

CASCO TOWNSHIP

St. Clair County, Michigan

Zoning Ordinance

Chapter 64 of the Casco Township Code of Ordinances

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Article 1
Short Title

Section 1 – Short Title

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

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Article 2 Construction of Language and Definitions

Section 2 – Construction of Language

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

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

A. The following definitions apply to the text of this Ordinance:

1. Accessory Use, or Accessory – A use, which is clearly incidental to, customarily found in connection with and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related.

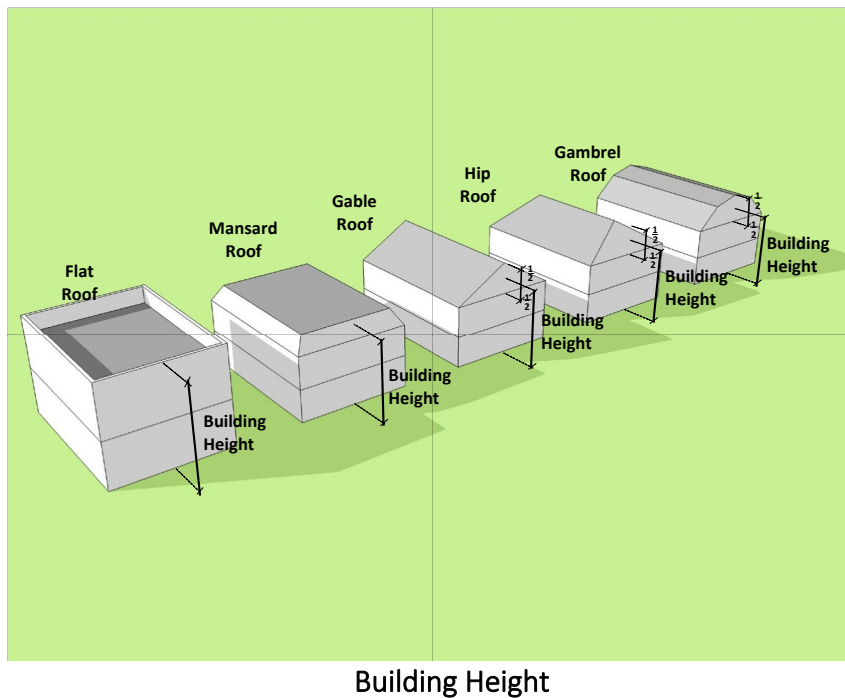
When “accessory” is used in the text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to the following:

- a. Swimming pools for the use of the occupants of a residence or their guests.
- b. Domestic or agricultural storage in a shed, tool room, garage or similar accessory building or other structure.
- c. Barn (Livestock Building).
- d. Home occupations.
- e. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
- f. Storage of merchandise normally carried in stock in connection with a business or industrial use unless such storage is excluded in the applicable district regulations.
- g. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- h. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- i. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.

- j. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
 - k. Boat houses used for the accessory storage of not more than two (2) boats on any lot or parcel.
2. Automobile Service Station – A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repairs.
 3. Automobile Repair – General repair, engine rebuilding, re-building or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and vehicle rust proofing.
 4. Auto Repair Station – A place where, along with the sale of engine fuels, the following services may be carried out: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and under-coating of automobiles.
 5. Automobile Wash Establishment – A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.
 6. Barn (Livestock Building) – Any building or buildings which have the primary purpose of housing livestock. This would include any building which in fact does house livestock.
 7. Basement – That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
 8. Block – The property abutting one side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.
 9. Building – A structure erected on-site, a manufactured home or manufactured structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter support or enclosure of persons, animals or property of any kind.
 10. Board of Appeals – The Zoning Board of Appeals of Casco Township.

11. Boarding House – A dwelling where meals or lodging is provided for compensation to three (3) or more persons by prearrangement for definite periods of not less than one (1) week.
12. Building Area – The space remaining after the minimum open space requirements have been met.
13. Building Height – The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



14. Building Line – A line formed by a wall of the building, and for the purposes of this Ordinance, a minimum building line is the same as a setback line.
15. Campground – Means any parcel of land wherein sites are offered for the use of the public or members of any organization, either free of charge, or for a fee, for the establishment of temporary living quarters for the occupation of five (5) or more tents, travel trailers, truck campers, or other similar recreational units.
16. Cellar – See “Basement”.

17. Clinic – An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals.
18. Club – An organization of persons for special purposes for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit.
19. Convalescent or Nursing Home – A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.
20. Collocation – To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.
21. Commercial Broadcast Facilities – All structures and equipment relating to the commercial use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, microwave relay towers, telephone transmission equipment buildings, and commercial mobile radio service facilities, monopoles and lattice towers.
22. Court – An open, uncovered, unoccupied space other than a yard partially or wholly surrounded on at least two (2) sides of a building. A court having at least one (1) side thereof opening onto a public or private street, alley, or yard or other permanent open space is an outer court. Any other court is an enclosed or an inner court.
23. Density – The term refers to the number of individuals residing on, or dwelling units developed on, an acre of land.
24. Development – The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.
25. District – A portion of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
26. Drive-in – A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.
27. Driveway – A passageway of definite width, primarily for use by motor vehicles, over private property, leading from a street or other public way to a garage or parking area. A horseshoe shape driveway or "T" shape drive located within a front yard is included within this definition.

28. Dwelling unit – A building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
29. Dwelling, Single-Family – A building containing not more than one (1) dwelling unit designed for residential use.
30. Dwelling, Two-Family – A building containing not more than two (2) separate dwelling units designed for residential use.
31. Dwelling, Pre-Manufactured or Modular Home – A detached one-family dwelling constructed according to specific rules promulgated by the State Construction Code Commission exclusively designed for placement on a permanent foundation and assembled at other than the final location by a repetitive process generally recognized as systems or component building and under circumstance intended to insure uniformity of quality and material content.
32. Dwelling, Multiple-Family – A building containing three (3) or more dwelling units designed for residential use.
33. Equipment Compound – An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
34. Erected – Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.
35. Essential Services – The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utility or municipal departments for the general health, safety, or welfare.
36. Excavation – Any breaking of ground, except common household gardening and working of ground for agricultural purposes.
37. Exceptions – See “Zoning Exceptions.”

38. Family – One (1) or two (2) persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two (2) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two (2) or less persons living in such housekeeping unit shall be considered a separate family for the purposes of this Ordinance.
39. Family Day Care Home – A private home in which at least one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. A family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
40. Farm – All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees. No farm shall be operated for the disposal of garbage, sewage, rubbish, or rendering plants, or for slaughtering of animals, except such animals as may have been raised on the premises immediately prior thereto and for the use and consumption by persons residing on the premises.
41. Feedlot – The raising of livestock where they are fed in confinement for meat production.
42. Floodplain – Those areas of land adjacent to the rivers, and other water courses of the Township, which are deemed official on the Casco Township Floodplain Map subject to seasonal and periodic flooding as designated.
43. Floor Area, Residential – For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
44. Floor Area, Usable (for the purpose of computing parking) – That area used for or intended to be used for the sale of merchandise or service, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of “Usable Floor Area.” Measurements of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

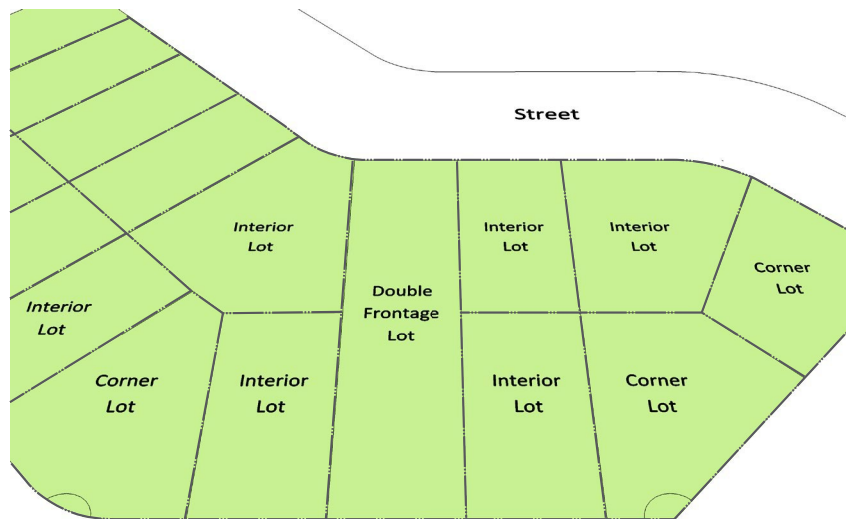
45. Frontages – That portion of any property abutting a public street; a corner lot and a through lot having frontage on both abutting streets.
46. Garage, Service – Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale.
47. Garage, Commercial – Any premises used for the storage, care, repair or refinishing of motor vehicles, but not including a place where any such vehicles are for hire or sale.
48. Garage, Private – An accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory.
49. Grade – The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished ground is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
50. Greenbelt – A strip of land of varying width and shape which is planted with landscaping and within which construction and structures are prohibited. The purpose of greenbelts is to provide for permanent open space and landscaped areas.
51. Group Day Care Home – A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A group day care home includes a home that gives care to at least seven (7) unrelated minor children for more than four (4) weeks during a calendar year.
52. Health Authority – The Authority and its designated agents, being full-time administrative officers of an approved city, county, or district board or department of health, delegated this authority by the state.
53. Home Occupation – Any activity or hobby that is carried on for profit within the walls of a dwelling unit or accessory building, and which is customary, incidental, and accessory to the dwelling unit. This may include the use of a single-family residence by an occupant of that residence to give instruction in a craft or fine art within the residence.
54. Junk – Any motor vehicles, machinery, appliances, product or merchandise with parts missing, or scrap metals, or other scrap materials that are damaged, deteriorated, or are in

a condition which prevents their use for the purpose for which the product was manufactured. Specifically included are motor vehicles, not movable under their own power, excluding agricultural machinery.

55. Junk Yard – An open space where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A “Junk Yard” includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.
56. Kennel, Commercial – Any lot or premises on which dogs, cats or other household pets are either permanently or temporarily boarded, kept or bred for commercial purposes.
57. Landfill, sanitary – A tract of land, developed, designed, and operated for the disposal of solid waste in a manner consistent with the criteria established by Act. 451 of the Michigan Public Acts of 1994, as amended, and any rules or regulations established on this Act.
58. Landowner – The legal or beneficial owner or owners of all the land proposed to be included in a Planned Unit Development. The holder of an option or contract to purchase, or other persons having an enforceable proprietary interest in such land, shall be deemed to be landowner for the purpose of this Ordinance.
59. Landscaping – The treatment of the ground surface with live or synthetic materials such as, but not limited to, grass, ground cover, crushed stone, trees, shrubs, vines and other growing or synthetic horticultural material. Structural features such as fountains, shadow pools, statues, garden walls, pathways, benches and the like shall also be considered elements of landscaping, but such structural features alone shall not meet the spirit and intent of landscaping requirements.
60. License (Mobile Home Commission) – A written license issued by the Mobile Home Commission allowing a person to operate and maintain a manufactured home park under the provisions of Michigan Public Acts 419 of 1976, as amended.
61. Livestock Building – See "Barn" definition.
62. Loading Space – An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
63. Lot – A parcel of land occupied, or intended to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses

accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

- 64. Lot, Corner – A lot where the interior angle or two (2) adjacent sides at the intersection of two (2) streets is less than one hundred thirty (130) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is less than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.
- 65. Lot, Interior – Any lot other than a corner lot.
- 66. Lot, Through – Any interior lot having frontage on two (2) parallel streets as distinguished from a corner lot. In the case of a row of double frontage lot, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.



Lot Types

- 67. Lot, Zoning – A single tract of land, located within a single block, which at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall

satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

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

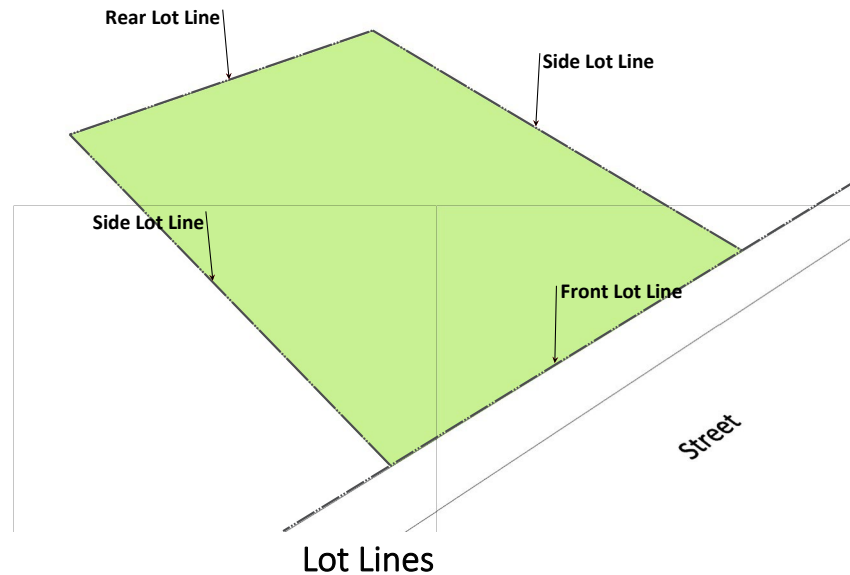
69. Lot Coverage – The part or percent of the lot occupied by buildings, including accessory buildings.

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

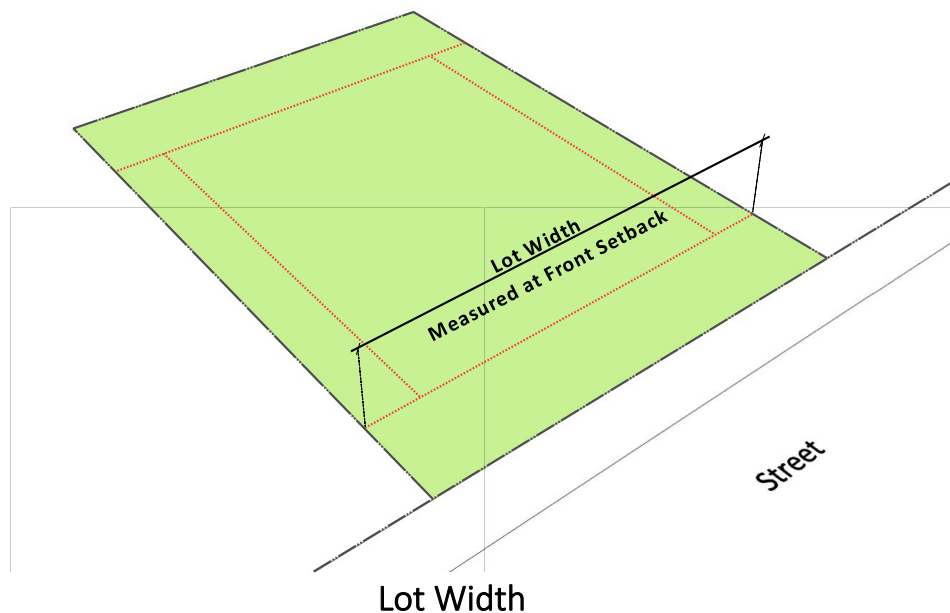
71. Lot Lines – The lines bounding a lot as defined herein:

a. Front Lot Line – In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from either street (see definition of street).

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



72. Lot of Record – A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Municipal, or County, officials and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.
73. Lot Width – The straight line horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects with side lot lines.



74. Main Building – A building in which is conducted the principal use of the lot upon which it is situated.
75. Major Thoroughfare – An arterial street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term on the Major Thoroughfare Plan to identify those streets comprising the basic structure of the Major Thoroughfare Plan.

76. Malfeasance – Official misconduct; the commission of an unlawful act, done in an official capacity; an act for which there is no statutory authority. Malfeasance in office requires an affirmative act or omission; for example, failure of a member to disclose a conflict of interest when voting on a matter before the board or commission.
77. Master Plan – The comprehensive community plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.
78. Mezzanine – An intermediate floor in any story occupying not more than one-third (1/3) of the floor area of such story.
79. Misfeasance – Negligence in the discharge of one's official duties or statutory obligations; carelessness in the discharge of public duties; for example, approval or disapproval of an application based on standards not evident in the Code of Ordinances.
80. Manufactured Home – A manufactured dwelling unit, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Manufactured home does not mean a recreational vehicle.
81. Manufactured Home Condominium Projects – A parcel of land under joint ownership which has been planned and improved for the placement of a manufactured home for non-transient use, on an individual lot, with intent of the sites to constitute individual condominium units.
82. Manufactured Home Development – A parcel of land under single ownership which has been planned and improved for the placement of a manufactured home for non-transient use, for the exclusive use of the owner, with other similar parcels of land in the adjoining properties.
83. Manufactured Home Lot or Site – A parcel of land for the placement of a single manufactured home and exclusive use of its occupants within a licensed manufactured home park, in a condominium project or subdivision project or development.
84. Manufactured Home Park – A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or

facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

85. Manufactured Home Stand – That part of an individual lot which has been reserved for the placement of the manufactured home, appurtenant structures or additions.
86. Manufactured Home Subdivision – A parcel of land under single ownership which has been planned and improved for the placement of manufactured homes for non-transient use, on individual lots and for the purpose of selling the lots.
87. Motel – A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.
88. Municipality – The Township of Casco, St. Clair County, Michigan.
89. Nonconforming Lot – A lot which exists as a legal lot of record and which existed as a legal lot of record at the effective date of adoption or amendment of this Ordinance, which does not conform to the lot requirements of this Ordinance.
90. Nonconforming Structure – A lawful structure which existed at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by means of restrictions on area, lot coverage, height, yards or other dimensional requirements.
91. Nonconforming Use – A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.
92. Nonfeasance – Failure to perform one’s official duties or statutory obligations; for example, failure to attend the meetings of a board or commission to which one is appointed.
93. Non-Residential Driveway – Any driveway constructed which is not designed to provide access to the primary or accessory structure(s) located on a parcel of land occupied by a single family residential structure. Driveways designed for the purpose of serving agricultural properties where no residential structure exists shall not be considered a “non-residential driveway” if such driveways are not paved and less than twelve (12) feet in width when located outside the road right-of-way.

94. Nursery, Plant Materials – A space, building, or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.
95. Nuisance Factors – An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, particularly at night, passenger traffic, invasion of non-abutting street frontage.
96. Nursery Schools, Day Care Centers – A facility other than a private residence, receiving more than six (6) preschool or school-age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative pre-school, play group, or drop-in center. Childcare center or day care center does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
97. Off-Street Parking Lot – A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of vehicles.
98. Open Front Store – A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term “Open Front Store” shall not include automobile repair stations or automobile service stations.
99. Parking Space – An area of definite length and width, said area shall be exclusive of drives, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.
100. Planning Commission – The Casco Township Planning Commission”.

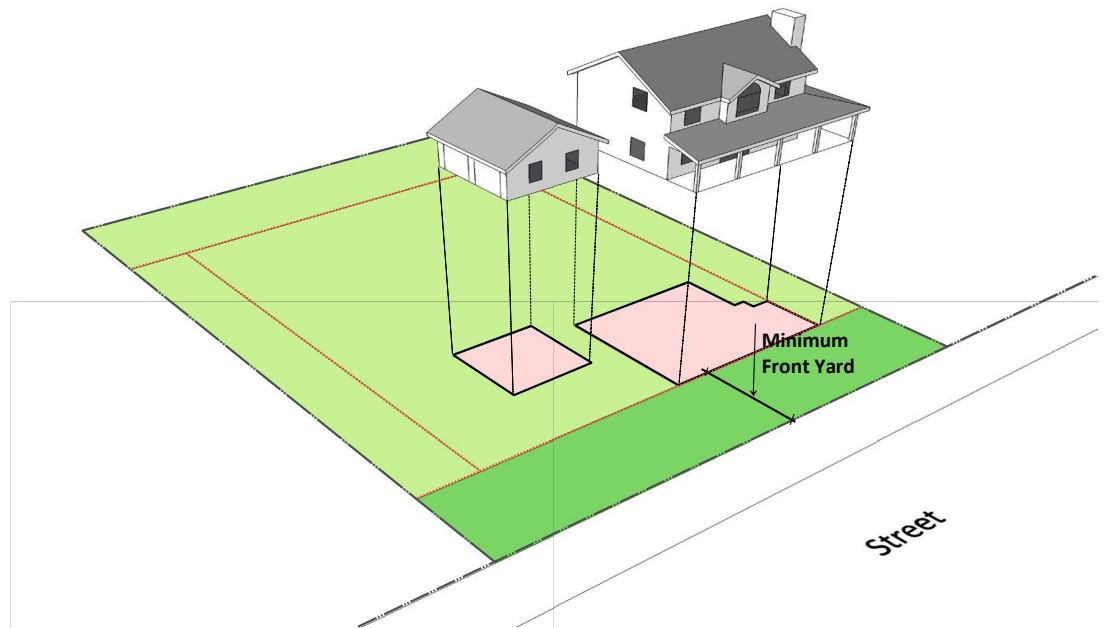
101. Porch, Open – A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.
102. Principal Use – The main use to which the premises are devoted and the principal purpose for which the premises exist.
103. Public Utility – A person, firm or corporation, municipal department, board or commission duly authorized to furnish under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.
104. Roadside Stand – An open front stand so designed that service to the patron does not require entering the building, and used solely for the sale of farm products and for sale of the byproducts of agricultural produce.
105. Room – For the purpose of determining the lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom equal to at least eighty (80) square feet in area. A room shall not include the area of a kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented having one (1), two (2) or three (3) bedroom units and including a "den", "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.
106. Rooming House – A building or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.
107. Rubbish – The miscellaneous waste materials resulting from housekeeping, mercantile enterprise, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.
108. Setback – The distance required to obtain front, side, or rear yard open space provisions of this Ordinance.
109. Sign – The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known such as are used to show an individual firm, profession, or business, and are visible to the general public.
110. Sign, Accessory – A sign which is accessory to the principal use of the premises.

111. Sign, Non-Accessory – A sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the non-accessory sign is located. Off-site signs shall be defined as non-accessory signs.
112. Soil Removal – The removal of any kind of soil or earth matter which includes topsoil, sand, gravel, clay or similar materials or any combination thereof, except common household gardening and general farm care.
113. Solar Energy System, Large – A utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows, and associated control or conversion electronics, occupying more than five (5) acres of land, and that will be used to produce utility power to off-site customers.
114. Solar Energy System, Medium – A private on-site or utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows or roof-panels, and associated control or conversion electronics, occupying more than 0.1 acre and no more than five (5) acres of land, and that will be used to produce utility power to on-site uses and off-site customers.
115. Solar Energy System, Small – A single residential or small business-scale solar energy conversion system consisting of roof panels, ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics, occupying no more than 0.09 acre of land, and that will be used to produce utility power primarily to on-site users or customers.
116. Special Approval Uses – This definition is based upon the division of the Township 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 may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, there is a need to carefully regulate them with respect to their location for the protection of the community. These uses, due to their peculiar locational 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.
117. Stable, Commercial – A stable other than a private stable, where horses are boarded or are for hire or sale.
118. Stable, Private – A structure or shelter with the primary purpose of housing horses which are not boarded and are owned by the immediate family.

119. State-Licensed Residential Facility – A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 218 of the Public Acts of 1979, as amended, or Act No. 116 of the Public Acts of 1973, which provides resident services for six (6) or fewer persons under twenty-four (24) hour supervision or care for persons in need of that supervision or care. This term shall not apply to adult foster care facilities licensed by a State agency for care and treatment of persons released from or assigned to adult correctional institutions.
120. Story – That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.
121. Story, Half – An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'-6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.
122. Street – A public dedicated right-of-way other than an alley, which affords the principal means of access to abutting property.
123. Structure – Anything constructed, placed, or erected which requires permanent location on the ground, to include but not limited to all buildings. Excluded are fences, sidewalks, paving on streets, driveways, parking areas, and patios.
124. Structural Alterations – Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof, or any additional floor space added to the building.
125. Subdivision Regulations – The regulations governing the subdivision of land, providing the procedure for the preparation and filing of plats, tentative approval of preliminary plats, submission of record of final plats, approval of the plat by the Township Board, providing for platting regulations and requirements in regard to conformity to the Township's Master Plan.
126. Temporary Use of Building – A use or building permitted by the Township to exist during periods of construction of the main building or use, or for special events.
127. Usable Floor Area (For the purpose of computing parking) – That area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for

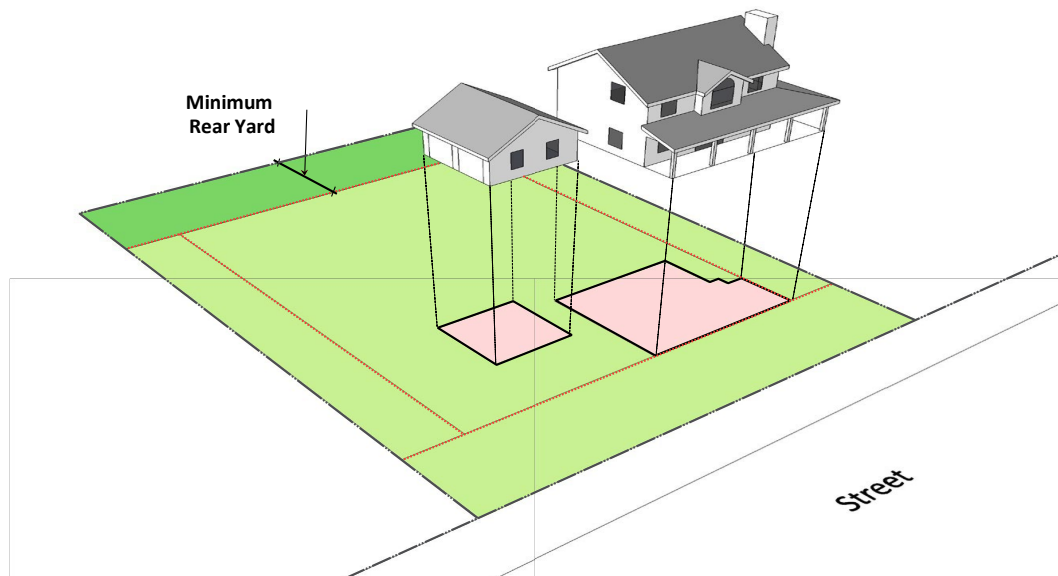
the storage of merchandise, or for utilities shall be excluded from this computation of "Usable Floor Area". Measurement of floor area shall be the sum of the gross horizontal areas of all floors of the building measured from the interior faces of the exterior walls.

128. Use – The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
129. Use (Change of) – A modification or deviation from the original purpose, occupancy, utilization or classification of a building, structure or parcel or tract of land. The term is inclusive of (a) a discernible increase in the intensity of use, which by ordinance imposes more restrictive parking requirements or other more restrictive characteristics of use or (b) an alteration by change of use in a building heretofore existing to a new use group, as defined in the Township's Building Code, which imposes other special provisions of law governing building construction equipment or means of egress.
130. Use, Increase in the Intensity of – A discernible increase in the level or volume of activity generated by a change in use or an increase in floor area or an increase in land area configurations.
131. Utility Structure – Facilities related to and necessary for the operation of oil, gas, water pipelines, sewer pipelines, electrical transmission lines, telephone and telegraph lines, oil and gas wells, and underground storage fields. Included are such facilities as pumping stations, compressor stations, transformer stations, and switching stations.
132. Wireless Communications Equipment – The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless support structures.
133. Wireless Communication Support Structure – A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.
134. Yards – The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance, and as defined herein:
 - a. Front Yard – An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.



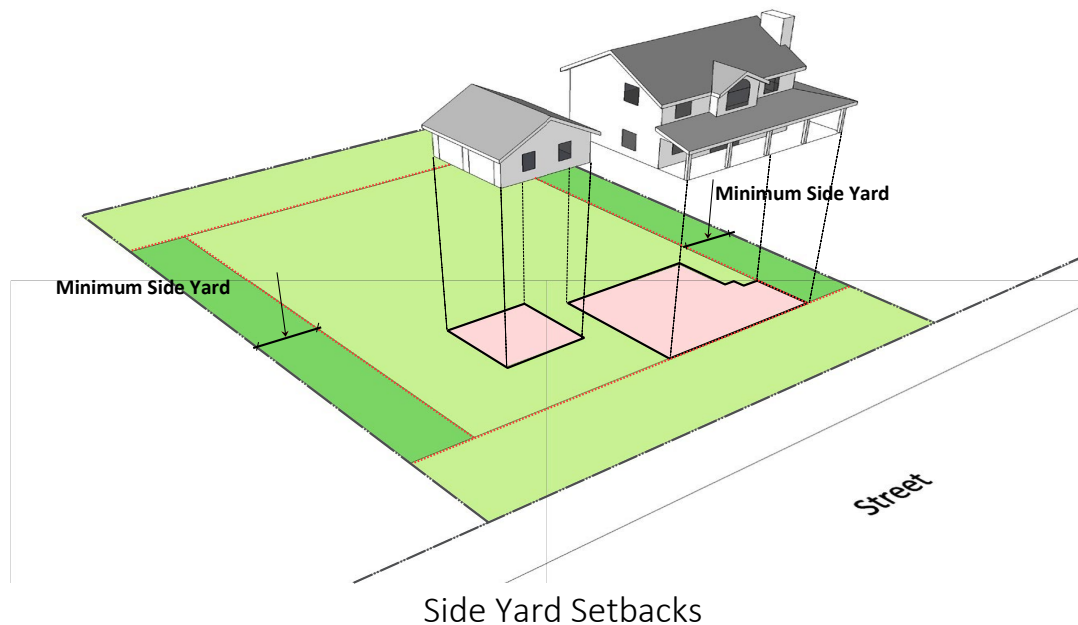
Front Yard Setback

- b. **Rear Yard** – An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.



Rear Yard Setback

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



135. Zoning Exceptions and Variances:

- a. Exception – An exception is a use permitted only after review of an application by the Board of Appeals or Commission other than the Administrative Official (Building Inspector), such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, such review is required by this Ordinance.
- b. Variance – A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted.

136. Wind Energy Conversion Systems (WECS) – A device that converts wind energy to mechanical or electrical energy.

- a. Height (as applied to WECS) – The distance, measured from grade to the highest point of the wind rotor or tip of the turbine blade, when it reaches its highest elevation.

- b. Wind Rotor – The blades plus hub, to which the blades are attached, used to capture wind for purposes of energy conversion.
- c. Wind Turbine – A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator that may include a rotor, tower, and pad transformer.
- d. Survival Wind Speed – The maximum wind speed, a WECS in automatic, unattended operation (not necessarily producing power) can sustain, without damage to structural components or loss of the ability to function properly.

Article 3
Zoning Districts and Map

Section 4 – Districts Established

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

- AG Agricultural District
- R-1 Rural Non-Farm Residential District
- R-2 Suburban Residential District
- RT Manufactured Home Residential District
- B-1 Local Business District
- B-2 General Business District
- ROS Recreation Open Space District
- IND Industrial District
- OS Office Service District

Section 5 – District Boundaries

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

Section 6 – District Boundaries Interpreted

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.

- D. Boundaries indicated as parallel to or extensions of features shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- E. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A. through D. above, the Board of Appeals shall interpret the district boundaries.
- F. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

Section 7 – District Requirements

- A. All buildings and uses in any district shall be subject to the provisions of Article 14, General Provisions, and Article 15, General Exceptions.
- B. Each district, as created in Section 4, shall be subject to the regulations contained in this Ordinance. Uses for enterprises or purposes that are contrary to federal, state, or local laws, or ordinances are prohibited. Uses permitted on special approval, because of their nature, require special restrictions and some measure of individual attention in order to determine whether or not such uses will be compatible with permitted principal uses in the district and with the purposes of this ordinance. Uses permitted on special approval are therefore prohibited uses, unless they are reviewed by and special approval is granted by the designated approving body, as provided in this Ordinance.

Article 4
AG, Agricultural District

Section 8 – Intent

Agricultural Districts are those open areas of the Township where farming, dairying, forestry, and other rural activities are found. The Agricultural Districts protect land needed for agricultural pursuits from encroachment by untimely and unplanned residential, commercial, and industrial development.

Section 9 – Permitted Principal Uses

Unless otherwise permitted in this Ordinance, no building shall be erected, and no building or land shall be used in the AG districts except for one or more of the following uses:

- A. General and specialized farming and agricultural activities
- B. Sale of agricultural products raised or grown on the farm, including a roadside stand, provided an adequate area is available for off-street parking.
- C. Single-family dwellings
- D. Conservation areas including forest preserves, game refuges, nature reservations, and similar areas.
- E. Home occupations
- F. Places of Worship
- G. State-licensed residential facilities
- H. Family daycare homes
- I. Accessory uses or structures customarily incidental to the above permitted uses
- J. Essential services
- K. On-site signs
- L. Small solar energy systems

M. Medium solar energy systems

N. Uses which, in the opinion of the Planning Commission, are similar to the above permitted principal uses.

Section 10 – Uses Permitted on Special Approval

The following Special Approval Uses may be permitted by the Planning Commission only after notice of a public hearing has been given as required by State Law and Article 16 of this Ordinance. All Special Approval Uses shall submit a site plan to the Planning Commission prepared according to the requirements of Section 75.

A. Excavation or stripping of sand, gravel, topsoil, peat, or similar materials, subject to the regulations of the Casco Township Soil Removal Ordinance and the following locational standards:

1. All mining operations shall have direct access to a paved, major thoroughfare, as designated on the Casco Township Thoroughfare Plan adopted by the Planning Commission.
2. Where the mining operation abuts a residential district or use, an obscuring fence, berm, and/or a landscaped greenbelt shall be provided, at the discretion of the Planning Commission, along the entire property line abutting the residential district or use.

B. Golf courses which do not include miniature golf, subject to the following:

1. Major accessory uses such as a restaurant and bar shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop, may be located in separate structures.
2. No structure shall be located closer than seventy-five (75) feet from the lot line of any adjacent residential district or public right-of-way.
3. All maintenance, service, and storage yards shall be screened from view by a six (6) foot high masonry wall or pressure-treated wood fence approved by the Planning Commission.
4. All parking areas shall be paved and shall be located or screened so as not to affect any adjoining residential district.

5. All ingress and egress from the site shall be directly onto a major or secondary thoroughfare.
6. All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.
7. Whenever included, swimming pools shall be provided with a protective fence not less than six (6) feet in height, and entry shall be provided by means of a controlled gate or turnstile.

C. Commercial greenhouses, subject to the following:

1. Retail sales shall be limited to products raised or grown on the premises. Sales of accessory items, such as fertilizer, gardening tools, and similar items not made or grown on the premises, is prohibited.
2. Adequate off-street parking shall be provided and shall be maintained in a dust-free condition. If a parking lot is within one hundred (100) feet of a residential district or use it shall be screened from view by a landscaped greenbelt or a pressure treated wood fence approved by the Planning Commission.

D. Commercial and service kennels, subject to the requirements and standards of Section 38, C.

E. Overnight campgrounds, hunt clubs, resorts, and recreation travel trailer parks subject to the requirements and standards of Section 43, A.

F. Gun clubs or similar uses with outdoor shooting ranges for rifles, pistols, skeet, archery, and similar projectiles, subject to the requirements and standards of Section 43, C.

G. Public and private schools and universities, subject to the following:

1. Adequate off-street parking shall be provided for all teachers, employees, and visitors.
2. Off-street waiting space shall be available so that school buses and parent's vehicles are not forced to stand within the right-of-way of any street.
3. The layout of all parking, driveway, waiting areas and loading zones shall be designed with pedestrian safety as the primary consideration.
4. All buildings shall be set back at least fifty (50) feet from all lot lines abutting a residential use.

H. Nursery schools and daycare centers, subject to the following:

1. All such uses shall provide adequate drop-off and waiting spaces so that parent's vehicles are not required to stand in a public right-of-way.
2. Outdoor play space shall be provided in the ratio of one hundred (100) square feet per child to be cared for, to a maximum required of ten thousand (10,000) square feet. No outdoor play area shall be less than one thousand (1,000) square feet.
3. To ensure child safety, all outdoor use areas shall be enclosed by a 4 foot 6 inch high chain link fence. On those sides abutting residential property, it shall be a six (6) foot high obscuring fence of masonry or pressure treated wood.
4. The site layout shall be designed to ensure safety by separating play areas from parking and driveways.

I. Convalescent or rest home, home for the elderly, subject to the following:

1. All vehicular ingress and egress shall be directly onto a major or secondary thoroughfare.
2. The minimum site size shall be five (5) acres with a minimum lot width of three hundred (300) feet.
3. All buildings shall be set back at least fifty (50) feet from all side and rear property lines.
4. Off-street parking shall be provided for all employees and visitors and shall be screened from an adjoining residential district or use by a masonry wall, an obscuring fence of pressure treated wood, and/or a greenbelt, at the discretion of the Planning Commission.

J. Cemeteries, subject to the following:

1. Minimum site size shall be twenty (20) acres with a minimum lot width of three hundred thirty (330) feet.
2. There shall be no burial plots within twenty-five (25) feet of any lot line.
3. No service buildings shall be located closer than one hundred (100) feet to any property line and all service and storage yards shall be screened from view by an obscuring wall or fence at least six (6) feet high.

4. On all sides abutting property in a zoning district that permits residential uses, the twenty five (25) foot setback area shall be landscaped as a greenbelt.
- K. Private aircraft landing strips, subject to the requirements and standards of Section 48,C.
- L. Limited business uses primarily engaged in producing a product or providing a service, where the external physical effects will not extend beyond the property lines, subject to the following:
1. Only owner/operator types of businesses shall be allowed.
 2. All such uses shall be completely enclosed within a building and shall be designed and operated by the owner/operator as a use accessory to the permitted residential use.
 3. There shall be no open storage of equipment, vehicles, materials, or wastes.
 4. The product manufactured on-site shall not be sold primarily at retail on-site, rather, the product should be distributed elsewhere by the owner/operator.
 5. There shall be no more employees than could be reasonably expected on an agricultural operation of the same size and scale.
 6. The building used for production or servicing shall not exceed the total floor area of the permitted residence.
 7. All areas for employee and customer parking shall be designed and arranged so as to be screened from public view.
 8. One, non-illuminated sign, no larger than eleven (11) square feet, and stating only the name of the business or profession of the owner/operator shall be displayed flat against the wall of the building.
 9. The minimum site size required for all limited business uses in the AG districts shall be five (5) acres with a minimum width of two hundred (200) feet.
 10. The owner/operator shall have restroom facilities available for all employees within five hundred (500) feet of their usual working place.

11. The Planning Commission may waive the requirement for a paved driveway and parking area for a limited business use upon making the following findings:
 - a. The limited business use has no more than six (6) full-time equivalent employees.
 - b. The limited business use does not require the delivery or pick-up of merchandise or materials in trucks or trailers with more than two (2) axles.
 - c. The use of a gravel driveway and parking area would not create excessive noise, dust, or other negative impacts that might affect adjacent properties.
 - M. Local utility structures, subject to the requirements and standards of Section 48, H.
 - N. Electric stations and gas compressor stations, subject to the requirements and standards of Section 48, J.
 - O. Riding academic and stables, subject to the requirements and standards of Section 43, D.
 - P. Public buildings and uses, such as police and fire stations, municipal offices, libraries, community and recreation centers, and the like, but excluding public works garages and storage yards, subject to the following:
 1. There shall be no storage yard or uses like a public works garage.
 2. The site shall have access from a major or secondary thoroughfare.
 3. All off-street parking shall be screened from abutting residential property by a brick wall, decorative wood fence, or a landscaped greenbelt at least fifteen (15) feet wide.
 4. All outdoor lighting shall be approved by the Planning Commission and designed to shield the light from projecting onto adjoining properties or affecting driver visibility on nearby streets.
 - Q. High Volume Water Well or Well System, defined as a well or series of wells capable of producing over one hundred (100) gallons per minute peak capacity and intended to serve a use other than one single family home, subject to the following:
 1. There must be a demonstrated need for the proposed High Volume Water Well or Well System.
 2. All such uses shall be completely enclosed and without storage yards.
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3. No structure shall exceed the height limit of the district and all storage tanks shall be set back from all property lines a distance equal to at least the height of the tank.
 4. In order to protect property values in the area, all building shall be designed to be compatible in style and materials with other uses and structures permitted in the district.
 5. No building shall be located closer than fifty (50) feet to any property line abutting land zoned for residential use.
 6. Adequate off-street parking shall be provided for any service personnel and all drives and parking areas shall be built in accordance with Township requirements.
 7. The construction and operation of a water well structure shall not restrict or eliminate the availability of potable water to those residents, businesses, and property owners within the cone of influence of the well(s).
 8. The applicant may submit an application to the Planning Commission for approval to drill a test water well for the purpose of collecting data needed to complete a full application and determine the feasibility of establishing ap permanent well or well systems. The drilling of a test well may be permitted as a temporary use not requiring special land use approval. The applicant shall apply for a temporary water well for testing purposes. The application shall include the following information:
 - a. Name, address, city zip code and phone number of the applicant.
 - b. Location of proposed test well.
 - c. Purpose of proposed test well.
 - d. Anticipated depth and peak volume of well.
 - e. Location of potential contaminants, industrial uses and industrial zoning districts within two thousand (2,000) feet of the proposed well.
 - f. Proposed end users of the well or well systems and location of end users.
 - g. Number of days anticipated to complete drilling and number of days anticipated to complete testing.
 - h. Signature of applicant
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9. An application for a permanent High Volume Water Well or Well System shall include an application for special land use approval, all information required in Section 75 and Section 10, Q, and all other similar information as may be necessary to confirm compliance with the provisions of the Casco Township Zoning Ordinance.
10. In order to protect the public health, safety and welfare and protect the public supply of drinking water, no High Volume Water Well or Well System shall be constructed within two thousand (2,000) feet of a potential or known major source of contamination (e.g., waste disposal site, land application of sanitary wastewater or sludges, sanitary landfills, chemical or waste chemical storage or disposal facilities, etc.), existing industrial use, or property zoned for industrial uses. The applicant shall provide a map, prepared by a registered engineer, land surveyor, architect, landscape architect or planner showing the existing uses and zoning within a minimum two thousand (2,000) foot radius of the site. This radius may be increased or decreased by the Planning Commission depending on the results of the hydrogeologic study. If other potential sources of contamination other than those listed above are identified within a minimum two thousand (2,000) foot radius of the proposed High Volume Water Well or Well System, the Planning Commission may deny the application or, if appropriate, require appropriate conditions to protect the public health, safety and welfare.
11. In addition to the above, the applicant shall address other potential negative impacts that may be caused by the construction and operation of a high volume water well system, including a plan for mitigation of these negative impacts.
12. Because the supply of clean, safe drinking water is an important natural resource, no High Volume Water Well or Well System may supply water to any property outside the limits of Casco Township unless an agreement is reached between the Casco Township Board and the Legislative Body of the other municipality.
13. An annual permit shall be required for all High Volume Water Wells or Well Structures. Prior to December 31 of each year, the owner-operator shall submit an application and appropriate application fee to the Township Clerk for renewal of the annual permit. The application shall include well log data including peak and average flow data on a monthly basis and water quality testing results.
14. A performance bond in an amount to be set by the Township Board shall be provided by the applicant to ensure protection of adjacent property owners.
15. The applicant shall submit a site plan and hydrogeologic study prepared by a qualified engineer showing the extent of the well cone of influence, the number and location of wells, the anticipated average and peak water flow on a daily and peak basis, and all other information required in Section 75. In addition, the study shall document the location of

existing wells within the maximum proposed cone of influence area, or 2,000 feet in diameter, whichever is greater, and describe the anticipated impact on these wells. Furthermore, the study shall include a plan that provides, at a minimum, for the connection of any and all existing wells within the cone of influence to the proposed well or well system free of charge in the event that the wells fail after the proposed well(s) in constructed. As an alternative, the plan may provide for the drilling of new, deeper wells for individuals as an instead of free hookup to the proposed High Volume Water Well or Well System, The plan shall also provide, at a minimum, for the future connection to the well or well system (or drilling of new individual wells) for those properties within the cone of influence that are currently undeveloped or underdeveloped.

R. Commercial Broadcast Facilities and Wireless Communications Equipment and Support Structures, subject to the following:

1. Special Approval of wireless communications equipment as required by Section 86.
2. An application for special land use approval of such wireless communications equipment shall include all of the following:
 - a. A site plan, including a map of the property and existing and proposed wireless communications structure(s), equipment compound(s), buildings, and other facilities.
 - b. The name, address, and phone number of the person to contact for all engineering, maintenance and other notice purposes. This information shall be continuously updated while the facility is on the premises.
3. After an application for a special approval is filed with the Township, the Township shall determine whether the application is administratively complete, pursuant to the requirements under Subsection a., above. The application shall be considered to be administratively complete when the Township makes that determination, or fourteen (14) business days after the Township receives the application, whichever is first.
4. If the Township finds the application is not administratively complete, it shall notify the applicant of the specific items needed to make the application administratively complete. The fourteen (14) business-day time period provided above will be stopped until the applicant provides all the required information, including payment of review fees, which shall not exceed the Township's actual cost of review or one thousand (\$1,000) dollars, whichever is less.
5. The Township shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the Township fails to take action after the sixty (60) day period, the application shall be considered approved, and

the approving body shall be considered to have made any determination required for approval.

6. Standards for approval. Such wireless communications equipment shall meet all the requirements of applicable codes, state, and federal laws.
7. Standards and Conditions Applicable to All Commercial Broadcast Facilities and Wireless Communications Equipment and Support Structures:
 - a. Facilities and support structures shall be located and designed to be harmonious with the surrounding areas. The use of monopole towers shall be required unless the applicant demonstrates that monopole towers are not feasible for the proposed use.
 - b. Commercial broadcast facilities and wireless communications equipment and support structures shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
 - c. Applicants shall demonstrate a justification for the proposed height of the structure based on radio signal strength and an evaluation of alternative designs which might result in lower height.
 - d. The following additional standards shall be met:
 - (1) The height of the support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure), provided that the maximum height shall be one hundred eighty feet (180) feet. A lesser height limit may be required when the Federal Aviation Administration would require lighting for the support structure. Accessory buildings shall be limited to the maximum height for accessory structures within the respective district.
 - (2) The setback of the support structure from any property line and existing or proposed road right of way line or utility line shall be at least the height of the highest point of the support structure and any top-mounted antennae. Multiple towers on the same parcel or adjoining parcels shall each meet the above criteria and be separated from any other tower for a distance at least equal to the height of the tallest tower.
 - (3) There shall be unobstructed access to the facility for operation, maintenance, repair and inspection (may be provided by an easement). All drives shall be kept clear of obstructions that would hinder access of emergency vehicles. A gate or any

other type of locking device with means of access acceptable to the fire department is allowed.

- (4) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
 - (5) Support structures shall be constructed in accordance with applicable building codes. For antennas in excess of thirty-five (35) feet in height, a soils report from a geotechnical engineer, licensed in the State of Michigan shall be submitted. This report shall confirm the suitability of the soil for the proposed use. Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission requirements shall be noted.
 - (6) Screening requirements, including vegetation, landscaped berms, and screen walls shall be provided in accordance with the district requirements in which the cell tower site is located, unless the Planning Commission, after considering the type, size and height of all equipment being proposed, as well as adjacent uses, requires a different level of landscaping or screening. Screening is not required for structures located three hundred (300) feet from the property line or proposed right-of-way.
 - (7) Where employees will be stationed at the facility on a permanent or intermittent basis, adequate off-street parking shall be constructed with an asphalt or concrete surface.
 - (8) There shall be no outdoor storage of equipment and/or materials, except those which are necessary for emergency repairs at that particular site (which may be temporarily stored during the emergency.)
- e. The application shall include a certification by a State of Michigan licensed Professional Engineer regarding the manner in which the proposed structure may fall.
 - f. The application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed. The security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township attorney and recordable at the Register of Deeds, establishing a promise of the applicant, owner of communication equipment, and lease of the property to remove the facility in a timely manner as required under this section of the ordinance. The applicant, owner of communication equipment, and lease of the property shall be responsible for the payment of any costs and attorney fees incurred by the Township in securing removal.

12. Within one hundred twenty (120) days of a tower or similar structure ceasing operations - i.e., no longer supporting wireless communications equipment that is regularly transmitting and/or receiving wireless signals in accordance with the special use permit - the owner of the tower shall dismantle and remove the structure and all related equipment. The owner may apply to the Planning Commission for a 6-month extension in the event that the owner is actively seeking to lease or sell the facility to another user or buyer.
- S. Special Requirements For Wireless Communication Facilities Proposed Outside Districts Where They Are Principal Permitted Uses Or Permitted After Special Land Use Applications – For facilities which are not permitted uses and which are proposed to be located outside of a district where they are permitted as a special land use, shall conform with the following standards, along with those in Sections 1 & 2 above:
1. The applicant shall demonstrate that a location within a district where the facility is permitted as a principal or special land use cannot reasonably meet the coverage and/or capacity needs of the applicant.
 2. Wireless communication facilities shall be of a design which is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the Township.
 3. The applicant shall seek to locate the facility at one of the following sites (not in any priority), subject to application of all other standards contained in this Ordinance, such as setback and lot size requirements:
 - a. Municipally owned site.
 - b. Other governmentally owned site.
 - c. Religious or another institutional site.
 - d. Public park and other large permanent open space areas when compatible.
 - e. Other locations if none of the above is available.
 4. When determined necessary, the Planning Commission may require the applicant to provide additional technical studies to demonstrate or verify the need for the proposed facility, which may be completed by the Applicant, and/or an independent party selected by the Township at the discretion of the Planning Commission.
 5. Additional Requirements for Collocation:
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- a. A special land use permit for the construction and use of a new wireless communication facility shall not be granted, unless and until, the applicant demonstrates that collocation is not feasible.
- b. All new and modified wireless communication facilities shall not be designed and constructed so as to prevent collocation.
- c. The policy of the Township is “pro collocation.” Thus, if a party who owns or otherwise controls a wireless communication facility, shall fail to accommodate a proposed and otherwise feasible collocation, such facility shall be deemed to be a nonconforming structure and use. If such failure or refusal to permit a feasible collocation requires the construction and/or use of a new wireless communication facility, the party failing or refusing to permit a feasible collocation shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five (5) years from the date of the failure or refusal to permit the collocation. Applicants to the Zoning Board of Appeals regarding this provision must demonstrate that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or would have the effect of prohibiting the provision of personal wireless communication services.

6. Removal

- a. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by the owner of the communication equipment and lease of the property when the facility has not been used for one hundred eighty (180) days or more. For purposes of this Ordinance, the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
- b. Upon the occurrence of one or more of the events requiring removal, the facility owner and leasee shall immediately apply for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal.
- c. If the required removal of a facility has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least sixty (60) days written notice, the Township may remove or secure the removal of the facility, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time of application. The Township may grant sixty (60) day extensions.

T. Large solar energy systems subject to the conditions listed in Section 89.

Section 11 – Development Regulations

See Article 13, Schedule of Regulations, for height, bulk, density, lot area, floor area, and setback regulations.

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Article 5
R-1, Rural Residential District

Section 12 – Intent

The Rural Residential District is established in order to provide areas where very low density residential uses can exist in harmony with agricultural uses in an area with a typically rural character. Due to soil conditions in these areas, higher density development would not be possible or desirable.

Section 13 – Permitted Principal Uses

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the R-1 district, except for one or more of following uses:

- A. General and specialized farming and agricultural activities.
- B. Sale of agricultural products raised or grown on the farm, including a roadside stand, provided an adequate area is available for off-street parking.
- C. Single-family dwellings.
- D. Home occupations subject to Section 84.
- E. Accessory structures or uses customarily incidental to the above permitted uses, in accordance with Section 65.
- F. State-licensed residential facilities.
- G. Family daycare homes.
- H. On-site signs, in accordance with Section 69.
- I. Small solar energy systems subject to the conditions listed in Section 87.
- J. Uses which, in the opinion of the Planning Commission, are similar to the above permitted principal uses.

Section 14 – Uses Permitted on Special Approval

The following Special Approval Uses may be permitted by the Planning Commission only after proper notice of a public hearing has been given as required by State Law and Article 16 of this ordinance. All Special Approval Uses shall submit a site plan to the Planning Commission prepared according to the requirements of Section 75.

- A. Retail or service businesses, such as a bakery, neighborhood grocery, barber or beauty shop, and similar uses designed to primarily serve the immediate residential neighborhood, subject to the following standards:
 - 1. All such uses shall be located on a major or secondary thoroughfare, as designated on the Planning Commission's adopted Master Plan.
 - 2. All such establishments shall be retail or service businesses only, dealing directly with consumers. All activities of the business shall be conducted within a single, completely enclosed building, except for required off-street parking.
 - 3. Off-street parking shall be provided in the ratio of one space for each two hundred (200) square feet of gross floor space devoted to the business. The parking area shall not occupy the first twenty-five (25) feet of the required front yard. This area shall be landscaped as a greenbelt and the parking lot shall be separated from all other property lines abutting land zoned residential by a landscaped greenbelt at least fifteen (15) feet wide. (See Section 74)
 - 4. The building shall not be located closer than twenty-five (25) feet to any side lot line and shall comply with the front and rear setback requirements of the R-I district.
 - 5. Adequate space shall be provided on-site for all loading and unloading activities associated with the business.
 - 6. Each business may have one (1) non-illuminated sign not to exceed twenty (20) square feet of total sign area.
- B. Golf courses, subject to the standards of Section 10, B.
- C. Nursery schools and daycare centers, subject to the standards of Section 10, H.
- D. Churches and other buildings for religious worship, subject to the following:
 - 1. All parking areas shall be screened from adjoining residential properties by a landscaped greenbelt at least fifteen (15) feet wide.

2. A Drainage and Retention Plan shall be submitted for the parking area and all other impervious surface showing the method of holding storm water and preventing it from flowing onto or otherwise affecting adjoining properties.
 3. The principal building shall comply with all setback requirements of the district in which it is located provided, however, that in no case shall the principal building be located closer than twice its height to any property line.
 4. The applicant shall provide evidence of Health Department approval for all on-site water supply and sewage disposal facilities to be used by the public.
- E. Public and private parks, playgrounds, playfields, swimming pools, recreation centers, and the like, subject to the following:
1. Where the site abuts a residential use, adequate fencing shall be provided to prevent park users from occupying private property.
 2. Adequate off-street parking shall be provided so that park users will not leave cars within a public right-of-way or on nearby private property.
 3. Hours of operation may be regulated by the Planning Commission where protection for the adjoining residential neighborhood is necessary.
 4. There shall be no public address or loudspeaker system or continuous broadcaster of music and the like.
- F. Public and private schools subject to the requirements and standards of Section 10, G.
- G. Local utility structures subject to the requirements of Section 48, H.
- H. Public buildings and uses, such as police and fire stations, municipal offices, libraries, community and recreation centers, and the like, but excluding public works, garages and storage yards, subject to the following:
1. There shall be no storage yard or uses like a public works garage.
 2. The site shall have access from a major or secondary thoroughfare.
 3. All off-street parking shall be screened from abutting residential property by a brick wall, decorative wood fence, or a landscaped greenbelt at least fifteen (15) feet wide.

4. All outdoor lighting shall be approved by the Planning Commission and designed to shield the light from projecting onto adjoining properties or affecting driver visibility on nearby streets.
- I. Public buildings and uses, such as police and fire stations, municipal offices, libraries, community and recreation centers, and the like, but excluding public works, garages and storage yards, subject to the following:
 1. There shall be no storage yard or uses similar to a public works garage.
 2. The site shall have access from a major or secondary thoroughfare.
 3. All off-street parking shall be screened from abutting residential property by a brick wall, decorative wood fence, or a landscaped greenbelt at least fifteen (15) feet wide.
 4. All outdoor lighting shall be approved by the Planning Commission and designed to shield the light from projecting onto adjoining properties or affecting driver visibility on nearby streets.
 - J. High Volume Water Well or Well System (See Section 10, Q).

Section 15 – Development Regulations

See Article 13, Schedule of District Regulations, for height, bulk, density, lot area, floor area, and setback regulations.

Article 6
R-2, Suburban Residential District

Section 16 – Intent

The Suburban Residential District is designed to provide residential areas principally for moderate densities where necessary urban services and facilities, including public sewer and water systems, are likely to occur within the foreseeable future and can be feasibly provided.

Section 17 – Permitted Principal Uses

Unless otherwise permitted in this Ordinance, no building shall be erected, and no building or land shall be used in the R-2 districts except for one or more of the following uses:

- A. Single-family dwellings.
- B. Home occupations subject to Section 84.
- C. Accessory structures or uses customarily incidental to the above permitted uses, in accordance with Section 65.
- D. State-licensed residential facilities.
- E. Family daycare homes.
- F. On-site signs, in accordance with Section 69.
- G. Small solar energy systems subject to the conditions listed in Section 87.
- H. Uses which, in the opinion of the Planning Commission, are similar to the above permitted principal uses.

Section 18 – Use Permitted on Special Approval

The following Special Approval Uses may be permitted by the Planning Commission only after notice of a public hearing has been given as required by State Law and Article 16 of this Ordinance:

- A. Two-family dwellings subject to the following:

1. The minimum lot size shall be three (3) acres and the minimum lot width shall be two hundred (200) feet. All other setback, lot coverage, height limit, and minimum floor area requirements of the R-l districts shall be met.
2. The character and quality of construction shall be designed to blend with the existing single-family homes in the immediate area.
3. A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit and no parking space shall be located in any required or non-required front yard.
4. An approved septic system permit from the St. Clair County Health Department shall be submitted for each dwelling unit where sanitary sewers are not available.

B. Multiple-family dwellings, subject to the following:

1. The minimum site size shall be five (5) acres with a minimum lot width of two hundred fifty (250) feet.
2. Minimum yard requirements shall be as follows:
 - a. Front – 170 feet
 - b. Each side – 25 feet
 - c. Rear – 40 feet
 - d. Minimum spacing between buildings – 40 feet
3. Minimum land area per dwelling unit, in square feet, shall be determined by the number of bedrooms, as follows:

	With Sanitary Sewers	Without Sanitary Sewers
Efficiency & 1-Bedroom Units	3, 000 sq. ft.	3, 600 sq. ft.
2-Bedroom Units	3, 500 sq. ft.	4, 400 sq. ft.
3 or More Bedrooms	4, 300 sq. ft.	5, 400 sq. ft.

4. Off-street parking shall be provided in the ratio of two (2) spaces for each dwelling unit plus one half (1/2) space per unit for visitor parking if the average number of bedrooms per unit is two or more. Where parking areas are arranged so that headlights would project onto adjoining properties, the Planning commission may require a masonry screen wall,

obscuring wood fence, landscaped greenbelt, or other type of suitable screening to protect adjoining residential properties.

5. No off-street parking shall occupy the first twenty-five (25) feet of the required front yard, measured from the proposed right-of-way line.
 6. Multiple family dwellings shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.
- C. Golf courses, subject to the standards of Section 10, B.
 - D. Nursery schools and daycare centers, subject to the standards of Section 10, H.
 - E. Churches and other places of worship, subject to the standards of Section 14, D.
 - F. Public and private parks, playgrounds, playfields, swimming pools, recreation centers, and the like, subject to the standards of Section 14, E.
 - G. Public and private schools, subject to the requirements and standards of Section 14, F.
 - H. Local utility structures, subject to the requirements and standards of Section 48, H.
 - I. Public buildings and uses, such as police and fire stations, municipal offices, libraries, community and recreation centers, and the like, but excluding public works, garages, and storage yards, subject to the following:
 1. There shall be no storage yard or uses like a public works garage.
 2. The site shall have access from a major or secondary thoroughfare.
 3. All off-street parking shall be screened from abutting residential property by a brick wall, decorative wood fence, or a landscaped greenbelt at least fifteen (15) feet wide.
 4. All outdoor lighting shall be approved by the Planning Commission and designed to shield the light from projecting on to adjoining properties or affecting driver visibility on nearby streets.
 - J. High Volume Water Well or Well System, (See Section 10, Q).
 - K. Group daycare homes shall be issued a special approval use permit, in accordance with Section 125.3206 of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.
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Section 19 – Development Regulations

See Article 13, Schedule of District Regulations, for height, bulk, density, lot area, floor area, and set back regulations.

Article 7
RT, Manufactured Home Residential District

Section 20 – Intent

The Manufactured Home Residential District is designed to provide sites where manufactured homes can be placed in a higher density setting than that which is permitted in the other single family districts, while maintaining the neighborhood character that is important to many individuals and families.

Section 21 – Permitted Principal Uses

Unless otherwise permitted in this Ordinance, no building shall be erected, and no building or land shall be used in the RT districts except for one or more of the following uses:

- A. Manufactured home parks and manufactured home subdivisions.
- B. Recreational facilities, public buildings and uses.
- C. Accessory structures customarily incidental to the above permitted uses.
- D. Small solar energy systems subject to the conditions listed in Section 87.
- E. Uses which, in the opinion of the Planning Commission, are similar to the above permitted principal uses.

Section 22 – Uses Permitted on Special Approval

The following Special Approval Uses may be permitted by the Planning Commission only after proper notice of a public hearing has been given as required by State Law and Article 16 of this Ordinance. All Special Approval Uses shall submit a site plan to the Planning Commission prepared according to the requirements of Section 75.

- A. Cemeteries, subject to the requirements of Section 10, J.
- B. Churches, subject to the requirements of Section 14, D.
- C. Nursery schools and daycare centers, subject to the requirements of Section 10, H.

- D. Public and private parks, playgrounds, playfields, swimming pools, recreation centers, and the like, subject to the requirements of Section 14, E.
- E. Schools, subject to the requirements of Section 14, F.
- F. Golf courses, subject to the requirements of Section 10, B.
- G. Retail or service businesses, subject to the requirements of Section 14, A.
- H. Local utility structures, subject to the requirements and standards of Section 48, H.

Section 23 – Height Regulations

- A. In a manufactured home park, no structure shall exceed a height of twenty-five (25) feet or two (2) stories.
- B. See Schedule of Regulations, Article 13 for manufactured home subdivision requirements.

Section 24 – Area Regulations

- A. A manufactured home park shall be permitted only on parcels of at least five (5) acres where sewer and water are available, and ten (10) acres where sewer and water are not available.
- B. See Schedule of Regulations, Article 13, for manufactured home subdivision requirements.

Section 25 – Open Space Requirements

- A. In a manufactured home park, the following open space requirements shall apply to each unit within the park:
 - 1. Twenty (20) feet from any part of another manufactured home. In order to provide manufactured home park residents with more useable yard space, manufactured homes may be placed directly on one of the side lot lines, provided, however, that this is accomplished on a uniform basis throughout the park.

2. Ten (10) feet from any on-site parking space of an adjacent manufactured home site.
3. Ten (10) feet from any detached structure on an adjacent manufactured home site.
4. Fifty (50) feet from a permanent building within the manufactured home park.
5. Ten (10) feet from a pedestrian walkway or sidewalk.
6. Thirty-five (35) feet from any public right-of-way and twenty (20) feet to all other property lines of the park boundary.

B. See Schedule of Regulations, Article 13 for manufactured home requirements.

Section 26 – Off-Street Parking

Off-street parking shall be provided according to the requirements of Section 68 of this Ordinance.

Section 27 – Sidewalks

The Township Board may require, upon recommendation of the Planning Commission, that sidewalks be installed along at least one side of all major streets within a manufactured home park to ensure pedestrian safety at all times. For purposes of this section, a major street shall be defined as all streets within the manufactured home park, except dead-end or cul-de-sac streets less than one hundred fifty (150) feet in length. All walks shall be concrete, sixty (60) inches wide, and provide access to all service facilities and the park entrance.

Section 28 – Landscaped Greenbelt

A landscaped greenbelt at least ten (10) feet in width shall be provided along all boundaries of the manufactured home park which directly adjoin property zoned R-1 or R-2.

Section 29 – Site Plan Approval

A site plan shall be submitted for approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district, except an individual manufactured home in an approved manufactured home subdivision. See Section 75.

Section 30 – Development Regulations

See Article 13, Schedule of Regulations, for height, bulk, density, area, and setback requirements in manufactured home subdivisions and for permanent buildings in manufactured home parks.

Article 8
B-1, Local Business District

Section 31 – Intent

The B-1 Local Business District is intended to provide a limited number of locations for clusters of retail stores and personal service establishments for the everyday convenience of the nearby residential neighborhoods. In order to protect nearby residential areas, all B-1 uses must be conducted within a completely enclosed building.

Section 32 – Principal Uses Permitted

Unless otherwise permitted in this Ordinance, no building shall be erected, and no building or land shall be used in the B-1 district except for one or more of the following uses:

- A. Medical and dental offices, general and professional offices, banks, credit unions, and similar uses.
- B. Generally recognized retail businesses which supply commodities on the premises such as, but not limited to groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing or notions, and hardware.
- C. Personal service establishments which perform services on the premises such as, but not limited to watch, radio, television, or shoe repair, tailor shops, beauty parlors or barber shops, photographic studios, self-service laundries or drycleaners, and printing.
- D. Laundry, dry cleaning establishments or pick-up stations, dealing directly with the consumer. Central dry-cleaning plants serving more than one retail outlet shall be prohibited.
- E. Restaurants, except restaurants with drive-in or drive-through facilities, open front restaurants, and restaurants, bars, or lounges that sell or serve alcoholic beverages.
- F. Churches and other places of worship.
- G. Public buildings, excluding service or storage yards.
- H. Accessory uses customarily incidental to the above permitted uses.
- I. Small solar energy systems subject to the conditions listed in Section 87.

- J. Medium solar energy systems subject to the conditions listed in Section 88.
- K. Uses which, in the opinion of the Planning Commission, are similar to the above permitted uses.

Section 33 – Uses Permitted on Special Approval

The following special approval uses shall be permitted only after proper notice has been given, and after review and approval by the Planning Commission, subject to the requirements and standards of Article 16 and the submission of a site plan conforming with the requirements of Section 75.

- A. Auto service stations for sale of gasoline, oil, minor accessories and minor repairs, but not including body repair, engine rebuilding, rust-proofing, and similar activities, may be permitted in the B-I Local Business districts, subject to the following:
 - 1. No vehicles awaiting service shall remain on-site for more than thirty-six (36) hours.
 - 2. All repair services shall be conducted within a completely enclosed building.
 - 3. All trash storage areas shall be screened from view in accordance with Section 91. The trash containers shall be emptied at least once each week.
 - 4. All parking areas shall be paved and screened from view of an abutting residential district by a minimum 4-foot 6-inch high masonry wall of face brick or precast masonry panels with the appearance of face brick.
 - 5. Management plans shall be submitted for the collection, storage, and recycling or proper disposal of all used or waste automotive fluids resulting from repair or service operations.
- B. Nursery schools, day-care centers and similar uses shall be permitted in the B-I districts, subject to the requirements and standards of Section 10, H.
- C. Local utility distribution system structures, such as but not limited to, electric transformer stations and sub-stations, gas regulator stations, sewer lift stations, and the like, shall be permitted in B-I districts subject to Site Plan Approval by the Planning Commission and the following standards:
 - 1. Operating requirements necessitate the proposed location in order to serve the residents of the Township.

2. All such uses shall be completely enclosed and without storage yards.
 3. No structure shall exceed the height limit of the district in which it is to be located.
 4. All buildings shall be designed to be compatible in style and materials with other uses permitted in the district.
 5. No building shall be located closer than fifty (50) feet to any lot line abutting land zoned for residential use.
 6. A minimum fifteen (15) foot landscaped greenbelt shall be provided around the entire perimeter of the utility building site.
 7. Adequate off-street parking shall be provided for any service personnel and all drives and parking areas shall be paved with asphalt or concrete.
- D. Restaurants with drive-in or drive-through facilities and open front restaurants may be permitted in the B-I Local Business districts, subject to the following:
1. Only one (1) access shall be provided onto any roadway. The centerline of ingress and egress points shall be located at least two hundred and fifty (250) feet from the intersection of any two (2) street right-of-way lines and sixty-five (65) feet from abutting residential districts.
 2. Restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.
 3. Outdoor eating areas shall be shown on a site plan and approved by the Planning Commission.
 4. Exterior trash receptacles meeting the standards of Section 91 shall be provided.
- E. Restaurants, bars, and lounges that sell or serve alcoholic beverages may be permitted in the B-I Local Business districts, subject to the following:
1. The applicant shall submit a list of sensitive land uses, including but not limited to schools, childcare facilities, churches, synagogues, and other places of worship within a one-mile radius of the proposed use.
 2. The applicant shall submit a list of other restaurants, bars, and lounges that serve alcoholic beverages within a one-mile radius of the proposed use.

3. The hours of operation for the proposed use shall be indicated on the plan.
 4. Exterior trash receptacles meeting the standards of Section 91 shall be provided.
 5. Drive-in or drive-through facilities shall be prohibited.
- F. Large solar energy systems subject to the conditions listed in Section 89.

Section 34 – Site Plan Approval

A site plan shall be submitted for approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use for all permitted uses and special approval uses in this district.

Section 35 – Development Regulations

See Article 13, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

Article 9
B-2, General Business District

Section 36 – Intent

The B-2 District is intended to provide sites for more intensive and more diversified business types that would typically serve community and regional trade areas and might have a negative impact on adjoining residential areas because of intensity or outdoor activities.

Section 37 – Permitted Principal Uses

Unless otherwise permitted in this Ordinance, no building shall be erected, and no building or land shall be used in the B-2 district except for one or more of the following uses:

- A. Any retail, personal service, or office use.
- B. Automobile service stations for the sale of gasoline, oil, and minor accessories only, where no repair work is done other than for incidental service.
- C. Car wash, when fully enclosed in a building.
- D. Veterinary offices and clinics without overnight boarding accommodations, except for those required for animals held for medical observation.
- E. Clubs, lodge halls, rental or catering halls, and similar uses.
- F. Restaurants, except restaurants, bars, or lounges that sell or serve alcoholic beverages.
- G. Funeral homes.
- H. Hotels and motels.
- I. Bus passenger stations.
- J. Local utility distribution system structures.
- K. Small solar energy systems subject to the conditions listed in Section 87.
- L. Medium solar energy systems subject to the conditions listed in Section 88.

- M. Indoor, commercial recreation uses, such as bowling alleys, racquet sports centers, health and fitness centers, and the like.
- N. Accessory uses customarily incidental to the above permitted uses.
- O. Outdoor sales/display may be permitted as an accessory use in the B-2 district subject to the following standards:
1. Outdoor display shall not occupy more than thirty (30) percent of the linear distance along any principal building wall facing a public right-of-way.
 2. Products for sale shall be located adjacent to the principal building.
 3. Outdoor display shall comply with the building setback requirements set forth in Article 14.
 4. An unoccupied area of not less than four (4) feet in width shall be provided for pedestrian access between any adjacent parking lot and an outdoor display area located adjacent to a building.
 5. Parking and internal circulation areas shall be separate from outdoor display areas.
 6. Garden centers shall be enclosed by a knee wall, pilasters, and a decorative fence constructed of a material such as black aluminum or iron. The pilasters and wall shall be constructed of masonry building materials that match the masonry building materials used on the building exterior. Pilasters shall be spaced no more than sixteen (16) feet on center. Products for sale within the garden center shall be stored no higher than the garden center enclosure/wall.
- P. Automobile sales shall not be considered outdoor sales subject to the standards of this subsection.
- Q. Temporary outdoor sales, such as fireworks sales, Christmas tree sales, and seasonal agricultural product sales, may be permitted as an accessory use in the B-2 district subject to the following standards:
1. Temporary outdoor sales areas shall comply with the setback requirements for off-street parking spaces.
 2. An unoccupied area of not less than four (4) feet in width shall be provided for pedestrian access between any adjacent parking lot and a temporary outdoor display area located adjacent to a building.

3. Temporary outdoor sales operations shall not adversely impact parking lot circulation.
 4. At least ten (10) off-street parking spaces shall be provided to accommodate a temporary outdoor sales operation, in addition to one (1) space per employee on the largest working shift. If a temporary outdoor sales area is located within a parking lot, adequate parking shall remain for the principal use.
 5. The duration of a temporary outdoor sales operation shall not exceed four (4) months within any twelve (12) month period. Christmas tree sales shall not exceed sixty (60) days within any twelve (12) month period. Temporary fireworks sales establishments shall be permitted for up to thirty (30) days for each national holiday, per Michigan Public Act 256 of 2011.
 6. Signage for a temporary outdoor sales operation shall be limited to either two (2) double-faced signs not to exceed sixteen (16) square feet on each face, or one double-faced sign not to exceed thirty-two (32) square feet on each face. No sign shall exceed six (6) feet in height above the ground.
- R. Gun and firearms sales shall be permitted in the B-2 Districts subject to the following conditions:
1. Gun and firearms dealers shall adhere to all federal, state and local laws, sales and licensing regulations.
 2. All guns and firearms and ammunition shall be secured on premises.
 3. A gun and firearms sales business shall be conducted within a completely enclosed building.
 4. No gun and/or firearm sales business shall operate between the hours of 11 p.m. and 7 a.m.
 5. Noise levels, environmental factors and other similar impacts shall comply with the Performance Standards in Article 17.
- S. Uses which, in the opinion of the Planning Commission are similar to the above principal permitted uses.

Section 38 – Uses Permitted on Special Approval

The following special approval uses shall be permitted only after proper notice has been given, and after review and approval by the Planning Commission, subject to the requirements and standards of Article 16 and the submission of a site plan conforming with the requirements of Section 75.

- A. Auto service centers such as muffler and brake shops, new tire sales, tune-up shops, quick oil change shops, engine repair shops, and similar establishments for minor repairs, routine maintenance, auto accessories, body repair, rust-proofing, and similar activities, may be permitted in the B-2 General Business Districts subject to the following:
 - 1. The use shall be completely enclosed within a building, except as provided below.
 - 2. No vehicles awaiting repair shall be stored on-site for more than fourteen (14) consecutive days, unless said vehicles are stored indoors.
 - 3. All parking areas shall be paved and screened from view of any abutting residential district by a minimum 4-foot 6-inch high masonry wall of face brick or precast masonry panels, with the appearance of face brick.
 - 4. All trash and outdoor storage areas shall be screened from view by a six (6) foot high enclosure approved by the Planning Commission. Trash enclosures shall meet the standards of Section 91. Old vehicles or parts such as tires, mufflers, pipes, and the like, shall be kept inside the enclosure and shall not be permitted to accumulate for periods longer than one (1) week unless stored within the building.
 - 5. Management plans shall be submitted for the collection, storage, and recycling or proper disposal of all used or waste automotive fluids resulting from repair or service operations.

- B. Commercial outdoor recreation such as, golf driving ranges, miniature golf, batting practice cages, water slide parks, tourist-oriented outdoor amusements, and similar uses, may be permitted in B-2 General Business districts, subject to the following:
 - 1. No activities shall take place within one hundred (100) feet of an abutting residential district.
 - 2. Use of loudspeaker or public address systems for broadcasting music or continuous announcements shall be prohibited.

3. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or interfere with driver visibility on any public or private street or public right-of-way.
 4. Hours of operation may be restricted by the Planning Commission where protection of abutting residential areas is desirable and necessary.
- C. Commercial and service kennels, as defined and licensed by St. Clair County, animal hospitals, and veterinary offices and clinics with overnight boarding accommodations may be permitted in B-2 districts subject to the following:
1. The site shall be a minimum of five (5) acres and shall abut a public road shown as a major thoroughfare on the Township's adopted Master Plan. In B-2 and B-1 districts only, the Planning Commission may permit the uses described above on a minimum of one (1) acre, upon a finding that the standards of this ordinance and all other applicable ordinances or regulations can be met on a smaller parcel size and that the spirit and intent of the Zoning Ordinance will be preserved. This reduction to one (1) acre shall not apply to any parcel that abuts or is located within an AG or Residential district. Also, if located in an AG district, the kennel shall be operated by the owner and occupant of a single-family residence on the same parcel.
 2. Pens and runs shall be located no closer than one hundred and fifty (150) feet to any property line abutting an R-1, R-2 or RT district and one hundred (100) feet from an AG district. When abutting a nonresidential district, pens and runs shall be located no closer than twenty (20) feet from a property line.
 3. Pens and runs shall be located in a side or rear yard. If an enclosed run is located in a side yard and is in a B-1 or B-2 district, the portion visible from a public street shall be screened from view with a hedgerow or similar screening treatment equal to a 4-foot high shrub planted every four (4) feet on average. This shall be in addition to the screening fence described in 4. below.
 4. All runs and breeding areas shall be enclosed and screened so animals cannot see beyond the screen. The screening fence shall be a minimum of six (6) feet in height and shall be constructed of a durable material such as pressure-treated wood, composite fencing or plastic fencing or other similar material approved by the Planning Commission.
 5. All animals shall be adequately housed and fenced so as not to be or become a public or private nuisance. Premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or to create any hazard or detriment to public health, safety, or general welfare.

6. Animals shall be kept in a sound insulated structure between the hours of 10 p.m. and 7 a.m.
 7. Kennels housing more than ten (10) dogs shall provide one (1) off-street parking space for each five (5) kennel runs or the maximum number of patrons using the facility at any one time, whichever is the larger amount. The parking area shall be screened from view of an abutting residential district in a manner that is satisfactory to the Planning Commission. The Planning Commission may reduce the number of required off-street parking spaces when the primary purpose of the kennel is for breeding or a similar use that does not demand the same number of spaces as a traditional, commercial kennel. The Planning Commission may also waive the requirement to pave off-street parking spaces upon review of the unique site conditions and frequency of use of the proposed parking spaces.
 8. All objectionable noise shall be controlled as required by the Performance Standards of this Ordinance.
 9. Dogs shall not be permitted to disturb the peace by causing an unreasonable annoyance or disturbance to persons by frequent and habitual barking, howling, or yelping.
 10. A license for a commercial kennel shall be obtained and maintained in good standing with St. Clair County.
 11. Any use permitted by the Township under this section shall terminate immediately when the lot area requirements herein set forth are decreased in any manner or the provisions of this Ordinance violated.
- D. Nursery schools and day-care centers, subject to the requirements and standards of Section 10, H.
- E. Automobile, boat, and similar vehicle sales offices and showrooms, including accessory service facilities, and outdoor sales lots for automobiles, trucks, trailers, boats, manufactured homes, farm equipment and similar uses may be permitted in the B-2 districts subject to the following:
1. All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way.
 2. There shall be no strings of flags, pennants, or bare light bulbs permitted.
 3. No vehicles or merchandise for sale shall be displayed within any required front yard setback area.
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4. There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.
 5. On all sides adjacent to a residential district, there shall be provided a masonry wall of face brick or a pressure treated, completely obscuring wood fence, as approved by the Planning Commission.
 6. There shall be no portable signs and no flashing illumination of any kind on any feature of the use.
- F. Self-storage warehouses, wholesale merchandising establishments, or similar indoor storage uses may be permitted in the B-2 districts, subject to the following:
1. The owner and/or operator shall not permit any business activity to be conducted from an individual storage unit or units. The purpose of storage warehouses shall be limited to storage of private property by businesses and individuals.
 2. The minimum spacing between self-storage buildings shall be thirty (30) feet where a one-way traffic pattern is used and sixty (60) feet for two-way movement of customer vehicles. If an office and Caretaker's quarters are proposed on-site, they shall occupy a single building.
 3. If the site directly abuts or lies across the street from a residential district, a masonry screen wall, obscuring fence and/or a landscaped greenbelt shall be provided, at the discretion of the Planning Commission. In deciding what type of screening to require, the Commission shall evaluate which would be most appropriate to the neighborhood area in question.
 4. Every self-storage warehouse shall have an employee on-site at all times during business hours.
- G. A contractor's storage yard, landscape contracting service, or similar use, but not including a junk yard, may be permitted in the B-2 districts, subject to the following:
1. All storage of equipment, vehicles, and materials shall be limited to those used by the contractor in their daily business and shall be screened from view by a minimum six (6) foot high screen wall or fence approved by the Planning Commission.
 2. There shall be no storage of anything within the required front yard setback area.
 3. A management plan for proper handling, storage, and disposal of any hazardous materials used by any business approved hereunder shall be approved by the Planning Commission.

- H. Skilled trade services, including plumbing, electrical, heating and cooling, and similar establishments may be permitted in the B-2 districts, subject to the following:
1. All incidental assembly or manufacturing shall occur within a completely enclosed building.
 2. Outdoor storage may be permitted for new material only and shall be completely screened from public view by a screen wall or fence approved by the Planning Commission.
 3. All used materials and wastes resulting from an approved use shall be properly stored in an approved container, which shall be emptied at least once each week.
 4. A management plan for proper handling, storage, and disposal of any hazardous materials used by any business approved hereunder shall be approved by the Planning Commission.
- I. Adult Bookstore, Adult Motion Picture Theater, Massage Parlor, and Cabaret. Recognizing that because of their nature, some uses have objectionable operational characteristics, especially when concentrated in small areas, and recognizing that such uses may have a harmful effect on adjacent areas, special regulation of these uses are necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.
1. Definitions. For the purpose of these regulations, certain terms are defined as follows:
 - a. Adult Bookstore – An establishment wherein more than twenty (20) percent of its stock in trade is comprised of books, magazines, or any such printed or photographic media having as dominant theme matter, depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” as hereinafter defined.
 - b. Adult Motion Picture Theater – An enclosed building used exclusively for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” as hereinafter defined for observation by patrons therein.
 - c. Cabaret – A place wherein food and any type of alcoholic beverage is sold or given away on the premises and the operator thereof holds a yearly license to sell such beverages by the glass and which features topless dancers, go-go dancers, strippers, male or female impersonators or similar entertainers.
 - d. Massage Parlors – An enterprise of a non-medical nature specializing in the manipulation of body tissues (as by rubbing, stroking, kneading, or tapping) with the hand or an instrument.
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- e. Specified Anatomical Areas – Human genitals, pubic region, buttock, and female breast less than completely and opaquely covered; human male genitals in a discernibly turgid state, even if completely or opaquely covered.
- f. Specified Sexual Activities – Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

2. Regulations

- a. It shall be unlawful to establish any adult bookstore, adult motion picture theater, massage parlor, or cabarets except in the GB - General Business District.
- b. No such uses may be permitted in the GB - General Business District within one thousand (1,000) feet of any residential district measured from the lot line of the location of the proposed use.
- c. Any of the uses stated in "b" above shall not be located within a one thousand (1,000) foot radius of any other such use.
- d. The Board of Appeals may waive the location provision in "b" above if the following findings are made:
 - (1) That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this Ordinance will be observed.
 - (2) That the character of the area shall be maintained.
 - (3) That all applicable regulations of this Ordinance will be observed.
 - (4) That no bookstore, adult motion picture theater, massage parlor or cabaret is located within one thousand (1,000) feet of the proposed location.

J. Cellular Communication Towers

- K. Outdoor sales, such as flea markets and farmers markets, may be permitted in the B-2 districts, subject to the following:
 - 1. Outdoor display areas shall comply with the building setback requirements set forth in Article 13.

2. All outdoor display areas shall be screened from public roads and from an adjacent residential district or use by a twenty-five (25) foot wide greenbelt containing a minimum three (3) foot high landscaped berm or masonry screen wall.
 3. All merchandise shall be completely removed at the end of each business day.
 4. Adequate parking and internal circulation areas shall be provided on the site and shall be separate from display areas.
 5. For the off-street parking lot associated with such a use, the Planning Commission may waive the surfacing/paving requirement set forth in Section 14.05.B.9.
- L. Restaurants, bars, and lounges that sell or serve alcoholic beverages may be permitted in the B-2 districts, subject to the following:
1. The applicant shall submit a list of sensitive land uses, including but not limited to schools, childcare facilities, churches, synagogues, and other places of worship within a one-mile radius of the proposed use.
 2. The applicant shall submit a list of other restaurants, bars, and lounges that serve alcoholic beverages within a one-mile radius of the proposed use.
 3. The hours of operation for the proposed use shall be indicated on the site plan.
 4. Exterior trash receptacles meeting the standards of Section 91 shall be provided.
 5. Drive-in or drive-through facilities shall be prohibited.
- M. Pawnbrokers may be permitted in the B-2 District subject to the following:
1. Pawnbrokers shall adhere to all state and local licensing regulations.
 2. No Pawnbroker shall be located within a five hundred (500) foot radius of a similar existing use.
 3. A Pawnbroker business shall be conducted within a completely enclosed building. The Planning Commission may permit the outdoor storage of pawned items provided that all outdoor storage shall be completely screened from view from public roads and adjacent properties by a six (6) foot high masonry wall or decorative fence approved by the Planning Commission, and there shall be no storage within a required front yard setback area.

N. Indoor gun ranges may be permitted in the B-2 Districts subject to the following conditions:

1. Discharge of guns and/or firearms shall only take place in an approved indoor range that is designed and operated in accordance with generally-accepted industry practices and safety regulations. Outdoor ranges are not permitted in the B-2 District.
2. The Township may consult with a firearms facility expert to review plans for a shooting range and the cost shall be passed through to the applicant as an addition to the special land use and/or site plan review fee.
3. No indoor range shall operate between the hours of 11 p.m. and 7 a.m.
4. Noise levels, environmental factors and other similar impacts shall comply with the Performance Standards in Article 17.

O. Large solar energy systems subject to the conditions listed in Section 14.28.

Section 39 – Site Plan Approval

A site plan shall be submitted for approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use for all permitted uses and special approval uses in this district.

Section 40 – Development Regulations

See Article 13, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

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Article 10
ROS, Recreation Open Space District

Section 41 – Intent

The intent of this District is to identify and protect those lands which, because of their unique physical and environmental characteristics, are best suited for recreation and open space uses.

Section 42 – Permitted Principal Uses

Unless otherwise permitted in this Ordinance, no building shall be erected, and no building or land shall be used in this district except for one or more of the following uses:

- A. Public or private forest preserve, game refuge, day-use park, or similar preservation and/or outdoor recreational use.
- B. Public or private conservation area and related structures for the development, protection, and conservation of open space, watersheds, water, soils, forest, and wildlife resources.
- C. One (1) single family residence for a caretaker, manager, or other staff member of a permitted recreation or conservation use where the principal use is located on a minimum site of five (5) acres.
- D. On-site signs, in accordance with Section 69.
- E. Local utility structures and uses.
- F. Small solar energy systems subject to the conditions listed in Section 87.
- G. Medium solar energy systems subject to the conditions listed in Section 88.
- H. Accessory uses customarily incidental to the above principal permitted uses.
- I. Uses and/or structures which, in the opinion of the Planning Commission, are similar to the above permitted principal uses.

Section 43 – Uses Permitted on Special Approval

The following special approval uses shall be permitted only after proper notice has been given, and after review and approval by the Planning Commission, subject to the requirements and standards of Article 16 and the submission of a site plan conforming with the requirements of Section 75.

- A. Resorts, hunt clubs, overnight campground or recreational vehicle park, subject to the following special standards:
 - 1. The site shall be a minimum of twenty (20) acres with direct access to a major or secondary thoroughfare, as shown on the Planning Commission adopted Master Plan. In the event that a hunt club proposes to include the discharge of firearms, the minimum site size shall be increased to eighty (80) acres and the standards in Section 48, C. shall be applied as determined to be appropriate by the Planning Commission. The Township may consult with a firearms expert to review plans for firearms discharge and the cost shall be passed through to the applicant as an addition to the special land use and/or site plan review fees.
 - 2. There will be no permanent storage of tents, campers, or travel trailers, and manufactured home units will not be allowed in the development. No individual tent or recreational vehicle may occupy the same site in any campground for periods longer than thirty (30) days.
 - 3. Accessory commercial uses, such as convenience food stores, gift shops, self-service laundries, and similar uses, shall be housed in a single building with the campground office and shall be designed to serve primarily the needs of park users and shall provide off-street parking in accordance with the standards of this Ordinance.
 - 4. Where a campground site abuts property zoned residential, the entire perimeter shall be properly fenced.
- B. Golf courses, subject to the requirements and standards of Section 10, B.
- C. Shooting ranges, gun clubs and similar uses, such as survival and other air gun games, may be permitted subject to the following standards:
 - 1. The minimum site size shall be eighty (80) acres with a minimum width of one thousand three hundred twenty (1,320) feet.
 - 2. Off-street parking shall be provided in the ratio of one (1) space for each three (3) users at capacity. All parking areas shall be kept dust-free at all times so as not to become a nuisance to adjoining properties.

3. All parking areas shall be screened from view of an adjoining residential district or use by either a greenbelt, obscuring fence, or a masonry wall, whichever is determined by the Planning Commission to be the most appropriate and effective.
 4. The hours when shooting is permitted at a gun club or shooting range shall be limited from 9 a.m. to 9 p.m. Monday through Saturday and 12 noon to 6 p.m. Sundays. The Planning Commission may apply more restrictive hours when protection for adjoining residents is necessary.
 5. The design of the facility shall clearly show that safety of persons on and off the site is guaranteed. This shall mean that no projectile of any kind may be permitted to leave the site. Unless this safety requirement is clearly indicated by the design plans, a permit shall not be issued. The design of all ranges shall incorporate the recommended safety features of the National Rifle Association, or similar safety procedures.
 6. The firing range shall be fenced on all sides except the firing line, by a fence no less than 8 feet in height. Such fence shall be either of a chain-link type or of board construction sufficient to prevent persons from passing over or through the fence.
 7. The firing line or other area from which firearms are discharged shall be located no closer than one hundred fifty (150) feet from any property line, nor closer than five hundred (500) feet from any existing residential structure other than those on the premises.
 8. Properties used for survival games or other air-gun games may only be permitted in areas designated for hunting by the Township Board and shall be completely fenced to prevent participants from trespassing on adjoining properties. Signs warning participants not to cross the fence shall be placed every two hundred (200) feet along its perimeter. Failure to follow this requirement shall be grounds for immediate revocation of the applicant's Special Approval Permit.
- D. Riding academies and boarding stables on a minimum site of forty (40) acres subject to the following:
1. All buildings, corrals, or other enclosures for animals shall be set back at least two hundred fifty (250) feet from any property line abutting a residential use.
 2. The entire area of the site used for riding trails shall be fenced to prevent horses and riders from entering adjoining properties.
 3. All storage of customers' trailers or other vehicles for transporting horses shall occur only within an area planned for that purpose. The storage area shall be so designed and
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arranged that it will be screened from the view of adjoining residential zoning districts and uses.

4. Adequate off-street parking shall be provided for customers in the ratio of one (1) space for each three (3) horse boarding stalls. All parking areas shall be screened from view of an abutting residential use by either a greenbelt, obscuring fence, or masonry wall, whichever is determined by the Planning Commission to be the most appropriate and effective.
5. All areas for stockpiling manure shall be screened from view, shall not be located closer than two hundred (200) feet to any property line, and shall not be allowed to become a nuisance.

E. Single family homes subject to the following:

1. A site plan, drawn to scale, shall be submitted showing the location of existing trees, water bodies, wetlands, and other natural features; all proposed structures and paved areas; lot dimensions and property lines; existing and proposed rights-of-way and easements; and other information necessary to assess the impact of the proposed use.
2. The proposed single family home and all accessory structures shall be placed on the lot so as to minimize impacts on the site's natural features.

F. High Volume Water Well or Well System (See Section 10, Q).

G. Large solar energy systems subject to the conditions listed in Section 89.

H. Limited agricultural uses subject to the following:

1. There shall be no feedlots.
2. The applicant shall demonstrate that the agricultural activity will not have a detrimental impact on adjacent property in the ROS District in terms of wildlife habitat, stormwater runoff, discharge of pollutants, and similar activities.

Section 44 – Site Plan Approval

A site plan shall be submitted for approval by the Planning Commission for any new use, addition to an existing use, structural alteration, or substantial change in use for all permitted uses and special approval uses in this district, except for single family residences.

Section 45 – Development Regulations

- A. No structures of any kind shall be erected within an area designated as a flood plain by any Township, County, State or Federal department or agency or within thirty (30) feet of any lake, stream, creek, river, or other body of water where no flood plain designation exists.
- B. See Article 13, Schedule of District Regulations, for height, bulk, density, area, and setback requirements, unless otherwise specified for a particular use in this Article.

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Article 11
IND, Industrial District

Section 46 – Intent

This district is designed to provide suitable space for industrial operations that can comply with the provisions of this Ordinance and contain all external physical effects within the property lines in order to assure protection of the public interest and surrounding properties and persons.

Section 47 – Permitted Principal Uses

Unless otherwise permitted in this Ordinance, no building shall be erected, and no building or land shall be used in this district except for one or more of the following uses:

- A. Wholesale merchandising or storage warehouses.
- B. Vehicle repair garages, but not including junk yards.
- C. Truck Terminals, provided that the site shall have direct access to an all-seasons, paved major thoroughfare.
- D. Farm machinery and equipment repair.
- E. Contractor's storage yards, not including junk yards. Outdoor storage shall be subject to the screening requirements of Section 17.10.
- F. Industrial office buildings.
- G. General service and repair establishments, including but not limited to dyeing, cleaning, dry cleaning and laundry works, upholstery, and appliance repair.
- H. Assembly and manufacture of household appliances, electronic products, machinery, hardware, and similar products, from prefabricated parts, or the processing or assembly of parts for production of finished equipment.
- I. Skilled trade services including plumbing, electric, heating/ventilation/air conditioning, printing, and painting establishments.
- J. Research, development, and testing laboratories and offices.

- K. Slaughterhouses and similar live animal processing.
 - L. Railroad terminals.
 - M. Cellular Communication Towers, subject to the standards found in Section 4.03.R.
 - N. Gun and firearms sales and/or indoor gun ranges shall be permitted in the IND Districts subject to the following conditions:
 - 1. Gun and firearms dealers shall adhere to all federal, state and local laws, sales and licensing regulations.
 - 2. All guns and firearms and ammunition shall be secured on premises.
 - 3. A gun and firearms sales business shall be conducted within a completely enclosed building.
 - 4. Discharge of guns and/or firearms shall only take place in an approved indoor range that is designed and operated in accordance with generally-accepted industry practices and safety regulations.
 - 5. An outdoor range is a use permitted on special approval subject to Section 10.03 C.
 - 6. The Township may consult with a firearms facility expert to review plans for a shooting range and the cost shall be passed through to the Applicant as an addition to the site plan review fee.
 - 7. No gun and/or firearm sales business or indoor range shall operate between the hours of 11 p.m. and 7 a.m.
 - 8. Noise levels, environmental factors and other similar impacts shall comply with the Performance Standards in Article 17.
 - O. Small solar energy systems subject to the conditions listed in Section 87.
 - P. Medium solar energy systems subject to the conditions listed in Section 88.
 - Q. Large solar energy systems subject to the conditions listed in Section 89.
 - R. Uses which, in the opinion of the Planning Commission, are similar to the above permitted principal uses.
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Section 48 – Use Permitted on Special Approval

The following special approval uses may be permitted only after proper notice has been given, and after review and approval by the Planning Commission, subject to the requirements and standards of Article 16 and the submission of a site plan conforming with the requirements of Section 14.14.

- A. Junk yards, auto salvage and recycling operations, including recycling operations for such things as used paving materials and rock/concrete crushing. It is generally recognized that the location of waste or scrap materials in an uncontained, unscreened, or open area will cause the reduction of value of adjoining property. In order to preserve a clean and attractive character for the district and conserve property values, the following requirements shall apply to all junk yards:
1. All uses which require licensing by the State of Michigan shall provide proof of such license to the Planning Commission.
 2. Adequate off-street parking shall be provided on-site for all employees, customers, vendors, and the like, anticipated to frequent the site.
 3. All storage, dismantling, and similar activities shall be conducted within a completely enclosed building or shall be screened from view by a minimum eight (8) foot high, solid fence or wall, but not less than the height of the materials to be stored. No storage shall be permitted outside the boundaries of the building or fence. The fence or wall shall be constructed of materials approved by the Planning Commission as to their appearance, durability, and effectiveness as an obscuring screen or buffer.
 4. If the required screen wall or fence will be over eight (8) feet in height, it shall comply with the setback requirements for principal buildings.
 5. Wherever a junk yard abuts property zoned residential, commercial, or recreation/open space, a greenbelt shall be established outside the fence or wall along the entire common property line, in accordance with the standards of Section 74 of this Ordinance.
 6. All active use areas on the site shall be paved or chemically treated to eliminate any dust nuisance on adjoining properties.
 7. A plan for the proper handling, collection, primary containment, and secondary containment of all fuels, oils, automotive lubricants, and similar hazardous substances shall be approved by the Planning Commission.

8. The operation of any equipment or other activities which create noise or vibrations beyond the property line shall be limited to the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 12:00 noon on Saturdays with no hours of operations on Sundays and holidays. More limited hours may be specified by the Planning Commission where necessary to protect adjoining properties.
 9. The site shall have direct access to an all-seasons, paved major thoroughfare.
- B. Hazardous waste facilities for disposal, treatment, storage or transfer of hazardous wastes may be permitted in the IND Industrial Districts, subject to the issuance of a permit under the Casco Township Hazardous Waste Ordinance, and subject to the following locational guidelines and site requirements:
1. The site shall be located within the interior of an industrial district, as presently zoned, or as shown on the Township's adopted Master Plan.
 2. The site shall have direct access to an all-seasons, paved major thoroughfare.
 3. Plans for the facility shall be designed to show full compliance with all requirements of Michigan Public Act 64 of 1979, as amended, including an enforceable operating permit, and with the Casco Township Hazardous Wastes Ordinance.
 4. Active disposal, treatment, storage or handling areas shall be set back at least 500 feet from all property lines.
- C. Private aircraft landing strips, and platforms, hangers and other facilities for the operation of aircraft, may be permitted in AG districts and public use airports may be permitted in the IND districts, subject to the following requirements:
1. The applicant shall design the proposed facility in accordance with the rules and regulations of the Michigan Aeronautics Commission (MAC). MAC approval shall be obtained prior to a request for special land use approval from the Township.
 2. The approach to all runways, landing strips, landing fields, and the like shall not be located over properties zoned R-1, R-2, or RT for at least one quarter mile (1,320 feet) beyond the airport boundary.
 3. All buildings and all areas for the storage of aircraft shall be set back at least five hundred (500) feet from all property lines.
 4. Off-street parking requirements for public use airports shall be determined by the Planning Commission based on a general standard of one (1) space for each private aircraft stored

at the facility plus one (1) space for each employee. Additional parking may be required for a facility which provides regular air passenger service.

5. Storage of damaged or wrecked aircraft shall be limited to thirty (30) days unless such aircraft is part of any State or Federal investigation into the cause of an aircraft crash.
 6. The Commission shall find that the proposed use will not significantly change the character of the neighborhood or unreasonably reduce the value of nearby property.
 7. The establishment of a private, aircraft landing strip shall not in any way conflict or overlap with flight patterns and approach areas of any other airport or landing field.
- D. Incinerators and energy recovery plants may be permitted in the IND districts, subject to the following:
1. All activities involving the receipt of incoming garbage or other wastes shall be conducted within an enclosed building.
 2. Areas for storage of recyclable materials shall be completely enclosed within a building.
 3. All removal of ash for disposal shall occur in covered containers or covered trucks.
 4. The plant shall be located in the interior of the IND district and shall maintain a minimum setback of three hundred (300) feet from all lot lines.
 5. Blowing trash or debris shall not be permitted to leave the site and shall be collected daily.
 6. The entire perimeter of the plant and all other buildings and active use areas on-site shall be enclosed by a chain link-type fence at least 6 feet in height.
 7. All internal drives, parking areas, roadways and the like shall be designed and paved to handle the weight of anticipated heavy vehicles.
 8. All access to and from the site shall be directly onto an all-seasons, paved major thoroughfare.
- E. Landfills and Transfer Stations. The Casco Township Board recognizes the authority of the Michigan Department of Natural Resources with regard to the issuance of construction and operating permits for sanitary landfills and similar uses. The Township considers the requirements of Act 641 of 1978, as amended, and all rules and regulations promulgated pursuant to authority of said Act, as the minimum standards for approval of any landfill, transfer station, or similar use. As such, it shall also be necessary for all proposed landfills and

similar uses to obtain special land use approval from the Planning Commission subject to the following specific requirements:

1. Landfills, transfer stations and similar uses shall be permitted only in IND districts.
 2. The site shall have direct access to an all-seasons, paved major thoroughfare.
 3. All such uses shall keep internal roads and operations areas dust-free at all times. No dust or other particulate emissions shall be permitted beyond the property line.
 4. All such uses shall conform to the performance standards of this Ordinance.
- F. Retail uses may be permitted by the Planning Commission in the IND districts upon a finding that they meet one of the following two standards:
1. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities, such as lumber yards, building materials outlets, outdoor boat, house trailer, automobile or agricultural implement sales, and similar uses.
 2. Retail uses which serve the convenience needs of the establishments and employees of the IND district such as, restaurants, branch offices of financial institutions, automotive service stations and service centers, motels, trade or industrial schools, medical offices and clinics, and similar uses.
- G. Shooting ranges, gun clubs, and similar uses, such as survival and other air-gun games, may be permitted in IND districts subject to the requirements and standards of Section 43, C.
- H. Local utility Structures, such as but not limited to, electric transformer stations and sub-stations, gas regulator stations, sewer lift stations, and the like, shall be permitted in all districts subject to Site Plan Approval by the Planning Commission and the following standards:
1. Operating requirements necessitate the proposed location in order to serve the residents of the Township.
 2. All such uses shall be completely enclosed and without storage yards.
 3. No structure shall exceed the height limit of the district in which it is to be located.
 4. All buildings shall be designed to be compatible in style and materials with other uses permitted in the district.

5. No building shall be located closer than fifty (50) feet to any property line abutting land zoned for residential use.
 6. A minimum fifteen (15) foot landscaped greenbelt shall be provided around the entire perimeter of the utility building site.
 7. Adequate off-street parking shall be provided for any service personnel and all drives and parking areas shall be paved with asphalt or concrete.
- I. Utility Transmission Systems, such as but not limited to, high voltage electric transmission lines, high pressure gas pipelines, and oil pipelines may be permitted in the IND districts subject to the following requirements and standards:
1. All such utility lines shall follow existing utility corridors where possible, and reasonable, as determined by the Planning Commission.
 2. Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities, and similar facilities. Existing vegetation shall be maintained, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.
 3. Any area destroyed by necessity in the construction of such approved facilities, may be subject to conditions imposed by the Planning Commission for its immediate restoration by replanting or similar techniques.
 4. During construction or repair of any facilities approved hereunder, the following shall be required:
 - a. All internal roads shall be kept dust-free by chemical treatment.
 - b. Any damages to public or private roads, fences, structures, or facilities shall be repaired immediately.
 - c. No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete.
 - d. All construction operations shall be confined to daylight hours, Monday through Saturday, unless permitted in writing by the Planning Commission.
 5. The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.
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J. Utility Transmission Structures, such as but not limited to, high voltage electric stations, gas compressor stations, and oil well pumping/storage facilities may be permitted in appropriate districts subject to the following requirements and standards:

1. The following types of utility transmission structures shall be permitted only in the listed districts:

Use	District
Electric Stations	AG, IND
Gas Compressor Stations	IND
Oil Storage Facility	IND

2. In order to provide a pleasing community appearance and to prevent noise levels, odors, dust, and similar external physical effects from adversely affecting adjoining properties, all equipment shall be completely enclosed within a building, unless the setback and screening guidelines specified in Subsection 3 are followed, as approved by the Planning Commission.

3. If the equipment proposed will not be enclosed within a building, a setback of three hundred (300) feet from all property lines shall be required. In addition, an obscuring, landscaped buffer shall be provided, based on the following guidelines, as determined by the Planning Commission after considering the type, size, height, and anticipated noise levels of all equipment being proposed:

- a. A landscaped earthen berm at least eight (8) feet high, along all sides of the equipment.
- b. A landscaped greenbelt at least twenty-five (25) feet in width, along all sides of the equipment.
- c. An obscuring fence or a masonry wall at least six (6) feet high, completely surrounding the equipment.
- d. Any combination of the above requirements approved by the Planning Commission.

4. All buildings and equipment permitted under this section shall be setback at least one hundred (100) feet from all adjoining property lines. Expansions of transmission facilities, which facilities existed prior to the effective date of this amendment, may be placed within one hundred (100) feet of an adjoining property line only after approval of the Zoning Board of Appeals and only when fully enclosed within a building.

5. Where there will be employees stationed at the utility building on a permanent or intermittent basis, adequate off-street parking shall be constructed with an asphalt or concrete surface.
 6. There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations of any utility building site, except those which are necessary for safety or emergency repairs at that particular utility transmission structure site.
- K. Yard Waste Composting Facilities, those that manage the biological decomposition of organic matter under controlled, aerobic conditions and are registered with the Michigan Department of Energy, Great Lakes, and Energy (MI EGLE) as a composting facility, may be permitted in Industrial districts only, subject to the issuance of a Special Land Use Permit and compliance with the following conditions and standards:
1. Only yard wastes shall be composted at such facilities, including leaves, grass clippings, brush, tree or shrub trimmings, and vegetable or other garden debris. Composting of any other compostable material shall only be permitted upon approval by the Township. Yard waste consisting of invasive species, or diseased or infested materials shall not be accepted at the compost facility. Non-compostable materials, or those incapable of decomposing naturally or of yielding safe, non-toxic end products, shall be prohibited. Examples of non-compostable materials include, but are not limited to plastic, glass, textiles, rubber, metal, ceramics, styrofoam, and painted, laminated, or treated wood. Agricultural wastes, animal waste, sewage sludge, and garbage shall also be prohibited. Yard waste composting facilities shall be prohibited from receiving materials in plastic bags. The Applicant shall describe the types of material that will be accepted by the facility, sources of incoming material, and the types of containers in which materials will be accepted. When the facility is in operation, the operator shall maintain records tracking the type, origin, and volume of incoming yard wastes and of compost transferred off site each month. The above records shall be made available to the Township as well as the MI EGLE.
 2. The decomposition process shall be properly managed and maintained in an aerobic condition to prevent odors which are generally agreed to be obnoxious to any considerable number of persons.
 3. The site shall be gently sloped and well drained. Ponded water shall not be permitted to collect on a yard waste composting site. A plan for collection, retention and drainage of storm water shall be provided for review and approval. Surface water drainage runoff must be controlled to prevent untreated leachate from leaving the facility and must be diverted from the compost and storage areas- Vegetation filtration of runoff prior to discharge off-site shall be accomplished by use of a 50 foot wide(minimum) perimeter strip/swale of grass, or similar measure. Detention basins may also be required following a recommendation from the Township' s consulting engineer. The run-off drainage system

shall be designed to accommodate an unusually long and heavy rainfall statistically shown to occur every twenty five (25) years.

4. All operational areas shall have an engineered surface placed on top of a suitable compacted subbase. Composting pads shall be designed to support heavy equipment during all seasons and to prevent ruts from forming. Pads shall be permeable enough to allow water to percolate through the soil and to avoid standing water or ponding. The composting pad shall be graded with a slope that prevents ponding yet minimizes runoff.
5. Yard waste composting facilities shall not be located in a 100-year floodplain, within three hundred (300) feet of a regulated wetland or water source, and/or within two thousand (2,000) feet from a type I or type IIA water supply well, eight hundred (800) feet from a type IIB or type III water supply well or within 4 feet above groundwater. In addition, such facilities shall not be location within one hundred (100) feet of a groundwater or private water well. The applicant shall provide a map and description of local surface water features, as well as an indication of groundwater regime including water table elevations.
6. The operator shall provide sufficient equipment on-site to properly manage the composting process. As a minimum this shall include a front end loader or similar machinery for loading, unloading, turning, and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product.
7. The applicant shall submit a description of naturally occurring and planned buffer areas. No compostable shall be stored within one hundred fifty (150) feet of any boundary of a yard waste composting facility site when the adjacent property is a road right of way or not zoned Industrial. If the site abuts property with an existing residence or property shown as residential on the Township Zoning Map or Master Plan, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place equal to two hundred (200) feet from adjoining property lines.
8. All buffer areas shall be maintained as vegetative strips to facilitate the filtration of pollutants.
9. The applicant shall list sensitive land uses, including but not limited to schools, childcare facilities, homes for the elderly, health care facilities, and correctional facilities, within a two-mile radius of the proposed facility. The management or storage of yard clippings, compost, and residuals shall be located a minimum of five hundred (500) feet from a place of worship, hospital, nursing home, licensed day care center, or school, other than a home school.

10. All site access roads or drives and all areas for employee parking shall be paved with asphalt or concrete. Internal haul roads may be unpaved unless paving is deemed necessary by the Planning Commission following a recommendation from the Township's consulting engineer.
11. As developed, a yard waste composting facility must provide accessibility to all points of the site with a surface capable of supporting rescue equipment and emergency vehicles. Materials on site shall be arranged so as to permit easy access to all such material for firefighting purposes.
12. The volume of yard wastes handled by the facility shall not exceed three thousand (3,000) cubic yards of incoming yard wastes per acre per year of active composting area on-site, exclusive of access roads, service areas, parking areas, required buffer zones, and similar areas. The volume of finished compost stored by the facility shall not exceed nine hundred (900) cubic yards per acre of active composting area on-site, exclusive of access roads, service areas, parking areas, required buffer zones, and similar areas.
13. The operator shall provide a name, address, and phone number of the person responsible for operation of the site and who is also responsible for correcting all operational problems that may result in complaints being made to the Township. A sign shall be posted at each entrance of the composting facility indicating the nature of activities at the facility, the facility name, operating hours, and an address and phone number for the operator.
14. The operator understands and agrees that failure to maintain and operate the site in a responsible manner that minimizes the potential for adverse impacts on neighboring properties shall constitute grounds for enforcement action by the Township.
15. Access to the site shall be controlled to prevent unauthorized dumping during non-business hours. A description shall be submitted detailing the type of fencing and gates that will be used and where they will be located. The operator shall establish a procedure and mechanism for proper disposal of non-yard wastes at an approved sanitary landfill.
16. A composting facility designed for anaerobic composting shall not be permitted unless otherwise approved by the Township. Yard waste composting facilities shall operate in a manner that prevents anaerobic conditions from occurring. Treated yard waste shall be actively rotated in an aerobic condition. At a minimum, rotation should be done so that the internal temperature of windrow piles does not drop below 120 degrees F or rise above 140 degrees F on a consistent basis during the decomposition process. The temperature of windrow piles shall be monitored at least twice a week and the operator shall keep a record of the temperatures taken. Windrows shall be no higher than six (6) feet and no wider than twelve (12) feet at the base. There shall be a minimum of twenty (20) feet between windrows. Limitations on windrow dimensions and distance between windrows

may be modified by the Planning Commission after recommendation by the Township' s consulting engineer.

17. In no instance shall yard waste accumulate on site for longer than two (2) years before being finished and removed from the site. There shall be no speculative accumulation.
18. The operator shall be responsible for maintaining the records necessary to demonstrate that speculative accumulation is not occurring.
19. The operator shall submit a management and operational plan for the facility that demonstrates compliance with this Ordinance and other applicable regulations. The plan shall describe or provide information pertaining to the following: site design considerations including material flow and other procedures; the location of different activity areas (e.g., receiving, windrows, curing, screening, and load out); provisions made for removing and disposing of waste materials found in incoming materials; volume limits and where the operator will send material if site limitations are achieved; typical carbon to nitrogen ratios for expected materials and how the materials will be mixed to maintain reasonable ratios for successful composting; planned processing activities from receipt at the gate through until sale to a buyer; the frequency with which the yard waste will be rotated; the steps that will be taken to maintain composting materials at the appropriate moisture content and temperature; the means by which the temperature and moisture of the compost piles will be measured; the steps that will be taken to ensure that the decomposition process will be properly managed and maintained in an aerobic condition; the monitoring, record keeping, and reporting program that will be maintained; the length of time for which yard waste will remain on the site; the applicant' s staffing plan and how many people will be working on-site throughout the year; the operating staff s qualifications and what training is planned for both operations and safety; and a plan for how the operator will troubleshoot typical composting difficulties such as litter control, odor, inappropriate temperature, dust, noise, flies and pests, and neighborhood complaints.
20. A comprehensive plan for sale of finished compost shall be established. The plan shall include a description of the proposed service area or customer base for the composting facility, the beneficial uses of finished compost materials, how the operator will ensure final product quality and overall marketability, how the operator will distribute finished materials, and the quantity of materials expected to be available for marketing. Finished compost shall contain no more than 1% by weight of foreign matter that will remain on a 4 millimeter screen. Records of laboratory analysis of finished products are required per the Michigan Department of Environment, Great Lake, and Energy (MI EGLE).
21. The operator shall provide plans showing all equipment maintenance and storage areas. An equipment maintenance structure shall be provided on-site. Plans shall show the

location of all fuel storage facilities and shall detail primary and secondary containment for all hazardous materials, including product-tight containers for primary containment.

22. A restroom facility sufficient in size to accommodate the facility's staff and an office providing space for administrative functions shall be constructed on-site.
23. The operator shall have a plan for emergency response and shall ensure that firefighting equipment is available at the site and that personnel have been trained in firefighting procedures. Water equipment, such as water trucks, hydrants and hoses, or backpack spray units, is required for wetting organic material and for fire-fighting purposes. Sufficient quantities of water, noncombustible soil, and earthmoving/excavating equipment or the equivalent shall be maintained on-site for purposes of fire extinguishing. Where possible, the operator shall ensure that fire protection services are available to the site through notification to local fire protection officials.
24. The applicant shall provide a study of the impact that truck traffic associated with the facility will have on public roadways, including a description of the volume of truck traffic that will be generated, with truck traffic estimates during peak and off-peak times; the type and quantity of incoming vehicles by season; the trucks' projected routes; the current condition of affected roadways and the impact that truck traffic is projected to have on their condition; and a plan for mitigating the impacts of truck traffic on area roadways. Because of the level of truck traffic associated with this use, the site shall have direct access to an all-seasons, paved major thoroughfare.
25. All yard waste composting facilities shall be inspected several times per year based on a schedule established by resolution of the Township Board. These inspections shall be conducted by Township officials and/or consultants engaged by the Township. An inspection/permit fee for all yard waste composting facilities shall be established by resolution of the Township Board. The operator shall pay for all inspections necessary to verify compliance with this Ordinance. Township officials and/or consultants engaged by the Township shall be permitted entry to a yard waste composting facility for inspection purposes during normal operating hours to determine compliance with this ordinance and other applicable regulations. No person shall impede reasonable inspection of a composting facility by Township officials and/or consultants engaged by the Township.
26. An inspection for insects, rodents, vermin, and other vectors shall be performed by a licensed pest control company at least semiannually.
27. A test shall be performed at least semi-annually to ensure that on-site soils and surface waters leaving the site are not contaminated by an excessive concentration of nitrogen, phosphorus, phenols, pesticides, and/or herbicides, and to ensure that untreated leachate is not leaving the facility. Soil samples shall be taken from the windrow area and detention

basin, as applicable, and surface water samples shall be taken at the outlet from the detention basin, as applicable. An outside agency not engaged by the Township, such as the Michigan Department of Environmental Quality, may perform these tests. The operator shall pay for all inspections necessary to verify compliance with this Ordinance.

28. Any yard waste composting facility shall be conducted in accordance with current standards established by the United States Environmental Protection Agency, the U.S. Department of Agriculture, the Michigan Department of Natural Resources, the Michigan Department of Environment, Great Lakes, and Energy (MI EGLE), and other government regulatory agencies. Copies of all Michigan Department of Environment, Great Lakes, and Energy applications and permits, if required, shall be provided to the Planning Commission as part of the application package.
29. All internal roads and operation areas shall be kept dust-free at all times.
30. Noise and vibration emanating from a yard waste composting facility shall not exceed standards established in Article 17 Performance Standards of Casco Township's Zoning Ordinance or regulations of the State of Michigan.
31. A description of the direction of prevailing winds and how the wind conditions will affect operations shall be submitted. Pile turnings shall be timed to coincide with favorable wind conditions. The operator shall not permit offensive odors to escape the boundaries of the yard waste composting facility and/or interfere with the enjoyment of adjacent properties. The operator shall submit a set of "low-odor" operating protocols and an odor response management plan that shall be employed in the event that the operator or Township receives odor complaints during operation.
32. The operator shall prevent organic material and/or other material such as debris or litter from scattering and/or blowing off the premises. If yard clippings are collected in bags other than paper bags, clippings shall be debugged by the end of each business day.
33. Yard waste composting facilities shall be operated so as to prevent the attraction, harborage, or breeding of insects, rodents, vermin, and other vectors. If insects, rodents, vermin, or other vectors are detected, appropriate measures shall be taken to capture and/or exterminate them in an environmentally safe manner.
34. The use must conform with the Performance Standards of this Ordinance.
35. A description of the composting experience and qualifications of the compost facility owner and operator must be submitted with the application for site plan review. A pollution incident history must be provided for any facilities previously owned or operated

by the Applicant. Disclosure of any and all lawsuits, legal actions, or regulatory actions taken against the applicant in the last five years, and their resolutions, is required.

36. In the event that the Township retains the services of an independent compost engineer to evaluate the site plan and operation/management plan, the proposed yard waste composting facility shall comply with the conditions of the compost engineer's review. A fee to be borne by the operator for review and evaluation of the plan by an independent compost engineer shall be established by resolution of the Township Board.

37. The operator shall submit a bond, in an amount established by resolution of the Township Board, to guarantee restoration of the site in the event of abandonment and to guarantee cleanup of chemical or other hazardous spills.

L. Indoor commercial recreation uses that are typically housed in a large structure, such as: indoor soccer, golf domes, skate parks, ice skating arenas, fitness centers, swimming facilities and the like, may be permitted subject to the following standards:

1. Site Requirements:

a. Off-street parking shall be provided in the ratio of one (1) space per four (4) users at capacity or one (1) space per four (4) occupants based on maximum occupancy, as determined by the Fire Marshall. The Planning Commission may approve a 25% increase or decrease in this requirement based on a finding regarding compatibility of the use with its immediately surrounding neighborhood.

b. All parking areas shall be screened from view of an adjoining residential district or use by either a greenbelt, obscuring fence, or a masonry wall, whichever is determined by the Planning Commission to be the most appropriate and effective. All parking areas shall be maintained so as not to become a nuisance to adjoining properties.

c. Review of the proposed site plan must demonstrate that a proper relationship exists between all proposed service roads, driveways, parking and drop-off areas to encourage pedestrian and vehicular traffic safety. The site plan shall demonstrate that there is adequate pick-up and drop-off space for facilities whose primary users are children that will likely be dropped-off by a parent or guardian.

2. Yard and Placement Requirements:

a. All development features including the principal building shall be designed and arranged to minimize the possibility of any adverse effect upon adjacent property.

- b. Related accessory commercial uses may be permitted in conjunction with a commercial recreation use when it is clearly incidental to the main recreational character of the use.
 - c. Permitted accessory uses, which are generally of a commercial nature, shall be housed within the principal building. Minor accessory uses, which are strictly related to the operation of the recreation use itself, may be located in a separate building such as a maintenance garage.
3. Other Requirements:
- a. Approval shall be for a specific designated use or uses such as soccer, swimming, skating, rollerblading or the like, and approval under this provision shall be subject to approval of the uses and site plan.
 - b. The addition of other special approval uses must again be approved through the submission of an amended site plan.
- M. Mud Bog Events, Tractor Pulls, Motorsports Tracks and the Like shall be permitted as a use permitted on special approval subject to the following:
- 1. A site for any racetrack, tractor pull, mud bog or similar activity shall be no less than twenty (20) acres.
 - 2. The minimum setback from any property line shall be as follows:
 - a. Track facility or area used by any participant vehicle: One hundred (100) feet or Schedule or Regulations, whichever is greater.
 - b. Other structure: See Schedule of District Regulations.
 - 3. The subject property shall not be located adjacent to a public or private school, day care, church, hospital or medical facility, home for the aged, cemetery or similar sensitive land use. In addition, the track / event operation involving motor vehicles shall be located at least two hundred (200) yards from any R-1 or R-2 zoned property and from any existing lot with a single family home. Sound absorption features (temporary barriers, etc.) shall be incorporated between the track / event and the adjacent residential noted above.
 - 4. All vehicles participating in racing, mud bog activities, tractor pulls or similar activities, hereinafter referred to as "participant vehicles", shall access the site attached to or within an open or closed trailer or similar device that transports the participant vehicle to and from a designated staging area and keeps the participant vehicle from depositing mud, soil,

gravel or other material onto parking areas, driveways or public roads. There shall be equipment on hand to wash off participant vehicles prior to leaving the site and a plan for its use shall be included with the application.

5. Applicant shall provide evidence of a MI EGLE approved soil erosion management plan and soil erosion permit. This permit shall address site operations including track, staging areas, vehicle wash areas, parking, and other areas of soil disturbance. Watering of the site shall be performed, if necessary, to control dust.
6. The access driveway from the public road to the parking area, customer / observer parking area, and designated staging area shall be paved with asphalt or concrete and kept free of dust, dirt and debris. The Planning Commission may permit some or all of the customer / observer parking area to be constructed of gravel or provided on stabilized grassy areas if the events on the site are infrequent (less than five (5) times per year). In all cases, the applicant shall provide a statement from a registered civil engineer stating that the access drive and route to be used for emergency access is designed to support the weight and turning requirements of emergency service vehicles expected to serve the site.
7. Parking shall occur only in designated areas shown on the site plan. There shall be no parking within public rights of way or along access drives or aisles.
8. The storage of any fuel or material considered to be ignitable, toxic, corrosive or otherwise designated as hazardous by MDOT, MI EGLE, or USEPA or any federal or state statute shall be included in an inventory of the type and quantity of the material, location and type of secondary containment, if required by law, and method of disposal. A plan shall also be submitted showing how vehicle-related fluids and hazardous materials spilled or lost on tracks, use areas, pit areas or staging areas will be recovered and disposed of. A MI EGLE permit shall be provided if required by state law.
9. The track or event function shall be oriented away from campsites, parking, pits, event operations staff and spectators to minimize the potential of injury during a collision or activity. Protective barriers and/or walls of substantial strength and height to stop a full-size truck or similar vehicle shall be installed to protect the locations noted above. A registered professional engineer shall certify that the site plan meets this requirement.
10. Fencing shall be installed to prevent spectators from entering the operational areas (track and pit) during event operations.
11. An emergency response plan showing designated emergency access routes and describing staff responses to on-site emergencies shall be provided. If an on-site emergency vehicle is necessary during events, a specific plan for access and use shall be provided, and all costs for this service will be the responsibility of the applicant. The plan shall also describe the

number of staff on-site during events, the training and certifications of staff members, and a description of the operator's experience running similar events in a safe and responsible manner. All security personnel shall be in continuous contact with one another via a two-way radio, or similar network. The location and equipment of all first aid stations shall be noted and listed with the application.

12. An ambulance or identifiable EMS staff member with a wireless phone and a dedicated first aid station shall be on site thirty (30) minutes prior to the first event of the day, during all events, and at least thirty (30) minutes after the last event of the day if one or more of the following thresholds are met:
 - a. More than twenty (20) spectators for an event.
 - b. More than ten (10) participating vehicles of any kind.
 - c. More than ten (10) non-participant vehicles in a designated parking area for an event.
13. Plans for temporary and permanent lighting shall be provided, if proposed, and the applicant shall demonstrate that lighting will not spill over onto adjacent properties or public roads. Lighting shall be directed away from public roads and residential or agriculturally zoned property. At a minimum, nighttime events shall provide basic security lighting.
14. Plans for admission to the site shall be fully described. If money will be taken from patrons entering by vehicle, the applicant shall demonstrate that vehicle queues will not back up onto a public roadway.
15. If an outdoor public address system is proposed, the applicant shall show locations of speakers and describe the operation in full. The system shall be designed to direct sound to the patron area and not have unreasonable sound spillover onto adjacent property, particularly property zoned residential or agricultural.
16. Hours of operation shall be limited to 9 a.m. to 10 p.m.
17. No alcoholic beverages shall be sold or consumed on site.
18. The applicant shall provide proof of adequate liability insurance to cover the employees, patrons, and participants on the site. The amount of insurance coverage shall be determined by resolution of the Township Board.

19. Screening. See Section 51. These buffering requirements may be increased if the Planning Commission determines that the impact of the proposed use and operation on sensitive adjacent uses or facilities is more intense than a typical industrial use in the Township.
20. There shall be no overnight lodging in tents, vehicles, campers or similar vehicles, devices or structures unless approved by the Planning Commission as part of the special use approval process and if a campground permit is received from the County (temporary) or MI EGLE (permanent). A campground layout design plan shall be provided and shall conform with the MI EGLE Campground Rules (PA 368 of 1978 Part 125) including the following:
 - a. Individual campsite layout must be a minimum of fifteen (15) feet wide and one thousand two hundred (1,200) square feet.
 - b. Minimum access road shall be twenty (20) feet, dust-free during use, and free of obstructions.
 - c. One Porta-John each for men and women for each twenty five (25) campsites.
 - d. Minimum of four (4) feet of clearance around all camper units.
 - e. Porta-Johns shall be a minimum of fifty (50) feet from an individual campsite.
 - f. Not more than eight (8) persons per individual campsite.
 - g. Parking equal to 1.5 spaces per campsite.
 - h. Source of potable water for each twenty five (25) campsites.
 - i. Grounds and facilities maintained in a clean and sanitary condition.
 - j. Refuse containers of adequate size and collection/disposal as often as necessary to prevent overflow, odors, insects, and the like.
21. The Applicant or operator shall remove all permanently installed fixtures and improvements within twelve (12) months after the operation ceases to exist, unless specifically waived by the Township Board.
22. All appropriate township, county, state and federal permits shall be obtained prior to the activity.

23. Provisions for restroom facilities meeting state and county health and sanitation requirements shall be described and shown on the site plan.
24. Provisions for potable water to be used by employees, patrons, and participants shall be described by the applicant.
25. The township may limit, the number of days and the time of day, of operation to reflect the surrounding neighborhood and the location of the proposed activity.
26. A site plan shall be submitted showing compliance with the section and the Zoning Ordinance including specific barriers proposed to protect patrons from moving vehicles that are participating in on-site events.

Section 49 – Site Plan Approval

A site plan shall be submitted for approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use for all permitted and special approval uses in this district.

Section 50 – Development Regulations

See Article 13, Schedule of District Regulations, for height, bulk, density, area, and setback requirements. Also, see Article 16 for the Performance Standards required for all uses.

Section 51 – Greenbelts

Whenever a use (other than existing single family or agricultural use) permitted in the IND district is commenced, constructed, expanded or substantially altered - as determined by the Planning Commission - and is adjacent to a residential or agricultural district (i.e. properties zoned AG, R-1, R-2, RT, or ROS) or residential use or public roadway, a Type C greenbelt shall be provided in accordance with Section 74.

Article 12 OS, Office Service District

Section 52 – Intent

The OS district is intended to accommodate a variety of office uses with a limited number of related uses. The OS districts are intended to serve as transitional areas between more intensive uses of land such as major thoroughfares and/or commercial districts and less intensive uses of land such as residential neighborhoods.

The uses permitted within OS districts are intended to operate primarily during daylight hours, creating less intrusive impact than other types of offices and commercial uses which tend to disrupt residential areas. The list of uses permitted and other standards of this Section are established to protect the investment of nearby homeowners and other offices in the district by limiting outdoor activities and incompatible land uses. Uses that have potential to be intrusive in some OS locations are treated as special land uses to allow the Planning Commission to evaluate if a specific location is appropriate.

Section 53 – Principal Uses Permitted

Unless otherwise permitted in this Ordinance, no building shall be erected, and no building or land shall be used in this district except for one or more of the following uses:

- A. Professional offices of lawyers, engineers, architects, insurance and real estate agents, financial consultants and brokers, advertising firms, accounting and bookkeeping services, clerical and stenographic services, sales offices, other types of executive or administrative offices, and similar or allied professions.
- B. Professional offices of physicians, dentists, optometrists, chiropractors, psychiatrists, psychologists' and similar or allied professions, including outpatient services but excluding inpatient services, urgent care centers, clinics and similar uses.
- C. Offices of non-profit professional, civic, social, fraternal, political, and religious organizations.
- D. Data processing centers.
- E. Banks, credit unions, savings and loans and similar financial institutions.
- F. Public buildings and uses, such as police and fire stations, municipal/state/county offices, court buildings, post offices, libraries, museums, community and recreation centers, and the like,

but excluding public works garages and storage yards, subject to the requirements of Section 10, P.

- G. Essential services such as telephone exchange buildings and public utility offices, but not including storage yards, transformer stations, substations, gas regulator stations or similar facilities.
- H. Business services such as mailing, printing, and copying.
- I. Public or private parks and open space, subject to the requirements of Section 14, E.
- J. Veterinary offices and clinics without overnight boarding accommodations, except for those required for animals held for medical observation.
- K. Small solar energy systems subject to the conditions listed in Section 87.
- L. Medium solar energy systems subject to the conditions listed in Section 88.
- M. Accessory structures or uses customarily incidental to the above permitted principal uses. Accessory uses such as cafeterias, office supply sales, card shops, pharmacies or optical sales may be permitted only under the following conditions:
 - 1. Such uses shall be established in conjunction with and developed as an integral part of a principal office use. This standard reflects the specific intent of this district to prohibit such uses as individual or freestanding establishments.
 - 2. Primary access to such uses shall be via an entry point shared with the principal office use.
 - 3. The only exterior sign permitted for such uses shall be a wall sign of a maximum thirty-two (32) square feet.
 - 4. Drive-through and open front restaurants are expressly prohibited.
- N. Uses which, in the opinion of the Planning Commission, are similar to the above permitted principal uses.

Section 54 – Uses Permitted on Special Approval

The following special approval uses shall be permitted only after proper notice has been given, and after review and approval by the Planning Commission, subject to the requirements and standards of Article 16 and the submission of a site plan conforming with the requirements of Section 75.

- A. Convalescent or rest homes, and homes for the elderly, subject to the requirements of Section 14, I.
- B. Adult day care facilities.
- C. Nursery schools and day-care centers, subject to the requirements of Section 10, H.
- D. Public and private schools and universities, subject to the requirements of Section 10, G.
- E. Churches, temples, and other places of worship, subject to the requirements of Section 10, D.
- F. Funeral homes and mortuary establishments, subject to the following:
 - 1. Adequate assembly area shall be provided off-street for vehicles to be used in funeral processions. The assembly area shall be in addition to required off-street parking and related maneuvering areas.
 - 2. Indoor storage shall be provided adequate in size to store all vehicles related to the funeral home.
- G. Studios for art, photography, music, dance, ballet and similar uses, subject to the following:
 - 1. If applicable, the building shall have adequate soundproofing.
- H. Low intensity retail outlets (such as antique stores, card shops, gift shops, furniture stores, and art galleries) within a structure designed or renovated for the particular use, subject to the following:
 - 1. Traffic generated by the use shall be less than or equal to traffic volumes typically associated with uses permitted in the district.
 - 2. Only one driveway shall be permitted and shared access with an adjacent parcel may be required.
 - 3. All loading shall be in the non-required side or rear yard.

- I. Urgent care centers and clinics.
- J. Animal hospitals and veterinary offices and clinics with overnight boarding accommodations, subject to the requirements of Section 38, C.
- K. Cellular communication towers, subject to the requirements of Section 10, R.
- L. Large solar energy systems subject to the conditions listed in Section 89
- M. Uses which, in the opinion of the Planning Commission, are similar to the above uses permitted on special approval.

Section 55 – Site Standards

In addition to the other standards of this Ordinance, all uses, buildings, structures and sites in the Office Service Districts shall comply with the standards listed below:

- A. The outdoor storage of goods or materials shall be prohibited.
- B. Warehousing or indoor storage of goods or materials, beyond that normally incident to the above permitted uses, shall be prohibited.

Section 56 – Site Plan Approval

A site plan shall be submitted for approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use for all permitted and special approval uses in this district.

Section 57 – Development Regulations

See Article 13, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

Article 13
Schedule of District Regulations

Section 58 – General Restrictions

Except as otherwise specifically provided in this Ordinance, no lot shall be smaller than the minimum size specified below; nor less than the minimum width specified below; nor shall the buildings or structures on any lot occupy a greater percentage of the lot than the maximum specified below. In addition, except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below, and no building shall be erected or maintained which exceeds the height limit specified below.

The side setback requirement applies to a side lot line and shall also apply to any lot line which is neither a front, rear nor side lot line as defined in this Ordinance. No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard or other open space, may be counted or calculated to satisfy a yard or other open space requirement for any other building which is not located on the same lot.

Section 59 – Area, Height, Bulk, and Placement Requirements for Principal and Accessory Uses

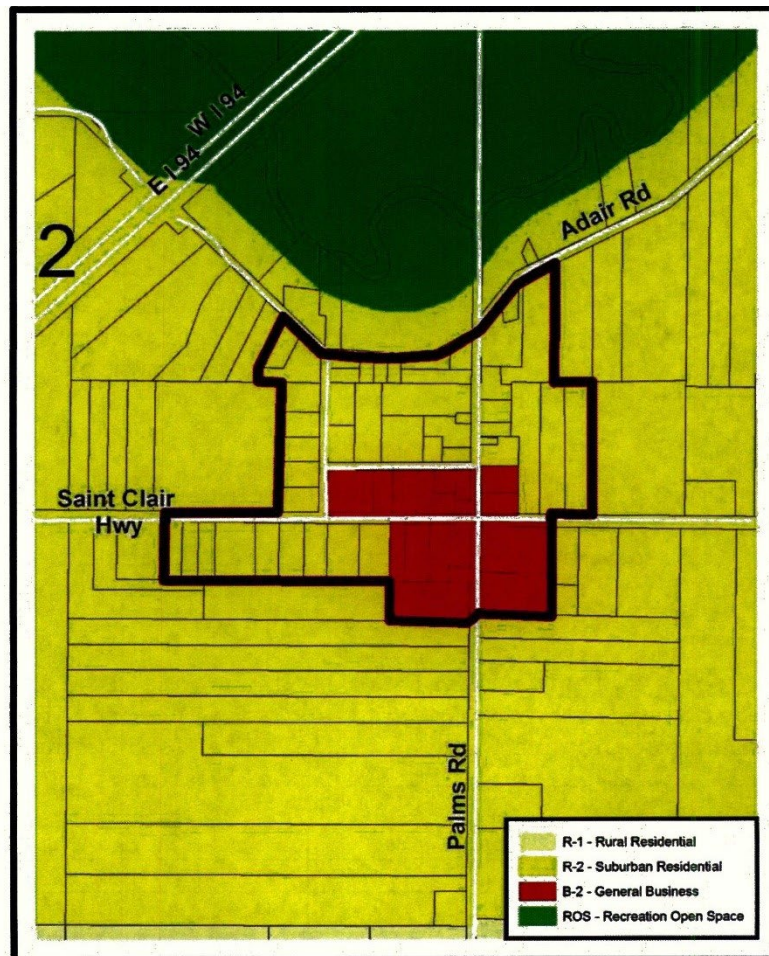
The area, height, bulk and placement requirements for principal and accessory uses shall be as follows (subject to the footnotes of Section 12.03):

ZONING DISTRICT (N)	LOT REQUIREMENTS YARD			YARD REQUIREMENTS			BUILDING REQUIREMENTS		
	MIN. LOT Area (F)	MIN. Lot WIDTH (P)	MAX. LOT COVERAGE	FRONT (B)	Each SIDE (C)	REAR	MAX. HEIGHT (H)		MAXIMUM FLOOR AREA (E)
							FEET	STORIES	
AGRICULTURE AG	5 ACRES (J)	200'	10%	(0)	15 ^f	35 ^T	35'	2.5	(I)
RURAL NON-FARM RESIDENTIAL R-1	2 ACRES (J)	150' (G)	20%	(0)	15'	35'	35'	2.5	(I), (G)
SUBURBAN RESIDENTIAL R-2	2 ACRES (J)	150 ^T (G)	30%	(0)	15'	35 ^T	35 ^f	2.5	(I), (G)
MANUFACTURED HOME RESIDENTIAL RT	5 ACRES (J)	100' (G)	-	(L), (0)	5' (L)	25' (L)	35'	2	—
GENERAL BUSINESS B-2	1 ACRE (J)	100'	25%	(0)	20'	35'	35'	-	—
LOCAL BUSINESS B-1	20,000 SQ. FT. (J)	100'	25%	(0)	20'	35'	35'	-	-
RECREATION OPEN SPACE ROS	5 ACRES (J)	300'	10%	(0)	30'	50'	15'	1	—
INDUSTRIAL IND	1 ACRE (J)	200' (M)	25%	(0)	20'	35'	35'	2.5	—
OFFICE SERVICE OS	1 ACRE (J)	100'	25%	(0)	20 ¹	35'	35'	2.5	—

Section 60 – Footnotes to Schedule of District Regulations

- A. The determination of side and rear yard spaces shall be the distance from the building or structure on the lot to the nearest lot line. Front yard spaces shall be measured from the building or structure on the lot to the center of the road right-of-way.
- B. Where a front yard of less depth than those specified in Section 59 exists in the front of a dwelling or dwellings on one side of a street within the same block, the depth of the front yard of any other principal building subsequently erected on that side of the street in the same block need not be greater than the average depth of the front yards of the existing dwellings. In sparsely developed areas of the Township without identifiable blocks, a block shall constitute an area not more than one-eighth (1/8) mile on either side of the building or building site in question. This standard shall also apply to non-residential buildings developed within the area outlined on the following map.

Adair Setback Areas



C. The following shall apply to the AG and all residential districts. Where a side yard abuts upon a street on which other residential lots front, the side yard width shall not be less than the required front yard setback. This shall apply whether the side yard is on the same side of the street as or is across from such other fronting residential lots. All buildings, structures and accessory uses shall maintain such required yard space. Width of such side yards of corner lots may be adjusted for proposed block setbacks (as per footnote "B" above).

D. A side yard shall not be required in the B-1 or B-2 district if adequate access to the rear of the property is provided from a dedicated alley, service aisle, or permanent easement and all of the following conditions exist:

1. The side in question is not adjacent to the public right-of-way.
2. The side in question abuts a property zoned B-1 or B-2, and
3. Continuous development of buildings does not exceed five hundred (500) feet.

The provisions of this footnote shall not apply to industrial special approval uses permitted in the B-2 district.

E. The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches or attached garages.

F. Where sewer systems are provided, the minimum lot area and width may be reduced by twenty (20) percent. Lot area of Suburban Residential districts may be reduced to a minimum of one (1) acre (43,560 square feet).

G. Multiple family residential development requirements:

1. The minimum distance between any two (2) multiple family residential buildings shall be no less than twenty (20) feet. Parking may be permitted within a required side or rear yard but shall not cover more than thirty (30) percent of the area of any required yard.
2. No multiple dwelling shall be erected on a lot or parcel of land which has an area less than one (1) acre or a width of less than one hundred (100) feet. The following minimum lot area per dwelling unit type shall be met.

Efficiency and One Bedroom	2,000 sq. ft.
Two Bedroom	3,000 sq. ft.
Three Bedroom	4,000 sq. ft.
Four Bedroom	5,000 sq. ft.

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

3. Minimum floor area per dwelling unit, in square feet, for multiple family residential developments.

Efficiency	350 square feet
One Bedroom	600 square feet
Two Bedroom	800 square feet
Three Bedroom	1,000 square feet
Four Bedrooms or More	1,150 square feet

- H. Accessory buildings shall not exceed two (2) stories or thirty-five (35) feet in height in the AG, R-1, and R-2 districts. In the RT, B-1, B-2, OS, ROS, and I Districts, detached accessory buildings shall not exceed one (1) story or fifteen (15) feet in height. Also, see Section 65 for further information regarding Accessory Buildings.

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

- I. The minimum required floor area per dwelling unit for single and two-family dwellings shall be determined by the number of bedrooms and the number of stories of the dwelling unit, as follows:

MINIMUM FLOOR AREA PER UNIT BASED UPON NUMBER OF BEDROOMS

	All Districts
One Bedroom Dwelling	750 square feet
Two Bedroom Dwellings	870 square feet
Three Bedroom Dwellings	1,000 square feet
Four Bedroom Dwellings	1,200 square feet
Additional Bedrooms	+120 square feet

MINIMUM FLOOR AREA PER UNIT BASED UPON NUMBER OF STORIES

Zoning District	1 Story		1 ½ Stories		2 Stories	
	First Floor	Total	First Floor	Total	First Floor	Total
AG, Agricultural	1000	1000	875	1200	750	1500
R-1, R-2 One-Family	750	750	750	1000	700	1400
RT, Manufactured Home Residential	720	720	—	—	—	—
ROS, Recreation Open Space	1000	1000	875	1200	750	1500

J. Lots

1. All lots and/or parcels shall be of such size, area, shape and dimensions to provide not less than a twenty (20) foot by thirty-five (35) foot building envelope, or such size and dimensions as shall conform with the applicable envelope which exists and/or is required in the particular zoning district and proposed permitted use therein, whichever is greater, and which meets and satisfies all minimum setback requirements of the zoning district in which it is located. The said size, area, shape and dimensions shall generally be the basis for the calculation and determination of the minimum distance between all lot and/or boundary lines. The intent of the Section is to prohibit the creation of irregular, erratic, unusually shaped, very uneven and/or strangely laid out parcels and/or lots which may be proposed and/or requested for the purpose of thwarting, defeating and/or complying with minimum lot area requirements for the subject lot and/or parcel. The Planning Commission, or in the case of land divisions the Township Supervisor, shall interpret the intent of this Section when reviewing proposed lots, parcels, division, and/or splits of land with erratic, irregular, very narrow portions and/or unusual shapes, sizes and/or dimensions.

2. Such lots and/or parcels as referred to and identified herein, which shall be proposed for creation, shall not be approved and created unless they shall conform to, comply with and satisfy the provisions of this Section. Examples of such prohibited lots and/or parcels shall include, but are not necessarily limited to the following: Lots and/or parcels which have very narrow and/or long “tails” or strips of land included in their proposed description; lots and/or parcels that would create areas that would be difficult and/or impossible to access for fire, ambulance and/or police protection; and lots and/or parcels that would interfere with, limit access to and from, obstruct and/or preclude access, servicing, cleaning and/or maintenance of public water courses, drains, utilities and/or other areas designated welfare of persons and/or property if such access rights, easements and/or rights-of-way shall exist.

- K. Yard and setback regulations shown on the Schedule of Regulations for the RT District apply to manufactured home parks, manufactured home condominium projects, local commercial

businesses, manufactured homes on individual lots in a subdivision, and manufactured homes on private property, but not to individual manufactured homes in a park or condominium project. The requirements for manufactured homes within parks or condominium projects are subject to the control of the State Mobile Home Commission Regulations and Article 7 of this Ordinance.

- L. Frontage shall be on 26 Mile Road (Marine City Highway), County Line Road, Bethuy Road, Church Road, or the west side of Meldrum Road.
- M. Temporary permitted uses may be granted by the Board of Appeals in any district.
- N. The minimum front setback for all principal and accessory buildings shall be measured from the centerline of the planned, future right-of-way, as designated on the Township's adopted thoroughfare Plan, according to the following schedule:

Road	Front Yard Setback Requirements (in feet)								
	Zoning Districts								
	AG	R-1	R-2	RT	B-1	B-2	IND	ROS	O
Gratiot	155	155	150	155	160	160	160	155	160
Marine City	155	155	150	155	160	160	160	155	160
Division	155	155	150	155	160	160	160	155	160
Fred Moore Highway	155	155	150	155	160	160	160	155	160
County Line	140	140	135	140	145	145	145	140	145
Church	140	140	135	140	145	145	145	140	145
Palms	140	140	135	140	145	145	145	140	145
St. Clair Highway	140	140	135	140	145	145	145	140	145
Meisner	140	140	135	140	145	145	145	140	145
Puttygut	140	140	135	140	145	145	145	140	145
Lindsey	140	140	135	140	145	145	145	140	145
Springborn	140	140	135	140	145	145	145	140	145
Bethuy	140	140	135	140	145	145	145	140	145
Meldrum	140	140	135	140	145	145	145	140	145
Hessen	140	140	135	140	145	145	145	140	145
Mayer (south of St. Clair Highway)	140	140	135	140	145	145	145	140	145
	Any road not listed above that is classified as:								
Regional Highway	155	155	150	155	160	160	160	155	160
Major Thoroughfare	140	140	135	140	145	145	145	140	145
Secondary Thoroughfare	140	140	135	140	145	145	145	140	145
Collector Road	123	123	118	123	128	128	128	123	128
Local Road	113	113	108	113	118	118	118	113	118

- O. For lot sizes less than ten (10) acres, lot depth shall not be greater than twenty (20) times the lot width. "Lot width" and "lot depth" shall be calculated according to the definitions contained in this Ordinance.

Section 61 – Open Space Preservation Option

A. Intent

The intent of the Open Space Preservation Option is to encourage the long-term preservation of open space and natural features and the provision of recreation and open space areas in accordance with P.A, 110 of 2006.

B. Eligibility Requirements

In areas that are served by municipal sewers, eligible properties shall be zoned for three (3) or fewer dwelling units per acre (includes all residential districts with a minimum lot size of 14,520 square feet or greater - AG, R-1, and R-2). In areas which are not served by municipal sewers, eligible properties shall be zoned for two (2) or fewer dwelling units per acre (includes all residential districts with a minimum lot size of one half (½) acre or greater - AG, R-1, and R-2).

C. Density

1. Land meeting the above eligibility requirements may be developed with the same number of dwelling units on a portion of the site, but not more than fifty (50) percent, that, as determined by the approving body, could otherwise be developed under existing ordinances, laws, and rules on the entire land area.
2. Density shall be calculated as follows:
 - a. A parallel plan shall be submitted to the approving body in order to establish the maximum permitted density. A parallel plan shall identify how a parcel could be developed, including all roads and other infrastructure improvements, under the conventional development standards of the Township. All unbuildable areas and areas with limitations to development must be accurately identified on the parallel plan including but not limited to wetlands, watercourses, drains, floodplains, steep slopes, habitat areas, woodlands and similar features. The approving body shall make the determination that a parallel plan is acceptable once it meets all applicable Township ordinance requirements and, based on the plan, determine the number of dwelling units that would be permitted under the Open Space Preservation Option. A separate review fee for the parallel plan shall be submitted with the application.

D. Design Requirements

1. A minimum of fifty (50) percent of the gross site area shall be preserved as permanent open space in an undeveloped state.
2. Permanent open space shall include important natural, environmental, agricultural, and/or cultural features, such as: steep slopes, floodplains, natural watercourses, woodlands, scenic views, agricultural and equestrian components, historical structures, recreational pathways and facilities (not including golf courses), buffers from major thoroughfares and more intensive land uses, and similar features acceptable to the approving body.
3. Under the Open Space Preservation Option, minimum lot size and width shall be according to the following table, unless the approving body determines that a smaller minimum lot size shall be necessary to comply with the requirements of P.A. 110 of 2006. In such cases the approving body may modify lot area and lot width requirements so as to assist in the creation of open space if the applicant can demonstrate approval of reduced lot area and width from the County Health Department. In those instances where lot sizes are reduced in accordance with the Open Space Preservation Option, yard requirements for a given lot shall be governed by that zoning district which has minimum lot area and width standards that correspond to the dimensions of the typical lot within the development.

	Minimum Lot Area (Acres)*	Minimum Lot Width (Feet)*
AG	2.5	200
R-1	1.0	150
R-2	1.0	150

*Minimum lot width is subject to approval of on-site sewage disposal by the St. Clair County Health Department.

4. Open space areas shall be accessible to all lots in the development, either directly, from a pathway system, or from the internal road network. Where the open space is agricultural land, the open space dedication and maintenance agreement shall include limitations on physical access to the open space for non-agricultural purposes and provisions for adequate, unrestricted agricultural, farming, implement or access necessary for agricultural uses or activities. Access to agricultural use areas shall be separate from residential access to units and open space areas.
5. Homes shall be visually screened from view along existing roadway corridors, in order to reduce visual impact and the appearance of a compact subdivision in a rural area. A minimum one hundred (100) foot buffer area along existing county and state roads, and I-94, shall be maintained for the entire frontage of the development. Only access to new internal roadways shall be permitted to bisect this buffer area. The buffer shall be

landscaped in a manner that generally follows Section 51, or maintained in its natural vegetative state if it provides an equivalent level of screening, and will count as part of the required minimum open space.

E. Open Space Maintenance

1. All open space shall 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.
2. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel prior to acceptance by the approving body.
3. All open space agreements which involve donations of land to the Township or which name the Township as a party to any agreement shall be approved by the Township Board prior to final approval of the development.

F. Review Process

1. All proposed Open Space Preservation Option developments shall be reviewed in compliance with the appropriate procedure for the type of development (lot split, subdivision, site condominium etc.) and in accordance with the development standards in this Section and other applicable ordinances.
2. All open space preservation option plans shall include a resource inventory that contains the following:
 - a. All floodplains, wetlands, and water bodies.
 - b. A woodlands analysis identifying all significant woodlands.
 - c. All wildlife habitat areas.
 - d. An analysis of on-site soils and topography to identify limitations to development; and
 - e. An analysis of the cultural features of the site, such as scenic views, historic structures, patterns of original farm fields, fences or stone walls, recreational uses and the like.
 - f. The approving body shall determine that the open space preservation option plan satisfies the intent of Subsection D.2 above.

Article 14
General Provisions

Section 62 – Conflicting Regulations

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions of any other law or ordinance, then the provisions of this Ordinance shall govern.

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

Section 63 – Scope

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

Section 64 – Non-conforming Lots, Uses, and Structures

All nonconforming lots, uses, structures, or combination of nonconforming uses of land or structures shall conform with the provisions of this Section.

A. Intent

1. It is the intent of this Ordinance to permit legal nonconforming lots, uses, or structures to continue until they are removed, but not to encourage their survival.
2. It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.
3. Such uses are declared by this Ordinance to be generally incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
4. A nonconforming use of a structure, land, or of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of

additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

B. Applicability

1. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the approved plans, construction or designated use of any structure or land on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance and that there is likelihood that said lawful construction will be completed twelve (12) months after the effective date of this Ordinance.
2. Actual construction is hereby defined to include any lawful and approved physical operation on the premises which is preparatory to intended development or to the establishment of a use such as excavation, grading, fill, drainage and the like or the placing of construction materials in permanent position and fastened in a permanent manner; except that where lawful and approved demolition or removal has begun preparatory to rebuilding, such lawful and approved demolition or removal shall be deemed to be actual construction, provided that said lawful and approved demolition and subsequent reconstruction of the building or structure involved is completed within eighteen (18) months after the effective date of this Ordinance.
3. The adoption of this Ordinance shall not be deemed to affect, alter or change any conditions, use, special exception, interpretation or variance previously decided or granted by the appropriate administrative or legislative body of the Township or by a court of competent jurisdiction upon review of the action of such administrative or legislative body.

C. Definitions and Classification of Class A and Class B Non-conforming Uses and Structures

1. Class A nonconforming uses and structures are those which have been so designated by the Zoning Board of Appeals after application, except as provided in Subsection 3.b below, by any interested person or the Building Inspector upon findings that (1) continuance thereof would not be contrary to the public health, safety or welfare, (2) that the use or structure does not and is not likely to significantly depress the value of nearby properties, (3) that the use or structure was lawful at the time of its inception, and (4) that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.
2. All nonconforming uses, buildings or structures not designated as Class A are Class B nonconforming uses, buildings or structures.
3. Procedure for Obtaining Class A Designation, Conditions

- a. A written application shall be filed with the Township Clerk setting forth the name and address of the applicant, giving a legal description of the property to which, the application pertains and including such other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the Zoning Board of Appeals shall be the same as in the case of an application for a variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based. Conditions may be attached, including any time limits, where necessary to assure that the use, building or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this Ordinance. No vested interest shall arise out of a Class A designation.
- b. Legally existing nonconforming single-family dwellings and customary accessory structures, and single-family residential uses are defined as Class A nonconforming structures and uses.

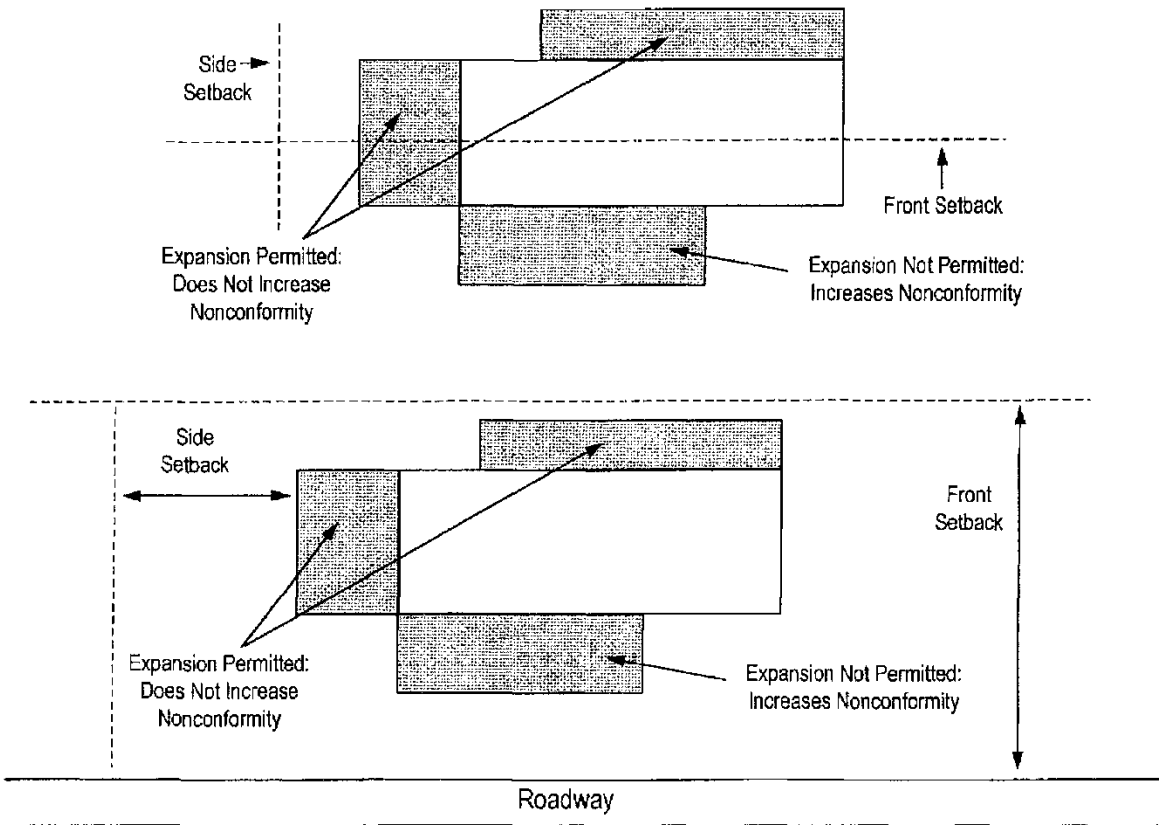
4. Revocation of Class A Designation

Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation.

D. Regulations Pertaining to Class A Nonconforming Uses and Structures

1. No Class A nonconforming use of land, building or structure shall be resumed if it has been, for any reason, discontinued for a continuous period of at least eighteen (18) months, or it has been changed to a conforming use for any period.
2. Class A nonconforming structures destroyed by any means may be reconstructed provided the previous nonconformity is not increased.
3. An individual Class A nonconforming use or structure may be used, altered or enlarged provided that it does not violate any condition imposed by the Zoning Board of Appeals at the time of its designation, and provided that such enlargement or alteration does not increase the nonconforming characteristics of the building or structure, or otherwise violate any other provisions of the Zoning Ordinance. The term "enlarged" shall include the construction of additional accessory structures for Class A non-conforming uses (e.g., a pole barn accessory to a single-family dwelling). Any proposed alteration or enlargement shall be referred to the Zoning Board of Appeals for review, except that single-family dwellings and accessory structures to single-family dwellings shall be reviewed by the Building Official.

The graphics below provide examples of permitted expansions or alterations under this Subsection.



4. The expansion of all Class A nonconforming uses and structures, except single-family dwellings, and structures accessory to single-family dwellings and farms, shall require site plan approval by the Planning Commission prior to action by the ZBA and issuance of a building permit.

E. Regulations Pertaining to Class B Nonconforming Uses and Structures

1. Non-conforming Uses of Land

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

- a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater portion of lot or parcel than was occupied at the effective date of adoption or amendment of this Ordinance.
- b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- c. If such nonconforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- d. No nonconforming use shall be changed to a substantially different use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming.
- e. In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established.

2. Non-conforming Structures

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

- a. No such structure may be expanded or structurally altered in a way which increases its nonconformity. A nonconforming structure may be expanded if the addition(s) conform(s) with all zoning ordinance requirements for the district in which the structure is located.
- b. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement value, it shall not be reconstructed except in conformity with the provisions of this Ordinance,
- c. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- d. A nonconforming structure may be altered to decrease its nonconformity, subject to issuance of necessary permits.

e. Repairs and Maintenance

(1) On any building or 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 exceeding twenty-five (25) percent of the assessed value of the building or structure at the date of repair, provided that the floor area or cubic area of the building, as it existed at the time of passage or amendment of this Ordinance, shall not be increased.

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

3. Non-conforming Uses of Structures and Land

If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.
- b. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except to accommodate a change in the use of the structure to a use permitted in the district in which it is located.
- c. In cases where dual uses exist, that is, a combination of uses permitted and not permitted in the district in which they are located, no permitted use shall be enlarged, extended, constructed, reconstructed, moved or structurally altered if such activity will also enlarge, extend, move or structurally alter the non-permitted use or structure.
- d. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- e. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use for any period of time, shall thereafter conform

to the regulations for the district in which such structure is located, and the nonconforming use may not be resumed.

- f. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for twelve (12) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by successive constant seasonal uses shall be excepted from this provision.
- g. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

F. Non-conforming Lots of Record

- 1. The intent of this Section is to allow reasonable development of lawfully existing nonconforming lots.
- 2. Notwithstanding limitations imposed by other provisions of this Ordinance, principal buildings and customary accessory buildings may be erected on a legally-established lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements 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.

G. Change in Tenancy or Ownership

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

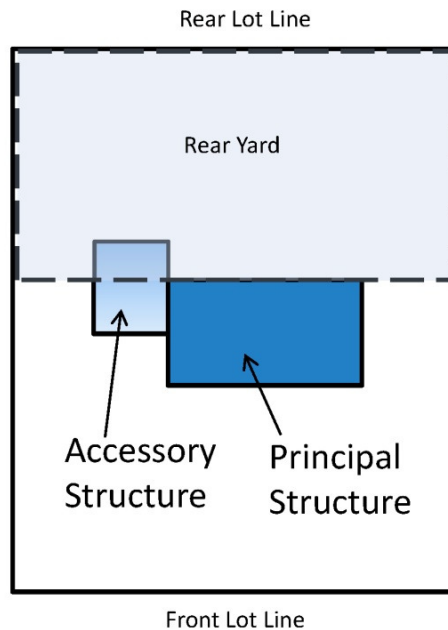
H. Record of Nonconformities

Within six (6) months after the adoption of this Ordinance, the Building Inspector shall prepare and complete a record of all known nonconformities existing at the time of the adoption of this Ordinance. Such record shall contain the names and addresses of the owners of record of such nonconformities and of occupants, other than the owner, the legal description of the land, and the nature and extent of use. Such record shall be available at all times in the Office of the Township Clerk.

Section 65 – Accessory Buildings

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

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
- B. A detached accessory building shall be located only in a rear or side yard.
- C. A detached accessory building shall maintain the yard space required for lots which front on two or more streets.
- D. All accessory buildings shall maintain the minimum front, side and rear setbacks and maximum lot coverage requirements specified in this Ordinance. Provided the setback and lot coverage requirements are met, accessory buildings in the rear yard may occupy not more than forty (40) percent of the rear yard excluding the area of required rear and side setbacks.
- E. No attached or detached accessory building located in a side yard shall exceed fifteen hundred (1,500) square feet. This limitation shall not apply to the portion of an accessory building located in a rear yard. For the purpose of this section, the rear yard shall be determined by using the principal structure only (see graphic).



- F. No detached accessory buildings shall be located closer than ten (10) feet to any main building (except barns housing livestock or any livestock building. A barn, as defined in this Ordinance,

shall be located no closer than one hundred (100) feet from any residence and shall not be located in the front of the residence on the same lot or parcel.

- G. Detached accessory buildings shall not exceed two (2) stories or thirty-five (35) feet in height, and shall not be located in the front of the residence on the same lot or parcel.
- H. Recreational travel trailers, and motor homes are permitted as accessory uses only under the two (2) following circumstances:
 - a. The Township Clerk may issue a "Visitor's Permit" so the visitors will be permitted to park and live in one (1) of the above dwellings for a period not to exceed fifteen (15) consecutive days on a parcel of land on which the residence of the lot is located. It is further provided that not more than one (1) "Visitor's permit" shall be issued in any one (1) month and not more than two (2) in any twelve (12) month period for use on the same parcel of land.
 - b. A recreational travel trailer, or motor homes may only be stored in a rear yard of a private property. The property owner must also be the owner of the vehicle to be stored. Any recreational travel trailer, or motor home so stored shall respect the buildings, as regarding distances from principal structures, lot lines, and easements from principal structures, lot lines, and easements. Any vehicle so stored shall not be connected to water, sanitary facilities, gas, heating, or any other utilities and shall not be occupied.
- I. Over-the-road truck trailers, shipping containers, other enclosed containers, and similar vehicles and containers shall not be permitted as permanent accessory buildings in any zoning district. The Building Inspector may permit the use of trailers, shipping containers, and similar enclosed vehicles and containers for temporary storage at building construction sites for periods not to exceed six months, and may grant not more than two, six-month extensions. A cash performance guarantee, in an amount established by the Township Board, shall be deposited with the Township Clerk to guarantee removal of the temporary storage unit upon expiration of the temporary permit.
- J. Unless otherwise provided in this Ordinance, an accessory use is subject to all regulations applicable to the principal structure on the site and the following:
 - a. Accessory uses and structures shall be clearly subordinate in area, extent, and purpose to the principal use or structure.
 - b. Accessory use and structures shall not violate the bulk, density, parking, landscaping, or open space standards of this Ordinance when taken together with the principal use or structure.
 - c. All accessory uses and structures shall directly serve the principal use or structure.

- d. Except as may be permitted for temporary trailers and motor homes, accessory uses, and structures shall not be constructed or established prior to the start of construction of the principal use or structure.
- e. Accessory uses shall be located on the same lot as the principal use or structure.

Section 66 – Off-Street Parking Requirements

A. Requirements

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

1. Off-street parking spaces for single and two-family residences shall not be located within the required minimum side yard. Off-street parking spaces for all other uses shall not be located within five (5) feet of any lot line within the first twenty-five (25) feet abutting the existing right-of-way or within a required side setback abutting a residential district or use.
2. A single commercial vehicle not exceeding a licensed gross vehicle weight rating of 26,000 pounds, or a semi-truck tractor, may be parked on a parcel in the AG (Agricultural), R-1 (Rural Residential), R-2 (Suburban Residential), and ROS (Residential Open Space) Districts subject to the following requirements:
 - a. Subject parcel must be two (2) acres or greater.
 - b. Commercial vehicle must be operated by the occupant of the residential dwelling unit.
 - c. Commercial vehicles exceeding a gross vehicle weight rating of 10,000 pounds - including but not limited to truck-tractors - shall be parked in the side or rear yard and a distance greater than one hundred (100) feet from the principal building of any neighboring residence.
 - d. No commercial trailers or semi-trailers may be parked in any residential district.
 - e. In no instance shall any commercial vehicle be parked within a designated right-of-way or any public easement.

- f. Vehicles licensed or used for agricultural activities protected by the Michigan Right to Farm Act (P.A. 93 of 1981) and parked on the agricultural property are exempt from the requirements of this Ordinance.
- g. The right to park a commercial vehicle on residential property does not grant any occupant of that residence the right to operate a home occupied business without Township review and approval subject to the standards of Section 84.
- h. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve (with a direct pedestrian connection that does not require crossing a public street), measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- i. Required off-street parking for residential uses shall be provided in a parking bay, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve. A residential driveway shall be set back at least fifteen (15) feet from all side lot lines and all required off-street parking spaces be located outside of the required side yard.
- j. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
- k. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- l. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- m. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
- n. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited unless otherwise permitted in the district. The sale of personal vehicles shall be exempted from this requirement provided, however, that no more than two (2) motor vehicles shall be offered on any on parcel at any time, and said motor vehicle(s) shall be owned by an occupant of a dwelling unit on the subject parcel.

- o. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
- p. When units or measurements determining the number of required parking spaces result in the requirement of a fraction space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.
- q. For the purpose of computing the number of parking space required, the definition of “Usable Floor Area” in Article 2, “Definitions” shall govern where appropriate.
- r. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the specifications below. In addition, no parking lot shall contain more than the minimum required spaces plus twenty (20) percent of said minimum requirement unless a waiver is granted by the Planning Commission upon receiving appropriate justification from an Applicant.

Residential	Minimum Parking Space Requirements
One-Family & Two-Family, including Manufactured Homes on private or subdivision lots	Two (2) for each dwelling unit
Residential, Multiple Family	Two (2) for each dwelling unit
Housing for the Elderly	One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided
Manufactured Home Park or Manufactured Home Condominium Project	No Township requirement. Subject to State of Michigan Manufactured Home Commission regulations

Institutional	Minimum Parking Space Requirements
Churches, temples, or places of worship	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship
Hospitals	One (1) for each one (1) bed
Homes for the Aged and Convalescent Homes	One (1) for each two (2) beds
Private Clubs or Lodge Halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, buildings or health codes

Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or similar uses	One (1) for each two (2) member families or individuals, plus spaces required for each use such as a restaurant or bar
Golf courses open to the general public, except miniature or “par 3” courses	Six (6) for each one (1) golf hole and one (1) for each employee, plus spaces required for each bar or restaurant

Business and Commercial	Minimum Parking Space Requirements
Planned Commercial or Shopping Center	<p>One (1) for each two hundred (200) square feet of gross leasable area for developments under 400,000 square feet. (5 spaces per 1,000 square feet).</p> <p>One (1) for each one hundred eight-two (182) square feet of gross leasable area for developments between 400,000 square feet and 600,000 square feet. (5.5 spaces per 1,000 square feet)</p> <p>One (1) for each one hundred seventy-two (172) square feet of gross leasable area for developments over 600,000 square feet and less than 1,000,000 square feet. (5.8 spaces per 1,000 square feet)</p> <p>One (1) for each one hundred ninety-two (192) square feet of gross leasable area for developments 1,000,000 square feet and larger (5.2 spaces per 1,000 square feet).</p>
Auto Wash (self-service, tunnel wash, or coin operated) or quick oil change facility)	Two (2) spaces plus one (1) for each employee. (See Section 14.06 for waiting space requirements.)
Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one half (1 ½ spaces) for each additional chair
Bowling Alleys	Five (5) for each one (1) bowling lane plus accessory uses.
Dance Halls, Pool or Billiard Parlors, Roller Rinks, Exhibition Halls, and Assembly Halls without fixed seats	One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building, or health codes.

Establishments for sale and consumption, on the premises, of beverages, food, or refreshment.	One (1) for each seventy (70) square feet of gross floor space.
Fast food restaurants	One (1) for each sixty (60) square feet of gross floor area. In addition to the required waiting space requirements.
Furniture and Appliance, Household equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician, or similar trade, shoe repair and other	One (1) for each eight hundred (800) square feet of gross floor area.
Automotive Service Stations	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.
Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing and/or dry cleaning machines.
Motel, Hotel, or other commercial lodging establishments.	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus parking for accessory uses.
Motor Vehicle Sales and Service Establishments	One (1) for each two (2) hundred (200) square feet of sales room and one (1) for each one (1) auto service stall in the service room.
Nursery School, Day Nursery, or Child Care Centers	One (1) for each three hundred fifty (350) square feet of usable floor space
Retail Stores, except as otherwise specified herein.	One (1) for each one hundred fifty (150) square feet of leasable floor space.
Self-storage Facilities, Mini-Warehouses, and Similar	One (1) space for each thirty (30) units that do not have direct access from outside the building or directly from a vehicular aisle within the building, and three (3) for the office or residence, and one (1) for each employee.

Offices	Minimum Parking Space Requirements
Business Offices or Professional Offices	One (1) for each two hundred fifty (250) square feet of leasable floor space.
Offices of doctors, dentists, or similar professions	One (1) for each fifty (50) square feet of usable floor area in the waiting rooms, and one (1) for each examining room, dental chair, or similar use area.

Industrial	Minimum Parking Space Requirements
Industrial or Research Establishments, and related accessory offices.	Five (5) plus one (1) for each one and one-half (1-1/2) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
Warehouses and Wholesale Establishments and related accessory offices.	Five (5) plus one (1) for each (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

Other	Minimum Parking Space Requirements
Other Uses Not Mentioned	One (1) for each one hundred fifty (150) square feet of usable floor space.

B. Off-Street Parking Space Layout Standards, Construction, and Maintenance

Whenever the required off-street parking requires the building of an off-street parking lot, said off-street parking lot shall be laid out, constructed and maintained in accordance with the following regulations:

1. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles. All drives and aisles shall be surfaced in a manner equivalent to that which is herein after provided for the parking area.
2. All parking areas shall be laid out to provide for smooth, efficient, and safe circulation, and shall not cause traffic to back onto or otherwise impede traffic on a through street.
3. All spaces shall be provided adequate access by means of maneuvering lanes.
4. Parking lots shall be screened from view from public roads and certain adjacent land uses. See Sections 73 Walls and 74 Greenbelts, Landscape Screening, and Plant Materials for specific greenbelt, wall, and exterior parking lot landscaping.
5. The land between the parking lot and the lot line is for the purposes of this ordinance called a "green strip".

For all parking lots, there shall be a minimum green strip of five (5) feet wide, and this green strip shall be maintained as a grass area. Alternative landscape treatment may be permitted by the Planning Commission. Additional width and enhanced treatments,

including walls, may be required depending upon the use of the subject site and adjacent property.

6. There shall be bumper stops or wheel chocks of concrete or similar permanent material, provided so as to prevent any vehicle from projecting over the green strip.
7. Wherever a green strip planting is not practical or reasonable, a continuous unpierced masonry wall of specified height and materials may be substituted for greens strips if approved by the Planning Commission.
8. The parking lot shall be drained to eliminate surface water.
9. The surface of the parking lot, including drives and aisles, excepting the buffer strips, shall be constructed of a concrete or bituminous concrete surfacing. Surfacing shall consist of six (6) inches of Portland cement concrete over a four (4) inch minimums and base or three (3) inches of bituminous concrete, i.e., asphalt (1.5 inches of MDOT HOOT and 1.5 inches of MOOT 1001) laid over a base of crushed stone (MDOT 21AA) with a compacted thickness of six (6) inches. Paving of all parking lots and drives shall be complete within five (5) months of receiving any certification of occupancy.
10. Lighting shall be arranged to reflect away from residential areas and public roadways.
11. Parking structures may be built to satisfy off-street parking requirements, when located in General Business District, subject to the area, height, bulk and placement regulations of such district in which located.
12. Automobile Sales Areas. Every parcel of land hereafter used as an automobile or trailer sales area or as an automobile service station shall be subject to the requirements in this Section.
13. Plans for the layout of off-street parking facilities must be approved by the Planning Commission and shall be in accordance with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (Parallel)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30°-53°	15 ft.	9 ft.	20 ft.	31.5 ft.	48 ft.
54°-74°	18 ft.	9 ft.	20 ft.	36 ft.	54 ft.
75°-90°	24 ft.	9 ft.	18 ft.	42 ft.	60 ft.

- a. All parking spaces shall be clearly striped to facilitate movements and to help maintain an orderly parking arrangement.
- b. Except for barrier free spaces, all parking spaces shall be nine (9) feet in width and eighteen (18) feet in length. Measurements shall be to face of curb when curbing is provided. The Planning Commission may permit the stall length to be reduced to seventeen (17) feet in length when a vehicle overhangs a four (4) inch high curb or sidewalk slab. For a sidewalk overhang to qualify, it must be at least seven feet wide.

The number and final design of handicapped parking spaces to be provided shall be determined based on the requirements of the building code and the Americans with Disabilities Act.

- c. All parking lots shall have access from a clearly limited and defined driveway not less than fifteen (15) feet wide for a one-way and twenty-four (24) feet wide for a two-way traffic.
- d. All parking spaces shall have access from an aisle on the site to eliminate the need for backing onto a street and having a potential traffic hazard.
- e. Vehicular access to a parking lot shall not be across any zoning district that would not permit the principal use of the parking lot.

14. Parking Lot Landscaping Requirement

In addition to requirements for landscaping setback areas and buffers, all off-street parking lots of more than forty (40) spaces shall incorporate and provide protected landscaped areas located within the parking lot. The ratio of landscaped area to number of parking spaces shall be one hundred (100) square feet for each twenty (20) parking spaces. The minimum size for an interior parking lot landscaped island shall be one hundred (100) square feet. Required parking lot setback areas shall not satisfy the requirement for interior landscaping. Applicants are encouraged to locate landscaped islands adjacent to end parking stalls to protect end vehicles and improve sight distance.

In all landscaped areas, at least one (1) evergreen tree with a minimum height of four (4) feet, or one (1) deciduous tree with a minimum caliper of three (3) inches shall be provided for every two hundred (200) square feet of parking lot landscaping required. The landscaping shall be provided with a variety of plant materials including trees of a selected variety and size as may be practical for planting and architectural effect. When parking lot landscaping is provided in one or more end islands, the maximum mature height of

shrubs and similar species shall be thirty (30) inches and the minimum canopy height of deciduous trees shall be eight (8) feet, in order to provide clear sight distance.

15. End Islands Required

In order to delineate on-site circulation; ensure adequate sight distance at the intersection of parking aisles, ring roads, and private roads; protect vehicles at the end of parking bays; and define the geometry of internal intersections, end islands (painted or landscaped and curbed) shall be required at the end of all off-street parking spaces adjacent to an aisle or internal road. At a minimum, one landscaped and curbed island shall be provided for every two (2) painted islands in parking lots with more than forty (40) spaces.

Section 67 – Off -Street Waiting Area for Drive-through Facilities

- A. On the same premises with every building structure or part thereof, erected and occupied for the purpose of serving customers in their automobile by means of a service window, there shall be provided off-street waiting spaces as follows:

Uses Served by Drive-Through Lane	Minimum Stacking Requirements (per lane)
Restaurant	The distance between the menu board and the pick-up window shall store four (4) vehicles, and storage shall be provided for four (4) vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board). The above shall be increased by one hundred (100) percent for drive through only facilities.
Financial Institutions	Six (6) vehicles per lane inclusive of the vehicle at the window
Car Wash (coin operated)	Three (3) vehicles in advance of the washing bay and storage for one and one-half (1 ½) beyond the washing bay as a drying and vacuum area.
Car Wash (tunnel wash)	Four (4) times the maximum capacity of the auto wash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas.
Child Care Centers	One (1) vehicle per fifteen (15) children inclusive of the vehicle at the drop off point. No parking areas or maneuvering lanes shall be permitted between the drop off point and the principal entrance to the building.
Dry Cleaners	Four (4) vehicles per lane inclusive of the vehicle at the window.
Quick Oil Change	Four (4) vehicles per lane inclusive of the vehicle being serviced.
Convenience Market	Three (3) vehicles per lane inclusive of the vehicle at the window.
Other Uses	For uses not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon analysis by the planning consultant or staff.

- B. Drive-through lanes shall not utilize any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.
- C. Drive-through lanes shall have a minimum centerline radius of twenty-five (25) feet.

D. Drive-through lanes shall be striped, marked, or otherwise distinctively delineated.

Section 68 – Off-Street Loading and Unloading

- A. On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse goods, display, a department store, a wholesale store, a market, a hotel, a hospital, a mortuary, a laundry, a dry cleaning establishment, or other uses similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services adjacent to the opening and use for loading and unloading in order to avoid undue interference with public use of the streets or alleys.
- B. All such loading and unloading areas, including all access drives, shall be paved in addition to the required off-street parking area requirements.
- C. Loading and unloading spaces, unless otherwise adequately provided for, shall be in an area ten (10) feet by fifty (50) feet with a fourteen (14) foot height clearance and shall be provided according to the following table:

Gross Floor Area (in square feet)	Loading and Unloading Spaces Required
0 to 3,000	None
3,001 to 20,000	One (1) space
20,001 to 100,000	One (1) space plus one (1) for each 20,000 square feet of excess over 20,000 square feet.

Section 69 – Sign Regulations

A. Intent

The following sign regulations are intended to provide for proper identification and adequate on-site messaging for all businesses, industries, institutions, and residences in Casco Township. The regulations are further intended to eliminate competition among establishments for sign size, prevent overcrowding of signs on individual properties and within business districts, and to maintain the Township's pleasing, rural atmosphere.

B. General Requirements that Apply to All Signs

1. With the exception of the exempt signs listed in Section 10, a permit shall be required for the erection, construction, or alteration of any sign.
2. There shall be no flashing, oscillating, or intermittent type of illuminated sign or display; nor shall there be any streamers, windblown devices, spinners, temporary or portable signs, pennants or flags other than those permitted by specific action of the Township Board. Changeable electronic message signs shall feature only static text or graphics; text or graphics which move, scroll, rotate, fade, or flash shall be prohibited. The message(s) displayed on a changeable electronic message sign shall change no more frequently than once every thirty (30) seconds.
3. Vehicle signs are hereby prohibited regardless of form, size, character, or placement. A vehicle sign is a vehicle advertising sign when the vehicle upon which the sign is painted or attached is parked or placed upon the premises for advertising purposes.
4. No sign except those established and maintained by the Township, County, State or Federal government, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
5. No sign, unless otherwise permitted, shall project above twenty-five (25) feet in height or be greater in sign area than one hundred (100) square feet. All calculation of total sign area shall be measured on one side of the face of the sign. Calculation of sign area shall include only the display area of the sign, and not elements such as the sign's base, support pole(s), decorative cap, or similar non-display elements. Calculation of sign height shall include all elements of the sign. The display area of a sign that is irregular in shape shall be calculated by multiplying its tallest dimension times its longest dimension.
6. No sign above a height of three (3) feet shall be located within, project into, or overhang the triangular area formed at the intersection of street right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.
7. Non-accessory and/or off-site signs (such as billboards) shall be prohibited except in IND, Industrial Districts.
8. Except for freestanding signs, or unless otherwise permitted, all signs shall be displayed flat against the wall of the building and shall not project more than one (1) foot from the wall, nor be perpendicular to the wall, except in the case of a sign that is part of an approved canvas, vinyl, or similar awning.

9. All signs shall be lighted by internal illumination only unless the lighting equipment is designed as an integral part of the display. This means that the lights themselves are part of the sign structure and will in no way interfere with driver visibility or project onto adjoining property.
10. Wall signs shall not project beyond or overhang the wall, or any permanent architectural feature, by more than one (1) foot, and shall not project above or beyond the highest point of the roof or parapet.
11. Freestanding signs shall not be located closer than one hundred (100) feet to any property line of an adjacent residential district, except as provided in subsection 9 below. In no instance shall a freestanding sign be located closer than ten (10) feet to any property line. Freestanding signs shall be located a minimum of ten (10) feet from any right-of-way line, unless a greater setback distance is required elsewhere in this Ordinance. In addition, no freestanding sign shall be constructed in a manner as to impair the vision of pedestrians and/or vehicles.
12. Parking lot directional signs that are not illuminated and do not exceed two (2) square feet in area are exempt from the calculation of total allowable sign area.
13. In order to protect drivers from glare and distractions, the maximum brightness of any sign shall not exceed 5,000 candelas per square meter (cd/m^2 , a.k.a. $^{\wedge}\text{nit}$) during daylight hours, and 500 cd/m^2 between dusk and dawn, as measured from within 6 (six) inches of the face of the sign. Such signs shall include an automatic dimmer to control sign brightness consistent with this standard.
14. All freestanding signs shall clearly display the street number of the property, either within the copy area, on the base, or on the framing of the sign.

C. Signs Permitted in AG Districts

1. Temporary Signs as regulated in Section 9.
2. One (1) non-illuminated, accessory sign not to exceed thirty-two (32) square feet or six (6) feet in height above the ground.

D. Signs Permitted in R-1, R-2, RT and ROS Districts

1. Temporary Signs as regulated in Section 9.
2. Permanent subdivision signs, not to exceed sixteen (16) square feet, may be permitted at the time of Final Plat Approval.

3. Special Approval Uses, under permit from the Planning Commission, may have a single, non-illuminated sign that does not exceed sixteen (16) square feet in area, nor six (6) feet in height above the ground, nor shall it be located closer than twenty (20) feet to the right-of-way line.
4. One (1) non-illuminated, accessory sign not to exceed thirty-two (32) square feet or six (6) feet in height above the ground may be permitted for each multiple family or mobile home park residential development project.
5. No sign shall be located closer than twenty (20) feet to the right-of-way line and shall not exceed six (6) feet in height above the ground.

E. Signs Permitted in B-1, B-2, IND, and OS Districts

1. Temporary Signs as regulated in Section 9.
2. Individual freestanding buildings with one or two establishments located on a separate parcel of property may have one (1) freestanding sign not to exceed one hundred (100) square feet, as measured on one side of the sign. In addition, each separate tenant may have one wall sign. The total sign area of all wall signs shall not exceed twenty percent (20%) of the wall area facing the front lot line up to a maximum of two hundred (200) square feet.
3. Planned developments of more than two office, business, or industrial tenants may have one freestanding sign with a display area not to exceed two hundred (200) square feet, as measured on one side of the sign. Each tenant within the complex shall be permitted one (1) individual display area within the total display area of the freestanding sign. Each individual display area shall comprise a minimum of ten percent (10%) of the total display area (whatever it may be), and a maximum of one hundred (100) square feet. In addition, each separate tenant may have one (1) wall sign, not to exceed twenty percent (20%) of its front wall area facing the lot line considered as the front on the approved site plan, up to a maximum of two hundred (200) square feet per establishment.
4. Non-accessory or off-site signs are permitted in the IND district within 100 feet of the Marine City Highway (26 Mile Road) right-of-way only subject to the following:
 - a. A non-accessory sign surface display area shall not exceed forty (40) square feet. In the case of non-accessory signs with stacked or tandem non-accessory sign faces (two parallel non-accessory sign display areas facing the same direction with one face being directly above or next to the other), the combined surface display area of both faces shall not exceed forty (40) square feet.

- b. Double-faced non-accessory sign structures (structures with back-to-back non-accessory sign faces) and V-shaped non-accessory sign structures (with only one face visible to traffic proceeding from any given direction on a street or highway) shall be considered as one non-accessory sign. Otherwise, non-accessory sign structures having more than one non-accessory sign face shall be considered prohibited requirement as two non-accessory signs and shall be in accordance with the minimum spacing set forth in Subsection (c) below.
- c. No non-accessory sign shall be located within one thousand (1,000) feet of another non-accessory sign abutting the same side of the same street or highway.
- d. No non-accessory sign shall be located within one thousand (1,000) feet of a residential zone or within three hundred (300) feet of an agricultural zone.
- e. No non-accessory sign shall be located closer than fifteen (15) feet from a property line adjoining a public right-of-way or fifteen (15) feet from any side lot line. Setbacks from the rear property line shall be at least thirty (30) feet.
- f. The height of a non-accessory sign shall not exceed twelve (12) feet above (1) the grade of the ground upon which the non-accessory sign sits or (2) the grade of the abutting highway, whichever is higher.
- g. No non-accessory sign shall be on top of, cantilevered or otherwise suspended above the roof of any building.
- h. A non-accessory sign must be constructed in such a fashion that it will withstand all wind and vibration normally be expected to occur in the vicinity.
- i. A non-accessory sign must be maintained so as to assure proper alignment of the structure, continued structural soundness, and continued readability of message. Any damage that presents a danger to the public health, safety or welfare shall be repaired immediately. Repairs to damaged or peeling non-accessory sign copy shall be made within 7 days. If the copy area is generally leased to others and the owner or operator of the non-accessory sign is unable to lease it, a well-maintained copy face (display area) shall continue to be provided.
- j. No person, firm or corporation shall erect a non-accessory sign within Casco Township without first obtaining site plan approval and a sign permit from the Township, which approval and permit shall be granted upon showing of compliance with the provisions of the ordinances of Casco Township and payment of a fee, therefore.

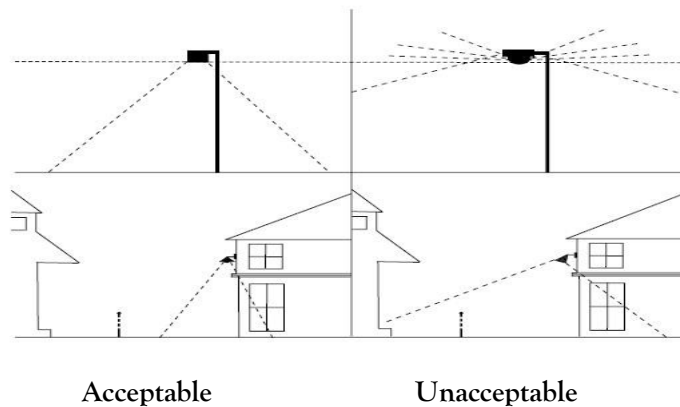
- k. The person, firm or corporation responsible for the erection and maintenance of the non-accessory sign structure shall notify the Township of a contact person, address, and 24-hour phone number for contact in case of an emergency. This information shall be kept up-to-date by the person, firm, or corporation responsible for the non-accessory sign structure.
 - l. In the event a non-accessory sign structure ceases operation, it shall be removed in its entirety within thirty (30) days.
 - m. A non-accessory sign shall not be illuminated, nor shall the sign surface have any type reflective or illuminated device.
 - n. A non-accessory sign established in the Township shall, in addition to complying with the requirements of the Township, also comply with all applicable provisions of the Highway Advertising Act of 1972 (1972 PA 106), as amended and the regulations promulgated thereunder, as may from time to time be amended.
5. **Obsolete Signs.** All signs that are obsolete, due to discontinuance of the business or activity advertised thereon, shall be removed within thirty (30) days of the close of said business or activity.
6. **Window Signs.** Window signs located inside the building that are visible from the front lot line shall be included in the calculation of total allowable wall sign area if they are displayed longer than fourteen (14) days.
7. **Message Board Signs In B-1, B-2 and IND Districts.** One (1) message board sign may be approved for each individual, freestanding business building located on its own lot, and one (1) message board sign may be approved for each complex of two or more individual offices, stores, businesses, or industries. All message board signs shall comply with the following:
- a. No portable message board signs shall be permitted. All such signs shall be permanently anchored to the ground and incorporated as a part of the business' permanent, freestanding sign.
 - b. All electrical service to message board signs shall be permanently installed, and inspected and approved by the Township. No message board sign shall obtain its electrical service from an extension cord or similar means.
 - c. There shall be no flashing lights, arrows, or similar devices designed to attract attention as a part of any message board sign.

- d. Message board signs for individual businesses shall not exceed thirty-two (32) square feet, as measured on one side of a two-sided sign.
 - e. Message board signs for a complex of individual offices, stores, or businesses, shall be incorporated as a part of the complex's permanent, freestanding sign and shall not exceed fifty (50) square feet, as measured on one side of a two-sided sign.
 - f. The area of message board signs shall be included when calculating total sign area. Nothing herein is intended to imply that message board signs of any area are permitted in addition to maximum permissible sign area.
8. Temporary Message Board Signs In All Districts. One (1) temporary message board sign may be permitted subject to the following:
- a. A permit shall be required, and a cash performance guarantee shall be posted, in an amount established by resolution of the Township Board, to ensure timely removal of the sign at the end of the permit period. The entire amount shall be returned to the applicant upon compliance.
 - b. Temporary message board signs shall not exceed thirty-two (32) square feet.
 - c. The total display period shall not exceed fourteen (14) days.
 - d. Temporary message board sign shall not be illuminated unless the electrical service and connection has been inspected and approved by the Township.
9. Temporary signs in all Zoning District
- a. One temporary sign not exceeding 12 square feet shall be allowed per property.
 - b. Temporary signs over 12 square feet require a permit, and once the temporary sign is removed, there shall be a gap of at least 30 days between display of the same temporary sign on the same parcel. The maximum display time of temporary over 12 square feet is 30 days up to maximum of four times per calendar year.
10. Certain Signs Exempt From Permit Requirements – The following signs shall be exempt from the permit requirements of this section:
- a. Temporary signs not exceeding twelve (12) square feet.

- b. All directional and traffic signs required for the purpose of orientation and safety, when established by Casco Township, the St. Clair County Road Commission, the Michigan Department of Transportation, or the Federal Government.
- c. Federal, State, County or Township required signs.
- d. Flags bearing the official design of a nation, state, municipality, educational institution, church or fraternal organization, and flags bearing the official seal or emblem of a company or corporation including related slogans, messages, or graphics. Each parcel shall be limited to not more than four (4) flags.
- e. Temporary window signs in business and industrial districts which are displayed no longer than fourteen (14) days provided that they shall not occupy more than fifty percent (50%) of the total window area.
- f. One nameplate located on a dwelling provided that the nameplate shall not be illuminated and shall not exceed four (4) square feet.
- g. Memorial signs or tablets, historical markers, or names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or similar materials.

Section 70 – Exterior Lighting

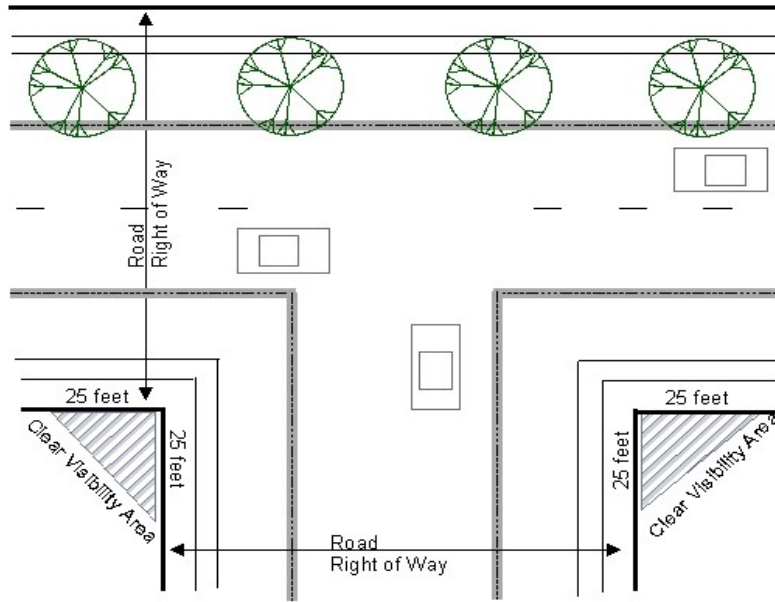
- A. All outdoor lighting in all Use Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
- B. All outdoor lighting in all Use Districts shall be directed toward and confined to the ground areas of lawns or parking lots.
- C. All lighting in nonresidential district used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.



- D. Illumination of signs shall be directed or shaded downward so as to not interfere with the vision of persons on the adjacent highways or adjacent property.
- E. There shall be no flashing, oscillating or intermittent type of illuminated sign or display in any residential district or within one hundred (100) feet of any residential district, street intersection or railroad intersection with a street.

Section 71 – Corner Clearance

- A. No fence, wall shrubbery, sign, or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.



Section 72 – Frontage on a Public Street and Lot Limitations

- A. Every dwelling or principal building shall be located on a lot or parcel which fronts upon a public street for a minimum width of fifty (50) feet, provided that the lot width at the minimum required front setback line meets the requirements of the particular zoning district in question. This requirement for frontage on a public street may be waived by the Planning Commission for individual sites within a planned multi-family or commercial development with a site plan approved by the Planning Commission, provided said site plan includes internal private circulation routes with direct access to a public street and the overall development has the minimum required frontage on a public street.

Section 73 – Walls

- A. For those use districts, uses, and conditions listed below there shall be provided and maintained on those sides abutting or adjacent to a residential or agricultural district, an obscuring wall as required below:

USE OR DISTRICT	REQUIREMENTS
a. Off-street parking abutting a street	4.5 feet
b. Off-street parking not abutting a street	4.5 feet ¹
c. Walls either permitted or required in the district	4'6" to 8' high wall

- | | |
|---|----------------|
| d. Auto Wash and drive-in or drive-thru restaurants | 6'0" high wall |
| e. Hospital ambulance and delivery areas | 6'0" high wall |
| f. Utility buildings, Stations, & Substations | 6'0" high wall |

¹If a residential use or district is directly abutting the subject site and not separated by a street, a 4.5 foot wall, together with a 15-foot wide greenbelt, shall be provided to satisfy this requirement. Within the 15 foot buffer, deciduous trees shall be planted according to the Type B greenbelt requirements in Section 74.

- B. For off-street parking lots, landscaping (greenbelts) may be substituted for a screen wall (see Section 74).
- C. For walls either permitted or required in the district, refer to Sections 10, 14, 18, 33, and 48.
- D. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may approve a greenbelt as a substitute in specific cases where a wall would not serve the purposes of screening a parking area effectively or where landscaping is deemed by the Planning Commission to be more appropriate in carrying out the intent of the Ordinance. Required walls may, upon approval of the Board of Appeals, be located on the opposite side of an alley right-of-way from a non-residential zone that abuts a residential zone. The continuity of the required wall on a given block will be a major consideration of the Board of Appeals in reviewing such request.
- E. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Building Inspector or Planning Commission. All walls herein required shall be constructed of materials approved by the Building Inspector or Planning Commission to be durable, weather resistant, rust proof, aesthetically pleasing to the adjacent property or right-of-way, as determined by the Planning Commission or Building Inspector, and easily maintained; and wood or wood products shall be specifically excluded. Examples of desired screening materials include masonry walls with a stone cap and poured in place concrete walls with a brick texture. Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Building Inspector.

- F. A chain link fence with intense evergreen plantings shall be considered an obscuring wall if approved by the Planning Commission. The height shall be determined in the same manner as the wall height as set forth in this Section and the plantings shall be maintained in good condition to provide the continuous screening intended by the regulations in this ordinance.
- G. The requirement for an obscuring wall between off-street parking areas and any abutting residential district shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district.

Section 74 – Greenbelts, Landscape Screening, and Plant Materials

Whenever in this Ordinance a greenbelt or other landscaping is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing required shall be provided.

- A. Greenbelt Planting Standards. Unless a more stringent standard is specified within this Ordinance, all Greenbelts in this Ordinance shall meet and shall be maintained in healthy condition) the following minimum standards for landscaping:
 - 1. Width: The minimum width of a required Greenbelt area shall be fifteen (15) feet unless a greater width is specified elsewhere in this Ordinance or otherwise required below:

Use on Subject Site	Adjacent Use or District ¹	Greenbelt Required
Off-street Parking Lot	Non-residential, Non-AG	15 foot wide (Type A) adjacent to right-of-way ² 10 foot wide (Type A) option with wall adjacent to right-of-way ²
Off-street Parking Lot	Agricultural or Residential	25 foot wide (Type B) adjacent to right-of-way or property line ^{2,3} 10 foot wide (Type B) option with wall only when adjacent to right-of-way ²

Industrial	Residential or Agricultural	25 foot wide (Type C) with 3 foot high berm adjacent to any property line ^{2,4}
Industrial	Public Street	25 foot wide (Type C) with 3 foot high berm adjacent to right-of-way ^{2,4}

¹If a commercial use or off-street parking lot is located adjacent to a B-1, B-2, OS or IND District that has an agricultural use, the required greenbelt can be reduced to a 5 foot wide green strip with no required tree or shrub plantings.

²The greenbelt shall begin no closer than the following based on the type of adjacent roadway: Regional Arterial - 75 feet, Major or Secondary Thoroughfare - 60 feet, Collector Street - 43 feet, and Local Street - 33 feet.

³If a residential or agricultural use or district is directly abutting the subject site's off-street parking lot and is not separated from the subject site by a street, a 4.5 foot masonry wall (brick, stone, or decorative concrete block) with a stone cap together with a 10-foot wide greenbelt may be provided to satisfy the green belt requirement.

⁴See Section 118 for screening of Outdoor Storage - which requires an obscuring wall or fence - and Section 73 for required screen walls in general. In the event that a portion of the site fronting a public roadway is not currently developed nor proposed for development, the requirement for a landscape berm in the IND district may be adjusted by the Planning Commission according to the following standard: The berm shall extend along the entire frontage adjacent to any public road to a point perpendicular with the edge of the developed portion of the site (existing and proposed) plus an additional 200 feet. When the remaining portion of the site is developed, an amended site plan shall be submitted showing the extension of the berm, as required by the Zoning Ordinance. The Planning Commission may choose to require the berm along the entire frontage if the proposed development is such that the full screening is deemed necessary to provide buffering between the use and the public roadway.

2. Deciduous or evergreen trees: One (1) deciduous or evergreen tree shall be provided for each thirty (30) lineal feet of required Greenbelt area. This may be reduced to one (1) for each forty (40) lineal feet when the adjacent use or district is non-residential or for the greenbelt along the front property line on B-1, B-2, and OS zoned property. For Type C buffers, evergreen trees and shrubs shall be planted on top of the required 3-foot berm in an alternating pattern based on the standard of four plants per forty (40) lineal feet (2 evergreen shrubs and 2 evergreen trees).
3. Deciduous or evergreen shrubs: For Type A buffers, four (4) deciduous or evergreen shrubs shall be provided for each forty (40) lineal feet of required Greenbelt area. For a Type B buffers, there shall be six (6) evergreen shrubs for every thirty (30) lineal feet of required Greenbelt area. Shrubs are not required if a 2.5 foot high brick wall with a stone cap is provided to screen parking from all public roadways.

4. Ground cover: All required Greenbelt areas shall be seeded or covered with sod.
5. Existing Vegetation Credit: Existing trees and shrubs may be used to meet the above planting standards where the Planning Commission finds that their size, location, species and condition are adequate to meet said standards. All existing plant materials proposed to remain shall be detailed on the site plan or separate landscape plan. Protective measures such as temporary fencing should be used during all phases of construction to prevent damage to trees and shrubs proposed to be saved.

B. Plant Material Spacing and Size Standards (General)

1. The number of plants required shall be determined by the above greenbelt and buffer requirements.
2. Plant materials shall not be placed closer than four (4) feet from a fence line or property line.
3. Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows.
4. Evergreen trees shall be planted fifteen (15) to thirty (30) feet on centers, and shall be not less than four (4) feet in height when planted unless otherwise specified herein.
5. Columnar evergreen shrubs shall be planted two (2) to six (6) feet on centers, and shall be not less than three (3) feet in height when planted.
6. Tree-like shrubs shall be planted not more than ten (10) feet on centers, and shall be a minimum of four (4) feet in height when planted.
7. Large deciduous shrubs shall be planted three (3) to four (4) feet on centers, and shall be a minimum of two (2) feet in height when planted.
8. Large deciduous trees shall be planted thirty (30) to fifty (50) feet on centers, and shall be not less than 2.5 inch caliper when planted.
9. Staggered spacing and groupings of plant materials is encouraged.

C. Trees Not Permitted:

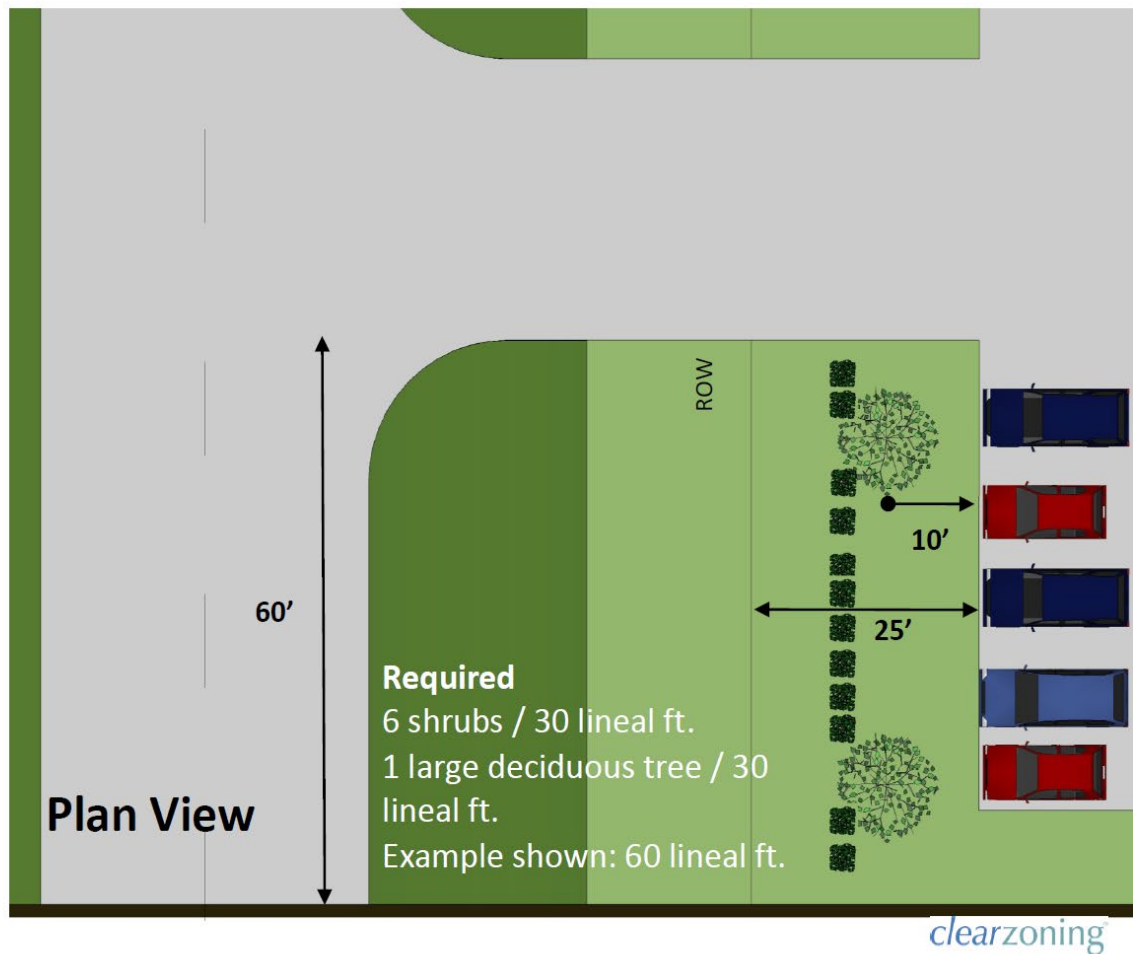
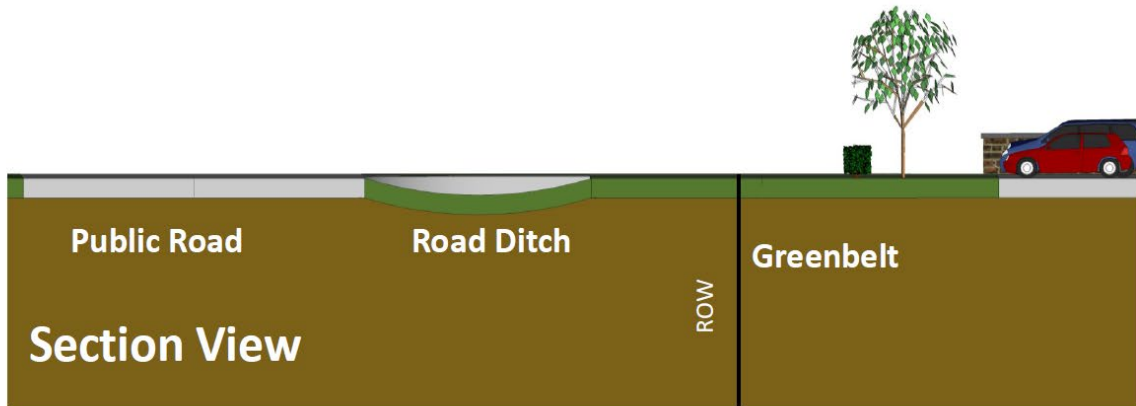
1. Box Elder
2. Soft Maples (Red-Silver)

3. Elms Poplars
4. Willows
5. Horse Chestnut (nut bearing)
6. Tree of Heaven
7. Catalpa

Type A Buffer with Wall



Type B Buffer



Type B Buffer with Wall



Type B Buffer Not adjacent to street

Residential or Agricultural
Use or District

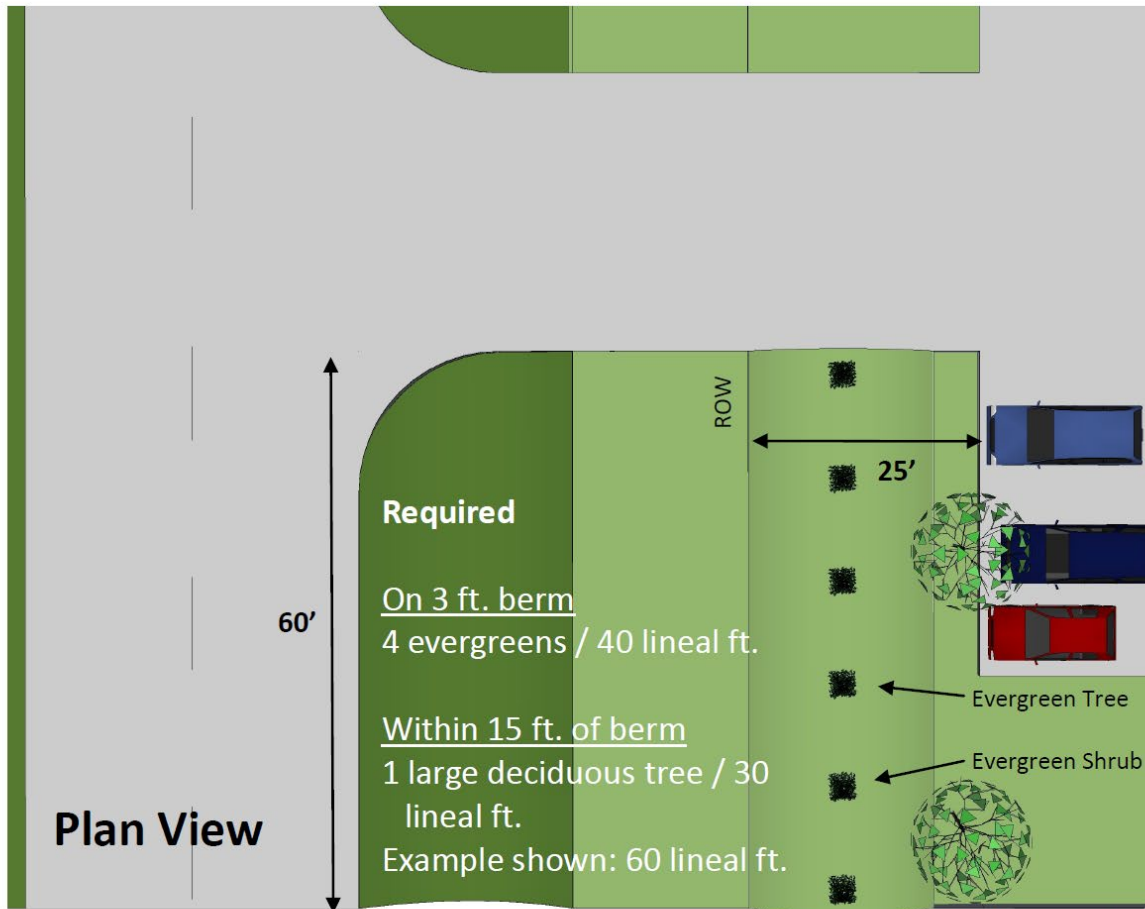
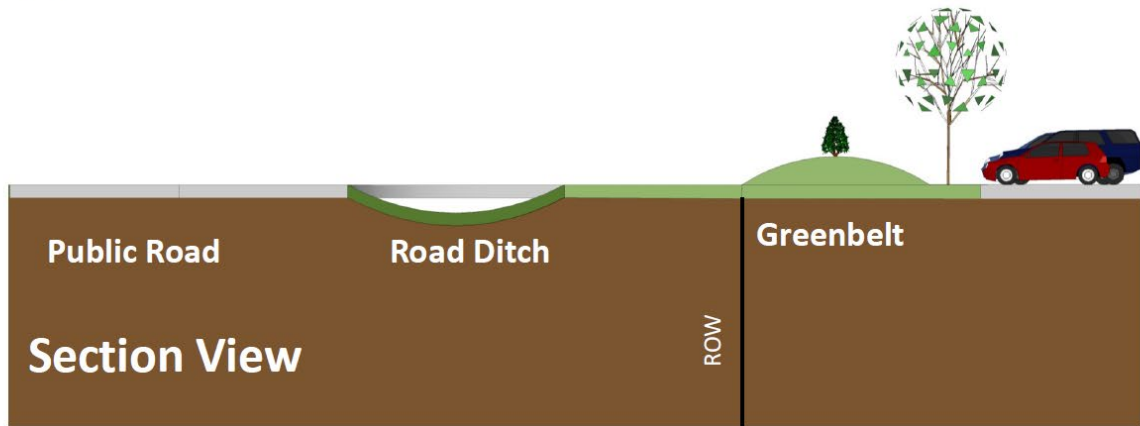


Section View

Greenbelt



Type C Buffer



clearzoning

Section 75 – Site Plan Review

- A. All permitted uses in RT, B-1, B-2, ROS, IND, and OS Districts, all site condominium developments, and all uses permitted on special approval, except individual single family dwelling units, farm buildings and ponds, shall submit a site plan for approval by the Planning Commission.
- B. Whenever this Ordinance requires the submission of a site plan for approval by the Planning Commission prior to the issuance of a building permit or certificate of occupancy, the procedures outlined below will be followed and the use shall comply with the following requirements and standards:
 1. Requirements - The required number of copies of the Site Plan Review and/or Special Land Use Application together with the same number of copies of all required drawings and illustrations, and the site plan review fee as established by the Township Board, shall be presented to the Township Clerk fifteen (15) days prior to the next regular meeting of the Planning Commission, to be forwarded to the Planning Commission, Township Planner, Township Engineer, Zoning Administrator and/or Township Attorney where necessary. All of the following detailed information must be submitted:
 - a. Application Form
 - Applicant's name and address
 - Name of the proposed development
 - Common description of the property and complete legal description
 - Dimensions of land, width, length, acreage, and frontage
 - Existing zoning and zoning of adjacent properties
 - Proposed use of land
 - Name, address, city, and phone number of firm or individual that prepared plan, legal owner property, and applicant
 - Signature of legal owner if not the applicant
 - b. Site Plan Drawings and Illustrations (fully dimensioned)

- Location map drawn at a scale of 4" = 1 mile (showing site in relation to nearest major intersection)
- A scale of not less than 1" = 30' if the subject property is five (5) acres or less, and 1" = 100' if over five (5) acres
- Date and north point
- Location of all existing and proposed structures and uses
- All aisles, drives and parking areas (include the number of spaces)
- Designation of units by type of buildings
- Interior sidewalks and sidewalks within right-of-way
- Exterior lighting location and method of screening
- Trash receptacle location and method of screening
- Landscape plan
- Drive or street approaches including acceleration, deceleration and passing lanes, if appropriate
- All utilities located on or serving the site
- Loading and unloading area
- Total floor area
- Designation of fire lanes
- Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension, noise, vibration and emission levels and other data of all such equipment or machinery
- Location and extent of development of recreation areas, where necessary
- Grading and Drainage Plan showing catch basins, retention and detention areas, point of discharge for all drains and pipes, direction of flow on all impervious services, existing and proposed contours at one (1) foot intervals or spot elevations

sufficient to document direction of flow, and areas of filled or reclaimed land. All uses shall detain or retain storm water so that the runoff from the property occurs at not more than the agricultural runoff rate. The requirement for existing and proposed contours or spot elevations may be waived by the Planning Commission where small areas of impervious surfaces are proposed (less than 8,000 square feet) and it is clear the drainage from the site will not negatively impact adjacent properties or internal site operations.

c. Sign Information

Separate drawings of the proposed sign(s) to be erected on the site may be submitted at a later date.

The location of all signs shall be shown on the site plan, but the following detailed information may be deferred until later:

- Height of the sign above ground
- Surface of the sign (materials and dimensions)
- Area of sign surface
- Lettering of the sign drawn as it will appear on the erected sign need not be in the style of the finished sign but must be neatly printed in the size and of a weight approximating that of the final constructed sign
- Method of illumination, if any

d. Documentation Verifying Approval by Other Agencies

If the proposed development is subject to approval by other public or private agencies, documentation verifying approval by applicable agencies shall be submitted at the time of site plan review or at a later date, as determined by the Planning Commission. Review and approval by other public or private agencies, such as the St. Clair County Drain Commission, Michigan Department of Environment, Great Lakes, and Energy, or utility companies, as applicable, is required before a building permit can be issued.

2. Procedures – The petition will be placed on the agenda of a meeting of the Planning Commission. After the Commission has received a report from all Township departments, the Township Planner, Township Engineer, and/or Township Attorney, where necessary, the Commission shall review the site plan for compliance with the standards of this

Ordinance and other applicable ordinances and statutes, and take one of the following actions:

- a. Take action and request that the applicant revise the site plan or provide additional documentation or information; or
- b. Approve the site plan upon finding that the standards of this Ordinance and other applicable ordinances and statutes are met; or
- c. Approve the site plan with conditions that the Commission determines are reasonable and necessary to achieve conformance with this Ordinance and other applicable ordinances and statutes, with such conditions listed in the motion; or
- d. Deny the site plan upon a determination the site plan does not meet the standards, spirit, and intent of this Ordinance and other applicable ordinances and statutes. The applicant must then submit a new application and site plan if still interested in pursuing the project.

3. Time Limit Approval

- a. Upon approval of a site plan by the Planning Commission, the applicant shall submit five (5) final stamped copies of the complete approved site plan to the Township within one (1) year of approval being granted by the Commission, or approval shall automatically expire. The approved site plan must include an approved grading and drainage plan, if applicable. If the site plan was approved with conditions, the approved site plan must incorporate the conditions imposed by the Planning Commission. The Planning Commission may grant one (1) or more six (6) month extension(s) of site plan approval if the applicant demonstrates legitimate cause for the delay.
 - b. Upon determination that the site plan meets all applicable conditions and requirements, five (5) copies of the site plan shall be stamped by the Township Planner and four (4) copies shall be stamped by the Planning Commission Chairperson as the final approved site plan. The applicant shall request a building permit within one (1) year of the latest final stamping date, or site plan approval shall automatically expire. The Planning Commission may grant one (1) or more six (6) month extension(s) of site plan approval if the applicant demonstrates legitimate cause for the delay.
4. Zoning Administrator's Review – All single-family detached dwelling units, farm buildings, and private residential or farm ponds shall be reviewed and approved by the Zoning Administrator prior to issuance of a building permit or certificate of occupancy. Site plans for these shall contain the following information:

- a. The actual shape, location and dimensions of the lot.
 - b. The shape, size, and location of all buildings, other structures or ponds to be constructed, erected, altered, or moved and of any buildings, other structures or ponds already on the lot.
 - c. The existing and intended use of the lot and of all such structures upon it.
 - d. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
5. Administrative Approval of Site Plans – Minor amendments to site plans may be approved administratively by the Zoning Administrator or his/her designee under certain conditions described below. In order to qualify for administrative review, the Zoning Administrator or his/her designee must determine that the proposed revision does not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
6. For purposes of interpretation, the following shall be considered minor amendments that may be subject to administrative review:
- a. The size of structures may be reduced or increased by up to ten percent (10%) and new structures may be added provided (1) the overall density of residential units does not increase and (2) the total gross square footage of all non-residential buildings on a parcel does not increase by more than one thousand (1,000) square feet from the size approved by the Planning Commission.
 - b. The expansion or establishment of a special land use shall not qualify for administrative site plan approval.
 - c. Movement of a building or buildings by no more than ten (10) feet which does not significantly alter other aspects of the site.
 - d. Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping that provide a similar screening effect on a one-to-one or greater basis.
 - e. Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 - f. Changes of building materials to another of higher quality, both in appearance and durability (e.g., change split-faced block to brick).

- g. Changes in floor plans that do not alter the character of the use.
 - h. Slight modification of sign placement or reduction of size.
 - i. Addition of outdoor dining area to existing restaurant that does not exceed a total outdoor capacity of sixteen (16) people.
 - j. Changes required or requested by the Township, county, state or federal agency for safety reasons.
 - k. Paving of gravel parking and circulation areas where the total area of all impervious parking and driveway surfaces is less than 8,000 square feet.
 - l. Compliance with the Americans with Disabilities Act.
 - m. Situations similar to the above.
7. The Zoning Administrator shall notify the Planning Commission within thirty (30) days of any administrative site plan approvals.
8. The Zoning Administrator or designee may grant an exception from particular site plan submittal items upon determining that a complete site plan is not required for review of the project for compliance with this Ordinance, or such a requirement would be unreasonable. In particular, the comprehensive list of submittal items may not be required under the following circumstances:
- a. The project involves a minor revision or improvement to an existing site, such as a parking lot improvement.
 - b. The project involves a temporary building or structure to be approved by the Zoning Board of Appeals.
 - c. The project involves one of the following uses in residential districts: utility/telephone exchange buildings, swimming pools, keeping of animals, cell tower co-locations or family day care homes and similar situations.
 - d. The project involves a change in use within an existing building when the use will be similar or less intense than the past use in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics and other external impacts.
 - e. Compliance with the Americans with Disabilities Act.

9. If one or more of the above is met, the requirement for a site plan to be sealed by a design professional, as specified above, may be waived.
10. The Zoning Administrator shall notify the Planning Commission within thirty (30) days of any request for waivers that are granted pursuant to this Section and shall include the reason for granting the request.

Section 76 – Corner Lots

The following shall apply to the AG and all residential districts. Where a side yard abuts upon a street on which other residential lots front, the side yard width shall not be less than the required front yard setback. This shall apply whether the side yard is on the same side of the street as or is across the street from such other fronting residential lots. All buildings, structures and accessory uses shall maintain such required yard space. Width of such side yards of corner lots may be adjusted for proposed block setbacks.

Section 77 – Building Grades

- A. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the wall so the building. There shall be a sloping grade beginning at the finished grade line at the front of the building to the front lot line. However, this shall not prevent the maintenance of natural existing grades or the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the run-off of surface water from flowing onto the adjacent properties.
- B. Prior to issuance of a permit, the yard around any new building shall be graded in such a manner to minimize run-off of surface water onto adjacent properties by the use of swales or similar techniques acceptable to the Township Supervisor.
- C. A minimum grade of eighteen (18) inches shall be established above the crown of the road for all principal buildings.
- D. Final grades shall be approved by the Building Inspector. The Building Inspector may require the developer to submit a written opinion of a registered engineer or land surveyor.

Section 78 – Ponds

- A. Applicants under this section are encouraged to obtain copies of publications concerning ponds from the US Soil Conservation Service and the St. Clair County Cooperative Extension Service. Ponds for fish, ducks, livestock water, irrigation water, fire protection, recreation, collection of surface drainage or created for the purpose of obtaining fill dirt for in-site construction purposes shall be permitted as an accessory use in all districts provided the following requirements are met:
1. No pond shall be constructed without first obtaining a permit from the Michigan Department of Environment, Great Lakes, and Energy (MI EGLE) if such pond would be:
 - a. Five (5) acres or greater in area, or
 - b. Connected to an existing lake or stream, or
 - c. Located within five hundred (500) feet of the ordinary high water of an existing inland lake or stream, or
 - d. Impacting a regulated wetland.
 2. The obtaining of a permit from the MI EGLE shall not relieve a person from complying with the requirements of this Section, and the Township's Soil Removal Ordinance.
 3. Excavated earth material created by construction of a pond shall be used to the maximum extent feasible for on-site purposes. All excavated material shall be suitably graded and stabilized to prevent soil erosion.
 4. Excess excavated earth materials not feasible for use on-site may be removed or sold and taken from the property in compliance with an approved site plan and the following requirements:
 - a. If the applicant proposes that any excess earth is to be removed from the property, he or she shall first provide a written statement of the cubic yards to be removed.
 - b. If excess excavated materials resulting from new pond construction, expansion of an existing pond, or cleaning of an existing pond will exceed one thousand (1,000) cubic yards total for a single parcel, a separate permit for removal of earth materials shall be obtained. The applicant shall be limited to this stated volume and any amount in excess of the stated volume to be removed must first be approved as an amendment to the site plan. This statement or any amendments thereto shall either be shown on the site

plan or physically attached to the site plan, and shall be considered a part of the site plan for purposes of review and approval or denial.

- c. Any excess excavated earth shall be removed within three (3) months after excavation, except under unusual circumstances (i.e. a long period of bad weather as might occur in winter or spring months) then the application may apply to the Planning Commission for one (1) extension of three (3) months.
- d. Excavations undertaken primarily for the purpose of commercial soil, gravel, or mineral removal and not primarily for the purposes set forth in this section above shall not be considered as “ponds” but instead shall be subject to the provisions of the Casco Township Land Development Ordinance, and the Casco Township Soil Removal Ordinance.
- e. There shall be no more than two (2) ponds per parcel or lot. Additional ponds may be permitted subject to review and approval by the Planning Commission, subject to a finding that there are unique circumstances associated with a lot or use that requires more than two (2) ponds.
- f. A pond shall not be greater than twenty five (25) feet in depth.
- g. A pond may occupy up to a maximum of twenty (20) percent of the lot or property upon which it is placed.
- h. A pond shall be setback a minimum of sixty five (65) feet from the edge of the road right-of-way.
- i. A minimum setback shall be maintained from the edge of any pond to any septic tank or septic drain field or well in accordance with the standards of the St. Clair County Health Department.
- j. A minimum setback of twenty-five (25) feet shall be maintained from the edge of any excavation to the nearest point of any single-family home or any accessory building.
- k. The pond bed shall be constructed and maintained at a 25% grade (1 foot vertical to 4 feet horizontal slope) to a depth of ten (10) feet below the low water line. Beyond this point the pond bed may be constructed up to a maximum grade of 50% (1: 2 slope). The high and low water lines shall be shown on the site plan.
- l. For non-residential projects, when site conditions or unusual circumstances exist that would prevent strict compliance with the above slope requirements, the Planning Commission may allow steeper slopes, provided that a six (6) foot high chain-link fence

completely encloses the pond. A higher fence may be required and the location of the fence in relation to the edge of the pond excavation shall be specified on a case by case basis.

- m. The pond shall be constructed and maintained such that a minimum setback of twenty five (25) feet shall be provided between the high water line and any property line. This shall not prevent a shared pond between properties, provided the property owners enter into a written agreement to provide for the pond's construction and maintenance to meet the requirements of this Section. A signed copy of this agreement shall be attached to the site plan.
5. Site Plan Review – Any residential or farm pond constructed under the requirements of this Section must first meet the requirements Administrative Review requirements of Section 75. All other ponds shall be reviewed during the site plan review process.
6. There shall be a minimum of two (2) life stations on opposite sides of all ponds, complete with a Coast Guard-approved life ring, fifty (50) feet of suitable rope, and a pole of at least ten (10) feet or a ten (10) foot wooden ladder. If a proposed pond is one (1) acre in area or less, the number of required life stations may be reduced to one (1) per pond. Commercial use of any private residential or farm pond for swimming, fishing, boating or the like shall be prohibited, unless otherwise permitted by this Ordinance.
7. All ponds shall be constructed, enlarged or cleaned in a manner that prevents overflow onto adjacent parcels. Such techniques (e.g. swales, shallow ditches, tiles, tubes, etc.) shall be shown on site sketches or site plans required for submission to obtain a building permit from the Township.
8. A building (pond) permit shall be obtained prior to the construction of all ponds. The enlargement of an existing pond, or cleaning of a pond that results in a change in slope, shall also require a building permit. A site plan shall be submitted to the Building Inspector for review and approval for private residential ponds and farm ponds less than five (5) acres. All other ponds require approval by the Planning Commission.
9. A cash performance bond, in an amount to be established by resolution of the Township Board, shall be deposited with the Township Clerk prior to issuance of a building permit and shall be returned to the Applicant upon a satisfactory final inspection or forfeited if the permit has expired and pond has been completed.

Section 79 – Requirements for Keeping of Animals

- A. The keeping of animals shall be an accessory to a principal permitted residential use in the following zoning districts: AG (Agricultural), R-1 (Rural Non-Farm Residential), R-2 (Suburban Residential), and ROS (Recreation Open Space). Operational farms located in zoning districts in which agricultural activities are permitted shall be exempt from the requirements of this section per the Michigan Right to Farm Act (Public Act 93 of 1981).
- B. All animals shall be adequately fenced or corralled to prevent them from roaming off the property. Pastures shall have adequate shelter where animals can get out of the sun, wind, rain, and other inclement weather.
- C. Except for a dairy farm, feedlot, or similar livestock farm being operated commercially according to generally accepted, good farming practices, the following shall apply in all permitted districts:
 1. Large animals are defined as including horses, standard ponies, cattle, and similar animals.
 2. Small hoofed animals shall be defined as sheep, goats, pigs, miniature breeds and similar animals.
 3. Boarding or keeping of animals not owned by the immediate family residing in the principal residence is prohibited unless otherwise permitted by this Ordinance.
 4. In all permitted districts, the minimum lot area for keeping up to one (1) large animal shall be two (2) acres plus an additional one (1) acre for each additional large animal. There shall be no limit on the number of animals kept on a parcel of twenty (20) acres or more where the operator follows generally accepted good farming practices.
 5. In all permitted districts, the minimum lot area for keeping up to two small hoofed animals shall be one (1) acre plus one (1) additional half (1/2) acre for each additional small hoofed animal. There shall be no limit on the number of animals kept on a parcel of twenty (20) acres or more where the operator follows generally accepted good farming practices.
 6. A temporary 4H or similar project, as determined by the Planning Commission, shall be exempt from the minimum area requirements in "c" and "d" above only for market animals that will be sold at the agricultural fair within a typical timeframe for the project.
 7. No manure shall be stockpiled in the front yard nor closer than one hundred (100) feet from any residence. All stockpiling of manure shall be in compliance with standards of the St. Clair County Environmental Health Department.

Section 80 – Single Family Dwelling Standards

- A. All single-family dwellings, whether site-built or factory-built (manufactured dwelling) shall comply with the following:
1. Shall comply with the minimum floor area requirements of the zoning district in which it is located.
 2. Shall have a minimum width across all front, side and rear elevations of twenty four (24) feet excluding overhangs for at least seventy-five (75) percent of the length of the dwelling unit and complies in all respects with the current construction standards of the State of Michigan and Casco Township.
 3. Shall be firmly attached to a permanent foundation constructed on the site in accordance with the current construction standards of the State of Michigan and Casco Township, and shall have a wall of the same perimeter dimensions as the dwelling and construction of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a manufactured home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required above.
 4. In the event that a dwelling is a manufactured home, as defined herein, it shall be installed with the wheels removed. Additionally, no dwelling shall have exposed towing mechanism, undercarriage, or chassis.
 5. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
 6. The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, in the closet areas, or in a separate building of standard construction similar to or of better quality than the principal dwelling* Such storage area shall be equal to at least ten (10) percent of the square footage of the dwelling, but not less than one hundred (100) square feet.
 7. The dwelling shall have a minimum roof pitch of 5/12 with overhangs or eaves of not less than six (6) inches on all sides. Additions to existing homes with a roof pitch that is nonconforming under this Section may be permitted with a roof pitch that matches the existing and remaining portion of the structure. The minimum 5/12 roof pitch shall not apply to porches, sunrooms, and similar components that are attached to and clearly accessory to the principal structure, but not including an attached garage.

8. The dwelling shall have not less than two (2) exterior doors with the second one being in either the rear or side of the dwelling; and steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
9. The dwelling shall contain no additions or rooms or other areas which are not constructed with similar workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
10. The dwelling complies with all pertinent building and fire codes. In the case of a manufactured home, all construction and plumbing, electrical apparatus and installation within and connected to said manufactured home shall be of a type and quality conforming to the "Manufactured Home Construction and Safety Standards" as promulgated by the United States department of Housing and Urban Development, being 24, CFR 32 8 0, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
11. The foregoing standards shall not apply to a manufactured home located in a licensed manufactured home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks.
12. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the current construction standards of the State of Michigan and Casco Township. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Township, then such federal or state standard of regulation shall apply.

Section 81 – Performance Guarantee

- A. Uses that require site plan approval by Planning Commission
 1. Whenever improvements such as paving of parking areas, screen wall construction, landscaping, utilities, fencing, or other improvements are required as part of an approved site plan, they shall be shown on the site plan and the owner or developer shall deposit with the Township Clerk a performance guarantee in an amount and payment method (cash deposit, check, irrevocable bank letter of credit, etc.) determined by resolution of the Township Board.
 2. A minimum and/or maximum amount for the performance guarantee may also be determined by resolution of the Township Board.

3. Improvement costs shall not include the cost of construction of a principal or accessory building. The cost estimate shall be prepared by and include the signature of a licensed contractor, registered landscape architect, licensed architect, licensed engineer, or registered land surveyor in the State of Michigan, and it shall be furnished to the Township at the time of site plan approval, however, it may be amended at the time of posting the performance guarantee.
 4. Funds submitted as a performance guarantee shall be deposited at the time of issuance of the permit authorizing the activity or project. The entire sum of funds submitted by the owner or developer as a performance guarantee shall be in escrow and returned to the owner or developer, as appropriate, upon satisfactory completion of the required improvements - as evidenced by completion of the Township's Zoning and Site Plan Transmittal Form by the Zoning Compliance Officer, indicating that all site plan improvements have been satisfactorily completed.
 5. All improvements shall be completed within two (2) years of the date of issuance of a building permit or, when a building permit is not required, within two (2) years of site plan approval, with one six (6) month extension permissible by the Board of Trustees.
 6. In the case of a multi-phase project, the Planning Commission may, at the time of site plan approval, extend the two (2) year completion timeframe and establish a phased schedule for return of the performance guarantee, subject to the review and approval of a phasing plan. This multi-phase approval time may also be extended by six (6) months by the Board of Trustees; otherwise, the entire amount shall be forfeited in full to the Township.
- B. Single family uses that do not require site plan approval by the Planning Commission. Whenever improvements such as a driveway, utilities, drainage swales, a well, septic, finish grade or other improvements are required as part of an approved building permit, a performance guarantee is required. The amount and payment method of the performance guarantee is to be established by the Township Board. All improvements shall be completed within two (2) years of building permit approval, with one six (6) month extension permissible by the Township Board. Failure to complete the improvements within the agreed upon timeframe shall result in forfeiture of the performance guarantee.
- C. Certification of Occupancy prior to Completion of Site Improvements approved by the Planning Commission.
1. Whenever improvements are required as part of an approved site plan or building permit, and the owner, developer, or tenant desires to obtain any certificate of occupancy prior to completion of all site improvements, there must be a finding by the building inspector and

zoning administrator that use of property in its unfinished condition would be in keeping with the public health, safety and welfare and the spirit of the Ordinance.

2. In addition, the owner or developer shall deposit with the Clerk a performance guarantee in an amount and payment method (cash deposit, check, irrevocable bank letter of credit, etc.) to be determined by resolution of the Township Board in addition to any performance guarantee submitted to meet the requirements for site plan approval and/or a building permit.
3. All improvements shall be completed within a time period specified by the Township building inspector, but in no instance shall be greater than six (6) months from the date of issuance of any certificate of occupancy.
4. A three (3) month extension may be granted by the Township Board for cause. If the improvements are not made within the specified time limits, the entire performance guarantee shall be forfeited in full to the Township.

Section 82 – Site Condominiums

A. The following definitions shall apply in the construction and application of this Section:

1. “Building Envelope” shall mean the ground area occupied or to be occupied by the principal structure which is, or is intended to be, placed on a building site, together with any attached accessory structures, e.g., house and attached garage.
2. “Building Site” shall mean the condominium unit, including the building envelope and the contiguous limited common area or element under and surrounding the building envelope, and shall be counter-part of a “lot” as used in connection with a project developed under the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.
3. “Site Condominium” shall mean a condominium project developed under Act 59 of the Public Acts of 1978, as amended, which is not developed in a manner consistent with multiple-family development.

B. Approval under this Section shall be required as a condition to the right to construct, expand or convert a site condominium. The approval process shall comply with those procedures for site plan review provided in this Ordinance. Prior to final approval by the Township, the developer shall provide a copy of the proposed Master Deed and any additional documentation to be recorded with the Register of Deeds. Said master deed and other documents shall be reviewed by, and must meet the requirements of, the Township's legal counsel.

- C. The following regulations shall apply to site condominium projects:
1. Each building site shall front on and have direct access to a public street.
 2. There shall be compliance with all requirements of Article 13 - Schedule of District Regulations, and other provisions of this Ordinance with the understanding that references to "lot" in such regulations shall mean and refer to "building site" as defined in this Section, and references to "building" (meaning principal building) or "structure" (meaning principal structure) shall mean and refer to "building envelope" as defined under this Section.
 3. In review of a site condominium, it is recognized that it may not be feasible to precisely apply traditional definitions and measures applicable to traditional developments. However, the review of plans submitted under this Section shall be accomplished with the objective and intent of achieving the same results as if the improvements were being proposed pursuant to the Casco Township Subdivision Ordinance, excepting the procedural requirements imposed under that Ordinance.
 4. Prior to the issuance of building permits for site condominium units, the developer shall demonstrate approval by the township, county, and state entities having jurisdiction with regard to any aspect of development, including, without limitation, roads water supply, sewage disposal, storm drainage and other utilities. As to the phase in which the unit is located, prior to the issuance of a building permit, the Building Official shall determine that all improvements such as roads, water supply, sewage disposal, storm drainage and other utilities have been completed in accordance with approved plans.
 5. With respect to each building envelope, within ninety (90) days following final inspection of the improvement, the developer shall submit to the Building Official an "as built" survey which includes dimensions between each improvement and the boundaries of the building site. Monuments shall be located in the ground in accordance with MCL 560.125.
- D. The fees for all reviews shall be established by resolution of the Township Board.
- E. Any proposed amendment of a Master Deed which would involve any subject matter reviewed or reviewable under this Section shall be reviewed and approved by the Planning Commission prior to recordation.

Section 83 – Non-Residential Building Standards for Approved Facing Materials

- A. The intent of this Section is to ensure that the architecture and exterior facing materials of all buildings be designed to achieve a high quality character throughout the Township's non-residential zones. The Planning Commission shall find that development proposals include a complementary contrast between materials in the overall appearance of the building, an architectural style appropriate for that particular zoning district, and a design that is harmonious with surrounding buildings.

- B. The exterior of all buildings in the IND, B-1, B-2, and OS districts shall conform to the following:
 - 1. The sides facing a public road, of any new building shall be constructed of masonry building materials such as face brick, stone, or decorative block (scored, fluted or split-faced). Compatible accent materials including, but not limited to, EIFS, standing seam metal, etc. may comprise up to fifty (50) percent of any single facade elevation. For the purposes of this section, the total area of a facade shall not include window area. Proposed facing materials shall be noted on the building elevation drawings. The Planning Commission may require a sample board of facing materials to be presented by the Applicant.

 - 2. If an existing building is proposed to be expanded so as to increase the existing gross floor area by more than one hundred (100) percent, then the entire building shall be constructed or modified to conform with this Ordinance. For expansions that do not meet the above threshold, the building expansion may match the facade materials of the existing structure.

- C. The Planning Commission may waive the facing material requirements of this Section when the proposed building is constructed of a material equivalent in quality and appearance to those referenced above. The Planning Commission shall state the reasons for any waivers at the time they are granted.

Section 84 – Home Occupation Regulations

- A. Home occupations, other than licensed Medical Marijuana Caregivers, which are regulated under Section 64,92, may be permitted in certain districts as a principal permitted use upon review and approval by the Planning Commission. Application for a home occupation shall include:
 - 1. A description of the proposed use

 - 2. Floor plans of the principal dwelling and any accessory buildings used for the home occupation, which illustrate all areas and square footage devoted to the home occupation.

3. Additional detail and information may be required as deemed necessary by the Planning Commission in order to complete its review.
- B. Notice of the proposed home occupation shall be sent by mail or personally delivered to the owners of the property to be considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet.
- C. Approval shall be give upon a finding by the Planning Commission that the proposed home occupation complies with the following standards:
1. The home occupation shall take place within a completely enclosed building.
 2. The home occupation is incidental to the residential use to the extent that the area of the principal dwelling devoted to a home occupation shall not exceed thirty (30%) percent of the gross floor area of the principal building.
 3. The area of an accessory building devoted to a home occupation shall not exceed an area equal to the ground floor area of the principal dwelling.
 4. No article or service shall be sold or offered for sale on the premises other than those incidental to the personal services offered by the home occupation or those produced by the home occupation.
 5. The home occupation shall not require internal or external alterations or construction features, equipment or machinery that are not compatible with the district in which it is located.
 6. There shall not be any employee other than family members residing in the principal residence.
 7. One non-illuminated six (6) square foot sign shall be permitted which may state only the name, occupation, and phone number of the owner.
 8. The occupation shall not be detrimental to the surrounding uses and overall character of the district in which it is located.
 9. No storage and/or disposal of hazardous substances shall occur as a result of the proposed home occupation that is not customarily found in a residential area.

10. The home occupation shall not produce noise, wastes, odors, vehicular traffic, or similar side effects, which in the opinion of the Planning Commission are not customary in a residential district. Such occupation shall comply with the performance standards contained in this ordinance.

Section 85 – Private Wind Energy Conversion System Regulations

- A. Intent – The purpose of this Section is to allow for wind energy conversion systems (WECS) in Casco Township, while controlling the structural integrity and safety of these devices and, at the same time, minimizing any negative impacts associated with the appearance, aesthetics, and shadow flicker of such facilities, as well as the noise that is created, while promoting the health, safety and welfare of residents and properties.
- B. General – All WECS shall meet the following standards:
 1. Construction: Tower construction shall be in accordance with the latest edition of the Michigan Building Code, Fire Code, Electric Code and any future amendments thereof.
 2. Electric-Magnetic Interference (EMI): Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause harmful interference with radio and/or television broadcasting or reception, and shall comply with the provisions of Title 47, Chapter 1, Part 15 of the Federal Code of Regulations and subsequent revisions governing said emissions.
 3. Certification: Wind energy conversion systems must be approved/certified by the American Wind Energy Association (AWEA) and/or the U.S. Department of Energy.
 4. Federal and State Laws: Wind energy systems must comply with applicable Federal Aviation Administration regulations, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.).
 5. Grid Connections: A wind energy system, connected to the electric utility grid, must obtain an Interconnection and Operation Agreement or its equivalent from the utility company, demonstrating the utility company's approval of an interconnected, customer-owned generator. Interconnected systems shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems shall be exempt from this requirement.
- C. General Application Requirements: Building permit applications for wind energy conversion systems shall be accompanied by a site plan, indicating the location of the WECS on the

property, its relationship to all other structures on the property and immediately adjacent properties, and standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower, certified by a licensed professional engineer, showing compliance with the Michigan Building Code, shall also be submitted. This analysis may be supplied by the manufacturer.

D. Lighting: WECS shall not be artificially lighted, except as provided for in this Section.

E. Signage: WECS shall not display signage, except as required in this Section.

F. Safety:

1. The WECS' manufacturers shall document that the WECS model has been tested and certified by Underwriter's Laboratory, or other such applicable independent accrediting agency, and that when installed in accordance with recommended specifications, it shall have a maximum survival wind speed of not less than eighty (80) miles per hour.
2. The WECS shall be kept in good repair and sound condition.
3. An automatic braking/governing system shall be installed to control rotor speed.

G. Installation and Design:

1. The installation and design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute, and any applicable Building Codes.
2. All electrical and mechanical components of the wind energy facility shall conform with all relevant and applicable local, state and national codes.
3. No wind energy facility shall be used or operated until such time it has received final approval from the Casco Township Building Department.
4. The structural integrity of the foundation, tower, and turbine itself must be certified by a licensed structural engineer, registered in the State of Michigan, and further the structural design shall comply with all standards set forth for safety and stability in all applicable codes then in effect in the State of Michigan and all Sections herein.
5. Any on-site transmission or power lines associated with the WECS shall, to the maximum extent possible, be located underground.

H. Private Wind Energy Conversion Systems (WECS)

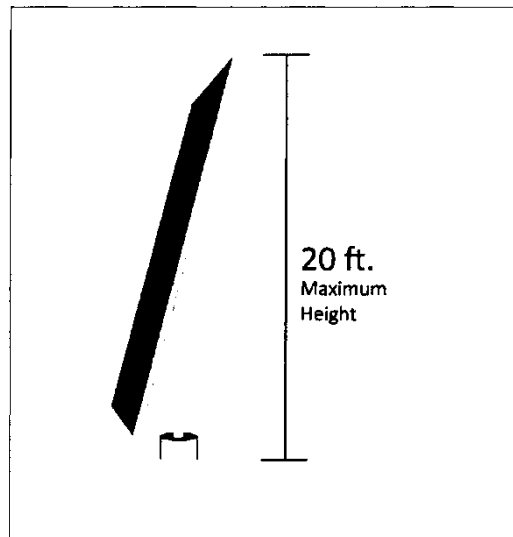
1. Any property shall be permitted a maximum of one (1) private wind energy system, intended to primarily serve the needs of the site. These systems shall be permitted in all districts, subject to the following:
 - a. Private WECS shall require site plan approval by the Casco Township Planning Commission.
 - b. Private wind energy conversion systems, consisting of a wind turbine, tower, and associated control or conversion electronics, are permitted as an accessory structure to the primary building or permitted use in the zoning district. The systems must have a rated capacity of less than 100 kW and be designed to primarily serve the needs of a home, farm, business, or industrial use. Systems with a rated capacity of greater than 100 kW shall comply with the standards of Section 85, I, Commercial Wind Energy Conversion Systems.
 - c. Minimum lot size for a private wind energy conversion system in any zoning district shall be two (2) acres.
 - d. Operational farms over ten (10) acres, located in any zoning district, may be allowed up to two (2) private WECS. Permitted industrial uses, within the IND district, may be allowed up to four (4) private WECS.
 - e. The setback of the support structure, including ancillary components, (with the exception of guy wires and their anchors) from all property lines, shall be not less than one hundred ten (110) percent of the height of the entire system at its highest point, or the minimum building setback for the respective zoning district, whichever is greater.
 - f. The setback of the support structure, and all ancillary components (with the exception of guide wires and their anchors), from the residential dwelling, shall be equal one hundred ten (110) percent of the height of the entire system at its highest point.
 - g. System height (from the ground to the tip of the blade at its highest point) shall not exceed fifty (50) feet.
 - h. Systems must maintain a minimum ground clearance as specified by the system manufacturer, and approved by the Township Building Official.

- i. The setback of the support structure from any existing or planned overhead public utility lines or overhead public electric lines shall be at least equal to one-hundred (110) percent of the height of the entire system at its highest point. It shall be the applicant's responsibility to note the location of utility poles and/or overhead lines on a dimensioned drawing.
- j. In order to protect neighboring residents from noise, systems shall not be sited within five-hundred (500) feet of any occupied neighboring dwelling, unless the applicant can demonstrate that the system will not generate more than 55 dB at the property line and not more than 5 dB above the ambient noise level at the exterior of the neighboring dwelling.
- k. Systems shall be constructed of a material, painted, or otherwise treated so as to be non-reflective and in a nonobtrusive color (typically matte white or gray).
- l. Systems shall not be illuminated, nor shall any exterior light be mounted to or atop any portion of the structure.
- m. Building and electrical permit applications for private wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to the National Electrical Code.
- n. Building permit applications for a private wind energy conversion system shall include a performance guarantee in an amount and payment method established by resolution of the Township Board to dismantle any system which has been abandoned for more than six months or is otherwise deemed unsafe by the Township Building Official.
- o. A minimum of one sign shall be posted near ground level on the tower structure, warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the WECS.
 - (1) The maximum power output of the system and the wind speed at which it is achieved.
 - (2) Nominal voltage and maximum current.
 - (3) Manufacturer's name and address, serial number and model number.
 - (4) Maximum survival wind speed and the emergency and normal shut down procedures.

- p. The appropriate electric utility company shall be notified in writing of any proposed interface with that company's grid prior to installing such interface and shall conform to any legislated requirements governing installations of WECS so as to comply with the Utility Tariff specifications.
- I. Commercial Wind Energy Conversion Systems. Commercial wind energy conversion systems are permitted as a special land use in the AG and IND districts, subject to the following:
1. Sufficient wind resources. The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind energy system provided, however, this standard shall not apply to an anemometer tower. No wind energy conversion system shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one (1) year. Said study shall indicate the long-term commercial economic viability of the project. The commercial sale of surplus energy is prohibited. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for a special use permit.
 2. Minimum site area. The minimum site area for a wind energy system shall be five (5) acres, subject to meeting the required setbacks and any other applicable standards of this Section.
 3. Setbacks. Each proposed wind energy system shall meet the following applicable setback requirements:
 - a. Each wind energy system shall, in all cases, be set back from property lines, any public or private road right-of-way, or easement, a minimum distance of three (3) times the height of the wind energy system, or greater if data provided by the applicant and prepared by a qualified professional demonstrates any potential blade and ice throw may cross the property line. The data shall also demonstrate that sound levels will not exceed sixty-five (65) decibels on the dB(A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower and its location, taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.
 - b. The minimum spacing between turbines shall be no less than three (3) times the diameter of the rotors.
 - c. In no instance shall a turbine be located within 500 feet of any residential dwelling.

4. Maximum Height

- a. The maximum wind energy system height shall be one hundred fifty (150) feet.
- b. The Planning Commission may approve an increased height for a wind energy system, not to exceed two hundred (200) feet, if the increased height will result in the preservation of a substantial stand of trees, existing landforms or structures that would otherwise be removed to increase wind velocity.
- c. The increased height will not result in increased intensity of lighting on the tower due to FAA (Federal Aviation Association) requirements.



5. Minimum rotor wind vane or blade clearance. The lowest point of the arc created by a rotating wind vane or blade on a wind energy system shall be no less than twenty (20) feet. No building or structure shall be located within twenty (20) feet of the designed arc of any blade. The Planning Commission may require additional clearance if potential safety concerns are identified.
6. Maximum noise levels. Proposed wind energy system shall not produce sound levels greater than sixty-five (65) decibels as measured on the dB(A) scale at the property lines of the site. A noise report shall be submitted with any application for a wind energy system. A noise report shall be prepared by a qualified professional and shall include the following, at minimum:
 - a. A description and map of the project's noise producing features, including the range of noise levels expected, and the basis of the expectation.

- b. A description and map of the noise sensitive environment, including any sensitive noise receptors, i.e. residences, hospitals, elder care developments, libraries, schools, places of worship, parks, areas with outdoor workers and other facilities where quiet is important or where noise could be a nuisance within two (2) miles of the proposed facility.
 - c. A survey and report, prepared by a qualified engineer, that analyzes the preexisting ambient noise (including seasonal variation) and the affected sensitive receptors located within two (2) miles of the proposed project site. Potential sensitive receptors at relatively less windy or quieter locations than the project shall be emphasized, and any problem areas identified.
 - d. A description and map of the cumulative noise impacts with any problem areas identified.
 - e. A description of the project's proposed noise control features, along with the specific measures proposed to mitigate noise impacts for sensitive receptors, as identified above to a level of insignificance.
7. Maximum vibrations. No wind energy system shall produce vibrations humanly perceptible beyond the property on which it is located.
8. Transmission lines. The on-site electrical transmission lines, connecting the wind energy system to the public utility electricity distribution system, shall be located underground.
9. Interference with residential reception. Wind energy systems shall be constructed and operated so that they do not interfere with television, microwave, navigational or radio reception to neighboring areas.
10. Landscaping. Each proposed wind energy system shall meet the following landscaping requirements; provided, however, the Planning Commission may reduce such requirements if it finds that because of the remote location of the site, or other factors, the visual impact of the wind energy system would be minimal.
- a. For all wind energy system, a landscaping strip shall be provided along the property perimeters adjacent to roadways. Such landscaping shall be designed to buffer the year-round view of the wind energy system from the roadway. Where deemed appropriate by the Planning Commission, additional landscaping along the property perimeter shall be provided to buffer the wind energy system from existing or future residential land uses. Existing natural vegetation may fulfill this requirement in whole or in part upon Planning Commission approval.

- b. Existing natural landforms on the site, which effectively screen the wind energy system from adjacent residential property used for residential purposes, shall be preserved to the maximum extent possible.
 - c. To ensure compliance with these landscaping standards, the Planning Commission may require additional landscaping on the site after the installation of the wind energy system.
11. State or federal requirements. Commercial wind energy system shall meet or exceed any standards and regulations of the FAA (Federal Aviation Association), Federal Communication Commission (FCC), the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate a wind energy system or other tall structures in effect at the time the special use permit is approved.
12. Soil conditions. A proposal for any wind energy system shall be accompanied by a report of the soils present on the site based on soil boring, and a description of the proposed foundation size, materials, and depth. Such foundation shall be installed below plow depth to allow for feasible future reuse of the land, unless the applicant provides a financial assurance that the foundation will be removed in the event that the tower is removed. Storm water runoff and soil erosion measures shall be installed in conformance with the Township Code.
13. Aesthetics and lighting. Any proposed wind energy system shall meet the following requirements:
- a. Each wind energy system shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - b. Each wind energy system, including turbine generator and all accessory structures, shall, to the extent possible, use materials and colors that will blend them into the natural setting and surrounding buildings. A medium gray shade is the preferred color for any wind energy system; however, the Planning Commission may approve an alternate color if the facility is suspected to be located within an avian migratory route or if an alternate color would otherwise benefit the community.
 - c. Each wind energy system shall not be artificially lighted, unless required by the FAA or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:

- (1) Shall be the lowest intensity allowable under FAA regulations.
 - (2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the FAA. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the FAA.
 - (3) May be a red top light that does not pulsate or blink. All tower lighting required by the FAA shall be shielded to the extent possible and acceptable to the FAA to reduce glare and visibility from the ground.
 - (4) Where acceptable to the FAA, the Township will approve white lights over red lights, and steady lights over strobed or intermittent lights.
- d. Each wind energy system shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources. A visual simulation model is required to assess the visual impacts. Each wind energy system shall be a monopole or mono-tube-style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.
 - e. The Planning Commission may require design changes in order to lessen the visual clutter associated with the siting of a wind energy system.
14. Safety Plaque. An informational safety plaque no more than four (4) square feet in area displaying an address and telephone number for emergency calls and informational inquiries shall be posted at the wind energy system erected prior to a wind turbine generator. The emergency telephone number shall allow a caller to contact a responsible individual to address emergencies at any time during or after regular business hours, on weekends or holidays. No additional signage is allowed.
15. Shadow Flicker. The applicant shall provide a shadow flicker model for any proposed wind energy systems. The model shall:
- a. Map and describe within a one (1) mile radius of the proposed project site the topography, existing residences and location of their windows, locations of other structures, wind speeds and directions, existing vegetation and roadways. The model shall represent the most probable scenarios of wind constancy, sunshine constancy, and wind directions and speeds.
 - b. Calculate the locations of shadow flicker caused by the proposed project and the expected durations of the flicker at these locations, calculate the total number of hours per year of flicker at all locations.

- c. Identify problem areas where shadow flicker will interfere with existing or future residences and roadways and describe proposed measures to mitigate these problems, including, but not limited to, a change in siting of the facility, a change in the operation of the facility, or grading or landscaping mitigation measures.
 - d. The facility shall be designed such that shadow flicker will not fall on, or in, any existing dwelling. Shadow flicker expected to fall on a roadway, or a portion of a residential parcel may be acceptable under the following circumstances:
 - (1) The flicker will not exceed thirty (30) hours per year; and the flicker will fall more than one hundred (100) feet from an existing residence.
 - (2) The traffic volumes are less than five hundred (500) vehicles per day on the roadway.
16. Hazard planning. An application for a wind energy system shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:
- a. Certification that the electrical wiring between the wind energy system and the utility right-of-way does not pose a fire hazard.
 - b. The landscape plan accompanying the application shall be designed to avoid spread of fire from any source on the wind energy system; such preventative measures may address the types and location of vegetation below the wind energy system and on the site.
 - c. The following shall be submitted with the application for a special use permit for a wind energy system:
 - (1) A listing of any hazardous fluids that may be used on site shall be provided.
 - (2) Certification that the turbine has been designed to contain any hazardous fluids shall be provided. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
 - (3) A hazardous materials waste plan shall be provided.
17. Removal of abandoned or unsafe wind energy system.
- a. Any wind energy system that is not operated for a continuous period of twelve (12) months shall be considered abandoned.

- b. Any tower found to be unsafe or not in compliance with the special land use conditions related to noise or shadow flicker placed upon it by the Planning Commission, shall be found to be in violation of the special land use permit.
 - c. The owner of any wind energy system that is abandoned or in violation of the special land use permit shall remove the same within ninety (90) days of receipt of notice from the Township of such abandonment or violation.
 - d. In addition to removing the wind energy system, the owner shall restore the site of the wind energy system to its original condition prior to location of the wind energy system, subject to reasonable wear and tear.
 - e. Any foundation associated with a wind energy system shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned wind energy system within the ninety (90) day period provided in this subsection shall be grounds for the Township to remove the wind energy system at the owner's expense. Any expenses incurred by the Township including costs and reasonable attorneys¹ fees shall be reimbursed at the owner's expense.
18. As a condition of granting the special use permit given pursuant to this Section, the Planning Commission shall require the applicant to file a surety bond equal to the reasonable cost of removing the wind energy system and any accessory structures (including any foundations). The amount of the bond shall be determined by an independent entity, with costs being the obligation of the applicant. In addition, it shall also be the responsibility of the applicant to annually update the bond amount based upon then current cost removal estimates.
19. No lot splits shall be allowed on property containing wind energy conversion systems, which would make such property non-compliant with these regulations.
20. New Technology. These regulations pertaining to wind energy systems are intended to respond to equipment available at the time of adoption. The Township recognizes that this is an emerging technology and that new means of collecting wind energy are under development. The Township, therefore, reserves the right to withhold approval on any wind energy system utilizing technology and equipment not widely in use, and not addressed in this Section, pending appropriate study and, if necessary, alteration of these regulations.

Section 86 – Collocation of Wireless Communications Equipment

The collocation of wireless communications equipment is a principal permitted use in all zoning districts. Administrative approval shall be granted if the following conditions are met:

- A. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing wireless equipment compound.
- B. The existing wireless communications support structure or existing equipment compound is in compliance with the provisions of this Ordinance or was approved by the Township Board.
- C. The proposed collocation will not do any of the following:
 - 1. Increase the overall height of the wireless communication's support structure by more than twenty (20) feet or ten (10) percent of its original height, whichever is greater.
 - 2. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - 3. Increase the area of the existing equipment compound to greater than two thousand five hundred (2,500) square feet.
- D. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Township Board.
- E. Any proposed collocation that meets items A and B, above, but not C and D above shall follow the procedures for special approval as provided in Section 10.

Section 87 – Small Solar Energy Systems

Small solar energy systems may be installed and operated in all districts, provided the systems meet setback and other standards, as provided in this Section:

- A. Small solar energy systems may be approved through the issuance of a Building Permit provided the application meets setback and other standards, as provided in this Section, and provided solar panels are roof mounted, or if ground mounted, the solar energy system shall not exceed four thousand (4,000) square feet. If the Building Official has a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety, the Official may require the applicant to apply for a Site Plan approval to the Planning Commission.

- B. A sketch plan, drawn to scale, shall be submitted showing existing and proposed structures, driveways, adjacent structures within one hundred (100 feet), and any other information requested by the Zoning Administrator that is necessary to determine compliance with this ordinance.
- C. Photovoltaic solar energy systems may extend up to five (5) feet above the roof surface even if this exceeds the maximum height limit for the principal structure for the district in which it is located, or if this exceeds the height limit of an accessory structure.
- D. Solar water or swimming pool heating systems may extend up to five (5) feet above the roof surface even if this exceeds the maximum height limit for the principal structure for the district in which it is located, or if this exceeds the height limit of an accessory structure.
- E. Excluding solar collection panels, solar energy system equipment may be installed within the required side and rear yard, but shall not be closer than five (5) feet from any property line.
- F. Ground mounted solar collection panels, where the solar panels are attached to the ground by a pole, metal frame or other similar support structure, shall comply with existing regulations for accessory structures but in no instance shall the panels exceed twenty (20) feet in height in residential zones and must meet a rear yard setback of five (5) feet. Any mechanical equipment used as part of the solar system shall be screened from view from any public street, residential district, or agricultural district by use of a masonry screen wall, evergreen vegetation or other screening of a similar effectiveness and quality, as determined by the Planning Commission.
- G. Solar panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties or roadways. Traffic safety shall be protected, and adjacent properties shall be protected from unreasonable glare and radiation. The applicant shall submit documentation to verify compliance with this section. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional the Planning Commission finds to be qualified to address this issue.
- H. If more than eight thousand (8,000) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed and demonstrating that runoff from the site will not exceed the agricultural runoff rate or otherwise cause undue flooding. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.

- I. If solar energy system ceases to operate or is abandoned for a period of six (6) months or is deemed by the Building Official to be unsafe or not consistent with code, the Applicant shall repair and restore the system to good working order within a reasonable time set by the Building Official or, if no longer operating or no longer in compliance with federal, state or local codes, it shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
- J. When a ground mounted solar panel(s) is located adjacent to a residential or agricultural district (i.e., properties zoned AG, R-1, R-2, RT, or ROS) or public right-of-way, a twenty-six (26) foot wide (minimum) greenbelt shall be constructed so as to provide a buffer between the panels and the adjacent residential/agricultural or public property. Planning Commission may waive or reduce the greenbelt requirement upon a determination that the solar panels are located more than two hundred (200) feet from an adjacent property zoned residential or agricultural or from any public right-of-way. Planning Commission may waive or reduce the greenbelt requirement if the adjacent residential or agricultural property is likely to remain undeveloped, or existing natural features to remain provide adequate screening.
- K. Greenbelts shall be planted as part of an approved site plan and shall thereafter be maintained in a healthy, growing condition to provide a screen to abutting properties.

Specific planting requirements for greenbelts are as follows:

1. The planting strip shall be no less than twenty-six (26) feet in width.
2. Plant materials shall not be placed closer than four (4) feet from the property line.
3. A minimum of one (1) evergreen tree shall be planted at twenty (20) foot intervals (on average).
4. A minimum of three (3) intermediate shrubs shall be placed between the spaced evergreen trees.

System Size	Footprint	Maximum Height	Permitted
Small ¹	0-0.09 acres	20 feet	PPU in all districts
Medium ²	0.10 – 5 acres	20 feet	PPU in AG, B-1, B-2, ROS, IND, OS
Large ²	Over 5 acres	20 feet	PPU in IND; SLU in AG, B-1, ROS, OS

PPU – Principal Permitted Use

SLU – Special Land Use

¹Systems up to 4,000 square feet require a sketch plan and are subject to issuance of a Building Permit

²Systems over 4,000 square feet require site plan approval by the Planning Commission

Section 88 – Medium Solar Energy Systems

- A. Medium solar energy systems may be installed and operated in the districts that make reference to this section, provided the systems meet setback and other standards, as provided in this Section.
- B. Medium-sized solar energy systems may be approved through the Site Plan approval process, which requires action by the Planning Commission.
- C. Photovoltaic solar energy systems may extend up to five (5) feet above the roof surface even if this exceeds the maximum height limit for the principal structure for the district in which it is located, or if this exceeds the height limit of an accessory structure.
- D. Solar water or swimming pool heating systems may extend up to five (5) feet above the roof surface even if this exceeds the maximum height limit for the principal structure for the district in which it is located, or if this exceeds the height limit of an accessory structure.
- E. Excluding solar collection panels, solar energy system equipment may be installed within the required side and rear yard, but shall not be closer than five (5) feet from any property line.
- F. Ground mounted solar collection panels shall comply with existing regulations for accessory structures but in no instance shall the panels exceed twenty (20) feet in height in residential zones and must meet a rear yard setback of five (5) feet.
- G. Medium solar facilities proposed in agricultural (AG) and recreation open space zones (ROS) are encouraged to locate on predominantly (more than 60 percent) non-prime farm lands. If they do not meet this standard, the use shall be deemed a Special Land Use, which requires a public hearing. The Application for a Special Land Use permit shall include an analysis of the potential for agricultural use on the subject site by expert in agriculture or soil science, as determined by the Planning Commission.
- H. Ground-mounted solar facilities shall meet the front, rear, and side yard setback requirements of the zone in which they are located, with the following exception: In all zones abutting a residential district (including AG) or residential use, the setbacks shall be at least fifty (50) feet from all property lines adjoining said district(s) or use.
- I. Ground-mounted solar facilities shall meet the height limit requirements of the zone in which they are located.

- J. Any mechanical equipment used as part of the solar system shall be screened from view from any public street, residential district, or agricultural district by use of a masonry screen wall, evergreen vegetation or other screening of a similar effectiveness and quality, as determined by the Planning Commission.
- K. Solar panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties or roadways. Traffic safety shall be protected, and adjacent properties shall be protected from unreasonable glare and radiation. The applicant shall submit documentation to verify compliance with this section. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional the Planning Commission finds to be qualified to address this issue.
- L. The applicant shall submit documentation to verify compliance with this Section. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional the Planning Commission finds to be qualified to address this issue.
- M. The application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed and demonstrating that runoff from the site will not exceed the agricultural runoff rate or otherwise cause undue flooding. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, quantity and source of water, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided. Applicant shall demonstrate the use of well water shall not negatively impact the function of existing wells in the area.
- N. If solar energy system ceases to operate or is abandoned for a period of six (6) months or is deemed by the Building Official to be unsafe or not consistent with code, the Applicant shall repair and restore the system to good working order within a reasonable time set by the Building Official or, if no longer operating or no longer in compliance with federal, state or local codes, it shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
- O. The Applicant shall post a performance guarantee (cash, letter of credit or bond deemed suitable by the Township attorney) to cover the cost of removal of the equipment, structures and foundations related to the solar system in the event of abandonment or failure to comply with federal, state or local laws (after being given reasonable time to remedy the problem).
- P. When a ground mounted solar panel is located adjacent to a residential or agricultural district (i.e., properties zoned AG, R-1, R-2, RT, or ROS) or public right-of-way, a twenty-six (26) foot

wide (minimum) greenbelt shall be constructed so as to provide a buffer between the panels and the adjacent residential/agricultural or public property. Planning Commission may waive or reduce the greenbelt requirement upon a determination that the solar panel is located more than two hundred (200) feet from an adjacent property zoned residential or agricultural or from any public right-of-way. Planning Commission may waive or reduce the greenbelt requirement if the adjacent residential or agricultural property is likely to remain undeveloped, or existing natural features to remain provide adequate screening. Greenbelts shall be planted as part of an approved site plan and shall thereafter be maintained in a healthy, growing condition to provide a screen to abutting properties. Specific planting requirements for greenbelts are as follows:

1. The planting strip shall be no less than twenty-six (26) feet in width.
2. Plant materials shall not be placed closer than four (4) feet from the property line.
3. A minimum of one (1) evergreen tree shall be planted at twenty (20) foot intervals (on average).
4. A minimum of three (3) intermediate shrubs shall be placed between the spaced evergreen trees.

System Size	Footprint	Maximum Height	Permitted
Small ¹	0-0.09 acres	20 feet	PPU in all districts
Medium ²	0.10 – 5 acres	20 feet	PPU in AG, B-1, B-2, ROS, IND, OS
Large ²	Over 5 acres	20 feet	PPU in IND; SLU in AG, B-1, ROS, OS

PPU – Principal Permitted Use

SLU – Special Land Use

¹Systems up to 4,000 square feet require a sketch plan and are subject to issuance of a Building Permit

²Systems over 4,000 square feet require site plan approval by the Planning Commission

Section 89 – Large Solar Energy System

- A. Large solar energy systems may be installed and operated in the districts that make reference to this Section, provided the systems meet setback and other standards, as provided in this Section.
- B. Large solar energy systems shall meet all the requirements of Section 88 Medium Solar Energy Systems, provided that all Large Solar Energy Systems shall be treated as a Special Land Use in

the AG, B-2, B-1, ROS, and OS Districts. In the IND Districts, Large Solar Energy Systems shall be a principal permitted use subject to the standards in this Section.

- C. If the use is a Special Land Use, it shall adhere to the general special land use standards of the Township (Article 16). In reviewing the application, the Planning Commission shall particularly focus on the ability of the use to be in harmony with the surrounding area and the intent and policies of the Master Plan.
- D. Potential impact on neighboring properties in terms of glare, stormwater runoff, property values, aesthetics, and screening shall be considered by the Planning Commission in determining whether the use is appropriate on the subject property.

System Size	Footprint	Maximum Height	Permitted
Small ¹	0-0.09 acres	20 feet	PPU in all districts
Medium ²	0.10 – 5 acres	20 feet	PPU in AG, B-1, B-2, ROS, IND, OS
Large ²	Over 5 acres	20 feet	PPU in IND; SLU in AG, B-1, ROS, OS

PPU – Principal Permitted Use

SLU – Special Land Use

¹Systems up to 4,000 square feet require a sketch plan and are subject to issuance of a Building Permit

²Systems over 4,000 square feet require site plan approval by the Planning Commission

Section 90 – Non-residential Driveways

- A. All commercially and industrially zoned lots (B-1, B-2, OS, and IND Districts) and ROS zoned lots shall be permitted one (1) driveway onto the abutting public thoroughfare as a matter of right. Corner lots shall be permitted one (1) driveway on each abutting thoroughfare. The Planning Commission may permit additional driveways subject to special land use and site plan approval provided, however, that the following may be permitted by the Planning Commission as a matter of right: one (1) additional driveway may be permitted for properties with a continuous frontage of over four hundred (400) feet, and one (1) additional driveway for each additional four hundred (400) feet of frontage may also be permitted.
- B. Any non-residential driveway constructed on an agriculturally or residentially zoned lot (AG, R-1, R-2, RT Districts) shall be subject to special land use and site plan approval by the Planning Commission.
- C. Providing one (1) inbound drive and one outbound drive shall be treated as a single driveway.

- D. All unpaved driveways less than twelve (12) feet in width shall be exempt from the requirements of Section 90.
- E. When reviewing a request for a non-residential driveway, the following criteria shall be considered.
 1. If the request requires special use approval, the Planning Commission shall consider the request for special land use approval after review of a traffic study. The traffic study shall be submitted by a qualified traffic expert retained by the applicant, and it must substantiate the need for additional access drives and clearly demonstrate that the drive or drives permitted by right do not provide reasonable access to the proposed land use. The scope of the traffic study will be determined by the Township based on the expected traffic impact of the development. The Township may charge reasonable fees that are necessary to have its own traffic expert review the traffic study.
 2. In reviewing the request for any non-residential driveway, the applicant shall address the same-side and opposite-side driveway spacing standards noted below:
 - a. Minimum spacing between two commercial driveways shall be determined based upon posted speed limits along the parcel frontage.

Minimum Driveway Spacing Based Upon Road Speed

Posted Speed Limit (MPH)	Minimum Driveway Spacing (Feet)
25	125
30	150
35	200
40	250
45	325
50 + or unposted	400

- b. For sites with insufficient street frontage to meet the above requirements the Planning Commission may require (1) a shared driveway with an adjacent property, (2) a driveway along the property line farthest from the intersection, or (3) a service drive parallel to the public road to provide safe access. The Planning Commission may modify these requirements if necessary, to provide reasonable access.

- c. Relative to Intersections. The minimum distance between a proposed driveway and the nearest intersection shall be not less than the minimum driveway spacing in the Table above. Also, a proposed driveway on the approach to an intersection shall not be opposite a dedicated left-turn lane for the intersection or within one hundred (100) feet upstream of that lane.
- d. Opposite side of road. In order to avoid traffic conflicts created by left-turn interlock, driveways proposed on the opposite side of the road from an existing or approved driveway must meet the minimum center-to-center driveway spacing standards illustrated below. Driveways expected to serve a relatively high volume of entering left turns, or an unusually high number of entering large vehicles, may require a greater opposite side spacing, as determined by the Planning Commission.

These standards may be reduced by the Planning Commission if necessary, to provide reasonable access to the proposed land use. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.

Section 91 – Trash Enclosures

- A. For all uses other than single family homes, all outdoor trash receptacles and areas used for the storage of waste products shall be enclosed and screened from the view of public rights-of-way and adjacent properties as follows:
 - 1. The receptacle or storage area shall be enclosed within a fully obscuring fence or wall, not less than five (5) feet in height and not more than eight (8) feet in height.
 - 2. The fence or wall shall be constructed of durable materials and designed to match or complement the exterior finish of the principal building on the site.
 - 3. The enclosure shall be accessed by a gate. The gate shall be obscuring and shall remain closed when the enclosure is not being accessed.
 - 4. The enclosure shall be set back no less than fifteen (15) feet from any residential property line.
 - 5. No trash enclosure shall be located in a front yard.
 - 6. All trash enclosures shall be mounted on a base of concrete, graded so as to ensure proper drainage of the enclosure. The pad shall extend twelve (12) feet outside the enclosure in front of the gate. The route of access to the trash enclosure shall be fully paved.

7. All trash enclosures and trash receptacles shall be kept in good repair and maintained in a clean and orderly manner.
 8. On all sides of a pad that do not abut pavement, a turndown/rat wall shall be installed.
- B. New construction on all sites, other than single family homes, shall include at a minimum, the installation of a concrete pad capable of supporting a trash enclosure meeting the standards of item A above, regardless of whether the proposed use intends to have an outdoor trash receptacle or area for storage of waste.

Section 92 – Medical Marijuana Caregivers

- A. The acquisition, possession, cultivation, use, delivery, or distribution of marijuana to treat or alleviate a debilitating medical condition is prohibited except in compliance with the Michigan Medical Marijuana Act (“MMMA”) of 2008 and applicable provisions of the Casco Township Zoning Ordinance.
1. A registered primary caregiver, operating in compliance with the MMMA General Rules, the MMMA and the requirements of this subsection, shall be permitted as a home occupation, as regulated by this Section. The Township makes the following findings, in support of its determination that the regulation of registered primary caregivers as a permitted home occupation is consistent with the purposes and intent of the MMMA:
 - a. The MMMA does not create a general right for individuals to use, possess, or deliver marijuana in Michigan.
 - b. The MMMA’s protections are limited to individuals suffering from serious or debilitating medical conditions or symptoms, to the extent that the individuals’ marijuana use is carried out in compliance with the provisions of the MMMA, including the provisions related to the operations of registered primary caregivers.
 - c. The MMMA’s definition of “medical use” of marijuana includes the “transfer” of marijuana “to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptoms associated with the debilitating medical condition,” but only if such “transfer” is performed by a registered primary caregiver who is connected with the same qualifying patient through the registration process established by the Department of Licensing and Regulatory Affairs, and who is otherwise operating in strict compliance with the MMMA and the MMMA General Rules.

- d. The MMMA provides that a registered primary caregiver may assist no more than five qualifying patients with their medical use of marijuana.
 - e. The MMMA does not, therefore, create a new vocation for entrepreneurs or others who wish to engage in the sale of marijuana to more than five persons in a commercial setting. Instead, the MMMA is directed at improving the health and welfare of qualifying patients.
 - f. The health and welfare of qualifying patients is improved by permitting the operations of registered primary caregivers as a home occupation, because this allows qualifying patients who suffer from serious or debilitating medical conditions or symptoms to obtain the benefits of the medical use of marijuana in a residential setting, without having to unnecessarily travel into commercial areas. By permitting the operations of registered primary caregivers as a home occupation, rather than in a commercial setting, this promotes the MMMA's purpose of ensuring that:
 - 1) a registered primary caregiver is not assisting more than five qualifying patients with their medical use of marijuana, and
 - 2) a registered primary caregiver does not unlawfully expand its operations beyond five qualifying patients, so as to become an illegal commercial operation, in the nature of a marijuana collective, cooperative or dispensary.
2. The following standards and requirements shall apply to the location at which the medical use of marijuana is conducted by a primary caregiver.
- a. The medical use of marijuana shall comply at all times with the MMMA and the MMMA General Rules, as amended.
 - b. A registered primary caregiver shall not possess marijuana, or otherwise engage in the medical use of marijuana, in a school bus, on the grounds of any preschool or primary or secondary school, or in any correctional facility.
 - c. Not more than two registered primary caregivers, who shall also be full-time residents of the dwelling, shall be permitted to operate at any one property.
 - d. The medical use of marijuana shall be conducted entirely within a dwelling or attached garage, except that a registered primary caregiver may keep and cultivate, in an "enclosed, locked facility" (as that phrase is defined by the MMMA), up to 12 marijuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marijuana plants for

personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA.

- e. A sign identifying the home occupation by word, image or otherwise, or indicating that the medical use of marijuana is taking place on the premises, shall not be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.
- f. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use of marijuana, no other materials or equipment not generally associated with normal ownership, use, and maintenance of a dwelling shall be permitted.
- g. Distribution of marijuana or use of items in the administration of marijuana shall not occur at or on the premises of the primary caregiver. A qualifying patient shall not visit, come to, or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain, or receive possession of any marijuana.
- h. Except for the primary caregiver, no other person shall deliver marijuana to the qualifying patient.
- i. No one under the age of 18 years shall have access to medical marijuana.
- j. No on-site consumption or smoking of marijuana shall be permitted within the dwelling (or on the property) of a primary caregiver, except for lawful medical marijuana consumption by the primary caregiver if registered as a qualifying patient under the MMMA.
- k. Medical marijuana shall not be grown, processed, handled or possessed at the dwelling of the primary caregiver beyond that which is permitted by law.
- l. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marijuana are located or used.
- m. If marijuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
- n. Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver, apart from the permitted quantity of medical marijuana.

5. The use of the dwelling or other permitted facility of a qualifying patient to cultivate medical marijuana in accordance with the MMMA, solely for personal use, does not require a permit under this subsection; however, all applicable state and Township ordinance requirements must be met.
6. The provisions of this subsection do not apply to the personal use and/or internal possession of marijuana by a qualifying patient in accordance with the MMMA, for which a permit is not required.

Article 15 General Exceptions

Section 92 – Area, Height, and Use Exceptions

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

Section 93 – Essential Services

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

Section 94 – Voting Places

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

Section 95 – Height Limit

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

Section 96 – Lot Area

Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted for which special lot area requirements are specified in this Ordinance, permitted in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance except as provided in Section 64-64 “Nonconforming Uses.” Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in

conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

Section 97 – Yard Regulations

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or side arrangement, such regulations may be modified or determined by the Zoning Board of Appeals.

Section 98 – Projections into Yards

Architectural features, not including vertical projections, may extend or project into a required site yard or rear yard not more than three (3) feet.

Section 99 – Access through Yards

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

Article 16

Special Approval Procedures

Section 100 – Intent

The formulation and enactment of this Ordinance is based upon the division of the Township into districts with specified permitted uses. In addition to such permitted compatible uses, there are certain other uses which may be necessary or desirable to allow, but which would have actual or potential impacts on neighboring uses and public facilities. There is a need therefore, to carefully regulate them with respect to their location for the protection of the community. Their uses, due to their peculiar locational need or the nature of the service offered, may have to be established in a district where they cannot be reasonably allowed as a permitted use.

Section 101 – Authority to Grant Permits

The Planning Commission, as hereinafter provided, shall have the authority to grant special use permits, subject to such conditions of design, operation, and safeguards as the Township may determine for all special approval uses specified in the various provisions of this Ordinance.

Section 102 – Application and Fee

Application for any special approval use allowed under the provisions of this Ordinance shall be made to the Planning Commission through the Township Clerk by filing an official special approval use permit application form; exhibits and information; and depositing the required fee as established by resolution of the Township. No part of such fee shall be returned to the applicant.

Section 103 – Data, Exhibits, and Information Required in Application

An application for a special approval 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; a site plan according to the rules and regulations of Section 75 and the Casco Township Land Development Ordinance, and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.

Section 104 – Public Hearings

The Planning Commission shall hold a public hearing upon the application for a special approval use permit, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township. The notice shall be given not less than fifteen (15) days before the public hearing date, and shall describe the nature of the request; indicate the property that is the subject of the request; include a listing of all street addresses within the property, if they currently exist; state the time and place of the public hearing; and indicate when and where written comments will be received. Notice shall also be sent by mail or personally delivered to the owners of the property to be considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet, regardless of whether the property or occupant is located within Casco Township.

Section 105 – Required Standards and Findings for Making Determinations

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 showing that such a use on the proposed site, lot, or parcel meets the following requirements:

- A. Will be in accordance with the general objectives, intent, and purposes of this Ordinance.
- B. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or that persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- C. Will be compatible with adjacent uses of land and the natural environment.
- D. Will be consistent with maintenance of the public health, safety and welfare.

Section 106 – Determination and Imposition of Conditions

- A. If the facts in the case establish that the findings and standards set forth in this Ordinance apply to the proposed use, and have been met, the Planning Commission shall grant special approval. In granting a special approval use permit, the Planning Commission shall impose such reasonable conditions of use as is proven necessary to

protect the best interest of the Township and the surrounding property, and to achieve the objectives of this Ordinance. Any conditions imposed shall meet all of the following requirements:

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

Section 107 – Approval, Grant of Permit

- A. Upon holding a public hearing and finding that this Article's requirements have been satisfactorily met by the applicant, the Planning Commission shall within thirty (30) days grant special approval. Upon approval, a special approval permit shall be issued to the applicant. The Planning Commission shall forward a copy of the permit to the applicant, Clerk and Zoning Administrator, The special approval permit shall not become effective until the site plan for the special land use has been stamped by the Township Planner and Planning Commission Chairperson, and all applicable Township requirements have been met.
- B. The decision on a Special Approval Land Use shall be incorporated in a statement of findings and conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed. This record shall be on file in the Township Clerk's Office as well as being made a part of the site plan or building records for that parcel.

Section 108 – Voiding of Special Approval Use Permit

- A. Under the following circumstances, a special approval use permit shall cease to be in effect:

1. Once in operation, if an approved special use has been abandoned for a period of six (6) months, the special approval permit shall lapse and cease to be in effect. The Planning Commission may grant one (1) or more six (6) month extension(s) of special land use approval if good cause is shown.

2. If site plan approval expires, special land use approval shall automatically expire. The Planning Commission may grant one (1) or more, six (6) month extension(s) of special land use approval if good cause is shown. A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Zoning Administrator to suspend such special approval use permit until review by the Planning Commission. The Planning Commission shall determine if a violation has indeed occurred. In the case of a violation, the Planning Commission shall direct such corrective action as it determines is necessary to bring the use into conformance with this Ordinance, or the Planning Commission shall cancel the special approval use permit in question.

Article 17 Performance Standards

Section 109 – Intent

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

Section 110 – Smoke

It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatsoever to a density greater than the density described as No. 1 of the Ringleman Chart; provided, that the following exceptions shall be permitted; smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringleman Chart for a period, or periods, aggregating four (4) minutes in any thirty (30) minute period. Method of Measurement: For the purpose of grading the density of smoke, the Ringleman Chart, as now published and use by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard.

Section 111 – Dust, Dirt, and Fly Ash

- A. No person, firm or corporation shall operate or cause to be operated, maintain or cause to be maintained, any burning of coal or other natural or synthetic fuels, without maintaining and operating while using said process or furnace or combustion device, recognized and approved equipment, means, methods, device or contrivance to reduce the quantity of gas borne or airborne solids of fumes emitted into the open air, which is operated in conjunction with said process, furnace or combustion device so that the quantity of gas borne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at the temperature of five hundred (500) degrees Fahrenheit.
- B. Method of Measurement: For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50%) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Zoning Administrator may require such additional data as is deemed necessary to show that adequate and

approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

Section 112 – Odor

The emission of odors which are generally agreed to be obnoxious to any considerable number of persons, at their place of residence, shall be prohibited.

Section 113 – Gases

SO₂ gas, as measured at the property line,, shall not exceed an average of .3 parts per million over a twenty-four (24) hour period; provided, however, that a maximum concentration of .5 parts per million will be allowed for a one (1) hour period out of a twenty-four (24) hour period; H₂S shall not exceed 1 part per million; fluorine shall not exceed .1 part per million; nitrous fumes shall not exceed 5 parts per million; CO shall not exceed 15 parts per million.

Section 114 – Airborne Matter, General

In addition to the provisions of Sections 16.01 through 16.05 above, there shall not be discharged from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment or nuisance to the public or which endanger the comfort, repose, health or safety of persons or which cause injury or damage to business or property.

Section 115 – Fire and Explosive Hazards

- A. The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning as determined by the Fire Chief, is permitted, subject to compliance with all other performance standards above mentioned. The following shall define the ranges of burning:
 - 1. Intense Burning Materials are materials which by virtue of low ignition temperature, high rate of burning and large heat evolution, burn with great intensity. An example would be manganese.

2. Free and Active Burning Materials are materials constituting an active fuel. Free burning and active burning is the rate of combustion described by a material which burns actively, and easily supports combustion. An example would be fuel oil.
3. Moderate Burning implies a rate of combustion described by material which supports combustion and is consumed slowly as it burns. An example would be coal.
4. The storage, utilization or manufacture of materials, goods or products, ranging from free and active burning to intense burning, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:
 - a. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the Building Code of the Township.
 - b. All such buildings or structures shall be set back at least forty (40) feet from lot lines and all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with the installation standards prescribed by the National Fire Association.
 - c. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives must comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended.

Section 116 – Noise

The emission of measurable noises from the premises shall not exceed sixty-five (65) decibels as measured at the boundary property lines, except that where normal street traffic noises exceed sixty-five (65) decibels during such periods, the measurable noise emanating from premises may equal, but not exceed, such traffic noises. Within AG, B-1, B-2, IND, and OS Districts, sound levels not exceeding seventy (70) decibels may be permitted. In addition, objectionable sounds of an intermittent nature, or characterized by high frequencies even if falling below the aforementioned decibel readings, shall be controlled so as not to become a nuisance to adjacent uses. During temporary construction periods, requirements of this Section shall be excepted.

Section 117 – Vibration

Machines or operations which cause vibration shall be permitted in the Industrial District, but no operations shall cause a displacement exceeding 0.003 of one (1) inch as measured at the property line.

Section 118 – Open Storage

A. The open storage of any industrial or commercial equipment, industrial or commercial vehicles, and all industrial or commercial materials including wastes, except new merchandise for sale and/or display, shall be screened from public view, from a public street, and from adjoining properties by an enclosure consisting of an obscuring wall or obscuring fence. The obscuring wall or obscuring fence shall be at least as tall as the height of the equipment, vehicles, and materials to be stored, up to a maximum height of eight (8) feet. Whenever such open storage is adjacent to a residential zone or manufactured home park in either a front, side, or rear lot line relationship, whether immediately abutting or across a right-of-way from such a zone, there shall be provided an obscuring wall or obscuring fence of at least six (6) feet in height. The Planning Commission may waive or reduce the screening requirements for open storage upon a finding that one or more of the following conditions have been met:

1. Properties adjacent to the open storage area are zoned Industrial.
2. Open storage area is located more than two hundred (200) feet from the property line.
3. The adjacent portion of the neighboring property is and is likely to remain undeveloped.
4. Existing natural features (e.g. woodlands, mature vegetation, wetlands, grade difference, etc.) to remain provide adequate screening of the storage yard.

Section 119 – Glare and Radioactive Materials

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

Section 120 – Wastes

No waste shall be discharged in the private on-site systems or any public or private storm drainage facilities which is dangerous to the public health and safety.

Section 121 – Violations of Performance Standards

- A. In every district, any use of any facility or equipment which results in a violation of the aforementioned performance standards shall be, and is hereby declared to be a violation of this Ordinance and a nuisance and the same may be prosecuted under the Administrative Article of the Ordinance or abated by any proper legal means upon application of the Township or any affected private person. No legal action shall be taken by the Township to penalize the offender or to abate the nuisance unless the owner or operator of the offending facility shall fail to correct the faulty condition and conform to the stated performance standards within fifteen (15) days after the service of Notice of Violation by the Zoning Administrator.
- B. For the purpose of determining if a violation of the performance standards exists, the Zoning administrator may enlist the professional assistance of a qualified person to perform whatever measures are needed to determine a violation. The cost incurred to determine a violation will be charged to the owner or operator of the facilities if determined to be in violation of the Performance Standards of this Ordinance.
- C. For all industrial uses, a bond shall be posted in the name of the Township and in an amount determined by the Township to ensure conformity with this Ordinance.

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Article 18
Administration and Enforcement

Section 122 – Zoning Administrator

The Office of the Zoning Administrator is hereby established. The Zoning Administrator shall be appointed by the Township Board and shall serve at its pleasure. The Zoning Administrator shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of the Township of Casco. The Zoning Administrator shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. The Zoning Administrator shall have no power to vary or waive ordinance requirements .

Section 123 – Zoning Compliance Permits

- A. No land use shall be commenced or changed, and no structure shall be erected or enlarged until the person conducting such use or erecting or enlarging such structure has obtained a Zoning Compliance Permit from the Zoning Administrator. The Zoning Administrator shall issue such permit upon the furnishing in writing, over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure or addition is in full compliance with all provisions of this Ordinance, a finding by the Zoning Administrator that such is the case and payment of a permit fee in accordance with a fee schedule as may be set forth from time to time by the Township Board.
- B. No Zoning Compliance Permit shall be issued where it appears that any land area required to conform to any provision of this Ordinance is also required as a part of any adjoining property to keep the development of use thereof in conformity with this Ordinance, or to keep it from becoming more nonconforming, if such land area was, at any time subsequent to the start of development or use of such adjoining property, in common ownership with such adjoining property.
- C. A Zoning Compliance Permit based on a false statement in the application or supporting documents is absolutely void and shall be revoked.
- D. No Zoning Compliance Permit shall remain valid if the use or structure it authorizes becomes nonconforming.

Section 124 – Certificate of Occupancy

- A. A permanent Certificate of Occupancy shall not be issued under the building code of the Township of Casco until all requirements of this Ordinance have been met.
- B. A temporary certificate may be issued under circumstances where expressly permitted by this Ordinance.
- C. All Certificates of Occupancy issued by the Building Inspector shall also bear the signature of the Zoning Administrator certifying that all requirements of this Ordinance have in fact been met and that he has made a field inspection to ascertain same.

Section 125 – Special Zoning Orders Book and Map

The Zoning Administrator shall keep a book, to be known as the Special Zoning Orders Book, which shall list, with a brief description, all variances, special approval use permits, designations of Class A nonconformance and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map of the Township, to be known as the Special Zoning Orders Map, which shall record the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.

Section 126 – Site Plan Review

The Zoning Administrator shall review for approval or denial all site plans for single-family detached dwelling units, farm buildings and ponds. Further, the Zoning Administrator shall keep on file all such site plans and any approved modifications to a site plan.

Section 127 – Fees

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

Article 19
Board of Appeals

Section 128 – Creation and Membership

- A. There is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done.

- B. The Board shall consist of the following five (5) members:
 - 1. The first member shall be a member of the Township Planning Commission, for the term of his office.

 - 2. The second member may be a member of the Township Board, appointed by the Township Board for the term of his office. An elected official of the Township shall not be a Chairman of the Board of Appeals, nor shall any employee or contractor of the Township serve as a member of the Board of Appeals.

 - 3. The next three (3) members shall be selected and appointed by the Township Board from among the electors, residing in the unincorporated area of Casco Township, for a period of three (3) years.

- C. The Township Board may appoint not more than two (2) alternate members to the Board of Appeals. An alternate member may be called to serve as a member of the Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The appointed alternate member shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Board of Appeals. Alternate member(s) shall serve for a three (3) year term.

- D. A member of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 129 – Meetings

- A. There shall be four (4) quarterly meetings of the Township Board of Appeals scheduled each year.
- B. All other meetings shall be held at the call of the Chairman and at other times as the Board in its rules of procedure may specify.
- C. The Board of Appeals shall not conduct business unless three (3) regular members of the Board of Appeals are present.
- D. All hearings conducted by said Board shall be open to the public.
- E. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the Office of the Township Clerk, and shall be public record.
- F. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
- G. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

Section 130 – Appeal

- A. An appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by any officer, Department, Board or Bureau aggrieved by an administrative order, decision, requirements or determination made by an administrative official or body charged with enforcement of the Zoning Ordinance.
- B. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Zoning Administrator and with the Board of Appeals a notice of appeal specifying the grounds thereof.
- C. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

- D. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.
- E. The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

Section 131 – Fees

The Casco Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeal is filed, said fee shall be paid to the Township Clerk, which the Clerk shall forthwith pay over to the Township Treasurer to the credit of the general revenue fund of the Township of Casco.

Section 132 – Jurisdiction

- A. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, exception, and to authorize a variance as defined in this Section and laws of the State of Michigan. Said powers include:
 - 1. Administrative Review – To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance.
 - 2. Variance – To authorize, upon an appeal, a variance from the strict application of the provisions of this Ordinance when the applicant demonstrates all of the following conditions apply:
 - a. Practical Difficulty: A practical difficulty exists on the subject site (such as exceptional topographic conditions, narrowness, shallowness, shape or area; presence of floodplain) and strict compliance with the Zoning Ordinance standards would

unreasonably prevent the owner from using the subject site for a permitted use or would render conformity unnecessarily burdensome. Demonstration of a practical difficulty shall have a bearing on the subject site or use of the subject site, and not to the applicant personally. Economic hardship or optimum profit potential are not considerations for practical difficulty.

- b. Unique Situation: The demonstrated practical difficulty results from exceptional or extraordinary circumstances or conditions applying to the subject site at the time the Ordinance was adopted or amended, which are different than circumstances or conditions applying to typical properties in the same zoning district or the vicinity.
- c. Not Self-Created: The applicant's problem is not self-created.
- d. Substantial Justice: The variance would provide substantial justice by granting the property rights similar to those enjoyed by the majority of other properties in the vicinity, and other properties in the same zoning district. The parcel cannot be reasonably used for uses permitted in the district without granting the variance. The decision shall not bestow upon the property special development rights not enjoyed by other properties in the same district, or which might result in substantial adverse impacts on properties in the vicinity (such as the impairment of adequate supply of light and air, significant increases in traffic, increased odors, an increase in the danger of fire, or other activities which may endanger the public health, safety, comfort, morals or welfare).
- e. Minimum Variance Necessary: The variance shall be the minimum necessary to grant relief created by the practical difficulty.

In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed use as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance.

- 3. Use Variance – The Zoning Board of Appeals does not have the authority to grant “use” variances. The authority to designate permitted uses and special approval uses resides exclusively with the Township Board. The Zoning Board of Appeals may, however, interpret whether a proposed use (not expressly designated in a given district) falls under the definition of a stated permitted use.
- 4. Exceptions and Other Appeals – To hear and decide in accordance with the provisions of this Ordinance, requests for interpretation of the Zoning Map or Ordinance, appeals from the decision of the Zoning Administrator and on any provisions of this Ordinance that the Zoning Board of Appeals are required to pass. Also, the Zoning Board of Appeals shall hear

and decide on any exceptions subject to such conditions as the Board may require in order to preserve the character of the zoning district in question, and promote the purpose of this Ordinance, including the following:

- a. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of this plan, as shown upon the Zoning Map fixing the use districts, accompanying and made a part of this Ordinance, where street layout as shown on the map aforesaid.
- b. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission.
- c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purposes and intent of such requirements.
- d. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
- e. Permit temporary buildings and uses for periods not to exceed twelve (12) months. Extensions may be granted for construction purposes. A cash deposit, as designated by the Township Board by resolution, shall be held for a temporary building with refund upon removal. In situations where an existing occupied principal dwelling unit has been destroyed or damaged to the extent that it is uninhabitable, the Township Supervisor, or his or her designee, may permit the placement of a temporary residential dwelling unit on the same lot as the existing dwelling unit subject to the following:
 - (1) The owner or occupant of the principal dwelling shall be the occupant of the temporary residential structure.
 - (2) The temporary residential structure shall comply with all applicable zoning and building provisions regarding the construction of the structure and its placement on the site.
 - (3) The temporary residential structure shall be connected to a sanitary sewage disposal system and water supply, or a public sewer and water system.
 - (4) A cash performance guarantee, in an amount set by resolution of the Township Board, shall be deposited by the applicant to ensure the removal of the temporary use and/or structure upon expiration of the permit. If removal is complete by the

expiration date specified, the entire sum will be returned to the applicant, otherwise the entire sum shall be forfeited to the Township.

- (5) Extensions of up to six (6) months may be granted by the Zoning Board of Appeals when determined appropriate, provided reconstruction of the principal dwelling has commenced and is proceeding to completion in accordance with the building permit.
- f. Permit, upon proper application, a temporary use not otherwise permitted in any use district subject to the following:
- (1) The initial permit for such temporary uses shall not exceed a period of up to twelve (12) months.
 - (2) Not more than one (1) extension of up to twelve (12) months may be granted, for a maximum total permit period of 24 months for any particular temporary use.
 - (3) Temporary uses shall not require the erection of a permanent building, permanent structure, or similar capital improvement, but may include the placement of temporary manufactured homes.
 - (4) All occupied temporary structures shall be connected to a septic tank or other system approved by the County Health Department as a requirement for Board of Appeals approval of the permit hereunder. (Storage of a travel trailer or motor home owned by the occupant of a single-family dwelling is exempted from these provisions.)
 - (5) A cash performance guarantee, in an amount set by resolution of the Township Board, shall be deposited by the applicant to ensure the removal of the temporary use and/or structure upon expiration of the permit.
 - (6) If removal is complete by the expiration date specified, the entire sum will be returned to the applicant, otherwise the entire sum shall be forfeited to the Township.
- g. The Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:
- (1) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.

- (2) The granting of a temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
- (3) All setbacks, land coverage, off-street parking, lighting and other requirement to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Township of Casco shall be made at the discretion of the Board of Appeals.
- (4) In classifying the uses as not requiring capital improvement, the Board of Appeals shall determine that they are neither demountable structures related to the permitted use of the land; recreation developments, such as but not limited to: golf-driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
- (5) The use shall be in harmony with the general character of the district.
- (6) No temporary use permit shall be granted without first giving notice to owners of adjacent properties of the time and place of a public hearing to be held as further provided for in this Ordinance. Further, the Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.
- (7) In consideration of all appeals and all proposed variations to this Ordinance, the Board shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public safety, health, comfort, morals, or welfare of the inhabitants of the Township of Casco. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the Applicant any matter upon which it is authorized by this Ordinance to render a decision. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being served to the Supervisor and the Township Board of the Township of Casco, in the manner provided by law.

Section 133 – Orders

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

Section 134 – Notice

Upon a written request seeking an interpretation of the Zoning Ordinance, an appeal of an administrative decision, or a variance, the Board of Appeals shall select a reasonable time and place for a hearing of the request. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township. The notice shall be given not less than fifteen (15) days before the public hearing date, in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and shall describe the nature of the request; indicate the property that is the subject of the request (if applicable); include a listing of all street addresses within the property, if they currently exist; state the time and place of the public hearing; and indicate when and where written comments will be received. For requests for a variance or an interpretation or appeal of an administrative decision which involves a specific parcel, written notice shall also be given by mail or personal delivery to the applicant and owners of the subject property, to all persons to whom real property is assessed within three hundred (300) feet of the subject property, and to the occupants of all structures within three hundred (300) feet of the subject property, regardless of whether the property or occupant is located within Casco Township.

Section 135 – Duration of Approval

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

- C. No other order of the Board providing relief from the provisions of this Ordinance shall be valid for a period longer than one (1) year, unless otherwise specified by the Zoning Board of Appeals, and within such period, actual on-site improvement of property in accordance with the relief granted by the Zoning Board of Appeals, and a valid building permit or other required permit is obtained.
- D. Extensions of expiration dates for orders of the Board may be granted by the Zoning Board of Appeals, provided the extension is requested by the Applicant prior to the expiration of the period of effectiveness.

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Article 20 Changes and Amendments

Section 136 – Changes and Amendments

The Township Board may from time to time amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning Map or the provisions of this Ordinance. Amendments to the provisions of this Ordinance may be initiated by the Township Board, the Planning Commission, or by petition from one or more residents or property owners of the Township. An amendment to the zoning district boundaries contained on the Official Zoning Map may be initiated by the Township Board, the Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment. An owner of land may voluntarily offer in writing, and the Township may approve, certain use and development of land as a condition to the approval of a rezoning consistent with the provisions of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. All proposed amendments to the provisions of this Ordinance or the Official Zoning Map shall be referred to the Planning Commission for public hearing and recommendation to the Township Board, prior to consideration thereof by the Township Board.

Section 137 – Application Contents

An amendment to this Ordinance or the Official Zoning Map, except those initiated by the Township Board or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the Township, including an application fee, which shall be established from time to time by resolution of the Township Board.

- A. In the case of an amendment to the Official Zoning Map, the following information shall accompany the application form:
1. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
 2. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property if not the owner in fee simple title.
 3. The existing and proposed zoning district designation of the subject property.
 4. Conditional rezoning requests shall include the applicant's proposed offer of conditions.

5. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment shall accompany the application form.

Section 138 – Amendment Procedure, Public Hearing, and Notice

- A. A mandatory pre-application conference with Township staff, consultants and Planning Commission officials is required prior to the formal submission of a request for a conditional rezoning. The conference provides an opportunity to informally discuss the rezoning and voluntary conditions proposed, as well as other applicable Township development procedures such as site plan review, special land use review, and variances. The pre-application conference will allow the applicant and the Township to identify key issues associated with the request at the earliest possible stage.
- B. Upon initiation of an amendment, a public hearing to consider the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township. Notice shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, and each railroad operating within the district affected, that registers its name and mailing address with the Township Clerk for the purpose of receiving such public notice. The notice shall be given not less than fifteen (15) days before the public hearing date, and shall describe the nature of the proposed amendment, state the time and place of the public hearing, indicate when and where written comments will be received, indicate when and where the proposed amendment may be examined, and indicate the property that is the subject of the request, as applicable. For rezoning requests of an individual property or of ten (10) or fewer adjacent properties, notice shall also be given by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the subject property, and to the occupants of all structures within three (300) feet of the subject property, regardless of whether the property or occupant is located within Casco Township. For rezoning requests of an individual property or of ten (10) or fewer adjacent properties, the notice shall include a listing of all street addresses within the subject property, if they exist.
- C. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Township Board.
- D. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed amendment. In the case of an amendment to the text of this Ordinance, the Township Board may modify or revise the proposed amendment prior to enactment, based on its consideration of the criteria contained in Section 140. In the

case of an amendment to the Official Zoning Map, the Township Board shall approve or deny the amendment, based on its consideration of the criteria contained in Section 139

- E. In the case of a conditional rezoning petition, the applicant may voluntarily amend the conditions during the process of rezoning consideration. An owner may withdraw all or part of an offer of conditions at any time prior to final rezoning action of the Township Board, provided that if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation. The applicant may offer to add more restrictive conditions prior to Township Board consideration without requiring a new public hearing.
- F. Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and published, without necessity of a public hearing or referral thereof to any other board or agency.

Section 139 – Criteria for Amendments of the Official Zoning Map

In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision. The decision on a proposed amendment shall include a statement of findings and conclusions which specifies the basis for the decision.

- A. Consistency with the goals, policies and future land use map of the Casco Township Master Plan, including any sub-area or corridor studies. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be demonstrated.
- B. Compatibility of the site's physical, geological, hydrological, and other environmental features with the host of uses permitted in the proposed zoning district.
- C. Evidence that the applicant cannot receive a reasonable return on investment through developing the property with any of the uses permitted under the current zoning.
- D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
- E. The capacity of Township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Township.

- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- G. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned and available to accommodate the demand.
- H. The reasonableness of the boundaries of the requested rezoning district in relationship to surroundings, and the ability of construction on the site to meet the dimensional regulations for the zoning district listed in the Schedule of Regulations.
- I. If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.
- J. If the request is for a specific use, rezoning the land is more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
- K. The requested rezoning will not create an isolated and unplanned spot zone.
- L. The request has not previously been submitted within the past one (1) year, unless conditions have changed, or new information has been provided.
- M. If an offer of conditions is submitted as part of a conditional rezoning request, the offer bears a reasonable and rational relationship to the property for which rezoning is requested.
- N. Other factors deemed appropriate by the Planning Commission and Township Board.

Section 140 – Criteria for Amendments to Zoning Ordinance Text

The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the Zoning Ordinance text or responding to a petitioner's request to amend the Ordinance text. The decision on a proposed amendment shall include a statement of findings and conclusions which specifies the basis for the decision.

- A. The proposed amendment would correct an error in the Ordinance.
- B. The proposed amendment would clarify the intent of the Ordinance.
- C. Documentation has been provided from Township staff or the Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.

- D. The proposed amendment would address changes to state legislation.
- E. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
- F. The proposed amendment would promote compliance with changes in other Township Ordinances and County, State, or federal regulations.
- G. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements, or similar technical items.
- H. Other criteria, as determined by the Planning Commission or Township Board, which would protect the health and safety of the public, protect public and private investment in the Township, promote implementation of the goals and policies of the Master Plan and any sub-area or corridor plans, and enhance the overall quality of life in Casco Township.

Section 141 – Approval of Zoning Amendments

Approved amendments shall require the following:

- A. Publication of a notice of adoption in a newspaper of general circulation in the Township within fifteen (15) days of adoption in accordance with the provisions of the Michigan Zoning Enabling Act, P.A. 110 of 20Q6, as amended. The notice shall include either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment. The notice shall also include the effective date of the amendment and the place and time when a copy of the amendment may be purchased or inspected.
- B. The Zoning Map and/or Text shall be amended to reflect the new zoning classification or language. Map amendments for conditional rezoning should include a designation identifying the applicable property as subject to a Statement of Conditions.
- C. Conditional rezonings shall require the submittal of a formal written Statement of Conditions which shall be incorporated by attachment as an inseparable part of the Ordinance adopted by the Township Board, The Statement of Conditions shall:
 - 1. Be in a form recordable with the St. Clair County Register of Deeds and include a statement acknowledging that it is recorded.

2. Contain a legal description of the land to which it pertains.
3. Acknowledge that upon the rezoning taking effect, the use and development of the land shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by the Statement of Conditions.
4. Contain a provision acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land. Any person who establishes a development or commences a use upon such land shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions.
5. Incorporate by attachment or reference any diagrams, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the documents may be examined.
6. Specify that failure to comply with any of the conditions set forth in the Statement of Conditions shall constitute a violation of this Zoning Ordinance and shall be punishable accordingly.
7. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the document.
8. The approved Statement of Conditions shall be filed with the St. Clair County Register of Deeds. The Township Board shall have the ability to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

Section 142 – Effect of Conditional Rezoning

The following provisions shall apply to approved conditional rezonings:

- A. Time Period for Establishing Development or Use: Unless another time period is specified in the Ordinance, the approved development and/or use of land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if: (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the

development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

- B. Reversion of Zoning: If approved development and/or use of the rezoned land does not occur within the time frame specified under Section 142 A above, then the land shall revert to its former zoning classification as set forth in Section 405(2) of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. The reversion process shall be initiated by the Township Board by requesting that the Planning Commission proceed with consideration of the rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other zoning requests.
- C. Subsequent Rezoning of Land: When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 142, B above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. A notice that the Statement of Conditions is no longer in effect shall be recorded with the St. Clair County Register of Deeds.
- D. Amendment of Conditions: During the time period for commencement of an approved development or use specified pursuant to Section 142, A above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions. The Statement of Conditions may be amended thereafter in the same manner as set forth in Section 142, E of this Ordinance.
- E. Township Right to Rezone: Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

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Article 21 Interpretation

Section 143 – Interpretation

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

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Article 22 Vested Right

Section 144 – Vested Right

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

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Article 23

Enforcement, Penalties, and Other Remedies

Section 145 – Violations

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special land use approvals) shall constitute a misdemeanor. The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits, participates in, assists, or maintains such violation may each be found guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

Section 146 – Public Nuisance Per Se

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

Section 147 – Fine and Imprisonment

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special land use approvals) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred (500.00) dollars, or imprisoned for not more than (ninety) 90 days, or both, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 148 – Each Day a Separate Offense

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

Section 149 – Rights and Remedies are Cumulative

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

Article 24 Severance

Section 150 – Severance

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