approved non-residential building site.
   iii. One (1) double-faced subdivision entrance sign placed parallel to the entrance road or two (2) single-faced subdivision entrance signs placed perpendicular or within forty-five (45) degrees of the entrance road shall be permitted for each major entrance to a residential subdivision, mobile home park and multiple-family development, as approved in the site plan or subdivision approval.

B. Local and General Business Zoning District and Waterfront Marina District (B-1, B-2, and WM Zoning Districts).
   i. One (1) monument sign shall be permitted for each site.
   ii. One (1) wall sign shall be permitted for each tenant having an individual public entrance to a building. In those cases where multiple tenants share an entrance, one (1) wall sign shall be permitted to include all tenants.
   iii. One (1) additional wall sign shall be permitted on buildings that front on two (2) major streets. Only one (1) wall sign shall be placed on each street facade. This provision shall also apply to those businesses which front on a major street as well as a canal, water channel, or the bay.
   iv. Temporary signs as regulated by this Ordinance.

C. Industrial Zoning Districts (I-1 and I-2 Zoning Districts).
   i. One (1) monument sign shall be permitted for each site.
   ii. One (1) wall sign shall be permitted for each tenant having an individual public entrance to a building.
   iii. One (1) subdivision entrance sign shall be permitted for each major road entrance to identify an industrial or technical park.
   iv. Temporary signs as regulated by this Ordinance.

D. For those properties along M-29, monument signs shall be required. However, if a monument sign is not feasible based on the existing building’s proximity to the road right-of-way, existing parking lot and driveway configuration, or other significant impediment, the Planning Commission may approve a projecting wall sign subject to the following:
   i. The sign shall not extend into the road right-of-way, unless specific permission in writing has been obtained from the Michigan Department of Transportation. The Township shall not be responsible or liable for any matters relating to the sign extending into the road right-of-way.
ii. It shall be satisfactorily shown that the projecting wall sign can be adequately supported by the structure to which it is to be attached.

iii. A minimum of eight (8) feet of clearance shall be provided in those areas where vehicles are not permitted under a sign, and fourteen (14) feet of clearance shall be provided where vehicle are permitted.

3. Specific Regulations.

A. Awning or Canopy Signs.
   i. An awning or canopy sign may be used to display the name of the firm, the address or a symbol, or type of business, and shall be placed only on the principal front of the building.
   ii. An awning or canopy sign shall be permitted in lieu of a permitted wall sign.
   iii. An awning or canopy sign shall not exceed one (1) square foot for each linear foot of store frontage on which the sign is to be placed, or fifteen (15) square feet, whichever is greater. In no case shall an awning or canopy sign exceed sixty (60) square feet.
   iv. A minimum vertical clearance of fourteen (14) feet shall be provided beneath any awning or canopy sign which projects over a parking area or driveway. In all other areas, a minimum vertical clearance of eight (8) feet shall be provided beneath an awning or canopy.

B. Billboards. The construction of new billboard signs within the Township is prohibited.

C. Directional Signs.
   i. Directional signs shall not exceed two (2) square feet in area, and shall not exceed three (3) feet in height. No more than one (1) such sign shall be located at each drive location.
   ii. At-grade directional signs painted on or adhered to the surface of paved areas are exempt from these standards.
   iii. All directional signs required for the purpose of orientation, when established by the Township, County, State or Federal government, shall be permitted.

D. Identification Signs.
   i. One (1) unlit wall-mounted sign for each permitted home occupation is permitted.
   ii. One (1) unlit wall-mounted identification sign shall be permitted for each approved professional office or each exterior entrance for a multiple tenant office. Such sign shall be located at the entrance of the office to which it refers.
   iii. An identification sign shall not exceed two (2) square feet in sign area.

E. Monument or Ground Signs.
   i. Monument or ground signs shall not exceed sixty-four (64) square feet in sign area in the B-2 and WM Zoning districts, forty (40) square feet in the B-1 Zoning district, and, twenty-four (24) square feet in all residential zoning districts and in the I-1 or I-2 Zoning districts. Retail establishments with over eighty-thousand (80,000) square feet of gross floor area and over three-hundred (300) feet of road frontage on a single thoroughfare shall be permitted two (2) ground signs with forty (40) square feet of sign area each. The signs shall be evenly spaced along the frontage of the site and shall not in any case abut each other.
   ii. Monument signs, including the architectural features, shall not exceed six (6) feet in height. Monument signs shall not have more than one (1) foot of clearance between the bottom of the sign and the established grade.

F. Political Signs. All such signs shall be placed outside of the road right-of-way.

G. Portable Signs. Portable signs, as defined herein, are hereby prohibited, regardless of form, size, character or placement unless otherwise provided for in this Ordinance.

H. Projecting Signs. Projecting signs, as defined herein, are hereby prohibited, regardless of form, size, character or placement.

I. Pylon Signs. Pylon signs, as defined herein, are hereby prohibited, regardless of form, size, character or placement.
J. Real Estate Signs.
   i. One (1) unlit real estate sign shall be permitted which advertises the sale, rental, or lease of the premises or property upon which said sign is located.
   ii. In residential districts, no such sign shall exceed six (6) square feet in display area.
   iii. In non-residential zoning districts, such signs shall not exceed twenty (20) square feet in display area. In no case shall a site contain both a real estate sign and a real estate development sign.

K. Real Estate Development Signs.
   i. One (1) real estate development sign shall be permitted for each development in which lots/units are still available. Such sign shall only be located on the site of the development. No such sign shall exceed twenty (20) square feet in display area and six (6) feet in height.
   ii. Such sign shall be removed within seven (7) days after all of the units or lots on that site have been sold or leased.

L. Subdivision or Apartment Entrance Signs.
   i. A subdivision or apartment entrance sign shall not exceed twenty-four (24) square feet in sign display area.
   ii. A subdivision entrance sign shall not exceed five (5) feet in height.
   iii. A subdivision entrance sign may be located in a traffic island at the entrance of a subdivision if the Planning Commission determines that the sign will not obstruct motorist vision.

M. Temporary Signs. A business or organization shall be permitted temporary signs, including banners, advertising flags, feather signs, and the like, subject to the following:
   i. Not to exceed thirty-two (32) square feet in display area and eight (8) feet in height (if freestanding). Temporary signs attached to the building shall not extend above the roofline.
   ii. A maximum of four (4) temporary sign permits shall be permitted for a single business or organization during a calendar year, with a combined permitted display time not exceeding one-hundred twenty (120) days. The applicant may apply for one (1) permit which would allow for all one-hundred twenty (120) days to be permitted at one time, provided all one-hundred twenty (120) days are continuous from the date the permit is issued.
   iii. Temporary signs shall be kept in good condition and shall not become tattered, torn, or otherwise in a state of disrepair which may cause a safety concern as determined by the building official.
   iv. Political and real estate signs shall not be subject to the requirements of this temporary sign provision.
   v. Temporary signs shall not include reader board signs or portable digital signs, and shall not be internally illuminated.

N. Wall Signs.
   i. A wall sign shall not project more than twelve (12) inches horizontally beyond the wall of a building.
   ii. A wall sign shall be used to display the name of the firm, the address or a symbol, or type of business.
   iii. Wall signs shall not project above the roof line (eave) of a building or structure.
   iv. Wall signs shall not exceed one (1) square foot for each linear foot of store front on which the sign is to be placed, or fifteen (15) square feet, whichever is greater. In no case shall a wall sign exceed sixty (60) square feet, unless otherwise noted.
   v. Large multi-department stores and big box uses with over one-hundred fifty-thousand (150,000) square feet of floor area may be permitted a wall sign area equal to one (1) square foot for each linear foot of store frontage up to a maximum of two-hundred (200) square feet.
vi. Multiple wall signs may be permitted by the Planning Commission provided that the total area of all wall signs shall not exceed the area permitted by Ordinance.

O. Window Signs. Window signs shall not exceed fifty (50) percent of the total window area of any business.

P. Digital Signs. Electronic message centers (digital signs) shall be subject to the following requirements:

   i. Digital signs shall be permitted in the Township’s commercial and industrial districts as a permitted use. Digital signs may also be permitted for nonresidential uses (ie churches, schools, etc.) in the Township’s residential districts as a special land use.

   ii. No digital sign shall be permitted to scroll, oscillate, or have full animation or video. Such signs shall be deemed to constitute a distraction/safety hazard to drivers or pedestrians. All digital signs shall have “instant” changes with no effects.

   iii. Any electronic message displayed shall remain unchanged for a minimum of ten (10) seconds prior to switching messages.

   iv. A digital sign shall be integrated into the freestanding sign for the site and shall not be larger than sixteen (16) square feet in area. Further, the sign area for the digital sign shall count as part of the overall permissible sign area for the freestanding sign.

   v. The digital sign shall be a single color (ie amber) and may not display light of such intensity or brilliance as to cause glare or otherwise impair the vision of the driver, or result in a nuisance to the driver.

   vi. All digital signs shall maintain an automatic brightness control keyed to ambient light levels.

   vii. Digital signs shall be programmed to go dark if the sign malfunctions.

   viii. The Planning Commission may further restrict the lighting intensity and operational times of digital signs when located within or adjacent to a residential district.

 ix. Signage shall not be designed to emulate traffic safety signage.

 x. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the maximum permitted intensity level:

<table>
<thead>
<tr>
<th>5.6.3.P.X Digital Sign Maximum Light Intensity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daytime</td>
</tr>
<tr>
<td>Nighttime</td>
</tr>
<tr>
<td>Brightness</td>
</tr>
<tr>
<td>5,000 nits</td>
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<tr>
<td>250 nits</td>
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</tbody>
</table>

4. General Regulations. No sign may be erected, displayed or substantially altered or reconstructed, except in conformance with the regulations specified in this Ordinance. The following conditions shall apply to all signs regardless of use district, unless otherwise specified in this Ordinance:

A. Exempt from Township Review. The following signs, as defined therein, shall be exempt from procedural, review and approval requirements as specified in the following Sections. The signs shall, however, conform to all applicable regulations specified within this Ordinance:

   i. The following signs shall not require approval and building permits:

      a. Address numbers consistent with this Ordinance.

      b. Governmental signs.

      c. Handicap signs.

      d. Historical marker signs (official).

      e. Identification signs or nameplates.

      f. "Open" and "Closed" signs (not exceeding two (2) square feet in area).

      g. Political signs.

      h. Real estate signs for a single-family home or a single-family unit. Other real estate signs are exempt from Planning Commission approval, but a building permit must be obtained.

   i. Refacing an existing sign frame (shall not include any changes to the frame or structure). Such a change shall require a building permit when applicable.
j. Wall signs of three (3) inches in height or less. No more than three (3) per building.

k. Warning signs and other non-advertising signs.

ii. Township, County, State or Federal road or traffic control signs shall be exempt from the provisions of this Ordinance.

iii. Signs not visible beyond the boundaries of the lot or parcel upon which they are situated or from any public thoroughfare or right-of-way shall not be counted toward the maximum number of signs permitted on the subject lot or parcel. These signs shall remain subject to Planning Commission approval, permit requirements, inspections, and height and setback requirements.

iv. In all zoning districts, flags of the United States, the State of Michigan, any political subdivision of the State of Michigan, or other flags or banners specifically approved by the Township Board for general display, are permitted as long as the size or number of such flag or flags are not of such nature that it would be commonly understood that their display was primarily intended to be a commercial advertisement to attract the attention of the general public.

B. Prohibited Signs. Unless otherwise specifically permitted under this Ordinance, the following signs and/or sign parts shall not be permitted or erected in the Township:

i. Cloth signs, balloon signs or displays, streamers, windblown devices, spinners, portable signs, trailer signs and pennants.

ii. No flashing, animated, moving, laser light, or bare bulb-type signs or displays. This shall not include digital signs as regulated in this Section.

iii. Signs affixed to or painted on street furniture, telephone or light poles, and the like.

iv. Banner signs, window signs, A-frame signs, and any other sign not specifically authorized herein.

v. Changeable copy or LED display signs, except as part of a permanent freestanding sign. No more than twenty (20) percent of a permanent freestanding sign shall be utilized for changeable copy unless otherwise specified in this Ordinance. Schools, places of worship and public buildings may utilize up to fifty (50) percent of the sign face for changeable copy.

vi. Signs painted directly onto wall surfaces.

vii. Vehicle business signs and trailer signs.

C. Locational Requirements.

i. No sign, except as otherwise permitted herein, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, or be attached to a utility pole.

ii. No sign, except those established and maintained by the Township, County, State or Federal governments, shall be located within the triangle formed by the intersection of any road right-of-ways and/or access drive at points twenty-five (25) feet distant from the point of their intersection.

iii. No signs shall be located so as to impede pedestrian or automobile traffic.

iv. In no case shall a sign be closer than ten (10) feet to any property line. All signs shall meet the following minimum setbacks as measured in feet from the centerline of each road right-of-way (ROW) in accordance with the Township’s Master Plan. An additional ten (10) foot setback from road centerlines and property lines shall be required for all signs constructed in residential zoning districts.
D. Illumination.
   i. Illumination of signs shall be positioned in a down-lit manner and shall be shielded so that the light shines away from adjoining properties and the eyes of motorists or pedestrians. The light source of such illumination shall be shielded from public view.
   ii. Specialty lighting, such as neon accent lighting, may be permitted by the Planning Commission on a finding that the proposal is in character with the use and not detrimental to other use in the vicinity. This regulation does not apply to lighted window signs.

E. Addresses. Addresses shall meet the following requirements and shall not be included in sign area computations.
   i. Numbers shall be between four (4) and six (6) inches and shall be of a contrasting reflective color. Numbers shall be in numerical block format.
   ii. Address numbers shall be located on all store doors at the front and rear of the facility.
   iii. Addresses shall be integrated with the structure on all monument signs and shall be clearly distinguishable from the sign face. For signs advertising more than one (1) address, the range of addresses shall be on the sign.

F. Width-to-Height Ratio. In no case shall any sign exceed a maximum width-to-height ratio of six (6) to one (1), unless otherwise provided for within this Ordinance.

G. Landscape Requirements. A monument sign shall be located within a landscaped area. Such landscaping shall include evergreen shrubs and other landscape amenities.

5. Measurement of Sign Area. Sign area, unless otherwise noted herein, shall include the total area within any circle, triangle, rectangle, or other geometric shape or envelope enclosing the extreme limits of writing, representation, emblem, logo, graphic or any similar figure or element of the sign, together with any frame or other material forming an integral part of the display, if any, or used to differentiate such sign from the background against which it is placed.
A. In the case of a wall sign in which there is no frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed, the envelope shall be around the full perimeter of any grouping of letters, logos, emblems, figures, pictures, etc.

B. In the case of an awning or canopy sign, where there is no design or envelope forming an integral part of the display, which differentiates the sign from the background of the awning material or color, the envelope shall be around the full perimeter of any grouping of letters, logos, emblems, figures, stripes, etc. For transparent or translucent awnings or canopies with internal lighting, the entire surface of the awning or canopy shall be considered as the sign.

C. For a single-faced sign, the area shall be computed as the total exposed exterior surface in square feet.

D. The area of a double-faced freestanding sign shall be computed using only one (1) face of the sign, provided that the outline and dimensions of both faces are identical and that the faces are back-to-back so that only one (1) face is visible at any given location. In all other cases, the sum of both faces shall be computed for the sign area.

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

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

5.9 WALLS AND FENCES
1. For those use districts and uses listed below, one (1) or a combination of the following screening mechanisms shall be constructed and maintained on those sides abutting or adjacent to a residential district. The screening mechanism shall be clearly shown on the submitted site plan and reviewed by the Planning Commission and Township Board for those uses requiring a site plan. If no site plan is required, the Building Official may review and approve the type and location of the screening mechanism for compliance with this Ordinance.
5.9.1 Screening Mechanisms and Uses that Must Provide Them when Abutting or Adjacent to Residential

<table>
<thead>
<tr>
<th>Screening Mechanisms</th>
<th>Minimum Dimension Requirements (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obscuring masonry wall</td>
<td>4’6” high</td>
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<tr>
<td>Obscuring fence</td>
<td>4’6” high</td>
</tr>
<tr>
<td>Fence together with a landscaped greenbelt</td>
<td>4’6” high and 10’ wide</td>
</tr>
<tr>
<td>Obscuring landscaped greenbelt</td>
<td>4’6” high and 10’ wide</td>
</tr>
<tr>
<td>Fencing</td>
<td>4’6” high</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Uses that Must Provide Screening when Abutting or Adjacent to Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-Street Parking Areas.</td>
</tr>
<tr>
<td>Non-residential uses in the B-1, B-2, B-3, and RM districts</td>
</tr>
<tr>
<td>All permitted and special land uses in the I-1, I-2 and WM districts.</td>
</tr>
<tr>
<td>Utility buildings, stations and/or substations; except that in cases where all equipment is contained within a building or structure constructed so as to be similar in appearance to the residential buildings in the surrounding area, the Board of Appeals may waive the wall requirements.</td>
</tr>
</tbody>
</table>

2. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Required walls may, upon approval of the Board of Appeals, be located on the opposite side of an alley right-of-way from a non-residential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Board of Appeals in reviewing such request.

3. Such walls and screening barriers shall have no openings for vehicular traffic or other purposes except as otherwise provided in this Ordinance and except for such openings as may be approved by the Building Inspector. All walls herein required shall be constructed of materials approved by the Building Inspector to be durable, weather resistant, rust proof and easily maintained. Wood or wood products shall be specifically excluded.

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

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

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

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

In such case as the Planning Commission determines the residential district to be a future non-residential area, the Board of Appeals may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting the subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as herein before described, for each subsequent waiver prior to the granting of such waiver by the Board.
The Planning Commission may recommend and the Township Board may require fences, obscuring walls, or berms to be of a height higher than four-feet six-inches (4’6”) where the four-foot six-inch (4’6”) height does not accomplish the obscuring, screening, or protective objective. The Planning Commission may recommend and the Township Board may require the location of obscuring walls, fences, or berms to be at alternative locations other than on the property line. The Planning Commission may recommend and the Township Board may require various materials such as steel, wood, chain link, masonry, plant materials, poured concrete slab, or other suitable materials necessary to achieve the obscuring, screening or protective objective, and the Planning Commission may recommend and the Township Board may require any combination as provided in Item Section 5.9.1, to achieve the obscuring, screening or protective objective, provided that the increased height requirement, alternative location, materials, or combination, is within reason.

5. Whenever a fence is proposed in other than a residential or agricultural district, it shall comply with the following:

A. The maximum height for all fences, including security fences and obscuring fences, shall be six (6) feet, unless otherwise provided for in this Ordinance.

B. Open, wire fences shall be of a chain-link variety only. Plastic, vinyl, aluminum or wood slats, or similar devices placed through the wire fence, shall not be used to satisfy the requirements of this Ordinance for screening or an obscuring fence.

C. When an obscuring wood fence is proposed, it shall be constructed entirely of pressure treated wood or metal posts and pressure treated wood panels, to assure durability and relative freedom from the need for regular maintenance.

5.10 RESIDENTIAL ENTRANCEWAY

In RS and RU districts, so-called entranceway structures, including but not limited to walls, columns and gates, marking entrances to single-family subdivisions, multiple housing projects, or mobile home parks, may be permitted and may be located in a required yard except as provided by Section 5.8, Corner Clearance, provided that such entranceway structures shall comply with all codes and ordinances of the Township and be approved by the Building Inspector or Official. A building permit shall be required for such structures.

5.11 DOCK AND SEA WALLS

All dredging, construction and/or development of docks and sea walls shall be subject to the requirements of all subject codes and Ordinances of the Township of Ira.

5.12 ACCESS REQUIREMENTS AND PRIVATE ROADS

1. The Township has determined that public streets are necessary to provide continuity between new development and existing development, as continuity is important for public safety purposes. The Township finds it desirable to avoid creating freestanding residential developments with dead-end streets that preclude interconnections with surrounding parcels. All uses in every zoning district shall abut and have direct access to a public street constructed to the applicable standards of the St. Clair County Road Commission on county roads or the Michigan Department of Transportation on state highways, unless direct access to a private road is approved by the Township.

2. Private roads may be approved as the means of access for all uses in any zoning district, between M-29 and Lake St. Clair, subject to special land use review by the Planning Commission and approval by the Township Board. Private road standards may be found in the Ira Township Land Development and Engineering Standards Ordinance, as amended or as superseded. All private roads shall require approval by the Township Board.
3. An application for a private road shall demonstrate compliance with the following special land use standards:

A. The proposed private road shall be demonstrated to be the only practical way in which to provide access to the proposed development.

B. The proposed private road shall demonstrate one of the following clearly defined circumstances exists, or the Planning Commission finds a circumstance exists that is similar to one of the following:

i. For parcels located along the waterfront, where the size and configuration of the parcel may not be able to practically accommodate a public road. In these circumstances, private roads may help facilitate a redevelopment objective.

ii. For parcels of land between M-29 and Lake St. Clair that, because of their size and configuration, cannot practically or possibly accommodate a public road.

iii. For mobile home park and multiple-family sites, where a public road is not required to provide continuity of development and access to surrounding parcels.

iv. For commercial and industrial sites with more than one building located on the site.

v. For roads which cannot be extended because of wetlands, floodplains or similar resources.

vi. For roads that are only accessible from another existing private road.

C. The proposed private road shall demonstrate no adverse impact on surrounding parcels and on the development of the Township as a whole.

5.13 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT
In an Agricultural district or a One-Family Residential district there shall not be more than one (1) single-family or two-family dwelling on a recorded lot or parcel of land. Every parcel of land which is created for the purpose of erecting another dwelling shall meet the lot area and width requirements of the applicable zoning district.

5.14 WATERFRONT LOTS
1. Waterfront Lots - For those lots with frontage on Lake St. Clair, that portion of the lot fronting on the lake shall be subject to a waterfront setback.

A. The required waterfront setback shall remain open and unobstructed. The location of accessory structures including boathouses, boat hoists, boat storage devices and similar apparatus shall not be permitted without first obtaining special land use approval. (Refer to Section 4.74 for special land use standards.)

B. For lots along the waterfront, one davit or jib crane shall be permitted for each property. Additional davits or jib cranes shall require a variance by the Zoning Board of Appeals.

C. The construction of jetties or other similar types of projections into the water shall not be permitted along Lake St. Clair.

D. The altering of grade for the purposes of raising the grade of a patio or the construction of a deck above the level of the seawall or the established line of the adjacent seawall shall not be permitted unless such alteration is twelve (12) inches or less from the established grade of the property.

E. The planting of landscaping within the waterfront setback shall be limited to large deciduous trees or low level shrubs (those which will be maintained at four (4) feet in height or less.

F. All fences, whether decorative, non-obscuring or privacy, view obscuring fences, or other view obscuring landscaping shall not be located within the waterfront yard setback without first obtaining special land use approval. Fences shall not be permitted to extend into the water.

G. The minimum required waterfront setback shall be:

i. Forty (40) feet for property zoned RS and thirty-five (35) feet for property zoned RU for all instances except ii. and iii. noted below.

ii. If residences exist on both the adjacent lots, a straight line shall be drawn between the corners of the principle structures on the adjacent lots which are closest to the applicable
side lot line and which project closest to the waterfront. This straight line shall then become the required waterfront setback provided the minimum setbacks noted above are met.

iii. If a residence only exists on one of the two adjacent lots, a straight line shall be drawn from the principal structure that does exist and the intersection of the minimum waterfront setback noted above and the required side yard setback on the vacant parcel. This straight line shall then become the required waterfront setback provided the minimum setbacks noted above are met.

2. Canal Lots - For those lots with frontage on a canal, that portion of the lot fronting on the canal shall be considered to be a canal yard.

A. Fences, accessory buildings, boat houses/hoists and view-obscuring landscaping may be permitted within these canal yard areas, subject to all applicable regulations.

B. For lots along canals, davits and jib cranes shall be permitted.

C. The construction of jetties or other similar types of projections into the water shall not be permitted within canals.

D. Fences shall not be permitted to extend into the water.

E. The minimum required canal setback shall be: Forty (40) feet for property zoned RS and thirty-five (35) feet for property zoned RU.

3. Required setbacks along lakes, rivers, canals, etc. - The required yard setback along a waterbody shall be measured from the property line unless such property line extends into the adjacent waterbody. If the property line extends into the adjacent waterbody, the seawall or bulkhead, or if there is no seawall or bulkhead on the subject property, the average shoreline between such seawalls or bulkheads on adjacent properties shall be used to measure the required setback. In those instances where a boat well cuts into a property, a minimum setback of ten (10) feet for principal structures shall be maintained from such boat well, but in no case shall the setback be less than the required waterfront setback.
5.15 BUILDING APPEARANCE
In any case where a principal commercial or industrial building or accessory building is erected or placed within two-hundred (200) feet of the front property line, the front walls of said building or accessory building shall be constructed of stone, face brick, or other decorative material approved by the Township Board as part of site plan review upon receipt of a recommendation by the Planning Commission.

5.16 DECKS
Decorative decks may be permitted in any agricultural or residential zoning district. Decks may be allowed to project not more than fifteen (15) feet into the required rear yard or open space provided that the following conditions are met:
1. The deck does not encroach into any easement.
2. The deck conforms with applicable side yard setback requirements.
3. The deck is located not less than ten (10) feet from any detached accessory building.
4. Any additional structure attached to the deck, such as a gazebo, shall be located at least ten (10) feet from the principal residential structure.
5. The deck and all other appurtenant facilities shall conform with any applicable codes and ordinances.
6. Decks which extend into the required rear yard setback shall not be constructed higher than the grade elevation of the first floor of the house. Decks or balconies which conform to all required setbacks of the principal residence may be built higher than the grade elevation of the first floor. Decks or balconies which extend above the second floor line or the roof line shall require a variance by the Zoning Board of Appeals.

5.17 BUILDING GRADES
A plot plan shall be submitted to the Building Inspector showing building grades. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A sloping grade shall be established and maintained from the center of the front lot line to the finished grade at the front of the building, also from the rear lot line to the rear wall of the building. However, this shall not prevent the grading of a yard space to provide a sunken or terraced area, provided proper means are provided and maintained to prevent the runoff of surface water from flowing onto adjacent properties or into the storm sewer or septic system. The yard around any new building or addition shall be graded in such a manner as to meet existing grades and not permit runoff of surface water to flow or be stored on the adjacent properties.

The final grade of a building shall not be less than one (1) foot, or more than three (3) feet above the elevation of the fronting street surface. Where floodplains exist at elevations above the current road elevation, such final building grade shall be built in accordance with FEMA regulations, or if building grades are otherwise established by the St. Clair County Health Department to accommodate on-site septic systems, such building grade shall not be less than eight (8) inches, or more than twenty-four (24) inches, above the invert at the foundation. The permitted height of structures shall be measured from the established building grade height. Any other variances from these grade requirements must be submitted to the Zoning Board of Appeals.

5.18 NON-RESIDENTIAL DRIVEWAYS
1. Non-residential driveways, entrances and exits shall be subject to approval by the St. Clair County Road Commission and/or the Michigan Department of Transportation where applicable, and by the Planning Commission and Township Board after considering the effects on surrounding property, pedestrian and vehicular traffic and the movement of emergency vehicles.
   A. All non-residential sites may be permitted one (1) access drive onto the abutting public thoroughfare unless access to the subject property is available from an adjacent parcel through the use of a cross access easement.
B. In the case of a corner lot or double frontage lot, the site may be permitted one (1) access drive for each roadway frontage only after Planning Commission and Township Board review and the applicant showing the necessity for the second drive.

C. Such drives shall be a minimum of thirty (30) feet in width but in no case shall exceed thirty-six (36) feet in width if permitted by the St. Clair County Road Commission or the Michigan Department of Transportation.

D. Access management techniques, as described in the current edition of "A Policy on Geometric Design of Highway and Streets", AASHTO, shall be employed when reviewing the locations and uses of driveways.

2. Tapers and bypass lanes may be required, as determined by the Planning Commission and Township Board, subject to the review and approval of the St. Clair County Road Commission and/or the Michigan Department of Transportation, where applicable.

3. The Planning Commission or Township Board may require an access easement to provide for vehicular access to existing or contemplated adjacent parking areas to minimize the need for driveways to each facility and thereby decrease hazards to vehicular traffic. In such instances, a reciprocal use agreement shall be signed by each owner.

5.19 TRAFFIC IMPACT STUDY

1. Ira Township recognizes the direct correlation between land use policy and decisions and the impacts to traffic densities and operations. The intent of this Section is to allow Ira Township to accurately review the anticipated impacts that proposed projects will have on their surrounding roadways. It is intended that this Ordinance also help achieve the following objectives:

   A. Provide a standard set of analytic tools and format for preparing traffic impact studies.
   B. Allow the community to assess the effects that a proposed project may have on the community by outlining information needed and evaluation procedures to be used.
   C. Help ensure safe and reasonable traffic operating conditions on streets and intersections after development of the proposed use.
   D. Reduce the negative traffic impacts created by individual developments, and which may negatively impact such developments, by helping to ensure the transportation system can accommodate the expected traffic safely and efficiently.
   E. For rezonings, the traffic impact study is intended to evaluate if the rezoning is timely and, if inconsistent with the Master Plan, if the rezoning would be a logical alternative to the Master Plan.
   F. Realize a comprehensive approach to the overall impacts of various developments along a corridor or within part of a community rather than a piecemeal approach.
   G. Provide direction to community decision makers, road agencies and developers of expected impacts of a project.
   H. Alert the community, transportation agencies and developers of improvements or modifications needed to the roadway, access or site design.
   I. Protect the substantial public investment in the existing street system.

2. A traffic impact study shall be submitted with the following applications:

   A. Any proposed rezoning which is inconsistent with the Master Plan where the rezoning would constitute a more intense use.
   B. Any official request made by an applicant to amend the Master Plan to a more intensive use.
   C. Any time that the St. Clair County Road Commission requires such a study to be conducted.
   D. Any development which triggers the following warrants or generates more than fifty (50) street peak hour trips:
Either the applicant or the Township may request an initial meeting be held to determine if a study is needed, what type of study is needed, the study area, and the specific items to be addressed in the study. Attendees at this meeting may include the applicant, Township Planner, Township Engineer, Road Commission Staff, Transportation Planners and the like.

3. A traffic study shall include the following information:
   A. Description of Existing Traffic Conditions.
      i. Traffic Counts. Existing conditions, including existing peak-hour traffic volumes and daily volumes, if applicable, on street(s) adjacent to the site.
      Traffic count data shall not be over two (2) years old, except the community or road agency may permit twenty-four-hour counts up to three (3) years old to be increased by a factor supported by documentation or a finding that traffic has increased at a rate less than two (2) percent annually in the past three (3) to five (5) years. Traffic counts shall be taken on a Tuesday, Wednesday, or Thursday of non-holiday weeks.

   ii. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include land configurations, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds and any sight distance limitations. Existing levels of service shall be calculated for intersections included within the study area.

   iii. Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described.

   iv. The existing right-of-way shall be identified, along with any planned or desired expansion of the right-of-way requested by the applicable road agency.

   v. Traffic crash data and analysis covering the most recent three (3) years for the study area or proximity to the site access points may be required by the Township.

   vi. Approved developments within the study area shall be part of all calculations for anticipated traffic.
B. Trip Generation.
i. Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation, published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan.

ii. For rezoning requests where a traffic study is required, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the Planning Commission.

iii. Any trip reduction for pass-by trips, transit, ride sharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The community may elect to reduce the trip reduction rates used.

iv. For projects intended to be developed in phases, the trip generation by phase shall be described.

C. Trip Distribution. The projected traffic generated shall be distributed (inbound vs. outbound, left turn vs. right turn) onto the existing street network to project turning movements at site access points and nearby intersections, where required. Projected turning movements shall be illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be attached (trip distribution model, market studies, counts at existing driveways, etc.).

D. Impact Analysis. Level of service or "capacity" analysis at the proposed access points using the procedures outline in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board.

E. Access Design/Access Management Standards. The report shall include a map and description of the location and design of proposed access (driveways or new street intersections), including any sight distance limitations, dimensions from adjacent driveways and intersections within two-hundred fifty (250) feet on either side of the main roadway, data to demonstrate that the number of driveways proposed are the fewest necessary, support that the access points will provide safe and efficient traffic operation, and be in accordance with the standards of Ira Township and the St. Clair County Road Commission (not required for rezoning application). The study shall also include reference to any necessity for acceleration or deceleration lanes as well as by-pass lanes. This should be coordinated with the St. Clair County Road Commission.

F. Other Study Items.

i. Need for, or provision of, any additional right-of-way where planned or desired by the applicable road agency as well as any additional roadway improvement.

ii. Changes which should be considered to the plat or site plan layout.

iii. Description of any needed non-motorized facilities.

iv. If the use involves a drive-thru facility, the adequacy of the (queuing and/or stacking) area should be evaluated.

v. If a median crossover is desired, separate analysis should be provided.

vi. If a traffic signal is being requested, the relationship of anticipated traffic to traffic signal warrants in the Michigan Manual of Uniform Traffic Control progression along the roadway through coordinated timing, etc.

vii. Description of site circulation and available sight distances at site driveways.

viii. Conflicts with pedestrian traffic within the development and along all site boundaries which require sidewalk access.
G. Mitigation/Alternatives. The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques, should be discussed with the applicable road agency. The responsibility and timing of roadway improvements shall be described.

H. All traffic impact studies shall be prepared by a registered Professional Engineer specializing in the preparation of traffic studies. The preparer shall have a minimum of three (3) years of recent experience in the preparation of traffic impact analyses and provide evidence of ongoing familiarity with the Highway Capacity Manual.

4. The Planning Commission shall review the submitted Traffic Impact Study as a part of the site plan, special land use, subdivision, site condominium or PUD process and forward their findings to the Township Board as a part of their record.

A. The proposed development has access to a public road capable of supporting the development.
B. The use will not increase traffic that will effectively result in a lower level of service on the abutting road or at intersections proximate to the site.
C. The number of driveways serving the site are the minimum necessary to accommodate anticipated traffic.
D. The placement and design of driveways will accommodate safe movement of traffic into and out of the site.
E. Adequate provisions have been made to accommodate pedestrians.
F. Appropriate mitigation measures have been provided to address the anticipated traffic impacts of the development.

5. The Planning Commission or Township Board may waive any of the above requirements upon a finding that such requirements are not necessary to complete a thorough review of the site. The rationale for such waiver shall be set forth in the record of the Planning Commission or Township Board. The Planning Commission or Township Board may consult with the St. Clair County Road Commission or St. Clair County Metropolitan Planning Commission as to whether a waiver is granted.

5.20 NATURAL RESOURCE GREENBELT

The Township recognizes the fragility and benefits of certain natural features within the Township such as wetlands, marshes, bogs, streams, inland lakes, ponds, and drains. These features help regulate storm water drainage and water quality, help control erosion and sediment disposition, and provide wildlife and plant habitat. In an effort to help preserve these environmental features and the benefits which they provide, the Township shall require natural resource buffers or greenbelts around natural features located on-site. These buffers will help ensure that no damage, impairment, or other intrusion occurs to the natural habitat and that contaminates or pollutants do not degrade or destroy these areas.

1. A twenty-five (25) foot undisturbed greenbelt shall be preserved around the boundary of any state or federally regulated wetland and all other flagged wetlands which are intended to remain on-site, and from the ordinary high water mark of any inland lake or pond, stream, creek or drain (improved or unimproved). These areas shall be conspicuously noted on the site plan. Before any land clearing activities are commenced, the developer shall erect and maintain a suitable barrier between such environmental feature greenbelt and lands which are intended to be cleared.
2. There shall be no construction, removal, or deposit of any structures or soils, including dredging, filling, or land balancing within a required natural resource greenbelt.
3. These requirements may be modified by the regulating state, county, or federal agency.
5.21 ACCESSORY BUILDINGS

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

1. By definition, an accessory building is clearly incidental to the principal building housing the main use; therefore, the Building Inspector shall not issue a building permit for an accessory structure prior to the issuance of a building permit for the main or principal building, and no rough framing of an accessory building shall begin until the rough framing of the principal building has been completed.

The Building Inspector may grant a permit for the construction of an accessory building prior to the rough framing of the principal building being completed if a cash performance guarantee is posted, as a condition of approval, prior to the construction of the accessory building to ensure completion of the main building.

2. In the event that a situation arises where the principal building is demolished, leaving an accessory building on the site, said accessory building shall not be used or reused for any purpose other than accessory to a permitted use in that zoning district.

3. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.

4. Accessory buildings shall comply with the following setback requirements:
   A. No detached accessory building shall be located closer than ten (10) feet to any main building.
   B. Accessory buildings located in a required rear yard area shall not be located closer than three (3) feet to any side or rear lot line. Accessory buildings located in a non-required rear or non-required front yard area, shall observe the same side yard setback as required for the main building.
   C. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line.
   D. In no instance shall an accessory building be located within a dedicated easement or right-of-way.

   E. When an accessory building is located on a corner lot where both adjoining lots have their front yard facing the street, it shall maintain the specified front setback from both streets as required for the main buildings in the same zoning district.

5. Accessory buildings shall not exceed one and one-half (1½) stories, or fourteen (14) feet in height in the RS, RU and RT Single Family Residential districts and eighteen (18) feet in height in the AEC Agricultural Estates Conservation district. Further, such building may not occupy more than twenty-five (25) percent of a required rear yard, or more than forty (40) percent of any non-required rear yard.

6. The total floor area of all detached residential accessory buildings in the RS, RU, and AEC districts shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Parcel Size</th>
<th>Total Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 1 acre</td>
<td>900 sq. ft.</td>
</tr>
<tr>
<td>1–2 acres</td>
<td>1,600 sq. ft.</td>
</tr>
<tr>
<td>2–3½ acres</td>
<td>2,200 sq. ft.</td>
</tr>
<tr>
<td>3½–4 acres</td>
<td>2,900 sq. ft.</td>
</tr>
<tr>
<td>4–5 acres</td>
<td>3,600 sq. ft.</td>
</tr>
</tbody>
</table>

7. When an accessory building is a boathouse, a boat well, or is substantially over the water, whether it be a river, lake, or canal:
   A. No more than thirty (30) percent of the building area may have flooring, be it earth,
concrete, wood, or any flooring material other than water.

B. Boathouses shall not exceed the area of the primary (residential) building, nor shall the sum of a boathouse and any other accessory building exceed the lot coverage requirements of the district.

C. A commercial use of a boathouse is not permitted, unless it is located within a commercial district.

D. All boathouses, which exceed fourteen (14) feet in height, or with wells to accommodate more than two (2) boats, shall be subject to prior approval of the Zoning Board of Appeals.

E. A building permit for a boathouse shall not be issued unless and until the applicant has:
   i. Complied with all the provisions of this Ordinance, the Township Building Code, and Act 59 of 1995, as amended; and
   ii. Secured written approval from the U.S. Army Corps of Engineers and the Michigan Department of Natural Resources when such permits are required and within the jurisdiction of those agencies.

8. This Section of the Ordinance shall not apply to agricultural buildings accessory to a working farm, as protected by the "Right-to-Farm" Act.

5.22 USE RESTRICTION

No portion of a lot or parcel once used in complying with the provisions of this Ordinance for yards, lot area per family, density as for a development in the multiple-family district, or percentage of lot occupancy, in connection with an existing or proposed building or structure, shall again be used as part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time.
Article 6.0
Development Procedures
Article 6.0  Development Procedures
6.1  Site Plan Review
6.2  Special Land Use Approval Requirements
6.0 Development Procedures

6.1 SITE PLAN REVIEW

1. The Township Board shall approve a site plan after review by the Planning Commission if one (1) or more of the following conditions apply:

   A. Whenever a building permit is required for the erection or structural alteration of a building (other than farm structures, single-family residential dwellings, and other accessory buildings to such dwellings, unless otherwise regulated by this Ordinance).

   B. For any special land use approval.

   C. Whenever a parking or storage area is to be used or constructed except for single-family residential drives and parking areas.

   D. For any substantial change in use or class of use as determined by the Township.

   E. The development of any public road within the Township not otherwise regulated by Township Ordinances.

   F. Sites being developed for mitigation purposes (i.e. wetland mitigation sites).

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

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

   A. Application Form

      i. Applicant's name and address.

      ii. Name of the proposed development.

      iii. Common description of the property and complete legal description.

      iv. Dimensions of land, width, length, acreage and frontage.

      v. Existing zoning and zoning of adjacent properties.

      vi. Proposed use of land.

     vii. Name, address, city and phone number of:

         a. Firm or individual that prepared site plan.

         b. Legal owner of property.

         c. Applicant (including basis of representation).

     viii. Signature of legal owner if not the applicant.

   B. Site Plan Drawings and Illustrations (fully dimensioned)

      i. Location map drawn at a scale of four (4) inches equals one (1) mile (showing site in relation to nearest major intersection).

      ii. A minimum drawing sheet size of eighteen (18) by twenty-four (24) inches.

      iii. A scale of not less than one (1) inch equals thirty (30) feet if the developed portion of the property is five (5) acres or less, and one (1) inch equals one hundred (100) feet if over five (5) acres.

      iv. Date and north point.

     v. Location of all existing and proposed structures and uses.

     vi. All aisles, drives and parking areas (include the number of spaces in each).

     vii. Screening and/or protective walls (See Section 5.9).

     viii. Principal and accessory buildings.

     ix. Location of existing and proposed rights-of-way, widths of all abutting streets, alleys and easements.

     x. Types of facing materials to be used on structures.

     xi. Elevations (front, sides and rear views) of all sides of the building(s).

     xii. A floor plan drawing showing the specific use areas of all existing and proposed buildings on-site.

     xiii. Density calculations.

     xiv. Existing buildings or improvements on the site and on all land adjacent to the site within one-hundred (100) feet.

     xv. Designation of units by type of buildings.
xvi. Interior sidewalks and sidewalks within right-of-way.
xvii. Exterior lighting locations and methods of shielding.
xviii. Trash receptacle location and method of screening.
xix. Landscape Plan (See Section 5.5)
xx. Drive or street approaches including acceleration, deceleration and passing lanes, if appropriate.
xxi. All utilities located on or serving the site.
xxii. Loading and unloading area.
xxiii. Total floor area.
xxiv. Designation of fire lanes.
xxv. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension, noise, vibration and emission levels and other data of all such equipment or machinery.
xxvi. Location and extent of development of recreation areas, where necessary.
xxvii. Seal of a Professional Architect, Landscape Architect, Civil Engineer, Community Planner or Land Surveyor who prepared the site plan drawing. The Planning Commission or its designee may waive this requirement when it is determined that the scope of the project would be minor in nature.
xxviii. Existing and proposed contours shall be provided at an interval of one (1) foot. These shall clearly indicate the proposed Grading and Drainage Plan and shall identify any areas of reclaimed or filled land and areas proposed to be dredged and back-filled.

C. Sign Information. Separate drawings of the proposed sign(s) to be erected on the site may be submitted at the time of site plan review or at a later date. The location of all signs shall be shown on the site plan but the following detailed information may be deferred until later:
i. Height of the sign above the ground.
ii. Surface of the sign (material and dimensions).
iii. Area of sign surface. Clearly outline the areas computed as sign area on an illustration.
iv. Lettering of sign drawn as it will appear on the erected sign. It need not be in the style of the finished sign, but must be neatly printed in the size and of a weight approximating that of the final constructed sign.
v. Method of illumination, if any.
vi. Logos, emblems or additional features.
vii. Such additional information as the Planning Commission deems necessary and/or pertinent to the application.
viii. A drawing of the total building wall upon whose face the sign is proposed to be displayed at a reasonable scale, preferably one-quarter (¼) inch to one (1) foot.

3. Procedures. When the petition is received, it will be placed on the next available agenda of the next regular meeting of the Planning Commission and a recommendation for approval, revision or disapproval will be made to the Township Board provided the Commission has received a report from all Township Departments, Community Planner, Township Engineer and/or Township Attorney, where necessary. The plan will then be forwarded to the Board for final action at a meeting of the Township Board.

A. Upon determination of the Township Board that a site plan is in compliance with the Zoning Ordinance as amended and other plans or regulations, it will be so indicated on the site plan.

B. Upon determination of the Township Board that a site plan is in compliance except with minor revisions, said changes shall be so indicated. When these changes have been adequately provided, the petitioner may resubmit the site plan to the Planning Commission for review prior to final approval by the Township Board, or

C. If extensive revisions to the site plan are necessary to meet the ordinance, plan and regulation requirements, the site plan shall be disapproved and the applicant requested to prepare an alternate site plan. In this case "DISAPPROVAL" shall be written on the plan and reasons for disapproval indicated. If the applicant
Purpose and Introduction

Declarations

Zoning Districts

Use Standards

Site Standards

Development Procedures

Admin and Enforcement

Ira Township Zoning Ordinance

desires to prepare an alternate plan, the same procedure as outlined under Section 6.1.2 "Requirements" above must be met.

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

6.2 SPECIAL LAND USE APPROVAL REQUIREMENTS

1. General Requirements. For all special land uses, a site plan shall be submitted for review by the Planning Commission and approval by the Township Board and shall conform to the requirements and procedures for site plan review set forth in Section 6.1. If the plans meet the required standards of this Ordinance, Article and applicable Section and indicate no adverse effects which, in the opinion of the Township Board, cause injury to the residents, users or adjoining property or the Township as a whole, the Board shall approve the use. The Planning Commission shall hold a public hearing on the requested special land use and make a recommendation to the Township Board. The Township Board shall have the sole authority to approve or disapprove all special land uses. In consideration of all applications for special land use approval, the Township Board shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed special land use if it is to be approved. Such uses shall be subject to conditions, restrictions and safeguards deemed necessary within the scope of the law as set forth below.

   A. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.

   B. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.

   C. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.

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

   E. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses in regards to prevailing shopping habits,
convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

F. The proposed use is necessary for the public convenience at the proposed location.

G. The proposed use is so designed, located, planned and operated that the public health, safety and welfare will be protected.

H. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

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

3. Denial. If the Township Board shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement thereon which clearly sets forth the findings and conclusions relative to the special land use application which specifies the basis for the decision and any conditions imposed. The decision to deny the special land use may be appealed before the Ira Township Zoning Board of Appeals. An application for an appeal of denial to the Ira Township Zoning Board of Appeals must be filed with the Township Offices within thirty (30) days of the date the application was denied. The Board of Appeals shall prepare a transcript of the proceeding of any such appeal that shall constitute the official record of the appeal.

4. Record. The decision on a special land use shall be incorporated into a written statement which clearly sets forth the findings and conclusions relative to the special land use application which specifies the basis for the decision and any conditions imposed.

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

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

A. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

C. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

D. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Township Board shall maintain a record of changes granted in conditions.
Article 7.0
Administration, Appeals and Enforcement
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7.0 Administration, Appeals, and Enforcement

7.1 PERFORMANCE GUARANTEE
Whenever improvements such as paving of parking areas, greenbelts, screen walls, or other improvements are required by this Ordinance, they shall be shown on a site plan for the proposed use. In addition, the owner of the subject property shall deposit with the Township Clerk a cash performance guarantee in the amount of five-hundred dollars ($500.00) or ten (10) percent of the estimated cost of the required improvements, whichever is the larger amount. The cash performance guarantee shall be a requirement of a temporary occupancy permit. The entire sum shall be returned to the owner upon satisfactory completion of the required improvements within the time limits specified herein.

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

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

The Building Inspector shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Section 7.23.

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

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

7.4 PLOT PLAN
The Building Inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan (certified plot plans for all lots of one-hundred (100) feet or less of frontage), in duplicate, drawn to scale, showing the following:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures, to be erected, altered or moved and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

Further, a preliminary "certificate of grading and location of house" shall be duly completed and certified by a registered engineer or a registered land surveyor before rough carpentry begins. A final "certificate of grading and location of house", which is substantially the same as the preliminary grading certification, shall be duly completed and certified by a registered engineer or a registered land surveyor before a final certificate of occupancy is granted. A certificate of elevation compliance performed by a licensed surveyor shall also be submitted for all residences located within Flood Zone A, as defined by FEMA. Finally, any other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

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

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

7.6 CERTIFICATES

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

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

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

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

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

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

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

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

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

9. Application for Certificates. Application for Certificates of Occupancy shall be made in writing to the Building Inspector on forms furnished by him, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structures or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant therefor, shall be notified of such refusal and cause thereof, within the aforesaid five-day period.

7.7 FINAL INSPECTION

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

7.8 FEES

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Building Inspector in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.
7.9 INTERPRETATION
In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance other than the above-described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises, provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

7.10 ZONING COMMISSION
The Township Planning Commission is hereby designated as the Commission specified in Public Act 110 of 2006, as amended, and shall perform the duties of said Commission as provided in the statute in connection with the amendment of this Ordinance.

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

The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, as required under its rules of procedure.

The Planning Commission may recommend imposing such conditions or limitations in recommending approval as may in its judgment be necessary to fulfill the spirit and purpose of this Ordinance.

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

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

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

At the discretion of the Township Code Enforcement Officer or Agent any person or persons who violate the provisions of the Ordinance shall be deemed to have committed a civil infraction instead of a misdemeanor and upon admission of liability or a court finding of liability such person or persons shall pay the fine and costs that are prescribed in the Municipal Civil Infraction Ordinance of Ira Township.

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

7.16 FINES, IMPRISONMENT
The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.
7.17 EACH DAY A SEPARATE OFFENSE
A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

7.18 RIGHTS AND REMEDIES ARE CUMULATIVE
The rights and remedies provided herein are cumulative and in addition to any other remedies provided by the law.

7.19 VARIANCE
A zoning variance is a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement would cause practical difficulties owing to circumstances unique to the individual property on which the variance is granted.

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

7.21 CERTIFICATES OF ZONING COMPLIANCE FOR NEW, REOCCUPIED, ALTERED OR NONCONFORMING USES
1. It shall be unlawful to use, occupy, reoccupy, or permit the use or occupancy of any structure or premises, or parts thereof, hereafter created, erected, changed, converted or wholly or partially altered or enlarged, until a Certificate of Zoning Compliance has been issued therefore by the Building Official stating that the proposed use of the structure or lot conforms to the requirements of this Ordinance.
   A. The Building Official shall maintain a record of all Certificates of Zoning Compliance issued pursuant to this Ordinance.
   B. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance and shall be punishable under the applicable provisions of this Ordinance.

2. Issuance of Certificate of Zoning Compliance. A certificate of zoning compliance shall be issued by the Building Official upon the recommendation of a review committee, comprised of the Township Supervisor, Clerk, Planning and Engineering consultants, Building Official, Superintendent of the Water and Sewer Department, Assessor, and Fire Inspector or their designees. An application, together with site and floor plans for the proposed use shall be submitted to the Township Clerk. The Clerk will distribute the plans to the review committee. The review committee shall return their written comments to the Clerk's office within five (5) days after receipt from the Clerk. The committee comments shall be either to approve, approve with conditions, or deny the Certificate of Zoning Compliance. The review committee's recommendations to deny the Certificate of Zoning Compliance must state the basis for the recommendation for denial. The Clerk shall transmit the review committee recommendations to the Building Official, who shall then issue the Certificate of Zoning Compliance, or notify the applicant that the application for a Certificate of Zoning Compliance has been denied and the reasons therefore.

7.22 BOARD OF APPEALS
1. Creation and membership. There is hereby established a Board of Appeals, hereinafter called the "Board," which shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, as amended, and in such way that the objectives of this Ordinance shall be observed, public safety and welfare secured and substantial justice done. The Board shall be composed of the five (5) following members:
   A. One (1) member of the Board of Appeals shall be a member of the Township Planning Commission for the period of his term of office.
   B. The remaining members shall be selected by the Township Board from among the electors residing outside of incorporated cities and villages, for a term of three (3) years.
   C. One (1) member of the Board of Appeals may be a member of the Township Board, for the period of his term of office.
3. Appeal. An appeal may be taken to the Board of Appeals by any person, firm or corporation or by any officer, department, board or bureau affected by a decision of the Building Inspector. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Building Inspector and with the Board of Appeals, a notice of appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from were taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Board of Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificates a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

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

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

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

A. To hear and decide on all matters referred to it upon which it is required to pass under this Ordinance.

B. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Building Inspector in the enforcement of this Ordinance.

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

2. Meetings. All meetings of the Board of Appeals shall be held at such times as approved by the Zoning Board of Appeals and posted in compliance with the Open Meetings Act, the call of the Chairman and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public. Further, all applications heard at such meetings shall be properly noticed as required in Public Act 110 of 2006, as amended. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.
C. To grant variances from the standards of the ordinance. In hearing and deciding appeals, the Board of Appeals shall have the authority to grant such variance therefrom as may be in harmony with their general purpose and intent so that the function of this Ordinance be observed, public safety and welfare secured and substantial justice done, including the following:

i. May interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the Plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.

ii. May permit erection and use of a building or use of premises in any use district for public utility purpose, upon recommendation of the Planning Commission.

iii. May permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.

iv. May permit modification of wall requirements only when such modification will not adversely affect or be detrimental to surrounding or adjacent development.

v. May permit, upon proper application, temporary uses not otherwise permitted in any district, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible, and uses which do not require the erection of any capital improvement of a structural nature. The Board, in granting permits for the above temporary uses, shall do so as near as possible to the following conditions:

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

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

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

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

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

f. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in Section 7.22.6 of this Ordinance.

D. Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties within the meaning of this Ordinance, the Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:
Purpose and Introduction

Declarations

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or classes of uses in the same district or zone.

2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.

3. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.

4. That the granting of such variance will not adversely affect the purpose of objectives of the comprehensive Plan of the Township.

E. In consideration of all appeals and all proposed variations to this Ordinance, the Board of Appeals shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.

Nothing herein shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the Zoning Ordinance or the official Zoning Map through the granting of use variances or the like, such power and authority shall be reserved for the Township Board in the manner provided by law.

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

6. Notice. The Board of Appeals shall make no determination except in a specific case and after a hearing conducted by said Board. A written notice of the time and place of such public hearing shall be provided for as required in Public Act 110 of 2006, as amended.

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

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

7.23 NONCONFORMITIES

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

It is recognized that there exist within the districts established by this Ordinance uses which were lawful before this Ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.
Such uses are declared by this Ordinance to be incompatible permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

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

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

2. Nonconforming Lots. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements of area, width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area, width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of land than was occupied at the effective date of adoption or amendment of this Ordinance.

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

C. If such nonconforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

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

A. No such structure may be enlarged or altered in a way which increases its nonconformity, such as extending the structure further into the required setback, increasing the building mass in the setback which is nonconforming, etc.

B. Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

i. This provision shall not apply to nonconforming residential structures provided the residential structure is rebuilt in the exact location and manner in which it was originally constructed as determined by the building official. If the building official determines the proposed construction is substantially different than that of the original structure, all applicable requirements of the Ordinance shall be met. If the structure was located within the existing dedicated public right-of-way or easement, the structure shall not be reconstructed in that location.
ii. In reviewing the redevelopment of nonconforming nonresidential uses which have been destroyed, the Planning Commission may approve a structure location which does not meet the required setback provided the location represents an overall reduction in the nonconformity and the structure substantially complies with that of the original nonconforming structure. If the proposed structure represents a substantial deviation from the original structure, all applicable requirements of the Ordinance shall be met.

C. Should such structures be moved for any reason for any distance whatever, it shall thereafter conform (or conform to the greatest extent possible) to the regulations for the district in which it is located after it is moved.

4. Nonconforming Uses of Structures and Land. If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

This provision shall not apply to nonconforming residential structures provided the residential structure is rebuilt in the exact location and manner in which it was originally constructed as determined by the building official. If the structure was located within the dedicated public right-of-way or easement, the structure shall not be reconstructed within the existing right-of-way or easement.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

C. In any district, if no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification provided that the building official, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the building official may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.

D. Any structure, or structure and land combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure and/or land is located, and the nonconforming use may not thereafter be resumed.

E. When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

F. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

5. Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding sixty (60) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.
Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

6. Uses Allowed as Special Land Uses Not Nonconforming Uses. Any use, which is permitted as a special land use, as provided in this Ordinance shall not be deemed a nonconforming use in such district.

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