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## **ARTICLE I LEGAL BASIS, TITLE, PURPOSE**

### **SECTION 1.1 - ENACTING CLAUSE LEGAL BASIS, TITLE & PURPOSE**

This Ordinance is enacted pursuant to P.A. 184 of 1943, as amended (being the Township Zoning Act,

M.C.L. 125.271 et seq.). The continued administration of this ordinance, amendments to this ordinance and all other matters concerning operation of this ordinance shall be done pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.), hereinafter referred to as the "Zoning Act".

## **SECTION 1.2 - TITLE**

This Ordinance shall be known and may be cited as "The Zoning Ordinance of Clinton Township". The Zoning map referred to herein is entitled "Official Zoning Map, Clinton Township"

## **SECTION 1.3 – PURPOSES**

This Ordinance has been established for the purpose of:

- A. Promoting and protecting the public health, safety, and general welfare;
- B. Protecting the character and stability of the agricultural, recreational, residential, commercial, and industrial areas within the township, and promoting the orderly and beneficial development of such areas;
- C. Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health;
- D. Lessening and avoiding congestion on public highways and streets;
- E. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth;
- F. Encouraging the most appropriate use of lands in accordance with their character and adaptability;
- G. Conserving the taxable value of land and structures;
- H. Conserving the expenditures of funds for public improvements and services;
- I. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the people;
- J. Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses;
- K. Prohibiting uses that are incompatible with the character of development permitted within specified zoning districts;
- L. Creating a Zoning Board of Appeals and defining the powers thereof;
- M. Designating and defining the powers and duties of the official(s) charged with administration and

enforcement of this Ordinance;

N. Providing for the establishment of fees for various zoning permits;

O. Establishing penalties for the violation of the provisions of this Ordinance.

## **SECTION 1.4 – MISFEASANCE, MALFEASANCE AND NONFEASANCE**

Any member or alternate member of the Clinton Township Planning Commission or Zoning Board of Appeals can be removed from office by the Clinton Township Board for misfeasance, malfeasance or nonfeasance upon written charges and after a public hearing.

## **ARTICLE II GENERAL PROVISIONS**

### **SECTION 2.1 – SCOPE AND APPLICATION**

- A. Every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing use, building, or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance, which are applicable in the zoning district in which such building, or structure, or lot is located.
- B. To avoid practical difficulty nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that construction shall be completed within three hundred sixty-five (365) days of such effective date and be subject thereafter to the provisions of Section 5.7 of this Ordinance.
- C. The adoption of this Ordinance shall not limit the construction of any building or structure for which a zoning permit had been obtained prior to the effective date of adoption or amendment of this Ordinance even though such building or structure does not conform to the provisions of this Ordinance, provided that work shall commence and be carried on within thirty (30) days of obtaining such permit and be subject thereafter to the provisions of Section 5.7 of this Ordinance.
- D. To assure the orderly completion of a land development project recommended by the Clinton Township Planning Commission, and approved by the Township Board, the Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the developer to insure compliance with the provisions of this ordinance. Such guarantee shall be deposited with the Township Clerk at the time of the issuance of the building permit. In fixing the amount of such performance guarantee, the Township Board shall limit it to reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety and welfare of the residents of the township and future users or inhabitants of the proposed project or project area including, but not limited to roadways, lighting, utilities, sidewalks, screening, and drainage. The term "improvements" does not include the entire project which is the subject of zoning approval nor to improvements for which a performance guarantee has been deposited pursuant to Public Act No. 288 of 1967, as amended. The Township Board and the project developer shall establish an agreeable procedure



for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses.

- E. Whenever any provision of this Zoning Ordinance imposes more stringent requirements, regulation and/or restrictions than other statutes, laws, regulations or Township Ordinances, governing the same subject matter, the provisions of this Ordinance shall be deemed to govern unless specifically preempted under law.

## **SECTION 2.2 - DEFINITIONS**

For the purpose of this Ordinance certain terms are herewith defined. When not inconsistent with the context, the present tense includes the future; the words used in the singular number include the plural number, and the plural, the singular. The word "shall" is always mandatory and not merely suggestive. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or occupied.

### **Accessory Structure, Building, or Use:**

A detached structure, building, or use on the same lot with, and of a nature customarily incidental and subordinate to a principal structure, building, or use.

### **Alley:**

A public or private way not more than thirty-three (33) feet wide which affords only a secondary means of access to property.

### **Alter:**

Any structural change in the supporting or load-bearing member of a building, such as bearing walls, columns, beams, girders, or floor joists.

### **Apartments:**

A dwelling unit in a two-family or multiple-family building arranged, designed, or occupied as a residence for a single family, individual, or group of individuals.

### **Automobile Service Station:**

Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repair; or auxiliary servicing such as polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing thereof. The site shall comply with all environmental and safety regulations mandated by Federal, State and/or Local law or regulations and such further conditions as may be imposed by the Township to promote the public health, safety and general welfare.

### **Bed and Breakfast Facility:**

A dwelling unit in which the principal use is that of a single-family dwelling that contains, as a subordinate use, rooms in which transient guests are lodged and boarded in return for payment.

**Boarding House or Rooming House:**

A dwelling where meals and/or lodging are provided for compensation to three or more guests by prearrangement for definite periods of time.

**Building:**

An enclosed structure having a roof supported by columns, walls, or other devices and used for the housing, shelter, or enclosure of persons, animals, or chattels.

**Building Height:**

The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridges for gable, hip, or gambrel roofs.

**Building Setback Line:**

The minimum distance which any building must be located from a property line, a street right-of-way, an easement line of an approved street, or a high water line that constitutes a perimeter boundary line of a property. Setbacks shall be measured from the right of way or easement line. The setbacks prescribed herein shall not be construed to supersede more stringent requirements or regulations imposed by the Michigan Department of Natural Resources or any other State or Federal Agency.

**Central Sanitary Sewerage System:**

Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a sanitary sewerage disposal system from a central location or plant, but not including septic tanks.

**Central Water System:**

Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a central water system from a central location or plant.

**Communication Tower:**

A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. This definition shall not include dishes, antennas, aerials or similar reception or transmission structures used for non-commercial purposes, serving a single residential or business premises and that does not exceed the height limitations for the appropriate zoning district as found in *Section 4.5* (Area, Yard, Height and Bulk Requirements).

**Cul-De-Sac:**

A street closed at one end and having a minimum right-of-way of one hundred and twenty (120) feet in diameter at the turn around.

**District:**

A portion of the Township of Clinton within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

**Drive-in Establishment:**

**A business establishment so developed that its retail or service character is primarily dependent**

**on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building.**

**Dwelling Unit:**

One or more rooms with independent cooking facilities designed as a unit for residence by only one family.

**Dwelling-Single Family:**

A detached residence designed or occupied by one family only with toilet, housekeeping and cooking facilities, and complying with the following standards:

1. A dwelling shall contain a minimum of one thousand (1000) square feet of living area.
2. A dwelling shall have a minimum width of twenty (20) feet along any exterior side elevation of the principal living area, exclusive of porches not a part of the main living area.
3. A dwelling shall have a minimum floor to ceiling height of seven and one half (7.5) feet.
4. A dwelling shall comply in all respects with the Clinton Township Building Code and with county, state and federal codes.
5. A dwelling shall comply in all respects with applicable Township, County, Federal, and State Plumbing, Electrical, Energy and Fire Codes and Regulations and other applicable ordinances.
6. A dwelling shall be firmly attached to a solid foundation constructed on the site in accordance with the Clinton Township Building Code and, in the case of manufactured housing, in accordance with the specifications of the manufacturer. No exposed wheels, towing mechanisms, undercarriage, or chassis shall be permitted and no storage shall be allowed in any crawl space which is not a standard basement.
7. A dwelling shall contain storage area either in a basement located under said dwelling, in an attic area, in closet areas, or in a separate fully enclosed structure on the site, of standard construction similar to the principal dwelling, which space shall be equal to not less than 15% of the interior living area of the dwelling.
8. A dwelling shall be aesthetically compatible in design and appearance to conventionally onsite constructed homes in the vicinity with a roof overhang of not less than six (6) inches, not less than two (2) exterior doors with one being in the front of the home and the other being in either the rear or side of the home, and roof drainage systems concentrating roof drainage and avoiding drainage along the sides of the dwelling and containing permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires same.
9. A dwelling shall have a stone, brick, block, concrete, or wood foundation coextensive with the perimeter of the structure or, in the case of a dwelling which has foundational support which is not coextensive with the perimeter of the structure, a wall or skirting material constructed to be coextensive with the perimeter of the structure and similar in appearance to a stone, brick, block,

concrete, or wood foundation to give the appearance of a standard foundation. Said wall or skirting material shall be durably constructed to last the life of the structure, and such skirting shall be installed within ninety (90) days after issuance of building permit.

10. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park or a licensed mobile home subdivision except to the extent required by State Law or otherwise specifically required in the ordinances of Clinton Township.
11. A mobile home / manufactured home shall be deemed in compliance with the requirements of this section if the mobile home complies with the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards", effective June 15, 1976, as amended. However, a mobile home / manufactured home utilized as a dwelling shall comply with all provisions of this section that are not in direct conflict with the described HUD standards.

**Dwelling-Two Family:**

A building other than a mobile home, designed for or occupied by two (2) families only, with separate housekeeping, toilet and cooking facilities for each, and conforming in all other respects to the standards set forth in Section 2.2.Q – Dwelling-Single Family.

**Dwelling-Multiple Family:**

A building other than a mobile home designed for or occupied by three or more families living independently of each other with separate housekeeping, toilet and cooking facilities for each, and conforming in all other respects to the standards set forth in Section 2.2.Q

**Easement:**

Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property and having a width of not less than sixty-six (66') feet.

**Essential Services:**

The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions or boards, of underground or overhead gas, electric, steam or water transmission or distributing systems; collection, communication, supply or disposal systems; dams, wires, culverts, bridges, canals, locks, including poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants; and other similar equipment and accessories in connection therewith, for the general public health, safety, convenience, or welfare, but not including buildings, except those expressly referred to herein, utility transmission corridors of two hundred (200) feet average width or more, or maintenance depots.

**Family:**

One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood, marriage or legal adoption no such family shall contain over five persons.

**Home Occupations:**

An occupation that is traditionally and customarily carried on in the home being primarily incidental to the principal residential use (also see Section 5.15).

**Hotel:**

A building containing guest rooms in which lodging is provided, with or without meals, for compensation and which is open to transient or permanent guests, or both.

**Illustrations:**

The attached drawings, illustrating Basement and Story Definition; Basic Structural Terms; Building Height Requirements; Lot Terms; Yard Requirements; and Corner, Interior and Double Frontage Lots are hereby adopted as a part of and incorporated by reference into the Zoning Ordinance for the Township of Clinton, Lenawee County, Michigan.

**Junk Yard:**

A structure or parcel of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cording, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative autos, or motor vehicles, and machines, used lumber yards, house wrecking, and structural steel materials, and equipment and including establishments for sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

**Kennel:**

Any lot or premises on which a total of five or more dogs, and/or other domestic pets, four months old or more, are confined either permanently or temporarily regardless of whether such activity is conducted for a profit.

**Lot:**

A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area; and to provide such yards and other open spaces as herein required. Such lot may consist of a single lot of record; a portion of a lot of record; a combination of contiguous lots of record, or contiguous portions of lots of record; or a parcel of land described by metes and bounds.

**Lot Area:**

The area within the lot lines, but excluding that portion in a road or street right-of-way.

**Lot Corner:**

A parcel of land at the junction of and fronting or abutting on two or more intersecting streets.

**Lot Depth:**

The average distance between the front and rear line of a lot measured in the general direction of its side lot lines.

**Lot Coverage:**

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

**Lot Line (Front):**

That side of the lot abutting upon a public or private street right-of-way or abutting upon a lake; in the case of a corner lot, either street right-of-way line may be considered the front line of the lot if it contains the minimum required frontage.

**Lot Line (Rear):**

Ordinarily that lot line which is opposite and most distant from the front lot line as hereinbefore defined. In the case of an irregular shaped lot, a line 10 feet in length entirely within the lot and parallel to and at the maximum distance from the front lot line shall be considered the rear lot line for the required rear yard spacing.

**Lot Line (Side):**

Any lot line not qualifying as a front or rear lot line. A side lot line separating a lot from a street right-of-way shall be known as a side street lot line. A side lot line separating a lot from another lot or lots shall be known as an interior side lot line.

**Lot of Record:**

A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Lenawee County, or a lot described by metes and bounds, the deed to which has been recorded in said office.

**Lot Through (Double Frontage):**

An interior lot having frontage on two parallel or approximately parallel streets.

**Lot Width:**

Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80%) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sacs, where foremost points (where they intersect with the street line) shall not be less than forty (40%) percent of the required lot width.

**Marina:**

A facility, whether located on a waterfront or otherwise, with docks or other accommodation for in-season mooring or storage of recreational watercraft that may include attendant incidental sale of products and services, including sale of convenience items and minor mechanical repair.

**Mobile Home /Manufactured Home:**

A detached portable residential dwelling unit which complies with the standards for mobile home/manufactured home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards", effective June 15, 1976, as amended; prefabricated on its own chassis and intended for long-term occupancy. The unit shall contain sleeping accommodations, a flush toilet, tub or shower, and eating and living quarters. It is designed to be transported on its own wheels or on a flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and shall be connected to existing utilities. A travel trailer is not to be considered a mobile home.

**Mobile Home / Manufactured Home Parks:**

A tract of land prepared and approved according to the procedures in this Ordinance to accommodate mobile homes /manufactured home on rented or leased lots.

**Mobile Home /Manufactured Home Subdivision:**

A legally platted residential subdivision accommodating mobile homes/manufactured homes.

**Motel:**

Any establishment in which courts or similar structures or units are let or rented to transients for periods of less than thirty (30) days. The term "motel" shall include motor courts. A motor court or motel shall not be considered or construed to be either a multiple dwelling, a hotel, or a mobile home park.

**Off-Street Parking:**

A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

**Parking Space, Area, Lot:**

An off street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees.

**Project:**

Land development or any planned undertaking which involves construction of structures for any use.

**Mineral Extraction: See Ordinance number 1216**

Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises any earth, coal, rock, sand, gravel, clay, stone, slate, marble, or other nonmetallic mineral.

**Riding Academy:**

Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

**Roadside Stand:**

A structure temporarily operated for the purpose of selling produce raised or produced primarily on the premises where situated, use of such stand shall not make it a commercial district, nor shall its use be deemed a commercial activity.

**Self-Service Storage Facilities:**

Any building or structure available to the public, operated for gain and that is used primarily for the storage of goods, wares, merchandise and/or other personal property of any kind or nature whatsoever. This does not include wholesale merchandise or storage warehouses that are primarily used for the storage needs of a particular business or that are incidental to a primary business use conducted on the property.

**Signs:**

Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; except, however, the following which shall not be included within this definition:

1. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants or premises, or other identification of premises not having commercial connotation.
2. Flags and insignias of any government, except when displayed in connection with commercial promotion.

3. Legal notices; identification, information, or directional signs erected or required by governmental bodies;
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
5. Signs directing and guiding traffic and parking to private property, but bearing no advertising matter;
6. Signs attached to a building or an integral part of a building, which identify that building or occupant.

**Sign Area:**

The area of a sign consisting of the entire projected area (visible from any point) of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

**Sign, On-Site:**

A sign advertising a product for sale or a service to be rendered on the immediate premises where the sign is located.

**Site Plan Review:**

A review by the Planning Commission and the Township Board of certain projects, buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage (See Section 5.6).

**State Licensed Residential Facility:**

A structure constructed for residential purpose that is licensed by the State which provides resident services for six or less persons under twenty-four hour supervision or care for persons in need of that supervision. Said facilities shall be located no less than 1500 feet apart, except upon approval of the Clinton Township Board.

**Story:**

That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

**Street:**

A public or private thoroughfare which affords the principal means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width.

**Structure:**

Anything constructed, erected or placed with a fixed location on the surface of the ground.

**Transition (Buffer) Strip:**

An unused screened open area which reduces the visual or noise impact of one use upon another.



**Travel Trailer:**

A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit, capable of being towed by a passenger vehicle.

**Vehicle Display:**

The display of new or used vehicles offered for sale, rent, or lease and suitable for immediate use and licensing.

**Vehicle Parking:**

The parking of licensed operable motor vehicles.

**Vehicle Salvage:**

The dismantling of vehicles for salvage or reuse of parts.

**Vehicle Storage:**

The storage of vehicles held for repair, sale, salvage, or legal determination of charges or ownership.

**Yard, Front:**

An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot.

**Yard, Front, Lake:**

A lot having frontage directly upon a lake, natural or manmade river, or other artificial impoundment of water in all districts. The portion adjacent to the water shall be designated the lake front yard of the lot, and shall be measured from the high water mark, as defined in the Michigan Inland Lakes and Streams Act, for the *purpose of measuring the* front yard setback.

**Yard, Rear:**

An open unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building.

**Yard, Side:**

An open, unoccupied space on the same lot with the principal building, between the side line of the principal building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard, and if no front yard is required, the front boundary of the side yard shall be the rear line of the lot.

**Wind Energy Conversion System (WECS)**

Also commonly referred to as a wind generating tower, windmill, or wind-powered generator. It shall mean a combination of:

- A. The surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical or electrical generating powers; and
- B. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and

- C. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- D. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

A wind energy conversion system can also include other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.”

**SECTION 2.3 - UNDEFINED TERMS**

Any term not defined herein shall have the meaning of common or standard use.

**SECTION 2.4 - APPLICATIONS OF REGULATIONS**

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promotion and protecting the public health, safety, and general welfare and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any conditional use permit, where such higher or more restrictive standards or requirements are found necessary by the Township Board to attain the purposes of this Ordinance.

**SECTION 2.5 – REVOCATION OF LICENSE OR PERMIT**

Any license or permit issued by the Township may be revoked or suspended if it is unlawful, fraudulent in nature, or contrary to public health, safety and general welfare. Revocations may be appealed to the Zoning Board of Appeals.

**ARTICLE III ESTABLISHMENT OF ZONING DISTRICTS**

**SECTION 3.1 - ESTABLISHMENT OF ZONING DISTRICTS**

**The Township of Clinton is hereby divided into the following zoning districts:**

- AG    Agricultural District
- SR    Suburban Residential District
- LR    Lake Residential
- PO    Parks and Open Space
- MR    Multi-Family Residential District
- MH    Mobile Home Residential District
- C     Commercial District
- I     Industrial District

**SECTION 3.2 - OFFICIAL ZONING MAP**

The zoning districts as provided in Section 3.1 of this Ordinance are bounded and defined on a map

entitled, "Official Zoning Map," Clinton Township, Lenawee County, Michigan, which map, with all explanatory matter thereon, is hereby adopted as a part of this Ordinance.

**Identification of Official Zoning Map:**

The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Clerk. The Official Zoning Map shall be located in the office of the Clerk, and available for examination.

**SECTION 3.3 - INTERPRETATION OF DISTRICT BOUNDARIES**

Except where specifically designated on the Official Zoning Map, the zoning district boundary lines are intended to follow lot lines, the center lines of streets or alleys, the center lines of creeks, streams, or rivers, the center lines of streets or alleys projected, center lines of railroads right-of-way lines, section lines, one quarter section lines, one eighth section lines, or a corporate limit line, all as they existed at the time of the enactment of this Ordinance, as subsequently modified and designated as such boundary line. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the Official Zoning Map.

When the location of a district boundary is uncertain, the Zoning Board of Appeals shall interpret the exact location of the district boundary.

**Interpretation of Unspecified Land Uses:**

It is recognized that it is neither possible nor practical to list all of the potential land uses which may be compatible with those uses indicated and intended for the individual zoning districts. Therefore, any other use which is determined by the Zoning Board of Appeals to be of the same general character, compatibility and similarity as the indicated uses by right, shall be permitted provided the use is not mentioned or permitted within another zoning district of this ordinance.

**SECTION 3.4 - ZONING CHANGE**

The formulation and enactment of this ordinance is based upon the division of the Township of Clinton into districts in each of which are permitted specified uses which are mutually compatible.

**Authority to Grant Zone Change:**

The Township Board may, from time to time, on recommendation from the Planning Commission or on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment.

Said amendment may be initiated by resolution of the Township Board, the Planning Commission or by the proper request of one or more property owners to be affected by the proposed amendment. Except for the Township Board or the Planning Commission the applicant requesting an amendment shall make a complete application whether in person or by certified mail addressed to the township clerk, request a public hearing and pay the fee established by resolution of the Township Board, no part of which shall be returnable to the applicant.

**Data, Exhibits and information required in application.**

An application for a zoning district change shall contain the applicants name and address in full; a statement that the applicant is the owner involved or is acting on the owner's behalf; the address of the property involved; an accurate survey drawing of the property involved showing the existing location of all structures on the site, the types thereof and their uses; and another supporting data, exhibits and

information.

**Public Hearing:**

All applications for zoning district change shall require a public hearing before the Planning Commission in compliance with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification as set forth in Article VIII hereof. Said public hearings are also subject to the Michigan Open Meetings Act (M.C.L. 15.261 et seq).

**Recommendation:**

Upon holding a public hearing and finding that the requirements of Section 3.4 of this Ordinance have been satisfactorily met by the applicant, the Planning Commission shall recommend approval or disapproval to the Clinton Township Board. The request shall then be submitted to the Lenawee County Planning Commission for review. The Clinton Township Board shall then review all the evidence and recommendations supplied to them at their Township Board meeting. At a public meeting the Township Board shall approve or disapprove the zoning request.

**ARTICLE IV ZONING DISTRICT REGULATIONS**

The intent, permitted uses, conditional uses, height, area density, and sign regulations of each district are set forth in this section.

**SECTION 4.1 - OPEN DISTRICTS**

Open Districts are established to protect land best suited for open use from the encroachment of incompatible land uses, and to retain land suited for open space and recreation use for the future.

**Agricultural District (AG):**

This district is composed of areas of the township suited to agriculture and open space land uses. The regulations governing this district are designed to retain the open character of the land and to that end the uses are limited primarily to agricultural activities, country residence, public buildings, community centers and open recreation uses.

**Permitted Uses:**

- a. Agriculture and the usual agricultural buildings and structures including processing of agricultural products but not including commercial slaughtering.
- b. Camps (nonprofit) and/or clubs (Boy Scout, church, veteran, sportsmen and other similar groups) may be operated, provided, such camps or clubs are not open to the public and excludes any activities carried on primarily for gain.
- c. Cemetery, adjacent to or an extension of an existing cemetery.
- d. Churches, providing it shall be located at least fifty (50) feet from all adjacent property lines.
- e. Government or community owned meeting halls or places.

- f. Small animal grooming and related services, kennels for the raising, breeding and boarding of dogs or other small animals, and including office of a veterinarian, provided, that all buildings, including runways, be at least one hundred (100) feet from all adjacent property lines.
- g. Dwellings, one family detached.
- h. State licensed residential facilities.
- i. Alteration and conversion of one family farm dwellings into not more than three-family dwellings, provided each dwelling unit shall contain at least six hundred (600) square feet of floor area.
- j. Farming, general and specialized, including nurseries, greenhouses, truck gardening, poultry raising, beekeeping and similar bona fide agricultural enterprises or uses of land and structures, providing sale of products shall be limited to those grown on the premises. No commercial slaughtering.
- k. Feedlots and confinement systems for the raising of domestic animals for commercial purposes, provided that any structures, pens and buildings in which animals are kept shall be located not less than five hundred (500) feet from any residential district.
- l. Public parks, provided that any principal building shall be located at least one hundred (100) feet from all adjacent property lines.
- m. Riding stables, provided that such buildings shall be located at least two hundred (200) feet from all adjacent property lines and further provided that adequate bridle paths be made available either on private property or on nearby public lands.
- n. Roadside produce stands, provided any structure used for such purposes shall be located not less than thirty (30) feet from the road right-of-way boundary line and have adequate off road parking.
- o. Any accessory use or structure clearly incidental and customary to the operation of the above uses.
- p. Signs permitted under provisions of Section 5.2.
- q. Essential services and structures of a non-industrial character, but not including maintenance depots and warehouses except in accordance with the regulations specified in Section 5.18.
- r. State licensed residential facilities.

**Conditional Uses:**

Conditional uses shall be permitted upon recommendation by the Planning Commission and authorization by the Township Board, and subject to such reasonable restrictions as may be clearly and specifically set forth in writing by the Township Board. For every such use the Township Board shall follow procedures set forth in Article V.

- a. The raising of domestic animals, fowl and fur bearing animals (other than farm livestock) for commercial purposes, provided that any structure, pens and yards in which animals or fowl are kept shall be located not less than two hundred (200) feet from any residence located on any other lot or premises.
- b. Nursing homes, homes for the aged, child care homes and nursery schools wherein there are four (4) or more persons, provided that:
  - (1) Principal buildings used therefore shall be not less than fifty (50) feet from any other lot,
  - (2) Floor space per person not less than forty (40) square feet,
  - (3) Outdoor activity areas for each person not less than seventy-five (75) square feet.

- c. Livestock auction yards and structures, provided that:
  - (1) Written consent of eighty percent (80%) of all owners of property is obtained within five hundred (500) feet of any part of the lot on which it is to be located.
  - (2) No yards or structures shall be located less than five hundred (500) feet from any R District or any dwelling.
- d. Commercial slaughterhouses.
- e. Quarries.
- f. A portable asphalt plant may be operated in any existing gravel pit in the Township on a temporary basis after obtaining approval of the Township Board, provided such plant is not less than one thousand (1000) feet from any R District, and provided that such use must be discontinued if the Township Board determines that the same has become a public nuisance.
- g. Parks, camps, golf courses, hunting clubs, wildlife areas and similar recreational uses.
- h. Aircraft landing field or airports, providing that the parcel or tract of land is sufficiently large so as not to create a noise or safety hazard to adjacent or nearby property owners or their property.
- i. Permitted Home Occupations, custom dressmaking, upholstering, millinery, tailoring, draperies and curtains, laundering, preserving, boarding houses, and beauty shops, subject to provisions of Article V, Section 5.15.
- j. Commercial, organized or nonprofit courses, events or premises for the purpose of inviting the public or private groups to race, run or use snowmobiles, motorcycles, all-terrain vehicles or dune buggies. Any such course, event or premises shall come under this section if vehicles are used or invited, or the event is an organized race or the premises is used for profit or the event is held or course made for profit.
  - (1) In all such cases the owner or lessee of the premises shall satisfy the Township Board that the activity will not be a nuisance to property owners in the vicinity by reason of the activity being held at reasonable hours, the premises being of sufficient acreage to confine the activity in such a manner as to prevent noise from bothering property owners in the vicinity, and the activity will be conducted in a manner consistent with and in conformity with applicable provisions of the Zoning Ordinance.
- k. Additional single or two-family homes.
- l. Veterinary office or animal clinic.
- m. Keeping and maintaining exotic animals
- n. Country clubs; public swimming pools; recreation centers; and parks playgrounds, and playfields.

- o. Public and private nurseries; primary and secondary schools.
- p. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
- q. Farm dwellings, farm buildings and structures, including nurseries, greenhouses, and general farming, provided hereafter any parcel of land in such use shall be not less than five (5) acres in area and any building in which farm animals are kept shall be located not less than seventy-five (75) feet from every lot line. Nursery and greenhouse uses may include attendant and incidental sale of agricultural and horticultural products not necessarily grown or produced on the premises and/or the incidental retail sale of items generally associated with a retail nursery such as gardening tools and implements, lawn furniture, decorative lawn items, etc.
- r. Veterinary office and/or commercial kennel, but not including any outdoor exercising runways, provided any structure used for kennels or runways shall be not less than one hundred (100) feet from any other lot in any R or AG District.
- s. Bed and Breakfast Facility.
- t. Planned-unit residential development in accordance with the regulations specified in Article V, Section 5.5.I.4.
- u. Communication Tower
- v. Open Recreational Vehicle Storage
- w. Wind energy conversion systems
- x. Solar Panels and Solar Farms
- y. Ponds

**Area, Yard, Height, and Bulk Requirements: See Section 4.5.**

**Parks and Open Space District (PO):**

The intent of this district is to set aside those lands that, because of their physical characteristics, would be suitable for parks, recreation and open space use.

**Permitted Uses:**

- a. Public or private forest preserve, game refuge, park, rustic camping ground, playground, or other recreation purpose.
- b. Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.



- c. Essential services and structures of a non-industrial character, and not including maintenance depots, warehouses or similar buildings or structures.
- d. Accessory uses or structures.

**Conditional Uses:**

- a. Privately or publicly operated trails, commercial or not for profit, for use by pedestrians or bridle trails (but not including stables).
- b. Golf course, club and/or driving range.

**Area, height, bulk and placement requirements:**

Lots in this Zoning District shall be a minimum of ten (10) acres in area and have a minimum lot width of Three Hundred and Thirty (330) feet. Area, height, bulk and placement requirements applicable to the Parks and Open Space District, unless otherwise specified, shall be as provided for in the Agricultural District.

**SECTION 4.2 - RESIDENTIAL DISTRICTS**

The Suburban Residential District, Multi-Family Residential District and Mobile Home Residential District are designated principally for residential use and are limited to dwellings and uses normally associated with residential neighborhoods in order to encourage a suitable and healthy environment for family life. The residential districts are designed to regulate the location of residential uses and dwellings according to a well-considered plan which reflects the different types of residential uses and dwellings, the different densities of population and the intensity of land use desired; potential nuisances and hazards which may cause unhealthy conditions; and the relationship of residential uses and dwellings to other areas devoted to agricultural, commercial, or industrial use and to streets. The purpose of each residential district is further stated below.

State licensed residential facilities shall be a permitted use in each of the following residential districts.

**Suburban Residential District (SR)**

**No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for either one or several of the following Permitted Uses and the lawful Accessory Uses thereto, or for one or several of the following Conditional Uses:**

**Permitted Uses:**

- a. Single family detached dwellings.
- b. Churches and other buildings for religious worship.
- c. Government or community buildings.
- d. Onsite signs, only in accordance with the regulations specified in

Section 5.2.

- e. Essential services, only in accordance with the regulations specified in Section 5.18.
- f. Accessory uses or structures.

**Conditional Uses:**

- a. Country clubs, recreation centers, public swimming pools, parks, playgrounds, and playfields.
- b. Public and private nurseries, primary and secondary schools.
- c. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
- d. Golf courses.
- e. Permitted Home Occupations, custom dressmaking, upholstering, millinery, tailoring, draperies and curtains, laundering, preserving, boarding houses, and beauty shops, subject to provisions of Section 5.15.
- f. Nursing homes, homes for the aged, child care homes and nursery school wherein there are four (4) or more persons, provided that:
  - (1) Principal buildings used therefore shall be not less than fifty (50) feet from any other lot;
  - (2) Floor space per person not less than forty (40) square feet;
  - (3) Outdoor activity areas for each person not less than seventy-five (75) square feet and shall be fenced and screened from adjoining property or highway.
- g. Bed and Breakfast Facility
- h. Planned-unit residential development in accordance with the regulations specified in Section 5.5.I.4.
- i. General farming, farm dwellings, buildings and structures including kennels, nurseries and greenhouses provided hereafter that any parcel of land in such use shall not be less than five (5) acres in area and any building in which farm animals or kennel animals are kept shall be located not less than seventy-five (75) feet from every lot line and that all such uses shall be subject to any other provision of this ordinance pertaining thereto. The term general farming shall include the keeping of not more than one (1) animal unit, as defined by the generally accepted agricultural management practices by the United States Department of Agriculture and the Michigan Department of Agriculture, for the first two acres of land and no more than one additional animal unit for each additional acre of land. For purposes of this section animal unit shall mean animals not generally considered a domestic household pet such as horses, buffalo, llamas, pot-bellied pigs or other swine, ostriches, fowl or similar wildlife or livestock. One

additional animal unit shall be permitted for each resident school-age child enrolled in a public or private school which offers Future Farmers of America (FFA) and/or 4-H Club programs in which the class/club participants are required or allowed to raise project animals for education, show or profit purposes, up to a maximum of three (3) additional animal units. The Planning Commission shall at all times have the discretion to apply generally accepted agricultural management practices as described above to requests for conditional use permits under this section as well as any and all applicable provisions of this ordinance.

j. Solar Panels

k. Ponds

**Area, Yard, Height, and Bulk Regulations: See Section 4.5**

**Multiple Family Residential District (MR):**

This district is designed to permit a high density of population and a high intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system, and which abut or are adjacent to such other uses or amenities which support, complement, or serve such a density and intensity.

**Permitted Uses:**

- a. Multiple family dwellings in accordance with the regulations specified in Article V.
- b. Two-family dwellings.
- c. Onsite signs, only in accordance with the regulations specified in Article V.
- d. Essential services, only in accordance with the regulations specified in Section 5.18.
- e. Accessory uses or structures.
- f. Rooming houses and boarding houses.
- g. Home occupations, only in accordance with the regulations specified in Section 5.15.
- h. Churches and other buildings for religious worship.
- i. Government or community owned buildings.

**Conditional Uses:**

- a. Planned unit residential development in accordance with the regulations specified in Section 5.5.I.4.
- b. Public swimming pools, recreation centers, parks, playgrounds, and playfields.

- c. Public and private nurseries, primary and secondary nonprofit schools, colleges and universities.
- d. Medical and dental clinics.
- e. Hospitals, convalescent or nursing homes, sanitariums, and orphanages.
- f. Offices.
- g. Funeral establishments.
- h. Single family dwellings.
- i. Bed and Breakfast Facility.
- j. Solar Panels
- k. Ponds

**Area, Yard, Height, and Bulk Requirements: See Section 4.5.**

**Mobile Home Residential District (MH):**

This district is composed of those areas of the Township whose principal use is and ought to be mobile home dwellings. The regulations of this district are designed to create an alternative housing type in the Township in those areas served by central water and sanitary sewer systems.

**Permitted Uses:**

The following uses of parcels, lot buildings, and structures are permitted in this district:

- a. Mobile Home Parks in accordance with the regulations specified in Section 5.5.I.5.
- b. Mobile Home Condominiums shall comply with the Condominium Act of 1978, being Act 59, Public Act of Michigan, 1978, as amended.
- c. Mobile Home Subdivisions in accordance with the regulations specified in Section 5.5.I.6.
- d. A sign, only in accordance with the regulations specified in Section 5.2.
- e. State Licensed Residential Facilities except that no State Licensed Residential Facility shall be located within 1500 feet of another State Licensed Residential Facility.
- f. An accessory use, structure, or building.
- g. Essential Services Structures of a non-industrial character but not including maintenance depots and warehouses.

**Conditional Uses:**

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article V:

- a. Single family dwellings.
- b. Churches and other buildings for religious worship.
- c. Public and private nursery, primary, and secondary nonprofit schools; colleges and universities.
- d. Government or community owned buildings.
- e. Home Occupation in accordance with Section 5.15.
- f. Solar Panels
- g. Ponds

**Area, Yard, Height, and Bulk Requirements: See Section 4.5.**

**Lake Residential District (LR):**

This district is designed to preserve and enhance areas which are suitable for lakefront and rivers and streams residential development, principally single-family dwellings at moderate densities, with consideration to protecting the water bodies from potential pollutants.

**Permitted Uses:**

The following uses of parcels, lot buildings, and structures are permitted in this district:

- a. Single-family detached dwellings.
- b. On-site signs, only in accordance with the regulations specified in Section 5.2.
- c. Essential services.
- d. Accessory uses or structures.

**Conditional Uses:**

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article V:

- a. Planned-unit residential developments.
- b. Parks, playfields, walking paths and pedestrian nature trails.

- c. Churches and other buildings for religious worship.
- d. Essential service structures of a non-industrial character, but not including maintenance depots and warehouses.
- e. Home occupations in accordance with the regulations specified in Section 5.15
- f. Marinas.
- g. Solar Panels

**Area, Yard, Height, and Bulk Regulations: See Section 4.5.**

### **SECTION 4.3 - COMMERCIAL DISTRICT**

The Commercial District designed to limit compatible commercial enterprises at appropriate locations to encourage efficient travel movement, parking, and utility service; advance public safety; and protect surrounding property. The Commercial District is designed to regulate the location of these business uses according to a well-considered plan which determined the types of such uses and the intensity of land, street and highway use; potential nuisances and hazards which may cause unsafe conditions; and the relationship of commercial uses to each other and to other areas devoted to agricultural, residential, or industrial use and to streets and highways. The purpose of this Commercial District is further stated below.

#### **Commercial District (C):**

This district is intended to encourage planned and integrated groupings of retail, service, and administrative establishments which will retail goods and provide services for the entire area. These districts should be provided at locations directly accessible to major thoroughfares and should encourage grouping of various facilities into centers and discourage dispersion of these activities.

#### **Permitted Uses:**

- a. Personal services, including but not limited to barbershops and beauty salons; medical and dental clinics; dry cleaners and self-service Laundromats; and sale and repair shops for watches, shoes, radios, and televisions.
- b. Business services including banks, loan offices, real estate offices, and insurance offices.
- c. Offices of an executive, administrative, or professional nature.
- d. Indoor retail sales establishments.
- e. Indoor commercial amusement and recreation services, including theaters, bowling alleys, and roller and ice skating rinks.

- f. Small animal clinics.
- g. Eating and drinking establishments.
- h. Clubs and lodges.
- i. Funeral homes.
- j. Printing establishments.
- k. Onsite signs, only in accordance with the regulations as specified in Section 5.2.
- l. Accessory uses or structures.
- m. Essential services and structures of a non-industrial character.

Conditional Uses:

- a. Automobile service stations in accordance with the regulations specified in Section 5.5.I.9.
- b. Hotels or motels.
- c. Sales, rental, and service of motor vehicles, trailers, and boats.
- d. Drive-in/thru eating, retail and service establishments.
- e. Automobile sales establishments and repair garages.
- f. Drive-in theaters in accordance with the regulations in Section 5.5.I.3.
- g. Planned commercial unit developments in accordance with the regulations specified in Section 5.5.I.4
- h. Churches and other buildings for religious worship.
- i. Government- or community-owned buildings.
- j. Nursery care and day care establishments.
- k. Self-service storage facilities. However, storage of flammable or hazardous chemicals, explosives, items that are noxious or offensive because of odors, dust, noise or fumes, and illegal substances are prohibited. The facility owner may hold two (2) auctions or sales per calendar year for the purpose of collection of delinquent fees or disposing of abandoned property.
- l. Outside storage associated with Self-Service Storage Facilities. Outside storage of items including but not limited to recreational vehicles (RV's), travel trailers, and operable or inoperable vehicles.

- m. Kennel
- n. Outdoor Commercial Amusements.
- o. Communication Tower.
- p. Solar Panels and Solar Farms
- q. Ponds

**Area, Yard, Height, and Bulk Requirements: See Section 4.5.**

## **SECTION 4.4 - INDUSTRIAL DISTRICT**

It is recognized by this Ordinance that the value to the public of designating certain areas for certain types of industrial uses is represented in the employment opportunities afforded to citizens and the resultant economic benefits conferred upon the Township of Clinton. In order that this value may be maintained and this use encouraged, this Ordinance has established one zoning district designed to regulate the location of industrial uses according to a well-considered plan which reflects the types of such uses and the intensity of land, street, and highway use in each such district; potential nuisances and hazards which may cause unsafe and unhealthy conditions; and the relationship of industrial uses to other areas devoted to agricultural, residential, or commercial use and to streets, highways, and other means of transportation. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of these districts have been excluded. The purpose of each industrial district is further stated below.

### **Industrial District (I):**

This district is composed of those areas of the Township whose principal use is and ought to be light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter. This district has been located within the Township to permit the development of these industrial uses, to protect adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses, and to lessen congestion of public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district, have been excluded.

No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for one or several of the following Permitted Uses and accessory uses thereto or for one or several of the following Conditional Uses:

### **Permitted Uses:**

- a. Commercial laundries and dry cleaning establishments; and frozen food lockers and ice and cold storage plants.
- b. Building material storage and sales.



- c. Packaging of previously prepared materials, but not including the baling of discarded paper, rags, cloth, metal, iron, or other similar materials.
- d. Printing, lithographic, blueprinting and similar uses.
- e. Automobile repair garage; construction and farm equipment sales and repair; and contractor's equipment yards.
- f. Warehousing, material distribution centers and wholesale sales establishments, provided all products and materials are enclosed within a building.
- g. Skilled trade services including plumbing, electric and heating not engaged in any retail activities on the site.
- h. Light industrial assembly which by the nature of the materials, equipment, and processes utilized are to a considerable extent clean, quiet, and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials: drugs; jewelry; musical instruments; sporting goods; glass products; small household appliances; electronic products; printed matter; baked and dairy products; advertising display; tents and awning; brushes and brooms; cameras and photographic equipment and supplies; wearing apparel; leather products and luggage but not including tanning; products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell or yarn.
- i. Bus, truck, taxi, and rail terminals.
- j. Essential service structures.
- k. Self-service storage facilities. However, storage of flammable or hazardous chemicals, explosives, items that are noxious or offensive because of odors, dust, noise or fumes, and illegal substances are prohibited. The facility owner may hold two (2) auctions or sales per calendar year for the purpose of collection of delinquent fees or disposing of abandoned property

**Conditional Uses:**

- a. Restaurants
- b. Research and testing facilities.
- c. Trucking and cartage facilities including repairing and washing equipment and yards.
- d. Government or community buildings, but not including schools.
- e. Communication Tower
- f. Open Recreational Vehicle Storage

- g. Outside storage associated with Self-Service Storage Facilities. Outside storage of items including but not limited to recreational vehicles (RV's), travel trailers, and operable or inoperable vehicles.
- h. Adult entertainment and sexually oriented business. See Section 5.5.I.15
- i. Solar Panels and Solar Farms
- j. Ponds

**Area, Yard, Height, and Bulk Regulations: See Section 4.5.**

**SECTION 4.5 – DISTRICT AREA, YARD, HEIGHT AND BULK REGULATIONS**

ZONING DISTRICT	ZONING SYMBOL	LOT REQUIREMENTS			MINIMUM YARD REQUIREMENTS			MAXIMUM BUILDING HEIGHT REQUIREMENTS		MINIMUM TRANSITION STRIP REQUIREMENTS	REMARKS
		Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Front	Side	Rear	Principal	Accessory		
Parks and Open Space	PO	10 acres	330'	10%	60'	30'	50'	2 ½ story or 35'	80'	----	----
Agricultural	AG	5 acres	300'	20%	60'	20' 60'*	35'	2 ½ story or 35'	80'	----	All Uses
Suburban Residential	SR	12,000 sq.	80'	30%	35'	10' 25' total 35'*	20'	2 ½ story or 35'	30'	----	Single Family Detached Dwelling w/Central Sewer & Water
		1 acre	160'								Single Family Detached Dwelling w/o Central Sewer & Water
		1 acre	160'								All Other Uses
Lake Residential	LR	14,000 sq. ft.	80'	30%	50'	10' 25' total 35'*	35'	2 ½ story or 35'	16'	----	Single Family Detached Dwelling w/Central Sewer & Water
		1 acre	120'								All other Uses
Multi-Family Residential**	MR	12,000 sq. ft.	80'	25%	25'	10' 25' total 35'*	25'	2 ½ story or 35'	30'	----	Single Family Detached Dwelling w/Central Sewer & Water
		1 ½ acres	200'								Two Family Detached Dwelling w/o Central Sewer & Water
		1 ½ acres	200'								1 ½ Acres First 3 Dwelling Units Plus 2,000 sq. ft. Each Addt'l. Dwelling Unit. All other Uses
Mobile Home Residential**	MH	10 acres	35'	15%	See MH District			1 story or 15'	15'	See MH District	Mobile Home Park
		4,000 sq. ft.									Mobile Home Site w/in a Mobile Home Park
Commercial	C	10,000 sq. ft.	75'	25%	35'	20' 35'*	20'	35'	25'	15 ft. wide and fence, wall, or hedge 4' or 6' height if abutting a residential district 20' wide landscaped strip if fronting a public street	With Central Sewer & Water Systems
		1 acre	160'								Without Central Sewer & Water Systems
Industrial	I	20,000 sq. ft.	80'	25%	35'	20' 35'*	35'	35'	35'	25' wide and fence >4' but <8' height if abutting a Residential or Commercial District 20' wide landscaped strip if fronting a public street	With Central Sewer & Water Systems
		----	160'								Without Central Sewer & Water Systems

\*Corner Lot.

\*\*Regulations only apply to Mobile Home Park to the extent not exempted by Federal or State Law or Regulation.

## SECTION 4.5 - DISTRICT AREA, YARD, HEIGHT AND BULK REGULATIONS

### Compliance with Regulations:

1. No building or structure shall hereafter be erected or altered to exceed the height, to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces than prescribed for the district in which the building or structure is located.
2. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
3. No part of a yard or other open space required for or in connection with, any structure for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.
4. No basement or cellar shall be erected for dwelling purposes except after approval by the Clinton Township Zoning Board of Appeals.

### Yard Measurements:

1. Lots which abut on more than one street shall provide the required front yards along every street.
2. All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three (3) feet in length from the structure wall.

### Lot Width:

The mean horizontal distance between the side lines as measured at right angles to such side lot lines. Where side lot lines are not parallel, the lot width shall be the average horizontal distance between such side lot lines.

### Height Exceptions:

Exceptions to the maximum height regulations for each district specified in this Ordinance may be permitted subject to the following provisions:

1. Height Limitations:  
The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures provided they comply with all other provisions of this or any other applicable ordinances: parapet walls, chimneys, smokestacks, church spires, flagpoles, radio and television towers, penthouses for mechanical equipment, and water tanks.
2. Increased Height:  
Building height in excess of the height above average ground level allowed in any district may be permitted by the Zoning Board of Appeals provided all minimum front, side, and rear yard depths are increased one (1) foot for each additional one (1) foot of height and provided that

adequate fire protection and compatibility with existing structure heights can be demonstrated.

**Accessory Structures:**

1. No detached accessory building or structure shall be located closer than ten (10) feet to any other building or structure.
2. All detached accessory structures in any residential district shall be subject to the same dimensional requirements affecting the principal structure, except however, such accessory structure may be placed not less than five (5) feet from any rear lot line or the rear yard portion of any side lot line; and shall not exceed fifteen (15) feet in height.
3. All accessory structures in nonresidential districts shall be subject to the same standards and requirements as specified in the Tables of Section 4.5.

**Distance Between Grouped Buildings:**

In addition to the required setback lines provided elsewhere in this Ordinance, in group dwellings (including semidetached and multiple dwellings) the following minimum distances shall be required between each said dwelling:

1. Where buildings are front to front or front to rear, three (3) times the height of the taller building, but not less than seventy (70) feet.
2. Where buildings are side to side, one (1) times the height of the taller building but not less than twenty (20) feet.
3. Where buildings are front to side, rear to side, or rear to rear, two (2) times the height of the taller building but not less than forty-five (45) feet.

**ARTICLE V SUPPLEMENTAL REGULATIONS**

**SECTION 5.1 - PURPOSE**

It is the purpose of this article to provide regulations and requirements for signs to be low profile and aesthetically appealing, that supplement the provisions contained under the respective district regulations in Article IV, and may or may not apply in all Zoning Districts.

**SECTION 5.2 - SIGN REGULATIONS**

**General Sign Regulations:**

1. No sign shall be erected at any location, where by reason of the position, size, shape, color, movement, or illumination, may interfere with or obstruct the view of traffic, nor shall any sign be confused with any authorized traffic sign, signal, or device.

2. All signs shall be designed and constructed in a safe, sturdy, and durable manner with proper bracing anchorage, and foundation, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the aesthetic character of such area.
3. In the Agricultural District signs may be illuminated only by non-flashing light. Any light used to illuminate such signs shall be so arranged as to reflect light away from adjoining premises and streets.
4. In all Commercial and Light Industrial Districts, all signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is arranged to reflect away from the adjoining premises and streets. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
5. All signs shall be placed no closer to the street right-of-way line than one half the minimum authorized front yard depth.
6. In all Commercial and Light Industrial Districts, a sign designed as portable or mobile which is in compliance with Section 5.2 may be used on each street frontage. A valid permit will be required for each sign in each location. Permits shall be issued for a maximum of thirty (30) days. No more than three (3) permits shall be issued in any twelve (12) month period.
7. Maximum height of an on or off site sign, including base, (ground level to top of sign) not to exceed twenty-five (25) feet.

**Permitted On-Site Signs in Agricultural District:**

The following onsite signs are permitted on any one lot in the Agricultural District:

1. One on-site sign advertising the sale or lease of the lot, chattels, or building, not exceeding six (6) square feet in area.
2. One on-site sign announcing a home occupation not to exceed three (3) square feet area.
3. One on-site sign identifying a park, school building, or other authorized use not to exceed eighteen (18) square feet in area.
4. One on-site sign advertising the type of farm products grown on the farmstead not to exceed twelve (12) square feet in area.

**Permitted On-Site Signs in all Residential Districts (SR, LR, and MR):**

The following on-site signs are permitted on any one lot in residential districts. The maximum height of these signs shall not exceed eight (8) feet.

1. One on-site sign advertising the sale or lease of the lot, chattels, or building not exceeding six (6) square feet in area.
2. One on-site sign announcing a home occupation, boarding home, or professional service, not to

exceed three (3) square feet in area and attached flat against the front wall of the building.

3. One on-site sign advertising a recorded subdivision or development not to exceed thirty-two (32) square feet in area. Such sign shall be removed within one year after the sale of ninety (90) percent of all lots or units within said subdivision or development.
4. One on-site sign not having commercial connotations identifying a multiple family building development, not to exceed eighteen (18) square feet in area.
5. One on-site sign identifying a school, church, public building, or other authorized use, not to exceed eighteen (18) square feet in area.

### **Permitted On-Site Signs in all Commercial Districts & Mobile Home Parks:**

1. One on-site sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-eight (48) inches. The total sign area shall not exceed one half (1/2) square foot for each foot in length or height of the wall, whichever is greater.
2. One on-site freestanding identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed two hundred (200) square feet in area, nor be closer to the front, side, or rear property line, than one half (2) the distance of the required building setback.
3. Not more than four (4) freestanding identification signs may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such signs shall not have a combined area in excess of 105 square feet, nor shall they be closer to the front, side, or rear property line, than one half (1/2) the distance of the required building setback.

### **Off-Site Signs:**

Off-site signs, advertising a product for sale or a service to be rendered at a location other than the premises, shall be permitted in all Industrial Districts, and the Agricultural District under the following conditions:

1. Off-site signs are required to conform to yard and height requirements as other principal structures or buildings in the district in which they are situated.
2. Where two (2) or more off-site signs are along the frontage of a single street or highway they shall not be less than one thousand (1,000) feet apart. A double face (back to back) or a V-type structure shall be considered a single sign.
3. The total surface area, facing in the same direction of any off-site sign, shall not exceed three hundred (300) square feet in area.
4. No off-site sign shall be erected on the roof of any building, nor shall one sign be located above another sign.

5. Off-site signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of lighting arrangement or other devices shall be permitted.

**Signs for Automobile Service Stations:**

Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each street frontage, located no closer to the property line than ten (10) feet, and installed so that a clear view of street traffic by motorists or pedestrians shall not be obstructed in any way to a height of sixteen (16) feet other than necessary supports, and not exceeding twenty-five (25) square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies.

**Elimination of Nonconforming Signs:**

The provisions of Section 5.7 shall apply to all nonconforming signs.

**SECTION 5.3 - OFF-STREET PARKING REQUIREMENTS**

In all districts, there shall be provided at the time any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified. Such off-street parking spaces shall be maintained, and shall not be encroached upon by structures or other uses so long as the principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance. Access routes shall be limited and defined.

**Plans:**

Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Zoning Inspector for review at the time of application for a zoning compliance permit for the erection or enlargement of a building.

**Location of Off-Street Parking Area:**

Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that the distance shall not be less than one hundred fifty (150) feet for any dwelling unit. The distance specified shall be measured from the nearest point of the parking facility to the nearest point of the building or use that such facility is required to serve.

**Parking in Residential Districts:**

Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type, not to exceed three fourths (3/4) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, except for those parked on school or church property, is prohibited in a residential district.

**Off-Street Parking Area Design:**

1. Each off-street parking space for automobiles shall be not less than nine (9) feet in width and eighteen (18) feet in depth for all angular, perpendicular, or parallel type parking, exclusive of access drives or aisles, and shall be of usable shape and condition.



2. There shall be provided a minimum access drive of twelve (12) feet in width for one-way traffic and twenty (20) feet for two-way traffic, and where a turning radius is necessary, it will be of such an area as to reasonably allow an unobstructed flow of vehicles.
3. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking spaces. The minimum width of such aisles shall be:
  - a. For ninety (90°) degree perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.
  - b. For sixty (60°) degree parking, the aisle shall not be less than eighteen (18) feet.
  - c. For forty-five (45°) degree parking, the aisle shall not be less than thirteen (13) feet in width, for one-way traffic and eighteen (18) feet in width for two-way traffic.
  - d. For parallel parking, the aisle shall not be less than ten (10) feet in width.
4. There shall be four (4) foot pedestrian walkways to assure pedestrian safety from parking space to use structures.
5. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.
6. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust free surface resistant to erosion.
7. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential or institutional premises, or public roadways.
8. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution, by a wall, fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
9. All off-street parking areas that make it necessary for vehicles to back out directly into public roads are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.

Collective parking:

Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

**Determining Requirements:**

For the purposes of determining off-street parking requirements the following units of measurement

shall apply:

1. Floor Area:

In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.

2. Places of Assembly:

In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

3. Fractions:

When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one half (1/2) shall be disregarded and fractions over one half (1/2) shall require one (1) parking space.

**Schedule of Off-Street Parking Spaces:**

The minimum required off-street parking spaces shall be set forth in the following Schedule of Off-Street Parking Spaces. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

USE	PARKING SPACE REQUIREMENTS
Automobiles or Machinery Sales & Service Garages	One (1) space for each (200) square feet of a showroom floor area plus (2) spaces for each service bay plus (1) space for each (2) employees.
Bank, Business and Professional Offices	One (1) space for each (200) square feet of gross floor area
Barber Shops & Beauty Parlors	One (1) space for each chair plus (1) space for each employee.
Bowling Alleys	Seven (7) spaces for each alley
Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls and other schools	One (1) space for each (4) seats
Drive-In Establishments	One (1) space for each (15) square feet of building space.
Drive-In Theaters	One (1) space for each outdoor speaker facility plus (1) space per each (2) employees.
Dwelling Unit	Two (2) spaces for each family or dwelling unit, except for housing constructed for the elderly, in

	such case 3/4 spaces per unit shall be provided
Funeral Homes and Mortuaries	Four (4) spaces for each parlor and (1) space for each (50) square feet of floor area plus (1) space for each fleet vehicle
Furniture, Appliances Stores, Household Equipment and Furniture Repair Shops	One (1) space for each (400) square feet of floor area.
Golf Courses	Six (6) spaces for each golf hole and (1) space for each employee.
Hospitals	One (1) space for each bed, excluding bassinets plus (1) space for each bassinet plus (1) space for each (2) employees.
Hotels, Motels, Lodging Houses, Board Homes	One (1) space for each living unit plus (1) space for each (2) employees
Auto Service Stations	One (1) space for each (800) square feet of floor area plus (1) space for each (4) employees.
Manufacturing, Fabricating, Processing and Bottling Plants, Research and Testing Laboratories	One (1) space for each (2) employees on maximum shift.
Medical and Dental Clinics	One (1) space for each (200) square feet of floor area plus (1) space for each employee.
Mobile Home Sales	Four (4) spaces plus (1) space for each employee
Restaurants, Beer Parlors, Taverns and Night Clubs	One (1) space for each (2) patrons maximum seating capacity plus (1) space for each (2) employees.
Self-Service Laundry or Dry Cleaning Stores	One space for each (2) washing and/or dry cleaning machines.
Elementary and Junior, private or public	One (1) space for each employee normally engaged in or about the building or grounds plus (1) space for each (03) student enrolled.
Senior High School and Institutions of High Learning, private or public	One (1) space for each employee in or about the building or grounds plus (1) space for each (4) students
Supermarket, Self Service Food and Discount Stores	One (1) space for each (200) square feet of floor area plus (1) space for each (2) employees.
Wholesale Establishments and Warehouses	One (1) space for each (400) square feet of floor area plus (1) space for each (2) employees.

**Exception:**

The parking requirements for all uses proposed on a lot shall be cumulative, unless the Planning Commission shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that particular land use parking areas can be advantageously used during non-conflicting hours by the other contiguous land use, in which event the required parking spaces for such particular land use may be reduced by the Planning Commission to a minimum of the greatest number of spaces required for any of such contiguous land uses.

**SECTION 5.4 - OFF-STREET LOADING AND UNLOADING REQUIREMENTS**

In connection with every building, structure, or use hereafter erected, except single and two-family

dwelling unit structures, which customarily receive or distribute material or merchandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space.

**Plans:**

Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Inspector for review at the time of application for a zoning compliance permit.

**Off-Street Loading Area Design:**

1. Each off-street loading and unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length measured from lot line with not less than fifteen (15) feet in height clearance.
2. Any loading/unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) Feet in height.
3. All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

**Off-Street Loading Area Space Requirements:**

1. In the case of mixed uses on one lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
2. All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading/unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading/unloading space.
3. All industrial and wholesale commercial land uses shall provide one (1) loading space for each ten thousand (10,000) square feet of floor space, with a minimum of two (2) loading spaces.

**SECTION 5.5 - CONDITIONAL USES:**

The formulation and enactment of this Ordinance is based upon the division of the Township of Clinton into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses however, there are certain other uses which it may be necessary or desirable to allow in certain locations in certain districts, but which because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the health, safety and welfare of Clinton Township. Such uses, on account of their peculiar location, need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

**Authority to Grant Permits:**

The Planning Commission as hereinafter provided, shall have the authority to recommend to the

Township Board to grant conditional use permits, subject to such conditions of design, operation, and safeguards as the Township Board may determine for all conditional uses specified in the various district provisions of this Ordinance. In addition, the Planning Commission may recommend such other uses as may be in accordance with, and subject to all restrictions and safeguards, of Section 5.5 et seq. of this Ordinance with the Township Board having authority to approve or disapprove in order that the Township Board will have discretion to recommend and permit a use not specified as a conditional use within the various district provisions of this Ordinance. If such a use is recommended by the Planning Commission and subsequently approved by the Township Board then such use is not to be construed as a precedent in either the approval or denial of any similar or identical use within any district of this Ordinance.

**Application and Fee:**

Application for any Conditional Use Permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Clinton Township Clerk by filling in an official conditional use permit application form, submitting required data, exhibits, and information and depositing the required fee as established by resolution of the Clinton Township Board. No part of such fee shall be returnable to the applicant.

**Data, Exhibits, and Information Required in Application:**

An application for a conditional use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; an accurate survey drawing of said property showing the existing and proposed location of all structures thereon, the types thereof, and their uses; and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.

**Public Hearings:**

After a preliminary review of the site plan and an application for a Conditional Use Permit, the Planning Commission shall hold a hearing on the site plan and conditional use request. Notice of hearing shall be given in accordance with Article VIII of this Ordinance.

**Required Standards and Findings for Making Determination:**

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence to determine if such a use on the proposed site, lot, or parcel meets the following requirements:

1. Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.
2. Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
3. Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will not create excessive additional requirements at public cost for public facilities and services.

**Determination and Imposition of Conditions:**

If the facts presented in the case do not reasonably establish that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not recommend to the Township Board that said Township Board should grant a conditional use permit. In recommending that a conditional use permit should be granted by the Township Board, the Planning Commission shall recommend such conditions of use as it deems necessary and reasonable, and the reasons therefore to protect the best interest of Clinton Township and the surrounding property owners, and occupants to achieve the objectives of this Ordinance.

**Approval, Grant or Permit:**

Upon holding a public hearing and the finding that the requirements of subsection 5.5.2 through 5.5.6 of this Ordinance have been satisfactorily met by the applicant, the Planning Commission shall within thirty (30) days recommend approval or disapproval to the Clinton Township Board. When the Board gives final approval, a conditional use permit shall be issued to the applicant. The Township Board shall within forty-five (45) days grant or refuse such permit, and if granted, shall forward copies of this permit to the applicant, Clerk, Zoning Inspector, and Planning Commission. The Zoning Inspector shall not issue a zoning compliance permit until he has received a copy of the conditional use permit approved by the Township Board and determined that the stipulated conditions have been met. The decision to approve or deny a request for a Conditional Use Permit shall be retained as a part of the record of action on the request and shall incorporate a statement of Findings and conclusions which specify such approval or denial.

**Voiding of Conditional Use Permit:**

Any conditional use permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within a period of not more than two hundred ten (210) days and completed within a period of not more than five hundred and seventy-five (575) days of the date of issuance. The period for initiating and completion of said conditional use permit shall be determined at the time the conditional use permit is granted. No use provided for under the conditional use granted shall be initiated until all the terms and conditions of the conditional use are met. A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Planning Commission and or Township Board to terminate and cancel a conditional use permit.

A performance bond may be required by the Clinton Township Board as specified in Section 2.1.

**Additional Development Requirements for Certain Uses:**

A conditional use permit shall not be issued for the uses specified in this subsection unless complying with the size and development requirements as herein specified. The Planning Commission may impose additional conditions and safeguards when deemed necessary.

1. Extraction, Soil Removal and Mining Operation. The following site and developmental requirements shall apply:
  - a. The Planning Commission shall review the request for a conditional land use approval in

conformance with Section 17.5 of this Ordinance. In furtherance of this requirement, the applicant shall submit:

- 1) A narrative description of the nature and scope of the proposed extraction operations referenced to the requirement of Section 17.5 of the Ordinance.
  - 2) Reclamation plan for the site.
- b. Grant of a conditional land use approval and permit by the Township Board does not authorize the applicant to proceed with development of the site and commencement of mining activities. Should the Township Board grant a conditional use permit, the applicant shall proceed with application for a license to operate under the Township's Mineral Extraction Ordinance.
  - c. On said lot no digging or excavating shall take place closer than one hundred (100) feet to any lot line, or greater distance as may be required by prevailing conditions.
  - d. On said lot all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet to any lot line shall be paved, oiled, watered, or chemically treated so as to limit nuisance to adjoining lots and public roads caused by wind-borne dust.
  - e. Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by wind shall be confined within the lines of said lot as much as possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
  - f. Such removal, processing, or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, watercourse, or body outside the lines of the lot on which such use shall be located.
  - g. Such removal processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing, or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns as specified in this paragraph shall take place after the date of the cessation of operation.
  - h. All fixed equipment and machinery shall be located at least (100) feet from any lot line and five hundred (500) feet from any residential zoning district except that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
  - i. There shall be erected a fence not less than six (6) feet in height around the periphery of the

development. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top edge of any slope.

- j. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
- k. The Operator shall file with the Planning Commission and the Zoning Inspector a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil; proposed and final landscaping; and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated cost of carrying out the plans of restoration shall be included with said plans.
- l. The operator shall file with the Township of Clinton a performance bond, payable to the Township of Clinton and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall be fixed by the Clinton Township Board. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.
- m. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon reapplication, a redetermination by the Planning Commission and a filing of a performance bond, said redetermination to be made in accordance with the requirements of this Ordinance for the issuance of a conditional use permit.

### **Junk Yards:**

In addition to and as an integral part of development, the following provisions shall apply:

- a. It is recognized by this Ordinance that the location of such materials in an open area included in this Ordinance's definition of "junk yard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, a solid, unpierced approved fence or wall at least seven (7) feet in height, and not less than the height of the materials on the lot on which a junk yard shall be operated, shall be erected and maintained in good repair on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance's definition of "junk yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the solid, unpierced fence or wall located on said lot.
- b. All traffic ingress or egress shall be on major streets, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
- c. All roads, driveways, parking lots, and loading and unloading areas within any yard of a junk



yard shall be paved, oiled, watered, or chemically treated so as to limit nuisance to adjoining lots and public roads caused by wind-borne dust.

**Drive-in Theaters:**

In addition to and as an integral part of development, the following provisions shall apply:

- a. Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven (7) feet in height. Fences shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
- b. All fenced-in areas shall be set back at least one hundred (100) feet from any front street or front property line.
- c. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfare. All points of entrance or exit of motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

**Planned Unit Development:**

The purpose of this section is to permit flexibility for residential, commercial, and industrial development where large tracts of land are planned with integrated and harmonious design. Where the overall design of such units demonstrates a more efficient use of land and structures, the strict regulations of this ordinance may be modified by the Planning Commission. Any planned unit development to be eligible under this provision must comply with the following requirements:

- a. The tract of land to be developed shall have a minimum area of not less than ten (10) acres.
- b. The owner of the property shall submit to the Planning Commission a plan for the use of the total tract of land as a planned unit development in accordance with the provisions of SECTION 5.6, SITE PLAN REVIEW AND APPROVAL. In addition to the site plan data specified in SECTION 5.6, the application shall contain such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use would require differing from those ordinarily applicable under this ordinance.

The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of structures, accessory uses thereto, and public facilities as may be necessary for the welfare of the planned-unit development and not inconsistent with the best interests of the entire Township of Clinton.

- c. The average density of structures of the tract may be greater than the density requirements in the district in which the planned-unit development is located, if the Planning Commission and Township Board determine that the proposed density will be harmonious with surrounding uses and will not pose a detriment to the public health, safety and welfare.
- d. The use of land shall be in conformance with the permitted uses of the district in which the

proposed plan is to be located.

- e. The proposed development shall be served by adequate public facilities and service, such as: highways, streets, police and fire protection, drainage, structures, and refuse disposal. These facilities may be provided by a governmental or private organization.
- f. The proposed unit shall be of such size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit, without dependence on any subsequent unit or development.
- g. The common open-space, common properties, individual properties, and all other elements of the planned unit development shall be so planned that they will achieve a unified environmental scheme, with open spaces and all other elements, in appropriate locations, suitably related to each other, the site, and surrounding land.
- h. The applicant may be required to dedicate land for street and park purposes by appropriate covenants to restricting areas perpetually for the duration of the planned unit development as open space for common use. The development as authorized shall be subject to all conditions so imposed, and shall be exempt from other provisions of this ordinance only to the extent specified in the authorization.

#### **Mobile Home Parks:**

In addition to and as an integral part of development, the following provisions shall apply:

- a. All mobile home parks shall comply with the general rules of the Michigan Mobile Home Commission as established in compliance with Act No. 419 of the Public Act of 1976, as amended, for the State of Michigan.
- b. Every mobile home park shall be served by a central water supply system and a central sanitary sewerage system.
- c. The land area of a mobile home park shall not be less than ten (10) acres.
- d. Mobile home sites shall be at least five thousand (5000) square feet in area.
- e. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachments to appropriate external systems.
- f. Each mobile home or accessory structure site shall have side yards with each such yard having a width of not less than ten (10) feet and the aggregate width of both said yards not less than thirty (30) feet.
- g. Each mobile home site shall have front and rear yards with each such yard not less than eight (8) feet in depth and the aggregate depth of both said yards not less than twenty (20) feet.
- h. For the purposes of this section, yard width shall be determined by measurement from the mobile

home face (side) to its mobile home site boundary which every point shall not be less than the minimum width herein provided. Open patios shall be disregarded in determining yard widths. The front yard is that yard which runs from the hitch end of the mobile home to the nearest lot line. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the ends.

- i. From all stands, the following minimum distances shall be maintained:
  - (1) 10 feet to the buffer strip
  - (2) 30 feet to the boundary of such park which is not a public street
  - (3) 50 feet to the right-of-way of any public street or highway
  - (4) 30 feet to any collector street of such park (parking bay or central parking drive not a collector street)
  - (5) 15 feet to any parking area designed for general parking in such park (general parking defines parking bays for other than park residents)
  - (6) 50 feet to any service building in such park.
- j. A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy any minimum yard area or minimum distance prescribed herein.
- k. Each mobile home site shall be provided with a minimum stand consisting of a solid concrete four (4) inch apron not less than forty-five (45) feet long nor less than eight (8) feet wide. This apron shall be so constructed, graded, and placed to be durable and adequate for the support of maximum anticipated load during all seasons.
- l. Each mobile home shall be supported on uniform jacks or blocks supplied by the mobile home park management, or identical to those supplied by management.
- m. An all-weather, hard-surfaced, outdoor patio area of not less than one hundred twenty (120) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of a mobile home.
- n. Each mobile home park shall include similarly designed enclosed storage structure or structures suitable for storage of goods and the usual effects of the inhabitants of such park, such storage space shall not be less than one hundred twenty (120) cubic feet for each mobile home. Such storage may be located on the mobile home site or in a common structure with individual lockers.
- o. Storage of goods and articles underneath any mobile home or out-of-doors at any mobile home

site shall be prohibited.

- p. On-site outdoor laundry space of adequate area and suitable location shall be provided if park is not furnished with indoor dryers or if use of indoor dryers is not customarily acceptable to prospective occupants. Where outdoor drying space is required or desired, individual clothes drying facilities on each lot of the collapsible umbrella type of hanging apparatus shall be allowed, with park management providing a concrete-imbedded socket at each site.
- q. All mobile homes within such parks shall be suitably connected to sewer and water services provided at each mobile home site, and shall meet the requirements and be approved by the Lenawee County Health Department.
  - (1) All sanitary sewage facilities, including plumbing connections to each mobile home site, shall be constructed so that all facilities and lines are protected from freezing, from bumping or from creating any type of nuisance or health hazard. Running water from a State-tested and approved supply, designed adequately from a minimum flow of two hundred (200) gallons per day per mobile home site shall be piped to each trailer. Sewer connections shall not exceed ten (10) feet in length above ground.
  - (2) Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owner adjacent to the park.
- r. Disposal of garbage and trash:
  - (1) Any method used shall be approved by the State and inspected periodically by the Lenawee County Health Department.
  - (2) Adequate incinerators, if provided, shall be conveniently located so as not to create a nuisance and be designed so that combustible materials will be reduced to an odorless gas and inorganic ash under any weather condition.
  - (3) Trash not burned should be sorted in a conveniently located similarly designed enclosed structure or structures. The removal of non-combustible trash shall take place not less than once a week.
- s. All electric, telephone, and other lines from supply poles, or other sources to each mobile home site shall be underground. The electrical system shall be of such voltage and of such capacity to adequately serve all users in the park at peak periods. When separate meters are installed, they shall be located in a uniform manner.
- t. Any fuel oil and gas storage shall be centrally located in underground tanks, at a distance away from any mobile home site as it is found to be safe. All fuel lines leading to mobile home sites shall be underground and so designed as to conform to any State code that is found to be applicable. When separate meters are installed, each shall be located in a uniform manner.
- u. A buffer of trees and shrubs not less than twenty (20) feet in depth shall be located and maintained along all boundaries of such park excepting at established entrances and exits serving

such park. When necessary for health, safety, and welfare, a fence shall be required. No fences shall be higher than six (6) feet in height, to separate park from an adjacent property.

- v. A recreation space of at least three hundred (300) square feet per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than five hundred (500) feet from any mobile home site served. Streets, and parking areas and laundry rooms are not to be included as recreation space in computing the necessary area.
- w. All driveways, motor vehicle parking spaces and walkways with such parks shall be constructed with a bituminous or concrete material and adequately drained and lighted for safety and ease of movement.
- x. Minimum widths of roadways within a park shall be as follows:

Motor Vehicle Parking	Traffic Use	Maximum Pavement Width
Parking prohibited	2 way road	22 feet
Parallel parking - 1 side only	2 way road	20 feet
Parallel parking – 1 side only	2 way road	31 feet
Parallel parking - 2 sides	1 way road	29 feet
Parallel parking – 2 sides	2 way road	40 feet

- y. Walkways shall be installed and shall not be less than four (4) feet in width excepting that walkways designed for common use of not more than three (3) mobile home sites shall be not less than three (3) feet in width.
- z. When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas.
- aa. One (1) automobile parking space shall be provided within one hundred fifty (150) feet of each mobile home site. In such park, there shall be provided additional automobile parking space in number not less than one half (2) the number of mobile home stands.
- bb. No travel trailer designed for temporary or seasonal living shall be occupied in a mobile home park.
- cc. Skirting shall be required to cover wheels, chassis and undercarriage.
- dd. Operable smoke detectors shall be required in all mobile homes located in a mobile home park.

**Mobile Home Subdivisions, subject to the following standards:**

- a. All mobile home subdivisions shall comply with the Subdivision Control Act of 1976, being Act 288, Public Acts of Michigan, 1976, as amended.

- b. All mobile homes located in the mobile home subdivision shall be constructed to the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended.
- c. No exposed wheels, towing mechanism, or undercarriage shall be permitted.
- d. Area, height, bulk, and placement regulations for lots in mobile home subdivisions shall be identical to those required in the RS Suburban Residential District specified in Section 4.5 AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS of this Ordinance.

**Type III Sanitary Landfills:**

The deposit, storage and burial of solid waste and other materials shall be subject to the following conditions:

- a. All sites or parcels intended to be used as a sanitary landfill shall be a minimum of fifteen (15) acres.
- b. There shall be on record a suitable plan for the adequate reuse of the site that is compatible with planned surrounding land uses.
- c. The site shall not be located within the floodplain and shall be an adequate distance from other surface water areas to ensure against contamination or a minimum of 100 feet.
- d. All traffic ingress and egress shall have access to a frost free (Class A) road, and there shall be not more than one (1) entrance way to the lot on which a landfill shall be operated from each public road on which said lot abuts.
- e. Hazardous waste, liquids or sewage shall not be disposed of in any Type III sanitary landfill.
- f. The burning of trees, stumps, brush and other flammable material at a sanitary landfill shall be restricted and shall be conducted only in designated areas with the approval of the fire department.
- g. On said site, no digging or burying shall take place closer than one hundred (100) feet to any lot line, the active work area for a sanitary landfill shall be no closer than 300 feet to residences existing at the time permit is issued.
- h. Access to a sanitary landfill shall be limited to a time when a responsible individual is on duty.
- i. Actual hours of Operation will not exceed sunrise and sunset.
- j. All other requirements and rules of Act 641 of 1978 and all provision contained in the Lenawee County Solid Waste Management Plan. In cases where conflict may arise, the more restrictive regulation shall apply.
- k. If at any time, for reasons of noncompliance with regulations or provisions the license to operate

a Type III landfill is revoked, the operator shall remain responsible for the restoration of the site to a condition safe and compatible with its surrounding land uses.

**Solid Waste Transfer Stations:**

The operation of licensed solid waste transfer facilities used for the collection, deposit and removal of solid waste shall be subject to the following:

- a. All licensed solid waste transfer facilities shall be located on a minimum of one (1) acre.
- b. All structures, pads, ramps shall be of concrete or other fireproof material that can be easily cleaned and maintained.
- c. Water hoses for washing down equipment, along with connection to a septic and/or drainage field shall be provided.
- d. A solid waste transfer facility shall be enclosed by a fence not less than eight (8) feet high for enhanced security and control, if within 500 feet of a residence, constructed prior to obtaining a permit the fence or wall shall be solid and unpierced.
- e. There shall be not more than one (1) entrance way from a public road to said lot.
- f. All roads, driveways, parking lots, loading and unloading areas on said lot shall be paved, oiled, watered or chemically treated so as to limit nuisance caused by wind-borne dust and debris.
- g. Access to a solid waste transfer facility shall be limited to a time when a responsible individual is on duty.
- h. Actual hours of operation will not exceed sunrise and sunset.
- i. Burning of solid waste materials shall not be permitted on-site.
- j. No materials or waste shall be stored, collected, or deposited in any container placed on location not specifically identified for such purpose.
- k. All other requirements and rules of Act 641 of 1978 and provisions contained in the Lenawee County Solid Waste Management Plan shall apply. In instances of conflict, the more restrictive shall apply.

**Automobile Service Stations:**

- a. Premises used for such purposes shall not be less than two hundred (200) feet from any place of public assembly including any hospital, sanitarium, or institution. Such measurement shall be along the usual line of street travel. Hereafter no gasoline filling and/or service station shall be permitted if the location constitutes a hazard to public safety and welfare.
- b. Building used for such purposes shall not be nearer than fifty (50) feet from any R District.

- c. Any minor automobile repair work, as defined in this Ordinance, shall be done within the principal building on the premises.
- d. No overnight or weekend outside storage of trucks, trailers and/or tractors shall be permitted on the premises, and no partially dismantled, wrecked or junked vehicles shall be stored for more than a total of eight (8) hours outside the buildings on the premises.
- e. When such use abuts the side and/or rear line of a lot in any R District a compact evergreen hedge, solid wall, or painted board fence not less than five (5) feet shall be maintained at the property line.

**Bed and Breakfast Facility:**

Prior to issuance of a Conditional Use Permit for a Bed and Breakfast Facility, an applicant shall demonstrate that all the following requirements have been met:

- (1) The structure shall have at least two (2) exit doors from the premises to the outdoors and such exit doors shall be located on different walls of the premises.
- (2) Rooms utilized as sleeping rooms shall have a minimum of 100 square feet for two (2) occupants and an additional 30 square feet per each additional occupant. There shall be no more than four (4) occupants per sleeping room.
- (3) The structure utilized for a Bed and Breakfast Facility shall be the principal residence operator/owner and said operator/owner shall live and be in residence on the premises when the Bed and Breakfast services are being provided the public.
- (4) The structure shall remain a residential structure for all purposes and appearances. However, the kitchen may be remodeled into a commercial kitchen if the premises is approved for the appropriate food service license by the Lenawee County Health Department.
- (5) A continental breakfast only (coffee, juice and commercially prepared sweet rolls) shall be served or provided to overnight guests and patrons of the establishment. No food service whatsoever shall be provided to any person other than a resident or overnight guest or patron. Notwithstanding the foregoing, if the premises is licensed by the Lenawee County Health Department, the proprietor may engage in any public food service allowed under such license.
- (6) The operator shall maintain a register of the names and addresses of all residents, guests and patrons of the Bed and Breakfast Facility and shall keep such register available for inspection by persons designated by the Township Board.
- (7) The maximum length of stay of any guest or patron of the Bed and Breakfast establishment shall be fourteen (14) consecutive days.
- (8) There shall be no separate cooking facilities for residential use and Bed and Breakfast Facility use unless the premises is subject to a food service license issued by the Lenawee County Health Department.



- (9) Site illumination shall be kept to a safe minimum and shall be approved by the Township Zoning Administrator.
- (10) Each sleeping room and each hall area shall be equipped with a working smoke detector the design and placement of which has received approval of the Fire Chief of the Clinton Fire Department. In addition, each Bed and Breakfast Facility shall be equipped with an emergency lighting system reasonably calculated to illuminate the anticipated pathway from sleeping areas to the emergency exits. The placement and design of such emergency lighting system shall also be subject to prior approval of the Fire Chief of the Clinton Fire Department.
- (11) There shall be available two (2) off-street parking spaces, plus one additional off-street parking space per room available for occupancy. However, if licensed for public food service, additional off-street parking shall be provided, equal to one and one-half (1.5) spaces for each four-person table setting in excess of meal seating available for resident guests.
- (12) Any sign erected on the premises shall conform to the requirements of the Clinton Township Zoning Ordinance and/or any State or Federal statutes or regulations governing size and placement of signs.
- (13) Applicants for a Conditional Use Permit hereunder shall pay the fee therefore as established by the Township Board.
- (14) A Bed and Breakfast Facility shall be available at all times for inspection by any agent of the Township appointed by the Township Board to perform such inspection.
- (15) Any Conditional Use Permit issued hereunder shall be subject to immediate revocation upon violation of any of the terms or conditions of this Ordinance, or upon violation of any other Clinton Township Ordinance, or any State or Federal law or regulation.

**Communication Tower:**

- a. The following site and developmental requirements shall apply: Demonstration by the applicant that compliance with this Section would result in the obstruction of the antenna's reception window; and that such obstruction involves factors beyond the control of the applicant.
  - (1) A minimum site of one (1) acre and two hundred (200) feet of road frontage shall be required.
  - (2) The appropriateness of guy wires shall be considered when the property abuts a residential zoning district or use.
  - (3) The base of the tower and guy wire supports shall be fenced with a minimum six (6) foot high fence.
- b. The following special performance standards shall apply to communication towers:

- (1) Communication towers must be set back from all property lines a distance equal to its height plus twenty-five (25) feet. Setback from all overhead electric power and other overhead utility lines shall equal the tower height and an additional ten (10) feet.
- (2) Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than the minimum front yard requirement for the appropriate zoning district as found in Section 4.5 (Area, Yard, Height, and Bulk Requirements).
- (3) Accessory structures shall not exceed six hundred (600) square feet of gross building area.
- (4) All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- (5) The plans of the tower shall be certified by a registered structural engineer.
- (6) The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- (7) All towers must meet the standards of the Federal Communications Commission and the Federal Aviation Administration; as well as the Electronics Industrial Association Code--Reference No. 222-E-91.
- (8) Communications towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport or two (2) mile radius of a helipad.
- (9) No part of any communications tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30) feet of a property line.
- (10) Metal towers shall be constructed of, or treated with, corrosive-resistant material.
- (11) Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electric wiring and connections with all applicable local statutes, regulations and standards.
- (12) Towers with antennae shall be designed to withstand a uniform wind loading in accordance with Section 1611.9 of the BOCA Code-1993.
- (13) All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between

towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.

- (14) Towers shall be located so that they do not interfere with reception in nearby residential areas.
- (15) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
- (16) The base of the tower shall occupy no more than five hundred (500) square feet.
- (17) Minimum spacing between tower locations shall be two (2) miles in order to prevent a concentration of towers in one area.
- (18) Height of the tower shall not exceed two hundred (200) feet from grade within a commercial zoning district, and three hundred (300) feet from grade within an industrial or agricultural zoning district.
- (19) Towers shall not be artificially lighted except as required by the Federal Aviation Administration. Unless superseded by State or Federal regulation, such towers shall be equipped, for safety purposes, with a red strobe at its peak during non-daylight hours and a white strobe during daylight hours.
- (20) Existing on-site vegetation shall be preserved to the maximum extent practicable.
- (21) There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- (22) There shall be no employees located on the site on a permanent basis to service or maintain the communications tower. Occasional or temporary repair and service activities are excluded from this restriction.
- (23) Where the property adjoins any residentially-zoned property or land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any nearer than ten (10) feet to any structure.
- (24) The policy of the community is to minimize the number of communication towers in the Township. Therefore, the Township shall require the collocation of communication towers. Pursuant to this policy, the following standards apply to communication towers:
  - (a) All new and modified communication towers shall be designed and constructed to accommodate collocation.
  - (b) A conditional use permit for the construction and use of a new communication tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.

- (c) The following information shall be submitted prior to Township approval to construct a communication tower:
- (1) Site plan in accordance with Section 5.6.
  - (2) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed communication tower. Such plan shall be designed to ensure the long-term, continuous maintenance to a reasonably prudent standard.
  - (3) The application shall include a description of security to be posted at the time of receiving a building permit for the communication tower to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the Township Zoning Board shall specify the form of security as approved by the township attorney and recordable at the office of the County Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the community in securing removal. The security shall be adjusted on an annual basis according to the U.S. Bureau of Labor Statistics' Consumer Price Index annual average for United States cities in the North Central Region of the United States.
  - (4) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

**Open Space Cluster Development:**

Notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this Ordinance, land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than 50% of the land, if all of the following apply:

a. Requirements:

- (1) The land is zoned at a density equivalent to 2 or fewer dwelling units per acre; or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.
- (2) Not less than 50% of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
- (3) The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension

- (4) The development option provided pursuant to this section has not previously been exercised with respect to the subject property.
- b. The development of land under this section is subject to all other applicable ordinances, laws, and rules, including but not limited to:
- (1) The provisions of the Zoning Ordinance and Subdivision Control Ordinance that are not in conflict with and preempted by Section 506 of the Zoning Act (MCL 125.3506).
  - (2) The Land Division Act (formerly the Subdivision Control Act, MCL 560.101, et seq.).
  - (3) Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
  - (4) Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
  - (5) Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.
- b. As used in this section, the term "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park.

**Marina:**

A marina, as defined in this Ordinance, shall be allowed as conditional use in Lake Residential Districts (LR) and Commercial Districts (C), subject to the following restrictions:

- a. A lot used for Marina shall comply in size requirements with the requirements of the Clinton Township Zoning Ordinance for the Zoning District in which it is located.
- b. A lot used for Marina shall have a minimum of one hundred (100) feet of waterfront frontage.
- c. Not more than three (3) power craft and not more than seven (7) non-power craft shall be launched, docked, moored or stored, daily in season, for each full one hundred (100) feet of waterfront approved for Marina.
- d. No storage, mooring or dockage of any watercraft shall be permitted except in season. In-season shall be from April 15 to October 31 each year.
- e. Wetlands or lands subject to utility, maintenance or other easement, shall not be utilized to calculate water frontage or lot area.

- f. Upon the request of adjacent property owners located within three hundred (300) feet of a Marina, vegetative or other appropriate buffers shall be established of sufficient size and location to afford adequate screening from adjacent properties.
- g. A Marina shall not operate before sunrise or past sunset.
- h. Overnight vehicle parking, camping or transient boat docking or mooring shall not be permitted. Public bathing, swimming, or toilet facilities, restaurants, food preparation or serving, picnicking or retail establishments, with exception of sale of convenience items and minor mechanical parts and service, shall not be permitted.
- i. In the event petroleum products are to be sold, stored or dispensed, the site shall comply with the requirements for Automobile Service Stations and all environmental and safety regulations mandated by Federal, State and/or Local laws, regulations or ordinances, and such further conditions as may be imposed by the Township to promote public health, safety and welfare. Petroleum products shall not be sold, stored or dispensed except in season.
- j. All Federal and State laws, regulations and/or ordinances, including but not limited to MCL 324.30101 et seq., governing the location and operation of marinas, and any permits required thereunder shall be obtained prior to the operation of a marina.
- k. A site plan shall be submitted to and approved by the Clinton Township Planning Commission in accordance with Section 5.6.

**Open/Closed Recreational Vehicle Storage:**

Notwithstanding Section 5.9 herein, open storage of recreational motor vehicles and watercraft may be allowed as a conditional use in the Agricultural (AG), Commercial (C) and Industrial (I) Zoning Districts under the minimum conditions that follow:

- a. Storage shall be limited to operating and functional recreational motor vehicles and watercraft, specifically including snowmobiles and personal watercraft. No inoperable, dismantled and/or partially dismantled vehicles or watercraft shall be stored on the premises and no on-site mechanical repairs shall be permitted.
- b. No vehicle or watercraft shall be occupied during the period of storage and at no time shall such stored items be connected to sanitary sewer facilities or have fixed connection to electricity, water or gas utilities.
- c. The terms "recreational motor vehicle" and "watercraft" shall not include vehicles customarily categorized as passenger automobiles; motorcycles; pickup trucks; commercial vehicles of any type; airplanes; helicopters; and/or tent campers. Camper shells and travel trailers designed to be towed by a motor vehicle shall be included in the term "recreational motor vehicle."
- d. The minimum area of the site shall be three (3) acres. In the event other use is made of the property a minimum of three acres shall be devoted solely to this use.
- e. The minimum frontage shall be zoning lot requirements per section 4.5 and on a public street,

road or highway and all ingress and egress shall be located on a public street or highway.

- f. Within a reasonable time, but not exceeding ninety (90) days subsequent to issuance of a conditional use permit, an opaque fence, buffer wall or planting strip shall be provided sufficient in nature to screen the view of stored items from view of all neighboring properties and public and private streets and highways.
- g. Exterior lighting shall be installed in a manner that will not create a driving hazard and shall be hooded or shielded to be deflected away from adjacent property.
- h. Such storage shall comply with all Federal, State and Local environmental and health regulations, including appropriate measures to prevent leakage of fuel or other petroleum products and/or hazardous materials onto or into the soil and/or waterways.
- i. No item shall be stored within any required setback.
- j. The facility owner may hold two (2) auctions or sales per calendar year for the purpose of collection of delinquent fees or disposing of abandoned property.

### **Adult Entertainment and Sexually Oriented Business**

#### A. Purpose.

In the development and execution of this Article, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one (1) or more of them are located in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this Article. These controls are for the purpose of preventing a concentration of these uses within any one (1) area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities, which are prohibited in other Sections of this Ordinance.

In regulating sexually oriented businesses, it is the purpose of this article to promote the health, safety, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the Township. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Township Board, and on findings incorporated in the cases of *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *Thomas v. Chicago Park District*, 122 S. Ct. 775 (2002), *City of Renton*

v. Playtime Theatres, Inc. , 475 U.S. 41 (1986), Young v. American Mini Theatres, 426 U.S. 50 (1976), Barnes v. Glen Theatre, Inc. , 501 U.S. 560 (1991); California v. LaRue , 409 U.S. 109 (1972); DLS, Inc. v. City of Chattanooga , 107 F.3d 403 (6th Cir. 1997); East Brooks Books, Inc. v. City of Memphis, 48 F.3d 220 (6th Cir. 1995); Broadway Books v. Roberts, 642 F.Supp. 486 (E.D. Tenn. 1986); Bright Lights, Inc. v. City of Newport, 830 F.Supp. 378 (E.D. Ky. 1993); Richland Bookmark v. Nichols, 137 F.3d 435 (6th Cir. 1998); Dj vu v. Metro Government, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); Bamon Corp. v. City of Dayton , 7923 F.2d 470 (6th Cir. 1991); Threesome Entertainment v. Strittmather , 4 F.Supp.2d 710 (N.D. Ohio 1998); J.L. Spoons, Inc. v. City of Brunswick , 49 F.Supp.2d 1032 (N.D. Ohio 1999); Triplett Grille, Inc. v. City of Akron , 40 F.3d 129 (6th Cir. 1994); Nightclubs, Inc. v. City of Paducah , 202 F.3d 884 (6th Cir. 2000); O'Connor v. City and County of Denver , 894 F.2d 1210 (10th Cir. 1990); Dj vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County , 2001 U.S. App. LEXIS 26007 (6th Cir. Dec. 6, 2001); Z.J. Gifts D-2, L.L.C. v. City of Aurora , 136 F.3d 683 (10th Cir. 1998); Connection Distrib. Co. v. Reno , 154 F.3d 281 (6th Cir. 1998); Sundance Assocs. v. Reno , 139 F.3d 804 (10th Cir. 1998); American Library Association v. Reno , 33 F.3d 78 (D.C. Cir. 1994); American Target Advertising, Inc. v. Giani , 199 F.3d 1241 (10th Cir. 2000); Z.J. Gifts D-2, L.L.C. v. City of Aurora , 136 F.3d 683 (10th Cir. 1998); ILQ Investments, Inc. v. City of Rochester , 25 F.3d 1413 (8th Cir. 1994); Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County , 2002 U.S. Dist. LEXIS 1896 (D. Md., Feb. 6, 2002); Currence v. Cincinnati , 2002 U.S. App. LEXIS 1258 (6th Cir., Jan. 24, 2002); and other cases; and on testimony to Congress in 136 Cong. Rec. S 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S 5636; 134 Cong. Rec. E 3750; and reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota-1980; Houston, Texas - 1997; Amarillo, Texas; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Cleveland, Ohio - and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona - 1995-98; and also on findings from the paper entitled "Strip clubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Hollsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the City Commission finds that sexually oriented businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that Clinton Township is seeking to abate and prevent in the future.

B. Uses subject to these controls are as follows:

- (1) Adult book stores, adult novelty stores, or adult video stores;
- (2) Adult cabarets;
- (3) Adult motion picture theaters;
- (4) Nude or semi-nude model studios; and



(5) Sexually oriented businesses.

a. Definitions:

As used in this Article, the following terms shall have the indicated meanings:

- (1) Adult Motion Picture Theater. An establishment regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.
- (2) Adult Bookstore, Adult Novelty Store, or Adult Video Store. A commercial establishment which has significant or substantial portion of its inventory, or derives a significant or substantial portion of its revenues, or maintains a significant or substantial section of its sales and display space, to the sale or rental, for any form of consideration, of any one (1) or more of the following:
  - (a) Books, magazines, periodicals or other printed and/or electronic or digital matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas."
  - (b) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

For purposes of this definition, "significant or substantial portion" means thirty (30) percent or more of the term modified by such phrase.

(3) Specified sexual activities. Specified sexual activities are defined as:

- (a) Human genitals in a state of sexual stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse or sodomy;
- (c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(4) Specified anatomical areas. Specified anatomical areas are defined as:

- (a) Less than completely and opaquely covered:
  - (i) Human genitals, pubic region,
  - (ii) Buttock, and
  - (iii) The nipple and/or areola of the female breast; and
- (b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

- (5) Adult cabaret. A nightclub, bar, juice bar, restaurant bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:
  - (a) Persons who appear nude or semi-nude,
  - (b) Live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities," or
  - (c) Films, motion pictures, videocassettes, slides, electronic, digital or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas."
- (6) Nude or semi-nude model studios. Any building, structure, premises or part thereof regularly used solely or primarily as a place which offers as its principal activity the providing of models to display any "specified anatomical areas" as defined here for patrons for a fee or charge.
- (7) Regularly Features or Regularly Shown. A consistent and substantial course of conduct such that the films or performances exhibited on the premises constitute a substantial or significant portion of the films or performances consistently offered as a part of the ongoing business of the adult entertainment business.
- (8) Sexually oriented business. An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial establishment that regularly features the sale, rental, or exhibition for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure of display of specified sexual activities or specified anatomical areas.

a. Permitted Uses:

Any of the regulated uses listed are permitted if:

- (1) The use is located within a zoning district where the use is specifically permitted; and
- (2) The use is located more than five hundred (500) feet from any residential zoning district measured to the nearest lot line of the proposed use.
- (3) The use is not located within one thousand (1,000) feet of one (1) other regulated use, measured from the nearest lot line to the nearest lot line on a straight-line basis.

a. Variance:

If the proposed use is within five hundred (500) feet of a residential zone, or within one thousand (1,000) feet of one (1) other regulated use, the Zoning Board of Appeals may grant a variance pursuant to the standards provided in this Ordinance and pursuant to the following procedures:

- (1) The Zoning Inspector will serve notice on all owners and occupiers of all property within five

hundred (500) feet of the proposed use.

- (2) Said notice will give a minimum of thirty (30) days from the mailing of the notice until the Zoning Board of Appeals hearing on the matter.
- (3) Said notice will include a postcard addressed to the Township, containing spaces for stating approval or disapproval of the proposed regulated use and including space for commentary.
- (4) The total number of postcards returned prior to the hearing will be tallied. The votes yea and nay will also be tallied. These votes will be considered as evidence, in the Zoning Board of Appeals' decision.

b. **Limit on Reapplication:**

No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of ninety (90) days from the date of said order of denial, except on the grounds of new evidence found valid by the Board of Zoning Appeals.

c. **Expansion and Discontinuance of Use:**

Establishments where uses subject to the control of this Article are located shall not be expanded in any manner without first applying for and receiving the approval of the Zoning Board of Appeals as provided in this Ordinance. Further, if a use subject to the control of this Article is discontinued for more than thirty (30) days, the use may not be reestablished without applying for and receiving the approval of the Zoning Board of Appeals as provided in this Ordinance.

Nothing in this Section shall prevent the reconstruction, repairing, or rebuilding and continued use of any building or structure the uses of which make it subject to the controls of this Section which is damaged by fire, collapse, explosion or act of God.

d. **Effective Date:**

This ordinance/ordinance amendment shall become effective seven (7) days after this ordinance/ordinance amendment (or a summary thereof) is published in the newspaper as provided by law. Except as expressly amended by this ordinance/ordinance amendment, the balance of the Clinton Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

**WIND ENERGY CONVERSION SYSTEMS (WECS)**

a. **Purpose.**

The purpose of this Section is to establish standards and procedures by which the installation and operation of a WECS shall be governed within the Township as a special use within the (AG)-Agricultural zoning district.

b. **Definitions:**

- (1) **Interconnected WECS:** A WECS which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.

- (2) Survival Wind Speed: The maximum wind speed, as designated by the WECS manufacturer, at which a WECS in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
- (3) WECS Height: The distance between the ground (at normal grade) and the highest point of the WECS, as measured from the ground (at normal grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades (normally, the tower). Or put another way, the distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position).
- (4) Wind Energy Conversion System (WECS)

Shall mean a combination of:

- (a). A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical powers; and
- (b) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
- (c) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- (d) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
- (e) Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS.

[See also Section 2.2 RRR of this Ordinance.]

- (5) Wind Farm: Clusters of 2 or more WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WECS are located. Said WECS may or may not be owned by the owner of the property upon which the WECS is placed.
- (6) Single WECS for Commercial Purposes: A single WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the structure is located. Said WECS may or may not be owned by the owner of the property upon which the WECS is placed.
- (7) WECS Testing Facility or Testing Facility: A structure and equipment used to determine the potential for the placement of a WECS.
- (8) Applicant: The person, firm, corporation, company, limited liability corporation or other entity which applies for Township approval under this section, as well as the applicant's successor(s),

assign(s) and/or transferee(s) as to any approved WECS or Testing Facility. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own, and operate the WECS or Testing Facility. The duties and obligations regarding a zoning approval for any approved WECS or Testing Facility shall be with the owner of the WECS or Testing Facility, and jointly and severally with the owner and operator or lessee of the WECS or Testing Facility if different than the owner.

c. Applicability:

- (1) WECS, Wind Farms, Single WECS for Commercial Purposes, and WECS Testing Facilities: Wind energy conversion systems such as a WECS, wind farm, single WECS for commercial purposes, and WECS Testing Facilities associated with the commercial application of a WECS may be allowed as a Conditional Use only within the Agriculture zoning district, subject to the regulations and requirements of this section and also the general conditional use review procedures and standards/criteria of Section 5.5 of this Zoning Ordinance.
- (2) Single WECS for On-site Service Only: Single WECS applications of wind energy conversion system, including WECS Testing Facilities, to service the energy needs of only the property where the structure is located may be approved in any zoning district as a Conditional Use, provided the property upon which the system is to be located is at least three and one-half (3-1/2) acres in size and subject to the review and approval procedures and standards/criteria of Section 5.5 of this Ordinance, as well as all of the following:
  - (a) The tower shall not exceed a height of 80 feet.
  - (b) The blade diameter (tip to tip) shall not exceed 100 feet.
  - (c) The height of the overall WECS (with the blade in the vertical position) shall not exceed 130 feet above ground level (at normal grade).
  - (d) The distance of the structure from all property lines shall be at least two (2) times the WECS height.

d. Site Plan Drawing:

All applications for a WECS or WECS Testing Facility special use approval shall be accompanied by a detailed site plan drawn to scale and dimensioned, displaying all of the following information:

- (1) All requirements for a site plan contained in Section 5.6 shall also be met.
- (2) All lot lines and dimensions, including a legal description.
- (3) Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the WECS.
- (4) Locations and height of all adjacent buildings, structures, and above ground utilities located within 300 feet of the exterior boundaries of the lot or parcel where the proposed WECS and/or Testing Facility will be located. Specific distances to other on-site buildings,

structures, and utilities shall also be provided. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the WECS or Testing Facility, located on the lot or parcel involved, as well as within 1,000 feet of the boundaries of such parcel or lot.

- (5) Existing and proposed setbacks for the WECS from all structures located on the property where the WECS will be located.
- (6) Elevation of the premises accurately depicting the proposed WECS location and its relationship to the elevation of all existing and proposed structures within 300 feet of the proposed WECS.
- (7) Access driveway to the WECS and the Testing Facility together with a detailed narrative regarding dimensions, composition, and maintenance of the proposed driveway. The Township shall require the construction of a private road to serve a WECS or Testing Facility if it is determined by the Township Board that said road is necessary to protect the public health, safety, or welfare or to offer an adequate means by which the Township or other governmental agency may readily access the site in the event of an emergency. All private roads shall be constructed to Township private road standards.
- (8) Planned security measures to prevent unauthorized trespass and access.
- (9) WECS and Testing Facility Maintenance Programs-The applicant shall provide to the Township a written description of the maintenance program to be used to maintain the WECS and Testing Facility, including removal when determined to be obsolete or abandoned. The description shall include maintenance schedules, the types of maintenance to be performed, and removal procedures and schedules should the WECS or Testing Facility become obsolete or abandoned.
- (10) Additional detail(s) and information as required by the Conditional Use requirements of this Ordinance, or as requested by the Planning Commission.

e. Compliance with the Township Building Code:

A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the WECS and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code as adopted by the Township. Drawings and engineering calculations shall be certified by a registered engineer licensed in the State of Michigan.

f. Compliance with the Electrical Code:

WECS and Testing Facility electrical equipment and connections shall be designed and installed in full compliance with the Electrical Code as adopted by the Township. A copy of manufacturer installation instructions and blueprints shall be provided to the Township.

g. Design Standards:

- (1) Height: The permitted maximum total height of a WECS (i.e., WECS height) shall be 400 feet including the blade in vertical position.
  - (a) State and federal regulations may require lesser height.
  - (b) As a condition of approval, the Township may require a lesser height for a WECS if reasonably necessary to comply with the standards contained in subsection (h) hereof.
  - (c) A WECS shall be constructed with a tubular tower, not a lattice tower.
- (2) Height of Test Tower Facility: Unless a different height is approved by the Planning Commission, the WECS Testing Facility height shall be no greater than 300 feet from the ground (i.e., from normal grade to the test tower top) and shall comply with design standards.
  - (a) A WECS Testing Facility which is not in use for 6 months or more shall comply with subsection (l) hereof regarding abandonment
- (3) Setbacks: No part of a WECS or WECS Testing Facility (including guy wire anchors) shall be located within or above any required front, side or rear yard setback. The setback for placement of a WECS or a WECS Testing Facility shall be equal to the required setbacks for the zoning district in which the WECS is located plus the WECS height.
- (4) Rotor or Blade Clearance: Blade arcs created by a WECS shall have a minimum of seventy-five (75) feet of clearance over and from any structure, adjoining property or tree. The minimum blade or rotor clearance above ground level shall be at least twenty (20) feet.
- (5) Rotor or Blade Safety: Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the rotor.
- (6) Tower Access: To prevent unauthorized climbing, WECS and Testing Facilities must comply with at least one of the following provisions:
  - (a) Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
  - (b) A locked anti-climb device shall be installed and maintained.
  - (c) A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten (10) feet high topped with barbed wire.
- (7) Signs: Each WECS and Testing Facility shall have one sign, not to exceed two (2) square feet in area, posted at the base of the tower. The sign shall contain at least the following:

- (a) Warning high voltage.
  - (b) Manufacturer's name.
  - (c) Emergency numbers (list more than one number).
  - (d) Emergency shutdown procedures.
  - (e) FAA regulated sign with the precise description including latitude and longitude and both the applicant's current telephone number and the current telephone number for the FAA's regional office having jurisdiction over Clinton Township.
  - (f) If the WECS is fenced the signs shall be affixed to the fence.
- (8) Lighting: A lighting plan for each WECS and Testing Facilities shall be approved by the Planning Commission. Such plan must describe all lighting that will be utilized, including any lighting that may be required by the FAA. Such plan shall include but is not limited to the planned number and location of lights, light color and whether any lights will be flashing. Strobe lights are discouraged and must be shielded from the ground if such lights are allowed by the Planning Commission.
- (9) Electromagnetic Interference: Each WECS and Testing Facilities shall be designed, constructed and operated so as not to cause radio and television interference. In the event that electromagnetic interference is experienced, the applicant must provide alternate service to each individual resident or property owner affected.
- (10) Noise Emissions: Noise emissions from the operation of a WECS and Testing Facilities shall not exceed forty-five (45) decibels on the DBA scale as measured at the nearest property line or road.
- (a) A baseline noise emission study of the proposed site and impact upon all areas within one (1) mile of the proposed WECS location must be done (at the applicant's cost) prior to any placement of a WECS and submitted to the Township. The applicant must also provide estimated noise levels to property lines at the time of a Conditional Use application.
- (11) Utility Company Interconnection (Interconnected WECS): All distribution lines from the WECS to the electrical grid connection shall be located and maintained underground (both on the property where the WECS will be located and off-site). The Planning Commission may waive the requirement that distribution lines for the WECS which are located off-site (i.e., are not located on or above the property where the WECS will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.
- h. Approval Standards: In addition to the other requirements and standards contained in this section, the Planning Commission shall not approve any WECS or Testing Facilities unless it finds that all of the following standards are met:



- (1) The general conditional use standards contained in Section 5.5 of this Ordinance; and
  - (2) The WECS or Testing Facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.
- i. Ornamental Wind Devices: Ornamental wind devices that are not a WECS shall be exempt from the provisions of this section, so long as they do not exceed the height limitations for permitted accessory structures (i.e., those permitted as of right) within the zoning district where the ornamental wind device will be located. Such devices may also be regulated by other provisions of this Ordinance.
  - j. Inspection: The Township shall have the right upon issuing any WECS and Testing Facility conditional use permit to inspect the premises on which the WECS or Testing Facility is located at all reasonable times. The Township may hire a consultant to assist with any such inspections at the applicant's expense.
  - k. Each WECS and Testing Facility must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the applicant shall take expeditious action to correct the situation.
    - (1) The applicant shall keep a maintenance log on each WECS which the Township can review on a monthly basis.
  - l. Abandonment: Any WECS or Testing Facilities which is not used for six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property. All above and below ground materials must be removed. The ground must be restored to its original condition within 60 days of abandonment.
  - m. Security: If a conditional use is approved pursuant to this section, the Planning Commission shall require security in the form of a cash deposit, surety bond, or irrevocable letter of credit (in a form, amount, time duration and with a financial institution deemed acceptable to the Township), which will be furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval. When determining the amount of such required security, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a conditional use has been approved but before construction commences upon a WECS or WECS Testing Facility. At a minimum, the financial security shall be in an amount determined by the Township to be sufficient to have the WECS or Testing Facility fully removed (and all components properly disposed of and the land returned to its original state) should such structure or structures become abandoned, dangerous or obsolete, or not in compliance with this ordinance or the special use approval. Such financial security shall be kept in full force and effect during the entire time while a WECS or WECS Testing Facility exists or is in place. Such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the WECS or WECS Testing Facility) for at least 30 years from the date of the conditional use approval. Failure to keep such financial

- security in full force and effect at all times while a WECS or WECS Testing Facility exists or is in place shall constitute a material and significant violation of a conditional use approval and this ordinance, and will subject the applicant to all available remedies to the Township, including possible enforcement action and revocation of the conditional use approval.
- n. Road repair: Any damages to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS or Testing Facility shall be repaired at the applicant's expense.
  - o. Liability: The applicant shall insure each WECS at all times for at least \$2,000,000 (in 2007 dollars based on the federal CPI) for liability to cover the applicant, Township and land owner.
  - p. Color: A WECS shall be painted a non-obtrusive (light environmental color such as beige or gray) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No striping of color or advertisement shall be visible on the blades or tower.
  - q. Strobe effect: All efforts shall be made not to affect any resident with any strobe effect.
  - r. Under no circumstances shall a WECS or Testing Facility produce vibrations or wind currents humanly perceptible beyond the property boundaries of the lot or parcel on which the WECS or Testing Facility is located.
  - s. The applicant shall be responsible for compensation to persons damaged due to any stray voltage caused by a WECS.
  - t. At the Township's request, the applicant shall fund an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as required by the Township for review by the Township regarding the area or surrounding areas where the WECS will be placed. Each such study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the conditional use request.
  - u. The applicant shall show proof of a minimum wind rating of 3 from the proposed WECS when applying for a Conditional Use Permit.
  - v. At the Township's request, the applicant shall fund a financial impact study for review by the Township of the area affected by the WECS. Such study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the conditional use request.
  - w. An escrow account shall be set up when the applicant applies for a Conditional Use Permit for a WECS or WECS Testing Facility. The monetary amount filed by the applicant with the Township shall be in an amount estimated by the Township to cover all costs and expenses associated with the conditional use zoning review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner and

Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. Such escrow amount shall be in addition to regularly established fees. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so promptly, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township shall also be applicable.

- x. Reasonable conditions: In addition to the requirements of this section, the Planning Commission may impose additional reasonable conditions on the approval of a WECS or WECS Testing Facilities as a conditional use.
- y. Each WECS and WECS Testing Facility shall also comply with all applicable federal, state of Michigan, and county requirements, in addition to Township ordinances.
- z. Effective Date: This ordinance/ordinance amendment shall become effective seven (7) days after this ordinance/ordinance amendment (or a summary thereof) is published in the newspaper as provided by law. Except as expressly amended by this ordinance/ordinance amendment, the balance of the Clinton Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

## **SECTION 5.6 - SITE PLAN REVIEW AND APPROVAL**

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

### **Buildings, Structures, and Uses Requiring Site Plan:**

The Zoning Inspector shall not issue a Zoning Compliance Permit for the construction, alteration or change of use of buildings, structures and parcels to or from the uses identified in this section unless a site plan has been reviewed and approved by the Planning Commission and such approval is in effect:

- 1. Any conditional use.
- 2. A multiple-family building containing six (6) or more dwelling units.
- 3. More than one (1) multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one (1) ownership.
- 4. A mobile home park.
- 5. An office in any Residential District.

6. Any gasoline/automobile service station.
7. A commercial land use.
8. An industrial land use.
9. Planned Unit Development or Cluster Development.
10. Any other building, structure or use open to the public.

**Application and Fee for Site Plan Review:**

Any person may file a request for a site plan review by the Planning Commission by filing with the Township Clerk or the Clerk's designee the completed application upon the forms furnished by the Township Clerk and payment of a fee established by resolution of the Clinton Township Board. As an integral part of said application, the applicant shall file at least four (4) copies of a site plan. Such application shall be reviewed for completeness and compliance with the requirements of the ordinance, dated and initialed by the Zoning Inspector.

**Planning Commission Review of Site Plan:**

Upon receipt of such application from the Clerk, the Planning Commission shall undertake a study of the same and shall, within thirty (30) days, approve or disapprove such site plan, advising the applicant in writing of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance.

**Required Data for Detailed Site Plan:**

Every site plan submitted to the Planning Commission shall be in accordance with the following requirements:

1. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity.
2. The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.
3. The site plan shall show the scale; north arrow; boundary dimensions; topography (not more than two foot contour intervals); and natural features such as, wood lots, streams, rivers, lakes, drains, and similar features.
4. The site plan shall show existing man-made features, such as buildings; structures, high tension towers; pipe lines; and existing utilities, such as, water and sewer lines, excavations, bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.

5. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
6. The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
7. The site plan shall show the proposed location, use, and size of open spaces, and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
8. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.

**Standards for Site Plan Review:**

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of subsections 5.6.C and 5.6.D of this Ordinance as well as the provisions of the zoning district in which said buildings, structures and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant.

**Planning Commission Approval of Site plan:**

Upon Planning Commission approval of a site plan the Clerk shall within ten (10) days transmit to the Zoning Inspector one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this Ordinance as determined. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such action. The Zoning Inspector shall not issue a zoning compliance permit until he has received a certified approved site plan.

**Expiration of Site Plan Certificate:**

The site plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time the Zoning Inspector has issued a zoning compliance permit for any proposed work authorized under a said site plan certificate.

**Amendment, Revision of Site Plan:**

A site plan, and site plan certificate, issued thereon, may be amended by the Planning Commission upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in Section 5.6 of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Planning Commission.

**SECTION 5.7 - NONCONFORMITIES**

Where within the districts established by the Ordinance, or by amendments, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated, or restricted under the terms of this Ordinance, or future amendment, it is the intent of this Ordinance to permit these nonconformities to continue until they are discontinued, damaged, or removed but not to encourage their survival. These nonconformities are declared by this Ordinance to be incompatible with the lots, structures, and uses permitted by this Ordinance in certain districts. It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded, extended, or altered except as provided herein; nor to be used as ground for adding other lots, structures, or uses prohibited elsewhere in the same district.

**Nonconforming Uses of Land:**

Where, on the date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the provisions of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use of land shall be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance; and no accessory use or structure shall be established therewith.
2. No such nonconforming use of land shall be moved in whole or in part to any other of such land not occupied on the effective date of adoption or amendment of this Ordinance,
3. If such nonconforming use of land ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such land shall conform to the district in which such land is located. Extensions may be granted by the Planning Commission if it has been demonstrated that extenuating conditions have occurred which have been beyond the control of the parties involved.

**Nonconforming Structures:**

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

1. No such structure shall be enlarged, expanded, extended, or altered in a way which increases its nonconformance.
2. Should any such structure be destroyed by any means to an extent of more than fifty (50) per cent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. Should any such structure be moved for any reason, of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

**Nonconforming Uses of Structures:**

Where, on the date of adoption or amendment of this Ordinance, a lawful use of structure exists that is

no longer permissible under the regulations of this Ordinance, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No conforming use of a structure shall be enlarged, expanded, extended, or altered except in changing the use of such structure to a use permitted in the district in which such structure is located.
2. When a nonconforming use of a structure is discontinued or abandoned for more than one hundred eighty (180) consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located. Extensions may be granted by the Planning Commission if it has been demonstrated that extenuating conditions have occurred which have been beyond the control of the parties involved.
3. Any structure 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 non-bearing walls, fixtures, wiring or plumbing to an extent not to exceed ten (10) per cent of the then current replacement value of the structure, provided that the volume of such structure or the number of families housed therein as it existed on the date of adoption or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening of the part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.
4. Should any structure containing a nonconforming use be moved, for any reason any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
5. Should any structure devoted in whole or in part to any nonconforming use be destroyed by any means to an extent of more than fifty (50) per cent of its replacement cost at the time of destruction, it shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located.
  1. Extension and Substitution: here shall be a specific exemption from Section C (5), to permit rebuilding or replacing, but not to include extending, a nonconforming use when such use is occupied as a one or two family dwelling and has been destroyed by other than overt action of the owner. In this case, the owner of said dwelling shall make application to the Zoning Board of Appeals within twelve months of date of destruction requesting an exemption under this Section. If the Zoning Board of Appeals, after a hearing upon such application, shall determine that for reasons of health, sanitation, safety or the wellbeing of the occupants that the request is reasonable and proper, then the Board of Appeals may authorize the owner to rebuild or replace said dwelling. Prior to granting any such request under this Section, the Board of Appeals specifically shall make the following findings of fact and apply the following standards:
    - a. That the structure was originally constructed as a dwelling.
    - b. That the structure currently or immediately preceding damage was occupied as a dwelling.

- c. That the proposed rebuilding or replacement will materially and substantially benefit the use as a dwelling and/or make the use more in conformity with the provisions of this Zoning Ordinance and any building code.
- d. That the proposed rebuilding or replacement will not have an adverse effect upon the uses in the general vicinity by creating new or different violations of this Zoning Ordinance.
- e. Proceedings under this Section shall follow the same procedure and be subject to the same application fee as set forth for applications to the **Zoning** Board of Appeals on an appeal.

**Change of Tenancy or Ownership:**

There may be a change of tenancy, ownership, or management of an existing nonconforming use, building, or structure; provided there is no change in the nature or character of such nonconforming use, building, or structure.

**Substandard, Nonconforming Lots of Record:**

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings or structures may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as of the date of adoption of this Ordinance. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. If two or more lots or combinations of lots with continuous frontage in single ownership are of record and all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Ordinance nor shall any division of the parcel or lot with width or area below the requirements stated in this Ordinance.

**Specific Exemption:**

There shall be a specific exemption from the preceding prohibitions, against rebuilding, altering, replacing, improving, enlarging, extending, substituting or modifying a nonconforming use when such use is occupied as a dwelling place. The owner or tenant of said dwelling place shall make application to the Zoning Board of Appeals requesting an exemption from the aforesaid prohibitions. If the Zoning Board of Appeals, after a hearing upon such application shall determine that, for reasons of health, sanitation, safety or the well-being of the occupants, the request is proper, then the Zoning Board of Appeals may authorize the tenant to rebuild, alter, replace, improve, enlarge, extend, substitute or modify said dwelling place. Prior to granting any such request under this section, the Zoning Board of Appeals shall make specific findings of fact regarding its rational based on the above standards for granting such decision.

**SECTION 5.8 - PERFORMANCE STANDARDS**

**Requirements:**

Any use of a lot, building, or structure in any district shall be such that it is not obnoxious, dangerous, or



injurious by reason of heat, glare, fumes, odors, dust, erosion, sound or vibrations at standards currently used by the Michigan Department of Public Health beyond any boundary line of the lot or parcel of land on which the use is located.

**Plans:**

The application for a zoning compliance permit for a use subject to performance requirements shall be accompanied by a building plan and equipment layout with a description of the machinery, process, and projects; and specifications for the mechanisms and techniques to be used in meeting the performance standards.

**Enforcement:**

The Zoning Inspector may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards. The costs of such services shall be borne by the applicant, and a copy of any report shall be furnished to the applicant and the Township of Clinton.

**SECTION 5.9 - STORAGE OF MATERIALS**

The location or storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment, or material shall be regulated as follows:

- A. On any lot in any agricultural district, residential district or commercial district, the owner or tenant, but not for hire or for business, shall locate and store such materials within a completely enclosed building.
- B. On any lot in any industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts. No storage shall be permitted within a front yard.
- C. Nothing in this Ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the front yard of any lot within a residential district,, except that the parking of a passenger vehicle on an improved driveway located on private property shall not be prohibited.
- D. On any lot in any Commercial or Industrial District, any display of vehicles or other merchandise shall be located no closer to the street right-of-way line than ten (10) feet.

**SECTION 5.10 - MOBILE HOMES / MANUFACTURED HOMES AND TRAVEL TRAILERS**

- A. No mobile home shall be used other than as a single-family dwelling, except a mobile home may be used as a temporary field office and/or security office in any commercial or industrial district provided it is certified as such by the Zoning Inspector.
- B. The Township Board, upon recommendation of the Planning Commission shall have authority to

grant a permit for the temporary occupancy of mobile home on any lot in a residential or agricultural district subject to the following conditions:

1. During the period of new construction or reconstruction of a permanent dwelling but not to exceed a period of twelve (12) consecutive months, the owner of such permanent dwelling premises, and members of such owners immediate family, shall be permitted to occupy as a temporary residence one mobile home situated at such construction site provided that such owner intends to occupy as a residence such dwelling upon completion of its construction.
  2. Such mobile home shall not be located between the established setback line and the public right-of-way line of such premises.
  3. The mobile home shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
  4. The sanitary facilities of the mobile home for the disposal of sewage and waste shall be properly connected to the central sewerage system available at such premises and in case such system is not there available, then properly connected to the existing septic tank sewage disposal system which is approved by the Lenawee County Health Department for the permanent dwelling to be constructed there at.
  5. Any person requesting such temporary use of a mobile home shall furnish to the Township of Clinton a performance bond or cash deposit in the amount of five thousand dollars (\$5,000) guaranteeing the removal of such mobile home prior to or upon expiration of the twelve (12) month permit.
- C. Mobile trailer offices may be permitted in any non-residential district on a temporary basis with extensions as necessary as granted by the Zoning Board of Appeals.
- D. No travel trailer or motor home shall be used as a permanent residence. Travel trailers and motor homes shall be used only in duly licensed travel trailer parks. A travel trailer or motor home may be permitted to be occupied as a temporary dwelling for a period not to exceed one week provided such travel trailer or motor home is situated on a parcel of land upon which is located a dwelling with water and sanitary facilities accessible to the travel trailer or motor home occupants and certified by the Zoning Inspector.

## **SECTION 5.11 - VISIBILITY AT INTERSECTIONS**

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) street lines at points which are measured along the street right-of-way line.

## **SECTION 5.12 - ACCESS TO PUBLIC STREETS/PRIVATE ROADS**

**Intent:**

Unobstructed, safe, and continuous access to lots is necessary to promote and protect the public health, safety, and welfare and ensure that police, fire and emergency services can safely and quickly enter and exit private property at all times. It is the intent of this Ordinance to permit access to the interior of certain sections within Clinton Township by private roads which permit unobstructed, safe and continuous vehicle access. It is further the intent of this Ordinance to ensure that private roads are maintained and repaired by the private property owners who own and use the road.

The procedures, standards and specifications hereinafter set forth are determined to be the minimum procedures, standards and specifications necessary to meet the intention of this Ordinance.

**Definitions**

1. Building. An enclosed structure used or intended for use for the housing, enclosure or shelter of people, animals or chattels.
2. County Road Commission. The Road Commission of Lenawee County, Michigan.
3. Easement. The right of an owner of property by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage and similar uses. In the context of this Ordinance, private road easements shall be designated for purposes of vehicle ingress and egress.
4. Lot. A parcel of land and/or site condominium building site; real estate.
5. Permit. A Conditional Use Permit issued pursuant to this Ordinance.
6. Private Road. An area of land which is privately owned, has not been dedicated to public use other than access by emergency and public safety vehicles, is maintained by its private owners, and provides vehicular access to more than one parcel of property.
7. Public Street or Right-of-Way. A public or dedicated right-of-way, which affords the principal means of vehicular access to abutting property, and which is under public ownership or control.
8. Township Board. The Board of Clinton Township.
9. Township Clerk. The Clerk of Clinton Township.
10. Township Engineer. An engineer appointed by the Township Board to the position of Township Engineer or any other person authorized by the Township Board to perform the duties of Township Engineer as set forth in this Ordinance.
11. Township Private Road Inspector. An inspector appointed by the Township Board to the position of Township Private Road Inspector to perform the duties of Private Road Inspector as set forth in this Ordinance.

**General Access and Permit Requirements**

1. For purpose of this Ordinance, private roads shall be further defined and classified as follows:

- a. Class A private roads shall be paved and meet one or more of the following criteria:
    - (1) Serves ten (10) or more single-family residential lots, or has a reasonably foreseeable potential to be extended in the future to serve a total of ten (10) or more single-family residential lots. The potential shall be based upon the amount of acreage serviced and the potential buildable parcels.
    - (2) Connects with, or has a reasonably foreseeable potential to be re time to connect with another public or private road.
    - (3) Has a reasonable probability of dedication as a public road at a future time.
    - (4) Has a length of more than two thousand one hundred (2,100) feet, measured on the roadway centerline from the right-of-way of the public road it intersects to either another intersecting roadway or center of a cul-de-sac.
    - (5) Serves one or more non-residential uses, not including farm uses and farm buildings.
  - b. Class B private roads are those which do not meet the criteria for Class A roads as defined above, but which do exceed the criteria for Class C roads as defined below.
  - c. Class C private roads are those that will serve no more than two (2) lots or parcels provided:
    - (1) The lots or parcels are located no greater distance than two thousand one hundred (2,100) feet from the centerline of a public street.
2. Every lot in Clinton Township that is improved with a building shall:
    - a. Either abut a road dedicated to the public or private road which meets the requirements of this Ordinance, and
    - b. Have access for ingress and egress for all vehicular traffic including fire, police, and ambulance services and vehicles by means of such public or private road.
  3. No lot shall be improved with a building subsequent to the date of adoption of this Ordinance, unless a Permit in accordance with this Ordinance has been issued.
  4. No person shall construct, alter, or extend a private road without compliance with this Ordinance and obtaining a Permit as hereinafter provided.
  5. All lots which have been improved with a building prior to the date of adoption of this Ordinance shall comply with the provisions of this Ordinance, if the structure or use of the lot is thereafter enlarged, expanded and/or extended, and if the Township Board, by resolution, determines that such compliance is necessary to protect and promote the public health, safety and welfare in accordance with the purposes set forth in Section 5.12.1, herein.

### **Application for Permit: Requirements**

Private Roads shall be a Conditional Use in all Zoning Districts in Clinton Township. Application for Conditional Use Permits shall be made in accordance with the terms of Section 5.5 and shall consist of the following information:

1. Class A or B Private Road. Each application for a Class A or B private road shall be accompanied by completed plans prepared and sealed by a civil engineer or land surveyor registered in the State of Michigan, which include the information contained herein. Where the required information is incorporated in the overall site plan of a development, separate road plans shall not be required.

The application and plans for a Class A or B road shall include the following information:

- a. The names and addresses of the lot or parcel owners to be served by the private road.
- b. A vicinity map of a minimum scale of one inch equals two thousand feet (1" = 2,000'), showing the location of the private road in the Township, any access roads and cross streets, road names, a scale and a north arrow.
- c. Existing topography at two (2) foot contour intervals for the portions of the site sufficient to determine drainage from the private road easement to a suitable storm water outlet.
- d. Proposed improvements (including but not limited to, roads, sewers and ditches) shown in plan and profile indicating all materials, grades, dimensions and bearings in compliance with the standards set forth in 5.12.5. The plans shall also show all existing and proposed grades, the location of all existing and proposed drainage facilities, the location of existing and/or proposed utilities and structures, other structures, physical or natural conditions existing adjacent to such improvements, and any connections to existing public and private roads.
- e. Soil borings within the proposed route of the road. Tree coverage and wetland areas within one hundred (100) feet of either side of the proposed route.
- f. The location of existing buildings on the lots or parcels being served or intended to be served by the private road as well as any existing building or structures in or adjacent to any proposed road easement.
- g. The existing or proposed location of private utilities and easements, such as gas, telephone, and electric.
- h. A complete statement of all the terms and conditions of the proposed road easement, including copies of all agreements or intended agreements regarding the maintenance and improvements of the right-of-way and roadway. Furthermore, said maintenance agreements shall be in such form as to be recordable with the Lenawee County Register of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the private road pursuant to the specifications if this article, including, but not limited to, the responsibility of removing snow from said private roads. The recorded

statement that runs with the land, shall also inform subsequent purchasers that the road is private and may never be maintained or accepted by the Lenawee County Road Commission.

2. Class C Private Road. Each application for a Class C private road shall be accompanied by completed plans prepared and sealed by civil engineer or land surveyor registered in the State of Michigan, which include the information contained herein. Where the required information is incorporated in the overall site plan of a development, separate road plans shall not be required.

The application and plans for a Class C Road shall include the following information:

- a. The names and addresses of the lot or parcel owners to be served by the private road.
- b. A vicinity map of a minimum scale of one inch equals two thousand feet (1" = 2,000') showing the location of the private road in the Township, any access roads and cross streets, road names, and a north arrow.
- c. The location of existing buildings with existing and proposed grades in sufficient detail to depict drainage patterns. Existing storm drains, ditches, and swales crossing the road easement or adjacent to the easement shall be shown on the sketch plan.
- d. The relationship of the proposed road to an existing public roadway right-of-way which will serve as access for the private road.
- e. The location of the proposed road and turn around within the easement together with proposed drainage and grading.
- f. The proposed roadway materials, thickness, and width and the type of underlying soil.
- g. A complete statement of all the terms and conditions of the proposed road easement, including copies of all agreements or intended agreements regarding the maintenance and improvements of the right-of-way and roadway. Furthermore, said maintenance agreements shall be in such form as to be recordable with the Lenawee County Register of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the private road pursuant to the specifications of this article, including, but not limited to, the responsibility of removing snow from said private roads. The recorded statement that runs with the land, shall also inform subsequent purchasers that the road is private and may never be maintained or accepted by the Lenawee County Road Commission.

### **Design Standards:**

In addition to the standards and specifications set forth in 5.12.5.B, Schedule of Minimum Requirements and Specifications, all private roads shall meet the following additional minimum requirements and specifications:

1. The roadway surface and cul-de-sac area shall be centered in the right-of-way.
2. The connection between the private road and the public road shall conform to the standards and specifications of the Lenawee County Road Commission. Where a Class B road connects to a

paved Lenawee County road, the Class B road shall have a paved approach. The applicant shall obtain a road permit issued by the Lenawee Road Commission prior to approval by the Township Board.

3. Underground crossroad drainage shall be provided where the proposed road crosses a stream or other drainage course. Necessary culverts and erosion treatments shall be provided in accordance with the specifications of the Lenawee County Road Commission and/or Lenawee County Drain Commissioner.
4. The private road easement and road shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the private road easement and constructed to Lenawee County Road Commission standards. Road drainage shall be constructed so that the runoff water shall be conveyed to existing watercourses or water bodies. The discharged water shall not be discharged upon the property owner unless the water is following an established watercourse. The discharged water onto adjoining properties shall also not exceed the normal agricultural rate. Connection to county drains shall be approved by the Lenawee County Drain Commissioner prior to the issuance of permit. Connection to roadside ditches within public road rights-of-way shall be approved by the County Road Commission prior to the issuance of a permit. Driveways traversing a flow of 30 feet or more shall require a culvert of a minimum diameter of 8 inches constructed of corrugated metal pipe (CMP).
5. Private road signs shall be designated with the word "private" and shall be erected and maintained in accordance with the Michigan Manual of Uniform Traffic Control Devices.
6. The road easement shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
7. The private road shall be subject to all other Township, County and State permits and regulations.
8. The following Schedule of Minimum Requirements and Specifications for Private Streets and Roads shall apply:

**Minimum Requirements and Specifications for Private Streets and Roads**

	CLASS A PRIVATE STREETS AND ROADS	CLASS B PRIVATE STREETS AND ROADS	CLASS C PRIVATE STREETS AND ROADS
Easement Width:	66 feet	66 feet	66 feet

Sub-base	Depth will vary depending upon native soil types. Spread to a minimum width sufficient to extend to the front slope of the roadside ditch. If required by native soil type, sub-base shall be constructed of a minimum of 6 inches of compacted MDOT Granular Material Class II.	Same as Class A	Same as Class A
Base:			
For gravel surface	Not permitted.	Same as Class A, except 23A processed road gravel may be used in lieu of 21A or 22A and width shall be 22 feet wide.	Same as Class B except 16 feet wide.

For paved surface (Paving is required for Class A, Optional for Class B and C)	8 inches of crushed limestone; slag or processed road gravel (MDOT 21A or 22A) in two equal courses, each compacted to 98% maximum unit weight and 32 feet wide.	Same as for Class A, except width of base shall be 30 feet.	Same as for Class A, except width of base shall be 22 feet.
Pavement:(Paving is required for Class A, Optional for Class B & C)	2 1/2 inches bituminous aggregate, #1100 mix, 24 feet wide.	2 1/2 inches bituminous aggregate, #1100 mix, 22 feet wide.	1 1/2 inches bituminous aggregate, #1100 mix, 16 feet wide.
Turnaround area			
Cul-de-sac:	75 foot radius right-of-way, 56 foot radius roadway surface	Same as Class A	Same as Class A
T Type:	Not permitted	May be substituted for cul-de-sac if applicant can show that it will	Same as Class B



Ditches: Minimum grade 0.5%-4.0%, grades 4.1% and steeper; and grades front/back slopes	0.5% sod or otherwise stabilize rip-rap1 on 4	Same as Class A	Ditches shall be of sufficient width, depth, and grades to provide for adequate and positive drainage.
Roadway grades			
Minimum	0.5%	0.5%	0.5%
Maximum	6.0%	6.0%	6.0%
Roadway curves			
Horizontal-minimum	230 foot radius	Same as Class A	Same as Class A
Vertical-minimum	100 feet long for changes in gradient of 2% or more	Same as Class A	Same as Class A
Curb & Gutter			
May be required by Township Engineer in consideration of narrow lot width, and road grade			
		function as well as the required turning circle.	

**Permit Approval Procedure:**

Upon receipt of an application, the Township Clerk shall refer the application to the Township Planning Commission at its next regular meeting. The Planning Commission shall proceed on the application in accordance with Section 5.5.

The Township Private Road Inspector shall report in writing to the Planning Commission as to whether or not the proposed private road conforms to the standards and specifications of this Ordinance. Said report may include any suggested conditions to be attached to the Conditional Use Permit which, in the Township Private Road Inspector's judgment, are necessary to achieve the intent of this Ordinance.

The Planning Commission shall consider the application, the Township Private Road Inspector's report and all other relevant information in determining whether to recommend the Permit application with or without conditions to the Township Board for final approval. If the information submitted by the applicant does not establish that the proposed private road will conform to the standards and

specifications of this Ordinance, the Planning Commission shall not recommend and the Township Board shall not grant the Permit. The Township Board shall impose such conditions on the approval the Permit as it deems necessary to achieve the intent and objectives of this Ordinance, which may include, but need not be limited to, conditions suggested by the Township Engineer and Private Road.

As a condition to the granting of any Permit under this Ordinance, the Township Board shall require that the applicant deposit with the Township Clerk a sum of money, bank letter of credit or certified check, in an amount sufficient to guarantee that the applicant shall perform the terms and conditions of the permit and approved construction, including the payment of required fees. Upon completion of all improvements required by this Ordinance, any unused portion of the deposit shall be refunded to the applicant.

Upon receipt of the required deposit and predetermined fees and approval, of the applicant by the Township Board, the Township Zoning Administrator shall issue the Permit pursuant to the terms established by the Township Board approving the application.

Only the Township Board shall have the authority to approve or deny applications for permits. No other permit issued by any Township Official or other governmental body or official shall be a substitute for a Permit.

**Inspection:**

At the expense of the applicant all required improvements shall be inspected by the Township Private Road Inspector and/or a qualified engineer of the Township's choosing at various stages of construction.

At a minimum the applicant shall request inspection upon completion of the sub-base, road base, road surfacing and completion of the project. The Township Private Road Inspector shall make a final inspection upon completion of construction and shall report the results of the final inspection to the Township Board in writing. The applicant's engineer shall certify to the Township Private Road Inspector, before the final inspection and report thereon are made, that the required improvements were made in accordance with this Ordinance and all approved plans. A letter of completion by the Township Private Road Inspector shall be delivered to the Township Clerk, and the applicant. The costs of inspection, including compensation of the Township Private Road Inspector, shall be paid by the applicant prior to the issuance of the certificate of completion. The Township Board shall establish and determine the costs of inspection. If the applicant does not directly pay the costs of inspection, the same shall be paid from the deposit established by the Township Board and held by the Township Clerk, and the balance, if any, shall be returned to the applicant.

**Expiration of Approval of Permits:**

A Permit shall be valid for a period of one year from the date of issuance, or such longer period as determined by the Township Board. If the required improvements have not been completed upon the expiration of the one year or the longer period of time, then the Permit shall be void and of no force and effort and all deposits shall be forfeited to Clinton Township.

**Recording of Easements:**

The easement, including all agreements as identified in 5.12.4.A.8 and 5.12.4.B.7, herein, shall be recorded in the office of the Register of Deeds for Lenawee County prior to the issuance of the certificate of completion required in 5.12. 8, herein.

**Certificates of Occupancy:**

No certificate of occupancy shall be issued for any building on a lot subject to the provisions of this Ordinance until all work is completed. A certificate of occupancy may be issued prior to the issuance of a certificate of completion, upon recommendation by the Township Engineer and/or Private Road Inspector, and upon deposit with the Township Clerk of a sum of money, certified check, or bank letter of credit in an amount sufficient to guarantee completion of the remaining required improvements.

**Variances:**

When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, such as topographical and other physical characteristics of a parcel, the Township Zoning Board of Appeals shall have the power to vary or modify the application of the provisions of this Ordinance so that the intent and purpose of the Ordinance shall be observed and public safety secured. Any applicant may apply for a variance from any provision of the Ordinance by filing an application for variance with the Township.

The Township Zoning Board of Appeals shall hold a public hearing upon such application within forty-five (45) days from its filing. The Township Clerk shall give notice of the hearing to the owners of all property abutting and/or having access for ingress and egress of traffic by means of the private road described in the variance application, as well as police, fire and emergency service officials known by the Clerk to serve such property. The notice shall be mailed to each such party and published in a newspaper of general circulation in the Township not later than seven (7) days prior to the hearing. Any party may appear and comment at the hearing in person or by agent or by attorney. The Township Zoning Board of Appeals shall keep a record of said hearing and shall render written findings and conclusions not later than thirty days after the hearing date.

The Township Zoning Board of Appeals may attach reasonable conditions in granting any variance from any provision of the Ordinance, and the breach of any conditions or the failure of any applicant to comply with the conditions shall void the variance. This provisions of the Ordinance is intended, in part, to enable variances to be granted and conditions attached to the variance to facilitate the upgrading of prior non-conforming rights-of-way and private roads to the standards of the Ordinance, in a reasonably practical manner, including, but not limited to such rights-of-way and private roads as have been established, recorded, constructed, or maintained prior to the date of adoption of this Ordinance, which cannot be brought into conformity with the Ordinance without unnecessary hardship or practical difficulty due to soil conditions, topographical considerations, or other factors.

**Violations:**

Any person who violates any provision of this Ordinance shall be subject to the penalties and/or other relief as set out in Section 6.7 of this Ordinance.

## **SECTION 5.13 - FLOODPLAINS**

Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall only be used for agricultural and recreational uses. No structures shall be located within the area subject to flooding.

The location and boundaries of land subject to periodic flooding shall be determined by reference to a 100-year floodplain, as referenced by the U.S. Soil Conservation Service, the U.S. Army Corps of Engineers, or other official authority.

## **SECTION 5.14 - PRESERVATION OF LAKESHORES, RIVER, AND STREAM BANKS**

No person shall alter, change, transform, or otherwise vary the edge, bank, or shore of any lake, river, or stream except in conformance with the following:

- A. As provided in the Inland Lakes and Streams Act, Act 291 of the Public Acts of 1965, and as amended.
- B. If any edge, bank, or shore of any lake, river, or stream is proposed to be altered in any way by any person, that person shall submit to the Planning Commission a site plan and required in Article V, Section 5.6 of this Ordinance. This does not relieve the applicant from complying with requirements of other regulatory agencies.
- C. No structure shall be placed within fifty (50) feet of a lake, river, or stream.

## **SECTION 5.15 - HOME OCCUPATIONS**

An occupation that is traditionally and customarily carried on in the home being primarily incidental to the principal residential use.

- A. A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall be observed:
  - 1. Such home occupation shall be carried on within the dwelling or within a building accessory thereto.
  - 2. A home occupation may not employ more than one (1) on-site employee who does not reside at the dwelling on the premises.
  - 3. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building. However, this provision would not

prohibit home based catalogue and similar sales that do not involve the use of a product showroom or permanent product display and that does not traditionally generate traffic or parking demands beyond that customarily found in residential areas.

4. The combined area of the dwelling and any accessory structure or building may not exceed the maximum lot coverage for the zoning district as set out in Section 4.5 and, in no event, shall any accessory structure used in whole or in part for conducting a home occupation exceed four thousand eight hundred (4,800) square feet.
5. There shall be no exterior storage of materials or equipment.
6. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapor, gases, or matter at any time.
7. Any vehicles used in conjunction with a home occupation must be parked or stored in accordance with the provisions of this Ordinance governing the parking and storage of vehicles for the particular zoning district in which the home occupation is located. (See Sections 5.3 et seq. and Section 5.9.)
8. In the event off-site employees park personal vehicles at the site of the home occupation, the off-street parking provisions of this Ordinance, Section 5.3 et seq., shall be observed.
9. The home occupation shall not display or create outside the building any external evidence of the operation except that one non-animated, non-illuminated name plate, having an area of not more than one hundred (100) square inches, shall be permitted.

## **SECTION 5.16 - FENCES**

- A. Electrical substations and/or gas regulator stations shall be provided with an enclosing fence or wall at least six (6) feet high and adequate to obstruct the view and passage of persons or materials.
- B. Any district in or bordering an SR, LR, MR and MH:
  1. Side and rear fences: Fences constructed within a side or rear yard shall not be higher than six (6) feet as measured from the surface of the ground.
  2. Plantings, fences and walls in front yard: No fence, wall or hedge shall rise over thirty-six (36) inches in height on any required front yard, except that open weave fence may be 48" high. No fence, wall or hedge shall be allowed to interfere with visibility from a driveway or roadway. The Zoning Inspector shall cause all such obstructions to be removed in the interest of Public Safety.
  3. No fences shall contain electric current, an electric charge or barbs.

4. Electrical substations and/or gas regulator stations shall be provided with an enclosing fence or wall at least six (6) feet high and adequate to obstruct the view and passage of persons or materials.

#### C. Agricultural (AG) Districts

In AG districts only shall electric or barbed fences be permitted except where an AG district abuts a Commercial or Residential district.

### **SECTION 5.17 - TEMPORARY USES**

Circuses, carnivals or other transient enterprises may be permitted in any district upon issuance of a permit by the Township Board. Such permit shall be based upon the finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, or general welfare, and may contain requirements to maintain these conditions. Such permit shall be valid for a period of not more than three days. Permit may be renewed at the Zoning Inspector's option, at the same fee, but shall not be renewed for more than six consecutive periods in any one year. Minimum distance from any operation relevant to the conditional use other than parking to any residence shall be one hundred (100) feet.

### **SECTION 5.18 - ESSENTIAL SERVICES**

- A. Nothing in this Ordinance shall prohibit the provision of essential service, provided the installation of such service does not violate any other applicable provision of this Ordinance.
- B. Nothing in this section shall be construed to permit the erection, construction, or enlargement of any building or maintenance depot for provision of an essential service except as otherwise permitted in this Ordinance.
- C. Any structure erected above ground in any residential district shall be screened or fenced and shall be subject to provisions of Section 5.6 - Site Plan Review and Approval.

### **SECTION 5.19 - CURB CUTS AND DRIVEWAYS**

Curb cuts and driveways may be located only upon approval by the Zoning Inspector and such other county and state authorities as required by law; provided however, such approval shall not be given where such curb cuts and driveways shall unnecessarily increase traffic hazards. Where curb does not exist, ingress and egress shall be delineated and no other area shall be used.

## **ARTICLE VI ADMINISTRATION OF THE ORDINANCE**

### **SECTION 6.1 - PURPOSE**

It is the purpose of this Article to provide the procedures for the administration of this Ordinance,

issuance of permits, inspection of properties, collection of fees, handling of violators, and enforcement of the provisions of this Ordinance and amendments thereto.

## **SECTION 6.2 - ADMINISTRATION**

Except when herein otherwise stated the provisions of this Ordinance shall be administered by the Zoning Inspector, or by such deputies of his department as the Township Board may designate to enforce the provisions of this Ordinance.

## **SECTION 6.3 - DUTIES OF ZONING INSPECTOR**

The Zoning Inspector shall be deputized and shall have the power to grant zoning compliance permits and certificates of occupancy and 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 Zoning Inspector to approve 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, nor shall the Zoning Inspector vary or change any terms of this Ordinance.

If the Zoning Inspector shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violation and provide a copy of the ordinance, indicating the nature of the violation being violated, and ordering the action necessary to correct it within seven (7) days.

Following notification, the Zoning Inspector shall have the authority to implement the enforcement thereof by any of the following means:

- A. He may serve notice requiring the removal of any use in violation of this ordinance upon the owner, agent or tenant of the building or land, or upon the architect, builder, contractor or other person who commits or assists in any such violation.
- B. He may issue appearance tickets for violations of this ordinance. He may call upon the sheriff or his deputies to assist in the enforcement of this ordinance.
- C. He may call upon the township attorney to institute any necessary legal proceedings to enforce the provisions of this ordinance, and the attorney is hereby authorized to institute appropriate actions to that end.
- D. He may call upon the sheriff or his deputies to assist in the enforcement of this ordinance. In addition to the authority vested in the Zoning Inspector, the township attorney or any adjacent or neighboring property owner who would be specially damaged by violations of this ordinance may institute injunction to restrain or abatement, to cause the correction or removal of any violation of this ordinance.
- E. The Zoning Inspector shall submit to the Planning Commission and the Township Board, quarterly reports fully explaining the type and nature of uses permitted by right; the nature and

extent of violations of this Ordinance; and the type and nature of nonconforming uses, buildings, and structures. The Zoning Inspector shall maintain a record of all zoning compliance permits and certificates of occupancy.

## **SECTION 6.4 - ZONING COMPLIANCE PERMITS**

### **Issuance of Zoning Compliance Permits:**

No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, or enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a zoning compliance permit having been obtained from the Zoning Inspector for such building, structure, or land. A zoning compliance application shall be filled out and submitted to the Zoning Inspector.

The Zoning Inspector shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following information:

1. The actual dimensions and shape of the lot to be built upon and,
2. The exact size and location of existing structures on the lot, if any; and,
3. The location and dimensions of the proposed structure or alteration.
4. One (1) copy of the plans be returned to the applicant by the Zoning Inspector after such copy has been approved or disapproved, and attested to same by the Zoning Inspector's signature on such copy. The Zoning Inspector shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Inspector shall issue the applicant a zoning compliance permit within ten (10) days of the filing thereof. Where action of the Zoning Board of Appeals or the Planning Commission is required in any case, as set forth in this Ordinance, the Zoning Inspector shall issue such permit promptly following such action.

### **Voiding of Zoning Compliance Permit:**

Any Zoning Compliance permit granted under this Ordinance shall become null and void and fees forfeited if any facts are knowingly falsified or misrepresented by the petitioner, and unless construction is completed and use initiated within five hundred forty-five (545) days of the date of issuance. A zoning compliance permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal.

## **SECTION 6.5 - CERTIFICATE OF COMPLIANCE, FINAL INSPECTION**

### **Issuance of Certificate of Compliance:**

No building or structure, or part thereof, shall be occupied by or used for any use for which a zoning compliance permit is required by this Ordinance unless and until a certificate of compliance shall have been issued for such use. The holder of a zoning compliance permit for the construction, erection, or moving of any building, structure or part thereof, for the establishment of a use, shall make application



to the Zoning Inspector immediately upon the completion of the work authorized by the zoning compliance permit for a final inspection.

A certificate of compliance shall be issued by the Zoning Inspector within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this Ordinance.

**Voiding of Certificate of Compliance:**

Any certificate of compliance granted under this Ordinance shall become null and void if such use, buildings, or structure for which said certificate was issued was found by the Zoning Inspector to be in violation of this Ordinance. The Zoning Inspector, upon finding such violation, shall immediately notify the Township Board of said violation and void the certificate of compliance.

**SECTION 6.6 - FEES, CHARGES, AND EXPENSES**

The Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure for zoning compliance permits, certificates of occupancy, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Township Board. No permit, certificate, conditional use on approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the *Zoning* Board of Appeals, unless or until preliminary charges and fees have been paid in full.

**SECTION 6.7 - VIOLATIONS AND PENALTIES**

Violations of this ordinance are hereby declared to be a nuisance per se and a misdemeanor. The court shall order such nuisance abated and the owner and/or agent in charge shall be adjudged guilty of maintaining a nuisance per se. Anyone violating the provisions of this Ordinance shall upon conviction thereof be subject to a fine of not more than five hundred (\$500.00) dollars and the costs of prosecution thereof, by imprisonment in the County Jail for a period not to exceed thirty (30) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not except the offender from compliance with the requirements of this Ordinance.

**ARTICLE VII ZONING BOARD OF APPEALS**

**SECTION 7.1 – ZONING BOARD OF APPEALS ESTABLISHED**

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in the Zoning Act, in such a way that the spirit of this Ordinance shall be observed, the public health and safety secured, general welfare assured, and substantial justice done.

- A. A township Zoning Board of Appeals shall be appointed by the township board as prescribed statute with all the powers and authority prescribed by law or delegated to it under specific provisions of the ordinance. The Zoning board of appeals shall consist of five (5) members; one (1) member shall be a member of the Township Planning Commission. An elected officer of the

township shall not serve as chairman of said board and an employee or contractor of the township board may not serve as a member or an employee of said Zoning Board of Appeals. One (1) member may be a member of the township board.

- B. The term of each member shall be three (3) years and until a successor has been appointed and qualified, which successor must be appointed not more than one (1) month after the expiration of the preceding term. Staggered terms shall be effected by one or more of the first appointed members serving for less than three (3) years. Members from the township board and from the Planning Commission shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the township board.
- C. A member shall disqualify himself from a vote in which he has a conflict of interest.

## **SECTION 7.2 - DUTIES OF THE ZONING BOARD OF APPEALS**

The Zoning Board of Appeals shall hear and decide only such matters as the Zoning Board of Appeals is specifically authorized to pass on as provided in this Ordinance. The Zoning Board of Appeals shall not have the power to alter or change the zoning districts classification of any property; nor to make any changes in the terms of this Ordinance; but does have the power to authorize a variance as defined in this Ordinance, to act on those matters where this Ordinance may require an interpretation, and to issue a temporary use permit when authorized by this Ordinance. In addition, the Zoning Board of Appeals shall hear and decide any appeals from the Township Board on any application for a Conditional Use Permit.

## **SECTION 7.3 - VARIANCE**

The Zoning Board of Appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of this Ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to the owner of such property.

No variance shall be granted to permit the establishment, within a district, of any use which is excluded or for which a conditional use permit is required.

A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating practical difficulty by showing the following:
  - 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of

rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

3. That the special conditions and circumstances do not result from the actions of the applicant.
  4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
  5. That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. The Zoning Board of Appeals shall determine that the requirements of the Ordinance have been met by the applicant for a variance.
- C. The Zoning Board of Appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- D. The Zoning Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance. So that public health and safety are secured, general welfare is assured, and substantial justice is done.
- E. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- F. Each variance granted under the provisions of this Ordinance shall become null and void unless:
1. The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or
  2. The occupancy of land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.
- G. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

## **SECTION 7.4 - INTERPRETATION OF ZONING ORDINANCE**

The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the applicant there is

an error in any order, requirement, permit, decision, or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance including interpretations of the Zoning Map.

## **SECTION 7.5 - APPEALS TO THE ZONING BOARD OF APPEALS**

### **Appeals, How Taken:**

Appeal from the ruling of the Zoning Inspector, the Planning Commission or the Township Board concerning the enforcement of the provisions of this Ordinance may be made to the Zoning Board of Appeals within sixty (60) days by the filing with the officer from whom the appeal is taken. This officer shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken.

### **Who May Appeal:**

Appeals to the Zoning Board of Appeals may be petitioned by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, Village, City, County, or State.

### **Fee for Appeal:**

A fee prescribed by the Township Board shall be paid to the Zoning Board of Appeals at the time of the filing of the notice of appeal which the Zoning board of Appeals shall pay over, within (30) days after deciding an appeal, to the General Fund of Clinton Township.

### **Effect of Appeal; Restraining Order:**

An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, of notice to the officer from whom the appeal is taken and on due cause shown.

### **Notice of Hearing:**

When a request for an appeal has been filed in proper form with the Zoning Board of Appeals, the Board of Appeal's Secretary or the Clinton Township Clerk shall immediately place the request for appeal upon the calendar for hearing, and cause notice to be given according to the following:

1. The notice shall be given not less than (15) days before the date of the hearing on an appeal.
  - a. Notices shall be sent to:
    - (1) The individual demanding the appeal.
    - (2) The owner (or other owners) of the property, if different.
    - (3) The owners of all real property within three hundred (300) feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the zoning jurisdiction or

not.

- (4) Occupants of any structures within three (300) feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the zoning jurisdiction or not.
- (5) The general public by publication in a newspaper which circulates in Clinton Township.
- (6) Members of the Zoning Board of Appeals.

b. The notice shall include:

- (1) The nature of the appeal being requested.
- (2) The property (ies) for which the appeal or variance has been made.
- (3) A listing of all existing street addressed within the property (ies) which is (are) subject of the appeals. Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses, another means of identification may be used.
- (4) The location where the demand for appeal can be viewed and copied prior to the date of the zoning amendment hearing.
- (5) The date, time and location of when the hearing before the Zoning Board of Appeals will take place.
- (6) The address at which written comments should directed prior to the hearing.
- (7) For members of the Zoning Board of Appeals only, a copy of the demand for appeal, the entire record on the case, the staff report, and supporting documents in the record.

**Representation at Hearing:**

Upon the hearing, any party or parties may appear in person or by agent or by attorney.

**Decisions of the Zoning Board of Appeals and Appeals to the Circuit Court:**

The Zoning Board of Appeals shall decide upon all matters within a reasonable time.

If the demand for appeal is for a variance, the Zoning Board of Appeals shall either grant, grant with conditions, or deny the application. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination and may issue or direct the issuance of a permit. A majority vote of the membership of the Zoning Board of Appeals is necessary to grant a variance and rule on an interpretation of the Ordinance. The decision shall be in writing and reflect the reasons for the decision.

1. At a minimum, the record of the decision shall include:

- a. Formal determination of the facts.
  - b. The conclusions derived from the facts or reasons for the decision.
  - c. The decision.
2. Within either (8) days of the decision the record of the decision shall be certified and a copy delivered by first class mail to the person demanding the appeal, the administrator and other parties.
  3. Any person having an interest affected by such decision shall have a right to appeal to the Circuit Court within thirty (30) days of the certified decision of the Zoning Board of Appeals, as provided by law.

## **ARTICLE VIII PUBLIC NOTICE**

### **SECTION 8.1 – PUBLIC NOTIFICATION**

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, P.A. 110 of 2006 and the other provisions of this Section with regard to public notification. This notice shall encompass all public notice requirements for each zoning activity within Clinton Township.

#### **Responsibility:**

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Clinton Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Clinton Township and mailed or delivered as provided in this Section.

#### **Content:**

All mail, personal and newspaper notices for public hearings shall:

1. Describe the nature of the request: Identify whether the request is for rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addressed within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are not street addressed other means of identification may be used such as tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for a zoning amendment, or rezoning, or when the request for an ordinance interpretation not involving a specific property.
3. When and where the request will be considered: Indicate the date, time and place of the public

hearing(s).

4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

**Personal and Mailed Notice:**

1. General:

When the provisions of this Ordinance or State law require that personal or mailed notice be provided, notice shall be provided to:

- a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
- b. Except for a zoning amendment, or rezoning, requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Clinton Township. If the name of the occupant is not known the term “occupant” may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structured containing more than four (4) dwelling units or other distinct areas owned or leased by different individuals, partnership, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- c. All neighborhood organizations, public utility companies, railroads and other persons which have been requested to receive notice pursuant to Section 8.2 –Registration to Receive Notice by Mail.
- d. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Clinton Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

**Timing of Notice:**

Unless otherwise provided in the Michigan Zoning Enabling Act, P.A. 110 of 2006, or this Ordinance

where applicable, notice of a public hearing shall be provided as follows:

1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation; Not less than fifteen (15) days before the date the application will be considered for approval.
2. For any other public hearing required by this Ordinance: Not less than five (5) days before said hearing.

## **SECTION 8.2 – REGISTRATION TO RECEIVE NOTICE BY MAIL**

### **General:**

Any neighborhood organization, Public Utility Company, railroad or any other person may register with the Clinton Township Clerk to receive written notice of all applications for development approval pursuant to Section 8.1 C, Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Clinton Township Clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the Township Board.

### **Requirements:**

The requesting party must provide the Clinton Township Clerk information on an official form to ensure notification can be made. All registered persons must re-register annually to continue to receive notification pursuant to this Section.

## **ARTICLE IX AMENDMENT PROCEDURES**

### **SECTION 9.1 - INITIATING AMENDMENTS AND FEES**

The Township Board may, from time to time, on recommendation from the Planning Commission or on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established so that public health and safety are secured, general welfare is assured, and substantial justice is done.

Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board or the Planning Commission, the petitioner requesting an amendment shall at the time of application pay the fee established by resolution of the Township Board, no part of which shall be returnable to the petitioner.

An application for amendment of the zoning district for any particular parcel or parcels of property within the Township shall be submitted to the Township Clerk at least forty (40) days prior to the Planning Commission meeting at which the matter is scheduled for public hearing. The application shall be accompanied by the following:

1. A drawing of the parcel or parcels proposed for rezoning of a scale not to be greater than one (1)



inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the drawing, and shall include more than one drawing where required for clarity.

2. The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.
3. The drawing shall show the scale; north arrow; boundary dimensions; and natural features such as, wood lots, streams, rivers, lakes, drains, and similar features.
4. The drawing shall show existing man-made features, such as buildings; structures; high tension towers; pipe lines; and existing utilities, such as, water and sewer lines, excavations, bridges, culverts, drains, and easements, and shall identify adjacent properties and their zoning district classifications and existing uses.
5. The drawing shall show the existing streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site.
6. The drawing shall show the existing location, use, and size of open spaces. The drawing shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
7. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.
8. Such other materials as the Planning Commission or Township Clerk shall determine to be relevant to the requested rezoning.
9. The Clerk shall check the completeness of the submittal, and, if complete, transmit same to the Planning Commission in adequate time for inclusion in the agenda for the Planning Commission's next regular meeting occurring after publication of required notices of public hearing. If the application is not complete, the Clerk shall so notify the applicant in writing and shall list deficiencies.

## **SECTION 9.2 - AMENDMENT PROCEDURES**

The procedure for making amendment to this Ordinance shall be in accordance with *the Zoning Act*.

### **Time Element Between Zoning Request:**

No petition to amend the Zoning Ordinance or effect a district change shall be reconsidered by the Planning Commission after the same has been rejected by the Township Board for a period of 365 days from such denial, except those petitions containing new evidence or proof of changed conditions concerning said petition.

## **SECTION 9.3 - CONFORMANCE TO COURT DECREE**

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Clinton Township Board and the amendments published without referring the same to any other board or agency.

## **ARTICLE X-LEGAL STATUS**

### **SECTION 10.1 - CONFLICT WITH OTHER LAWS**

Conflicting laws of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed.

This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

### **SECTION 10.2 - VALIDITY AND SEVERABILITY CLAUSE**

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

### **SECTION 10.3 - PERIOD OF EFFECTIVENESS**

This Ordinance shall remain in full force and effect henceforth unless repealed.

### **SECTION 10.4 - REPEAL OF ORDINANCE**

The "Zoning Ordinance of the Township of Clinton, Lenawee County, Michigan" adopted on December 6, 1976, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

### **SECTION 10.5 - SAVINGS CLAUSE**

All pending litigation commenced under a prior ordinance or cause of action arising under a prior ordinance hereby expressly is saved and shall be determined by a court of law with reference to the prior ordinance or ordinances. Situations within this clause shall be an exception to repeal of a prior

ordinance or ordinances.

**SECTION 10.6 - EFFECTIVE DATE**

This Ordinance was adopted by the Clinton Township Board of Lenawee County, Michigan, at a meeting held on May 11, 2015, and notice ordered published in The Clinton Local a newspaper having general circulation in said Township of Clinton.

Dated: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_