

ZONING ORDINANCE

Worth Township
Sanilac County, Michigan

Chapter 300 of the Code of Worth Township

Amended by Ordinance No. 17-1-18

Adopted January 18, 2017

Effective February 3, 2017

ORDINANCE NO. 17-1-18

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF WORTH TOWNSHIP,
CHAPTER 300 (ZONING) OF THE CODE OF WORTH TOWNSHIP; EFFECTIVE
DATE; PUBLICATION**

WORTH TOWNSHIP ORDAINS:

SECTION 1. Amendment. The zoning ordinance of Worth Township, Chapter 300 (Zoning) of the Code of Worth Township, is hereby amended to read as follows:

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ARTICLE I
Title and Purposes

Sec. 300-1. Title.

This chapter shall be known as the "Worth Township Zoning Ordinance."

Sec. 300-2. Purpose.

- A. The fundamental purposes of this chapter are to promote health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to reduce hazards to life and property; to promote the use of lands and resources in the Township in accordance with their character and adaptability; to secure the most appropriate agricultural and economical provisions of public improvements, all in accordance with a comprehensive plan.
- B. The Township Board of Worth finds it necessary and advisable to promote and regulate the growth of said Township, according to the provisions of this chapter.
- C. Divisions in the unincorporated areas referred to as "districts" are graphically presented on the map to be found in the Township Office, which, from time to time, may be supplemented by legal descriptions in the Appendix to the Zoning Map attached thereto.

ARTICLE II
Definitions

Sec. 300-3. Definitions and word usage.

For the purposes of this chapter, the following terms, phrases, words, and their derivation shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Any word not herein defined shall be construed as in the State Construction Code of 1972 [1972 PA 230; MSA § 5.2949(1) et seq.; MCLA § 125.1501] and Act 110 of the Public Acts of 2006 as amended, the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.* and the amendments thereto. Other terms, phrases, and words not herein defined shall have the meaning customarily assigned to them by general usage in the English language.

ACCESSORY BUILDINGS AND STRUCTURES — A supplementary building or structure on the same lot or parcel of land as the principal building occupied by or devoted exclusively to an accessory use.

ACCESSORY USE -A use reasonably and customarily, incidental and subordinate to the principal use of the premises.

ADULT DAY CARE HOME - A dwelling unit in which less than seven persons 18 years or older are provided supervision, personal care and protection for periods of less than 24 hours a day, operated by a person who permanently resides in the dwelling unit as a member of the household.

ADULT FOSTER CARE FACILITY – A governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Such facilities are licensed under Public Act 218 of 1979 as amended.

ADULT FOSTER CARE CONGREGATE FACILITY - An adult foster care facility with the approved capacity to receive more than 20 adults who shall be provided foster care. Such facilities are licensed under Public Act 218 of 1979 as amended.

ADULT FOSTER CARE FAMILY HOME - A dwelling unit with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the dwelling unit. Such facilities are licensed under Public Act 218 of 1979 as amended.

ADULT FOSTER CARE LARGE GROUP HOME - An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults who shall be provided foster care. Such facilities are licensed under Public Act 218 of 1979 as amended.

ADULT FOSTER CARE SMALL GROUP HOME - An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care. Such facilities are licensed under Public Act 218 of 1979 as amended.

AGRICULTURAL LAND - Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

AIRPORT – An Airport licensed by the Michigan department of transportation, bureau of aeronautics under section 86 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.86.

ALLEY — Any public space or thoroughfare 20 feet or less in width, but not less than 10 feet in width, which has been dedicated or deeded to the public for public travel and which affords secondary access to abutting property.

ALTERATION — A change, rearrangement, reduction, expansion, or demolition of a structure which changes in any manner its size, height, width, depth, floor area or location or the size, height, width, depth, floor area or location of any part of said structure. [Amended 10-23-1989; 11-29-1995]

APARTMENT HOUSE — A multifamily dwelling for three or more families, living independently of each other as separate housekeeping units, with separate access and egress, and doing their cooking upon the premises.

AREA, BUILDING — The aggregate of the maximum horizontal cross section area (external width x length = square footage of the main building on a lot), excluding cornices, eaves, gutters, or chimneys projecting not more than three feet, steps, one-story open porches, bay windows not extending through more than one story and not projecting more than two feet, balconies and terraces. [Amended 10-23-1989]

BARN — See “farm buildings.”

BASEMENT — A portion of a building which is partly or wholly below grade so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five feet, such basement shall be rated as a first story.

BLUFF LINE — The line which is the edge or crest of the elevated segment of the shoreline above the beach which normally has a precipitous front inclining steeply on the lakeward side. Where there is no precipitous front indicating the bluff line, the line of perennial vegetation may be considered the bluff line.

BOAT — A vessel or craft designed for transportation of people and/or cargo over the water, towed or propelled by cars, paddles, sails or engine.

BUILDING — A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property, including tents, lunch wagons, dining cars, mobile homes, trailers, and other roofed structures on wheels or other supports, used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purposes of this definition, "roof" shall include an awning or other similar covering, whether or not permanent in nature.

BUILDING, HEIGHT — See "height, building."

BUILDING LINE — The vertical plane beyond which no building or other structure or portion thereof may be erected, for setback purposes.

BUILDING LINE, SETBACK — See "setback."

CAMP — A site for the voluntary association of persons under the formal or informal auspices of charitable, public or private organizations to engage in outdoor activities for short-term (i.e., one to four weeks) periods of specific recreational and/or educational pursuits. For purposes of this chapter, the term "camp" shall exclude persons or organizations evaluating or implementing programs involving a governmental agency or court of law having authority to detain persons against their will, whether such persons voluntarily or involuntarily participate in recreational and/or educational activities of an outdoor nature.

CAMPER — A towed or transported device constructed or altered to provide temporary living quarters, including cooking and sleeping facilities.

CLINIC, HUMAN – An establishment where human patients who are not lodged are admitted for examination and treatment by a group of physicians, dentists or similar professionals.

CLINIC, VETERINARY – An establishment for the care, observation or treatment of domestic animals.

CONDITIONAL USE — See "special land use."

CONVALESCENT HOME – A building or structure where aged or infirm persons reside on a twenty-four (24) hour basis in order to receive nursing care and related services.

DAY CARE CENTER/CHILD CARE CENTER – A facility other than a dwelling unit in which one or more children are given care and supervision for periods of less than 24 hours per day on a regular basis. Day care facilities do not include Family or Group Day Care Homes, or schools. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during religious services or public meetings, or by a fitness center or similar operation, shall be considered accessory to such principal use and shall not be considered to be a day care center or child care center. However, a day care center or child care center operated within a religious use building not during times of religious services, but as a business within the religious use building, shall be considered a day care center or child care center.

DETENTION FACILITY — Any prison, penitentiary, reformatory, house of correction, jail, community residential center, institution, halfway house, regional correction/detention facility, treatment center, group home, training center, or camp, etc., operated or leased by the Department of Corrections or Department of Social Services; or other halfway houses, probationary camps, farms, shops, places of employment operated by or under the supervision of the Department of Corrections providing services to adults or juvenile criminal offenders. (See also "juvenile correctional/detention facility.")

DISTRICT — A portion of the unincorporated part of the Township within which certain regulations and requirements apply under the provisions of this chapter.

DWELLING — A building designed or used as a living quarters for one or more persons.

DWELLING HOUSE — A building designed for and occupied exclusively as a residence of not more than two families each living as an independent housekeeping unit.

DWELLING UNIT — One or more rooms providing complete living facilities for one family, including equipment for cooking or provision for the same, and including room or rooms for living, sleeping and dining.

DWELLING, ONE FAMILY – A building designed exclusively for occupancy by one (1) family.

DWELLING, TWO FAMILY – A building designed exclusively for occupancy by two (2) families, independent of each other, such as a duplex dwelling unit.

DWELLING, MULTIPLE FAMILY —A building or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

ERECTED — Any physical operations on the premises required for the construction or placement of a structure and includes construction, building, reconstruction, alteration, excavation, fill, drainage, installation of utilities, etc.

EROSION — The collapse or subsidence of land along the shore of a lake or other body of water, including drains, creeks, streams and rivers, as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels.

ESSENTIAL SERVICE — The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities for municipal departments or commissions or for the public health, safety or general welfare.

FAMILY — A single person doing his or her own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing its own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bond.

FAMILY CHILD CARE HOME - A dwelling unit in which less than seven minor children are given care and supervision for periods of less than 24 hours per day, operated by a person who permanently resides in the dwelling unit as a member of the household and who is registered with the State of Michigan to provide such care as regulated by 1973 PA 116, MCL 722.111 et seq., the Child Care Organizations Act.

FARM – The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

FARM BUILDINGS – Any structure or building, other than a dwelling, used or built on a farm.

FARM OPERATION – The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

1. The marketing of produce at roadside stands or farm markets.
2. The generation of noise, odors, dust, fumes, and other associated conditions.
3. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

FARM PRODUCT – Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.

FEEDLOTS — A parcel of property open or closed to the elements densely populated with livestock (including poultry) where the animals cannot forage or graze for sufficiency but are raised or "finished" on hay, corn, oats, or other feed supplied from outside the lot and then sold for their flesh, hide, feathers, eggs, etc.

FENCE — A partition, structure, or gate erected as a dividing marker, barrier, or enclosure.

FLEA MARKET — An enclosed shop or open market wherein two or more vendors sell new or used goods, antiques, curios, art objects, collectibles, or other merchandise.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of drains, creeks, streams, rivers, lakes or other inland water, or abnormally high tidal water or rising costal water proximately caused by severe storms, hurricanes, tornadoes, or heavy rains.

FLOOR AREA, GROSS — The sum of the horizontal areas of several floors of the building excluding areas used for accessory garage purposes and such basement areas as are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including enclosed porches.

FRONTAGE — That portion of a parcel of property which is contiguous with a public thoroughfare which has been deeded, dedicated or otherwise conveyed to and accepted by the governmental entity responsible for its maintenance.

GARAGE, PRIVATE — A building or part thereof accessory to a main building and designated and used primarily for storage for motor vehicles and residential items.

GARAGE, PUBLIC OR STORAGE — A building or part thereof, other than a private garage, used for the storage and/or servicing of motor vehicles on a commercial basis.

GARAGE SALE or YARD SALE — A sale of primarily used goods, antiques, curios, clothing, etc., operated on residential property by the owner or occupant on an occasional basis.

GASOLINE SERVICE STATION — A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles together with the sale of minor accessories and the servicing of and minor repair of motor vehicles.

GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES – Those practices as defined by the Michigan commission of agriculture. The commission shall give due consideration to available Michigan department of agriculture information and written recommendations from the Michigan state university college of agriculture and natural resources extension and the agricultural experiment station in cooperation with the United States department of agriculture natural resources conservation service and the consolidated farm service agency, the Michigan department of natural resources, and other professional and industry organizations.

GROUP CHILD CARE HOME – A dwelling unit in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours per day, operated by a person who permanently resides in the dwelling unit as a member of the household, and who is registered with the State of Michigan to provide such care as regulated by 1973 PA 116, MCL 722.111 et seq., the Child Care Organizations Act.

GRADE — The highest ground elevation in contact with any portion of the basement or foundation of a dwelling.

HEIGHT, BUILDING — The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the building.

HIGH-RISK EROSION AREA — An area subject to shoreland deterioration as designated by the Michigan Department of Natural Resources pursuant to the Natural Resources and Environmental Protection Act (1994 PA 451, as amended). (See Article XI, Sec. 300-109 et seq.)

HOME OCCUPATION — An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

HOME FOR THE AGED – A supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility, that provides room, board, and supervised personal care to twenty-one (21) or more unrelated, nontransient, individuals sixty (60) years of age or older. Home for the aged includes a supervised personal care facility for twenty (20) or fewer individuals sixty (60) years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home.

HOSPITAL OR SANATORIUM – An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, clinics and staff offices.

HOTEL — A building containing rooms intended or designed to be used, rented or hired out to be occupied for sleeping purposes by guests.

IMPROVEMENTS – Those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities,

sidewalks, screening and drainage. Improvements do not include the entire project that is the subject of zoning approval.

INDUSTRY — The production, manufacture or fabrication of products with the intention of profit. The term also includes the ancillary repair, modification or alteration of products. The raising of farm products is exempt.

JUNK — Articles that have outlived their intended usefulness in their original form and are commonly discarded or gathered up to be converted into another product, either of the same or different kind.

JUNKYARD — An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, shredded or handled, including but not limited to scrap iron and other metals, paper, rags, tires, and bottles. A "junkyard" includes automobile wrecking yards and includes any area of unreasonable accumulation for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

JUVENILE CORRECTIONAL/DETENTION FACILITY — Any institution, halfway house, regional detention facility, treatment center, group home, farm, training center or camp wherein one or more juvenile offenders is detained by court order as the result of a determination of delinquency or under the supervision of the Department of Social Services by court order because of a determination of delinquency.

KENNEL — A site of structure where dogs or domestic pets are kept for breeding, sale or care and maintenance. [Amended 1-23-1989]

LAGOON — A natural or man-made shallow lake, sound, pond, channel, reservoir, other impoundment of water or a body of water for the treatment of sewage.

LIVESTOCK — Domestic animals (such as sheep, cattle, horses, goats, pigs, etc.) kept for use or raised for sale and profit on a farm. Also see "farm product."

LOADING SPACE — An off-street space on the same lot with a building or contiguous to a group of buildings for loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

LOT — A parcel of land capable of being occupied by one building, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this chapter.

LOT, CORNER — A lot at a point of intersection of, and abutting on, two or more streets.

LOT LINES — The lines bordering a lot, as defined herein, shall be as follows:

- A. **FRONT LOT LINE** — In the case of an interior lot, the front lot line is that line separating the lot from the street. In the case of a corner lot or double frontage lot, it is that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a building permit.
- B. **REAR LOT LINE** — That line opposite the front lot line. In a case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front line, not less than ten (10) feet long, farthest from the front lot line and located wholly within the lot.

C. SIDE LOT LINE — Any line other than the front and rear lot lines.

MOBILE HOME — A movable or portable dwelling constructed to be towed on its own chassis and designed for permanent year-round living as a single-family dwelling; provided, however, that the term "mobile home" shall not include motor homes, campers, recreation vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

MOTOR HOME — A motor-propelled vehicle constructed or altered to provide living quarters, including permanently installed cooking and sleeping facilities.

MOTOR VEHICLE REPAIR GARAGE — A place where the following activities may be carried on: vehicle body repair, engine rebuilding or repair, undercoating, painting, upholstery work, welding and auto glass work, etc.

MOTEL — A series of attached, semidetached or detached rental units containing bedroom and toilet facilities for temporary lodging for compensation.

NEWLY CREATED PARCEL — An area or plot of land for which the legal description and/or tax identification number has been changed by division, attrition, accretion or addition from the previously recorded identification or the present parcel(s).

NONCONFORMING BUILDING — A building or portion thereof existing at the effective date of this chapter, or amendments thereto, that does not conform to the use provisions of the chapter.

NONCONFORMING LAND USE — A use of land existing at the time of the enactment of this chapter which does not conform to the regulation of the district in which it is located.

NONCONFORMING LOT — A lot which was lawful at the time this chapter or amendments thereto became effective but that does not conform to the area, dimensions, or location regulations of the district in which it is located.

NUISANCE — Any condition or use of premises or of building exteriors, which is unsightly or detrimental to the property of others or which causes or tends to cause diminution in the value of other property in the neighborhood in which such premises are located.

NURSING HOME – See definition of “Convalescent Home”

OPEN-AIR MARKET — An open-air market shall be deemed to include flea markets, farmers’ markets, home garden supply sales, and other outdoor merchandise sales when said business is not conducted from a wholly enclosed building.

OCCUPIED — Includes the use of a building or land for the purpose for which it was designed, arranged or intended.

OFF-STREET PARKING LOT — A facility providing spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of motor vehicles.

PARCEL (OF LAND) — An area or plot of land which has a precise legal description, lot number in the plat and/or the Sanilac County Register of Deeds. See "newly created parcel."

PARK — A parcel of land set aside for recreational purposes.

PARKING SPACE — An area to be used exclusively as a temporary storage space for one private motor vehicle. Loading and unloading space shall not be included in such area.

PERFORMANCE STANDARDS — Those criteria by which the use of land will be evaluated for purposes of compliance with use districts and special use requirements.

POND — A natural or man-made body of water without an encircling fabricated retainer.

POULTRY — Domestic fowl of the type which are propagated and raised for flesh, eggs, feathers, etc., such as chickens, ducks, turkeys, geese, and guinea hens, etc. See definition of "livestock" and "farm product."

PRINCIPAL USE — The principal use to which the premises are devoted and the principal purpose for which the premises exist.

PUBLIC SERVICE — Public service facilities (within the context of this chapter) shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses.

PUBLIC UTILITY — Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public gas, steam, electricity, sewage disposal, communication, telegraph, transportation, water or other such essentials.

RECREATIONAL VEHICLE (RV) — A motor vehicle designed and equipped for purposes in addition to or other than transport from one point to another via roadways, including off-road vehicles, motor homes, pickup campers, camping trailers, etc.

ROOMING HOUSE — Any dwelling in which more than two persons either individually or as families are housed or lodged for hire, with or without meals. A boardinghouse or furnished rooming house shall be deemed a rooming house.)

SEPTAGE WATER — Any human excrement, other domestic and restaurant waste, or other material or substance removed from a portable toilet, septic tank, seepage pit, cesspool, sewage lift station or other enclosure as determined by the DNR Director under MCLA § 324.11701 et seq., but does not include liquid industrial waste regulated under the authority of MCLA § 324.12101 et seq.

SETBACK — The distance required to establish front, side, or rear yard open space. Setbacks shall be measured from the line or edge of line of the building, including roof overhangs (i.e., eaves and eave troughs), decks, porches, steps, etc.

SIGNS — Refer to Section 300-30.

SPECIAL LAND USE — Any use of land listed as a special land use within a particular district which, due to its potential effect on adjacent lands in particular, and the overall community in general, requires approval according to the standards as provided in this Ordinance.

SPORT SHOOTING RANGE — An area open to the public which is designed and operated for the use of archery, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar

sport shooting. This definition includes both for profit and non-profit facilities which charge entrance fees, membership fees or similar fees to customers or members. This definition shall not include land used exclusively by a property owner and his/her family members and guests for private recreational sport shooting purposes.

STATE LICENSED RESIDENTIAL FACILITY – A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116 MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-hour supervision or care.

STORAGE YARDS — The use of open land, or land intended to be used, for the storing or keeping of cars, vehicles, boats, equipment, products or other personal property, whether or not it is adjacent to and part of a business or commercial use or industrial use, and whether or not a fee is charged for storage therein.

STREET — A public thoroughfare which has been dedicated or deeded for public use and which affords principal means of access to abutting property.

STRUCTURE — Anything constructed or erected on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.

SWIMMING POOL — A fabricated or artificially formed body of water retained within a manufactured or fabricated structure.

TEMPORARY ANEMOMETER TOWER – A structure, including all accessory facilities, temporarily erected, on which an instrument for measuring and recording the speed of the wind is mounted for the purpose of documenting whether a site has wind resources sufficient for the operation of a wind energy conversion system.

TOURIST HOME — Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family are occupied as a dwelling unit and are rented to the transient public for compensation.

TRANSITION ZONING — Special conditions that apply to areas which pass from one zoning use district to another, or which involve contiguous properties in different zoning use districts, or parcels of property which cover more than one zoning use district.

USE — The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

VARIANCE — A modification of the literal interpretation of the Zoning Ordinance, granted when strict enforcement would cause practical difficulty owing to circumstances unique to the individual property. The crucial points of a variance are practical difficulty due to unique circumstances of the property. A variance is not justified unless these elements are present in the case. A variance may be authorized the Board of Appeals only.

WIND ENERGY CONVERSION SYSTEM (WECS) – A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

WIND ENERGY CONVERSION SYSTEM, ON-SITE – A wind energy conversion system which has a rated capacity of not more than 100 kilowatts (kW) and which is primarily intended to reduce on-site consumption of utility power.

YARDS — The open spaces, unoccupied and unobstructed from the ground upward, on the same lot with a main building. Roof overhangs, decks, etc., where they exist, shall be considered as the line of the building nearest the boundary or property line.

- 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 line of the main building.
- B. **SIDE YARD** — An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.
- C. **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 line of the main building.

**ARTICLE III
General Provisions**

Sec. 300-4. Scope.

No land or structure shall hereafter be used, occupied, located, erected, altered or moved upon any premises other than in conformity with provisions of this chapter.

Sec. 300-5. Boathouses.

No front yard shall be required as set forth in the district in which it is located for any boathouse constructed adjacent to Lake Huron or the Black River, the front yard being in this case that part of the yard adjacent to the water. The boathouse shall not exceed 600 square feet in area; shall have a minimum setback of five feet from the side lot line and shall be set back from the harbor line as established by the United States Corps of Engineers and/or DNR. A land use permit is required for a boathouse.

Sec. 300-6. Building restrictions. [Amended 7-27-1987; 10-23-1989; 7-5-1993]

The following restrictions shall apply to all use districts other than Mobile Home Districts:

- A. A land use permit for the alteration of land or the construction, alteration or placement of structures shall be obtained from the Zoning Administrator. All applications for said permit shall be accompanied by a nonrefundable building permit fee and a site plan.
- B. Residential, commercial, industrial or other construction, including mobile home placement, may be commenced only after a building permit has been obtained in accordance with the applicable building, plumbing, and codes and/or the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CFR 3290).
 - (1) No building permit shall be issued for the relocation and/or placement of a site-built or manufactured (i.e., mobile or modular) structure in the absence of a certificate of inspection and code compliance for the structure at the original site prior to its relocation within this Township.
 - (2) Construction shall meet all requirements of this chapter relating to use, size of premises, floor area, setback, side lot and rear lot requirements, etc., as specified for the particular zoning district in which said structure is to be located.
- C. A residential structure (including mobile homes) shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction.
- D. A residential structure (including mobile homes) shall:
 - (1) Comply with construction and site plans and/or be installed pursuant to the manufacturer's setup instructions.
 - (2) Be placed upon a cement and aggregate or other Building Code approved foundation wall or the same perimeter dimensions as the structure. The foundation shall set on a footing below the frost line. Any space between the foundation and the floor shall be completely enclosed. Additional support points may be permitted.

- (3) Be secured to the premises by an anchoring system or device compatible with those required by the applicable Building Code or the Michigan Mobile Home Commission.
 - (4) Have exterior walls finished with wood, aluminum or vinyl siding and/or brick facing. All siding must be placed in the same direction, except that minor variations for styling purposes may be approved by the Zoning Administrator.
 - (5) Comply with all roof snow-load and strength requirements imposed by the Building Code or the United States Department of Housing and Urban Development Mobile Construction and Safety Standards.
 - (6) Have windows which shall meet construction and safety standards, and in particular, they shall be of the size, shape and type so as to comply with emergency exit requirements.
- E. If placed within a high-risk erosion or flood zone, the residential structure (including mobile homes) shall meet all requirements for on-site construction of dwellings within said zone.
 - F. The placement, use and appearance of any structure (whether residential, commercial or industrial) in any district within the Township of Worth shall be aesthetically compatible with the other structures and uses in the district, as determined by the Zoning Administrator.
 - G. No person shall occupy any residential structure as a dwelling until an occupancy permit or certificate is issued by the Zoning Administrator.
 - H. Combining separate units prohibited. The placement, relocation, construction, reconstruction or alteration of two or more separately manufactured mobile home units (i.e., which were not originally designed and manufactured as integral parts of a single prefabricated unit) as a dwelling unit is prohibited.

Sec. 300-7. Burial of debris on premises.

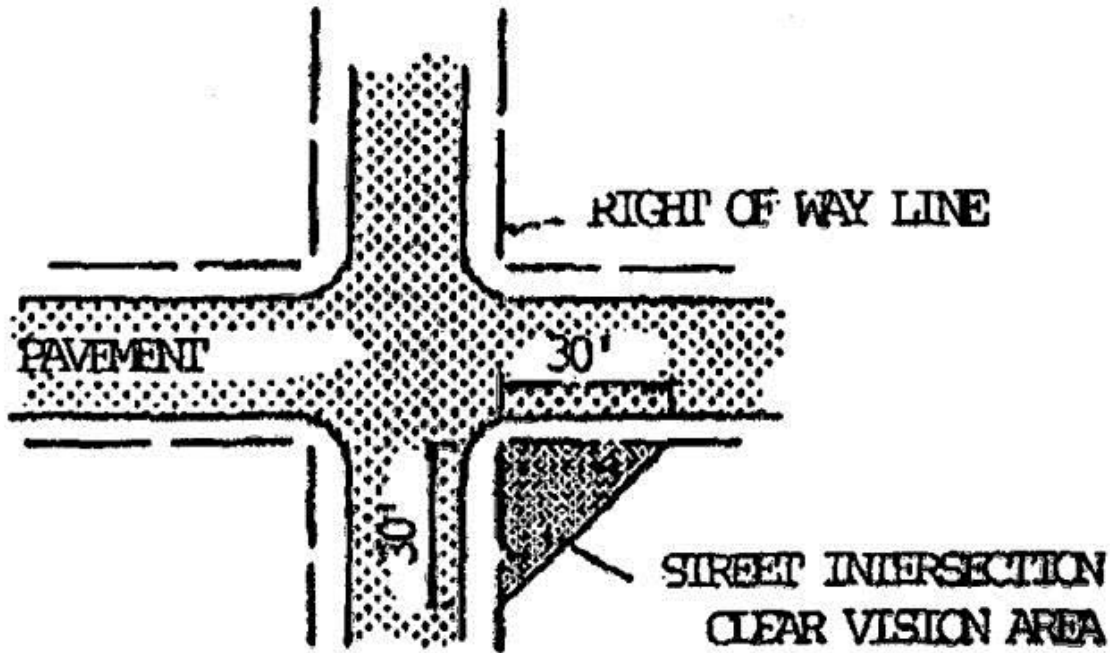
Trash, debris, garbage, junk, vehicles, equipment, etc., shall not be buried on premises other than those appropriately licensed and approved. Biodegradable material generated on an owner's agriculturally zoned premises may be disposed of thereon if such disposal complies with DEQ, EPA, Department of Agriculture and County Health Department regulations.

Sec. 300-8. Clear vision area. [Amended 12-5-1994]

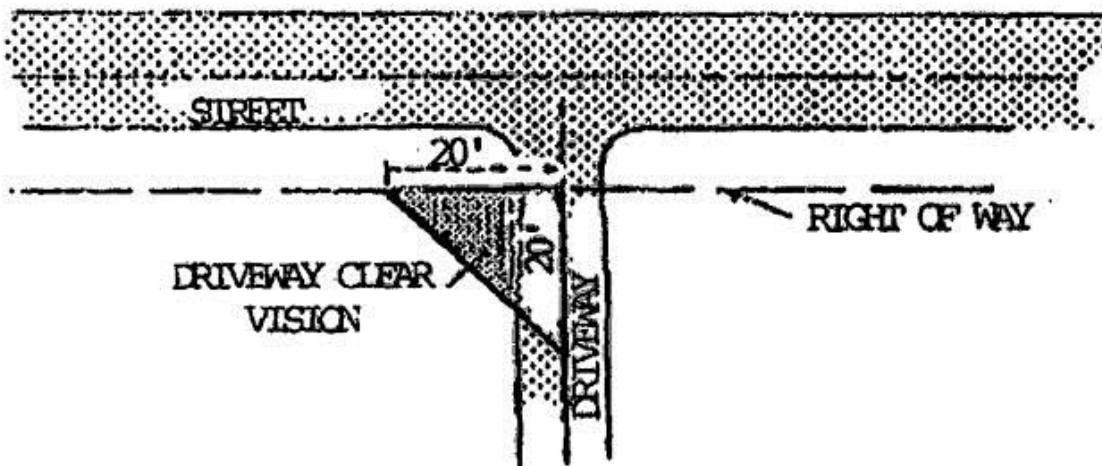
- A. No fence, wall, plant material, or object shall be erected or maintained in such a manner as to obstruct vision between a height of three feet and eight feet within a triangular area formed by the intersection of street right-of-way lines and a line connecting two points which are located on those intersecting right-of-way lines 30 feet from the point of intersection of right-of-way lines.
- B. No fence, wall or screen or any planting or object shall be erected or maintained in such a way as to obstruct vision between a height of three feet and eight feet within a triangular area formed by the intersection of a street right-of-way or edge of a private road easement and a driveway and a line connecting two points which are located on the right-of-way or edge of private road easement and the driveway 20 feet from the point of intersection.

- C. When property lines are adjoining, such as back to side or back to front, no fence, wall, screen or any plants shall be erected or maintained in such a way as to obstruct a clear field of vision to the roadway. All fences, walls, screens or planting material shall be set back 20 feet from the road right-of-way. [Amended 9-13-2004]

Clear Vision Area — Street Intersection



Clear Vision Area — Street-Driveway Intersection



Sec. 300-9. Fences, walls and screens. [Amended 9-13-2004]

All fences, walls and other protective barriers, including trees, berms and/or shrubbery (referred to in this section as "fences") of any nature or description located within any district of Worth

Township shall meet the following regulations:

- A. All man-made structures shall be located entirely on or within the lot lines of the lot on which they are located and shall not be located within any public road right-of-way or private road access easement. Fences on any corner lot also must comply with the setback requirements of Sec. 300-8, Clear vision area. In the event of a property line dispute, the property owner installing the fence shall provide a certified survey, current within three years, or have the ability to verify the survey monuments.
- B. Protective barriers, including tree rows, shrubbery and/or berm planting, must retain a side and rear yard setback of five feet when being planted, allowing for the growth and maturity of plant life.
- C. Fences shall consist of materials commonly used in conventional fence construction, such as wood, vinyl, or metal. Razor wire shall not be permitted. Fences which carry electric current shall be permitted only in conjunction with the raising of livestock or other domesticated animals. Barbed wire shall be permitted in the AG Agricultural District where constructed to contain livestock and farm animals. Barbed wire is also permitted in the Industrial district provided that the barbed wire is at least six feet above ground.
- D. If, because of design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot.
- E. A fence shall not be constructed where it would prevent or unreasonably obstruct the use of adjacent property or the safe use of an existing driveway or other means of access to adjacent property.
- F. Fences shall be erected in a manner to allow emergency access to the rear of a lot (front of the lot when the lot is located on the lake) by placing a gate and providing sufficient space between the building line of any structure and the fence, wall or screen on at least one side of the property. This gate shall be no less than 10 feet wide.
- G. Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired or removed. As required, surfaces shall be painted or similarly treated.
- H. Fences/barriers comprised of trees, shrubbery or vegetation of any kind shall be maintained and trimmed.

Sec. 300-10. Regulations for fences, walls and screening in Residential and Agricultural Districts.
[Amended 9-13-2004]

In addition to the standards of Sec. 300-9, all fences, walls or other screening structures, other than necessary retaining walls, located in the R1 and R2 Residential Districts, RR Rural Residential District, MR Multiple Family Residential District, MH Mobile Home District, AG Agricultural, Residential Planned Unit Development Districts or in platted residential subdivisions shall comply with the following requirements:

- A. Any fence located in the front yard area may not exceed a maximum of four feet and shall be of open construction.

- B. Any fence located in the front line of the principal building and the rear lot line may not exceed a maximum of six feet and may be of closed construction.
- C. Fences installed on a corner lots must comply with Sec. 300-8, be of open construction and not exceed four feet in height.
- D. Any fence located along the rear lot line within any rear yard area may not exceed a height of eight feet and may be of closed construction.
- E. Where lots abut a body of water, any fence located in the front yard (the lake side) may not exceed the maximum height of four feet and shall be of open construction. No fence shall be permitted in the waterfront yard between the shoreline and the required setback as prescribed by the Department of Natural Resources.
- F. Where the side or front yard space of a lot abuts the rear yard space of one or more adjoining lots, the height of fence shall not exceed eight feet along the portion of the common lot line but must comply with Sec. 300-8C.
- G. Wire fences constructed to contain livestock and farm animals are exempt from height requirements and may be constructed of barbed wire. Refer to Sec. 300-8C.

Sec. 300-11. Regulations for fences, walls and screening in Commercial and Industrial Districts.
[Amended 9-13-2004]

In addition to the standards of Sec. 300-9, all fences, walls, plants or screening structures, other than the necessary retaining walls, located in a Commercial or Industrial District shall not exceed the following maximum requirements:

- A. All outdoor storage areas shall be screened by a view-obstruction fence, earthen berm, coniferous natural growth (or combination thereof) surrounding the storage area, including the line abutting a public thoroughfare. The screen shall be at least six feet above the road grade level. Exceptions may be made by the Planning Commission (for special land uses) and the Board of Appeals (for variances).
- B. Occupants and owners shall also comply with Sec. 300-12 (unsightly ventures) and Sec. 300-24D (greenbelts) of this chapter.
- C. Fences, walls, screens, or berms more than three feet in height are not allowed within 20 feet of the front of the property line. Fences shall be of see-through construction.
- D. Where industrial property abuts any other use district, the side yard shall be at least 75 feet in width and shall include a green strip of at least 15 feet in width and include an isolation barrier at least eight feet high. Such barrier shall consist of coniferous trees and may be supplemented by additional ornamental foliage. The total height of the isolation barrier may include a berm. See Sec. 300-12 and 300-24D.

Sec. 300-12. Concealment of unsightly ventures.

Unsightly ventures, including landfills, sand and gravel pits, open pit mines, dumps, junkyards, storage yards and unsightly industrial uses, shall be concealed from the view of the passing public. The concealing barrier shall be at least eight feet in height above the normal property grade level.

The barrier may be a thickly planted green strip of at least 15 feet in width, an earthen berm, a solid fence or a combination of the three. If a fence, it shall be well maintained and painted one solid color. A citation or order of noncompliance with this section (issued by the Zoning Administrator) may be appealed to the Board of Appeals, which shall make a review and determination after a public hearing.

Sec. 300-13. Permits for farm buildings.

A land use permit (at no fee) shall be required for all accessory structures customarily erected and used on bona fide farms.

Sec. 300-14. Grading.

No premises shall be filled or graded as to discharge surface water runoff onto abutting or neighboring property in such a manner as to cause ponding or surface accumulation of such runoff on the abutting or neighboring property.

- A. R1 Districts. Grading shall not exceed two feet above road grade unless required by the Sanilac County Road Commission, Sanilac County Drain Commission or the Sanilac County Health Department. [Amended 9-13-2004]
- B. R2 Districts (subdivisions, etc.). Grading shall not exceed two feet above road grade unless required by the Sanilac County Road Commission, Sanilac County Drain Commission or the Sanilac County Health Department. [Amended 9-13-2004]

Sec. 300-15. Home occupation and home-based business regulations. [Amended 7-18-1988]

- A. Intent and Definitions. It is the stated intent of this section to allow home occupations (those conducted exclusively by the household member) and home-based businesses (those conducted by a household member and non-residents) which: are incidental to the use of the premises as a residence; are compatible with residential uses; are limited in extent, and, do not detract from the residential character of the neighborhood.
- B. Permit procedures. Home occupations and home-based businesses classified as type I shall be permitted by right with no permit required. Home occupations and home-based businesses classified as type II shall only commence after receipt of a special land use permit issued in accordance with the procedures and requirements specified in Article XVI. Type II home occupations and home-based businesses shall not be transferable from person to person or address to address except that, in the case of death, should a surviving partner, spouse or child residing at the same address desire to continue the home occupation or home-based business, written notice to that effect shall be given to the zoning administrator, and the zoning administrator may authorize continuation of that permit.
- C. Type designation letter requirements. All uses not listed as a type I or type II use shall require a letter of type designation from the zoning administrator based upon the intent of the home occupation provisions and experience with similar uses. Each decision shall be used to create a supplemental list of approved and denied home occupation and home-based business uses. Once a use is listed as either an approved or denied use, a letter of type designation shall not be required for that use. The use shall either be approved or denied based on the classification

on the supplemental list.

D. Prohibited uses. The following uses are expressly prohibited as a home occupation or home-based business:

- (1) Recycling center
- (2) Junkyards, scrap and salvage operations

E. Required conditions. Home occupations and home-based businesses shall meet the following conditions and requirements.

- (1) The home-based business shall employ no more than two full-time or part-time employees on site, other than the residents of the dwelling unit.
- (2) There shall be no change to the principal residential structure where such home occupation or home-based business is conducted which alters the character and appearance of such structure on the premises.
- (3) One unlighted wall mounted sign may be allowed for each residence. The sign shall not exceed three square feet in area. The sign shall be attached flat against the front wall of the building.
- (4) Product sales associated with intermittent private social events (e.g., Tupperware® parties) or e-commerce (e.g., eBay® transactions) shall be exempt from the provisions of this section.
- (5) One off-street parking space shall be provided for each non-resident employee. At least one off-street parking space shall be provided for customer parking. These requirements shall be in addition to those specified in Section 300-23 for the residential use of the dwelling unit by its householder(s) and visitors.
- (6) No equipment or process shall be used by the home occupation or home-based business which creates noise, vibration, glare, fumes, odors, or electrical interference which is a nuisance to the normal senses of persons off the parcel or lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, telephone, television, computer, or any telecommunication device off the premises, or causes fluctuation in line voltage off the premises.
- (7) No more than 50 percent of the total of the square footage of the dwelling unit and all accessory buildings on the property shall be used in the home occupation or home-based business. Such use shall not involve any expansion or modification of the dwelling which will alter its outward appearance as a dwelling. In no event shall the occupation reduce the actual living space below that established as the current minimum requirements in the district involved.
- (8) The open storage of material, equipment, or refuse associated with or resulting from the home occupation or home-based business is expressly prohibited. It is the intent of this subsection to prevent unsightliness or outdoor displays which are discernable beyond the property line.
- (9) Shipping and receiving of products, merchandise, or supplies shall be limited to

between the hours of 8:00 a.m., and 6:00 p.m. and shall ordinarily occur in smaller vehicles customarily used for residential deliveries.

- (10) Not more than one home occupation or home-based business may occur on site.
 - (11) Merchandise shall be limited only to products manufactured or substantially altered on the premises, or to supplies necessary for the conduct of the home occupation or home-based business. (For example, a single-chair barber would be allowed to sell combs, shampoo, hair spray, and other miscellaneous items to customers.) A retail showroom, sales area, or similar use area is expressly prohibited.
 - (12) The home occupation or home-based business shall not involve the storage of a hazardous substance.
 - (13) No traffic shall be generated by such home occupation or home-based business in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation or home-based business shall be provided by an off-street parking area, located other than in a required front yard.
- F. Type I uses. The following type I uses shall be permitted in any zoning district which permits single-family residential use:
- (1) Dressmaking, sewing and tailoring.
 - (2) Studio used for painting, sculpturing, woodworking, photography, or writing.
 - (3) Telephone answering service.
 - (4) Home crafts, such as model or jewelry making, or rug weaving.
 - (5) Tutoring.
 - (6) Secretarial services, home typing, computer programming, or data processing.
 - (7) Home office of a professional person such as an attorney, real estate agent, bookkeeper, insurance agent, architect, financial planner, tax preparer, or accountant.
 - (8) Home office for a sales representative or manufacturer's representative.
 - (9) Laundering or ironing service.
 - (10) Repair of small appliances, watches and clocks, cameras and other small items.
 - (11) Travel consultant.
 - (12) Homebound employment of a physically, mentally, or emotionally handicapped person who is unable to work away from home by reason of his or her disability.
 - (13) Direct sale product distribution (Amway, Avon, Tupperware, etc.).
 - (14) Sale of produce grown on the premises.
 - (15) Mail order sales.

- (16) Telephone sales.
 - (17) Palm reading or fortune telling.
 - (18) House cleaning service.
 - (19) Locksmith.
 - (20) Wallpapering, painting, or interior design services.
 - (21) Home office and workshop of a plumber, electrician, or similar trade.
 - (22) Caterer/food preparation business.
 - (23) Baby sitting and elder day care in compliance Michigan Building Code occupancy limits.
 - (24) Flower arranging.
 - (25) Swimming pool maintenance.
 - (26) Tree trimming.
- G. Type II uses. The following type II uses may be permitted in any zoning district which permits single-family residential use after receipt of a special land use permit issued in accordance with the procedures and requirements of Article XVI:
- (1) Shop of beautification, barber, manicurist, hair stylist, or massage therapist.
 - (2) Taxidermy or animal hospital.
 - (3) Kennels having interior boarding facilities, animal rescue and/or pet sitting (day care) service.
 - (4) Domesticated pet grooming operation.
 - (5) Small equipment rental.
 - (6) Limousine or pedicab service.
 - (7) Landscape maintenance.
 - (8) Domesticated pet dealer or breeder.
 - (9) Millwork and cabinet making.
 - (10) Repair of small engines and associated equipment.
 - (11) Furniture repair, restoration and upholstering.
 - (12) The offices of a physician, dentist, veterinarian, or similar health care provider, used for consultation or emergency treatment.
- H. Enforcement procedures.
- (1) Any aggrieved person believing that a violation or violations of the Section is occurring and who desires that action be taken by the Township shall notify the zoning

administrator in writing of such alleged violation(s). Within 30 calendar days after receipt by the zoning administrator of such written allegation(s), the zoning administrator shall complete an investigation of the alleged allegation(s) to determine the merits of such complaint.

- (2) Within 14 days after the zoning administrator has completed the investigation, he/she shall notify in writing the following persons:
 - (a) If the zoning administrator determines that no violation as alleged or otherwise is occurring, then written notification of that decision shall be personally provided to complainant or deposited during normal business hours for delivery to the complainant with the United States Postal Service or other public or private delivery service.
 - (b) If the zoning administrator determines that a violation is occurring or has occurred as alleged or otherwise, then notification of that finding and a time of compliance shall be sent by certified mail return requested to both the violator and complainant. The notification shall also state what action, if any, will be taken if compliance is not timely effected.

Sec. 300-16. Junkyards.

Junkyards may be allowed only within the Industrial District after approval by the Planning Commission as a special land use in accordance with the provisions of Article XVI.

Sec. 300-17. Lakefront property. [Amended 7-18-1988]

For the purposes of this chapter, the open space between the lakeshore and the principal structure shall be considered as the front yard and subject to the shoreline erosion and front yard restrictions.

Sec. 300-18. Marinas and boat liveries.

Marinas and boat liveries may be allowed only within the Commercial District after approval by the Planning Commission as a special land use in accordance with the provisions of Article XVI.

Sec. 300-19. Keeping of Animals for Domestic (Non-Farm) Use

The keeping of domestic animals for non-farm use shall be subject to the following requirements. The keeping of livestock and farm animals raised for sale and profit on a farm or farming operation, as defined in this Ordinance, shall be exempt from the requirements of this Section.

- A. Class I Animals. Animals which are normally part of the livestock maintained on a farm, including bovine and like animals (such as cattle and buffalo), equine and like animals (such as horses), swine and like animals (such as hogs and pigs), ovis and like animals (such as sheep), cervidae and like animals (such as deer, reindeer, moose, elks), and other animals weighing in excess of 75 pounds and not otherwise specifically classified, shall be regulated as Class I animals. Class I animals may be kept in the AG, RR and R2 Districts, provided, however, that Class I animals shall not be permitted on a premises having less than one and one half (1½) acres; one Class I animal unit shall be permitted on a premises having one and

one half (1½) acres or more; and one additional Class I animal unit shall be permitted per each full acre on a premises in excess of one and one half (1½) acres. Lots of forty (40) acres or more in size are exempt from this requirement.

- (1) Class I animal units consist of the following:

<u>Animal Type</u>	<u>Animal Unit Equivalency Ratio*</u>
Cattle/Buffalo/Horse/Mule/Llama	1:1
Horse (34 inches or less at withers)/Burro/Donkey	2:1
Swine/Ostrich	2:1
Goat/Sheep	2:1
Other livestock weighing in excess of 75 pounds	1:1

**As an example, a 2:1 equivalency ratio means that 2 of such animals are equivalent to 1 animal unit. A 25:1 equivalency ratio means that 25 of such animals are equivalent to 1 animal unit.*

- (2) A fence shall be constructed of sufficient materials and height to prevent Class I animals from leaving the site unattended.
- (3) Any structure erected for the purpose of housing Class I animals shall be located no less than twenty-five (25) feet from any lot line.

B. Class II Animals. Rabbits and fur bearing animals (which are not maintained or kept as domesticated household pets), poultry and other animals weighing less than 75 pounds not specifically classified herein, shall be regulated as Class II animals. Class II animals may be maintained in the AG, RR and R-2 Districts, provided, however, that Class II animals shall not be permitted on a premises having less than one and one half (1½) acres; one Class II animal unit shall be permitted on a premises having one and one half (1½) acres or more, and one additional Class II animal unit shall be permitted for each full acre on a premises in excess of one and one half (1½) acres. Lots of forty (40) acres or more in size are exempt from this requirement.

- (1) Class II animal units consist of the following:

<u>Animal Type</u>	<u>Animal Unit Equivalency Ratio*</u>
Poultry (Chickens/Turkeys/Pheasants/Geese/Ducks)	50:1
Mink/Rabbits and similar fur bearing animals	50:1
Other animals weighing less than 75 pounds	25:1

**As an example, a 2:1 equivalency ratio means that 2 of such animals are equivalent to 1 animal unit. A 25:1 equivalency ratio means that 25 of such animals are equivalent to 1 animal unit.*

- (2) A fence shall be constructed of sufficient materials and height to prevent Class II animals from leaving the site unattended.
- (3) Any structure erected for the purpose of housing Class II animals shall be located no less than twenty-five (25) feet from any lot line.
- C. Domesticated animals kept for pets like dogs and cats may be maintained in any zoning district, subject to the following conditions:
 - (1) The keeping or maintaining of any combination of more than three (3) dogs or cats six (6) months old or older per dwelling is prohibited within the R1 District.
- D. A wild animal which is not customarily domesticated and customarily devoted to the service of mankind shall be prohibited in Worth Township. The characterization of an animal as being wild shall not be altered by virtue of the fact that one or several generations of the animal in question have been maintained in captivity.

Sec. 300-20. Nonconforming uses, buildings and structures.

- A. Prior lawful use. The lawful use of any land, buildings or structures existing on the date of enactment of this chapter may be continued at the option of the owner thereof, although such use does not conform with the provisions of this chapter.
- B. Discontinuance of nonconforming uses. If the nonconforming use of any parcel of land, building or structure is discontinued or abandoned through vacancy, lack of operation or otherwise for a continuous period of six months, then any further use thereof shall conform to the provisions of this chapter.
- C. Completion of nonconforming buildings and structures. Nothing in this chapter shall require any change in the construction or intended use of a building or structure, if construction has been diligently pursued within 10 days of the passage of this chapter and a land use permit application has been filed with the Zoning Administrator within 30 days following the effective date of this chapter.
- D. Structural alterations. Structural alterations made in a nonconforming building shall not during its life exceed 100% of the assessed value, nor shall a building be enlarged except as provided for in Subsection E or D below unless the use therein is changed to a conforming use. However, a nonconforming building damaged by fire, explosion, tornado, earthquake or similar uncontrollable cause may be repaired or rebuilt within one year of the date of such damage, but not thereafter.
- E. Extension of nonconforming uses. Extension of any nonconforming use within a building or parcel, or in adding to any building for the purpose of extending a nonconforming use, shall be permitted only upon variance approval of the Board of Appeals after a public hearing. [Amended 7-8-1996]
- F. Enlargement of nonconforming buildings. Enlargement of any nonconforming building within a parcel, provided such enlargement shall comply with the setbacks of the zoning district in which it is located, shall be allowed. Any other enlargement of a nonconforming building shall be permitted only upon variance approval of the Board of Appeals after a public hearing.

Sec. 300-21. Blight and nuisance. [Amended 9-14-1999]

A. Purpose and intent. The purpose and intent of this section is to secure the public peace, health, safety and welfare for the residents and property owners of Worth Township by the prohibition of whatever public nuisance injures or endangers the safety, health, comfort or repose of the public, offends public decency, interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream, or in any way renders the public insecure in life or property.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

BUILDING MATERIALS — Includes, without limitation, lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, cement, nails, screws or any other materials used in constructing any structure.

JUNK — Includes, without limitation, cast-off parts of machinery or motor vehicles, unstacked firewood, broken and unusable furniture, dilapidated fences (cast off or in place), stoves, refrigerators and other appliances, metal or other cast-off material of any kind, whether or not the same could be put to any reasonable use.

JUNK BOAT, AUTOMOBILE OR MOTOR VEHICLE — Includes any boat, automobile or motor vehicle which is not licensed or inoperative for use upon the water or highway of the State of Michigan.

PERSON — Includes, without limitation, a natural person, firms, partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by an agent or employee.

PUBLIC NUISANCE — Includes, but is not be limited to, whatever is forbidden by any provisions of this chapter.

STRUCTURES — Includes buildings, house trailers, campers, and mobile living units in the conditions described in Subsection C(7).

TRASH AND RUBBISH — Includes any and all forms of debris or refuse not otherwise classified.

C. Causes or unlawful conduct and conditions.

(1) Junk vehicles. In any area, the storage upon any property of junk automobiles, junk motor-driven vehicles, or trailers, contractors equipment, boat hulls in disrepair and abandoned boats is not permitted. This shall include any such article which is not licensed for use upon the highways of the State of Michigan and/or lakes and waterways, except motor vehicles used for the maintenance of property, for a period in excess of 30 days and shall also include, whether so licensed or not, any of the enumerated articles which are inoperative for any reason for a period in excess of 30 days.

(2) Classic cars. Cars under current restoration, rare vehicles which are not licensed or operative shall be stored so as not to cause blight. It is the burden of the owner of said vehicle(s) to show that the vehicle in question falls into one of the previously listed

categories. Age, condition, state of repair, evidence of stated value, and plans for the vehicle(s) as submitted by the owners are some of the criteria to be considered in determining whether a non-licensed vehicle is exempt from the licensing requirement and will be allowed to be stored in the approved manner.

- (3) Building materials. In any area, except where specifically permitted, the storage upon the property of any building materials is prohibited unless there is in force a valid building permit, if required, by the county or Township for the use in connection with such construction, except the temporary storage of building materials which is not a nature to be unsightly or cause of blight.
 - (4) Junk, trash or rubbish in any area. No person shall within the limits of the Township by himself/herself or with another throw, place, deposit, burn, or leave in any street, lane, alley, or other public or private place any animal or vegetable substance, dead animals, fish shavings, dirt, rubbish, excrement, filth, unclean or nauseous water or liquid, hay, straw, soot, offal, garbage, swill, or the composting of any article or substance whatever which may cause any offensive, unwholesome or nauseous condition or endanger the health of the public. Normal and acceptable farming and agricultural operations are exempt as are those areas specifically permitted for storage or accumulation of junk. Trash, rubbish or refuse of any kind, except domestic refuse stored in a rodentproof receptacle, shall be stored in such a manner as not to create a nuisance, and may be so stored for a period not to exceed 15 days.
 - (5) Abandoned refrigerators in any area. No person shall have in his possession either inside or outside of any building, structure, or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or any other similar airtight container of any kind which has a snap latch or other locking device on the doors.
 - (6) Weeds. See Ordinance No. 81-2, as amended.
 - (7) Structures and vacant buildings in any area. See Chapter 103, Buildings, Dangerous.
 - (8) Injurious substance; prohibition in any area. No person shall by himself/herself or with another throw, place, deposit or leave in any street, highway, lane, alley, and other public place or in any other private place or premises, any bins, broken or unbroken, or any metal, stone, earthenware, tacks, cinders, or other substances of a nature likely to cause injury to travelers or pedestrians, automobiles, bicycles, or vehicles, or to injure any animal, of which might cut or puncture a pneumatic tire.
 - (9) Sale of motor vehicles. Not more than one motorized vehicle is allowed to be displayed for sale in any area at any time for a period no longer than 60 days, with the exception of those areas specifically authorized to do so.
 - (10) No person shall commit, create, or maintain any public nuisance.
- D. Abatement of nuisance by owners; exception. The owners, tenants or occupants of any property within the boundaries of the Township of Worth upon which a nuisance is alleged, and also the owners, lessees, or users of any property declared to be a nuisance, shall jointly or severally abate said nuisance by the prompt removal of said offensive property. Licensed

junkyards shall be exempt from this section.

- E. Abatement by Township. Whenever said owners, tenants, etc., fail to terminate such nuisance, then the Township shall schedule, post and hold a hearing to have the offenders show cause why the Township should not abate same, the expense therefor to be billed to said owners, tenants, etc., jointly and severally. The expenses of abatement may be imposed against the property tax roll as a special assessment.

Sec. 300-22. Parking and storage of motor vehicles, boats and recreational vehicles on residential property. [Amended 12-5-1994]

No motor vehicle, boat and/or recreational vehicle may be parked or stored outside of a building on land used for residential or agricultural purposes in Worth Township unless in full compliance with the provisions of this section.

- A. Licensed and in operating condition. A motor vehicle, boat and/or recreational vehicle stored outside shall be licensed and in a condition for the safe and effective performance of its intended function. The purpose of this provision is to prevent the accumulation of junk, and therefore, it shall not apply to any motor vehicles, boats and/or recreational vehicles ordinarily licensed and used, but temporarily unlicensed or out of operating condition for a period not to exceed 30 days. The licensing requirement shall not apply to motor vehicles used for the maintenance of property outside of the R1 District.
- B. Area restrictions. The total area occupied by all boats and recreational vehicles stored outside of buildings shall not exceed 10% of the total area of the lot or parcel of property on which they are parked or stored. Total area shall be calculated by multiplying the maximum length by the maximum width of the boat or recreational vehicle. In the case of a boat or recreational vehicle stored on a trailer, the trailer shall be considered as part of the boat or recreational vehicle.
- C. Parking or storage in required front yard prohibited; exceptions. No boat or recreational vehicle may be parked or stored in the required front yard of any property except for lakefront property in which case boats or recreational vehicles may be parked or stored in the front yard.
- D. Parking and storage of boats.
 - (1) A boat(s) may be parked or stored on property year-round, provided that said boat(s) is owned by an owner or resident of the property on which it is parked or stored and all other provisions of this section are complied with. Any other boat(s) may only be parked or stored on property from April 1 to October 31 of each year, and all other provisions of this chapter are complied with.
 - (2) No boat(s) may be occupied while parked or stored.
- E. Parking and storage of recreational vehicles.
 - (1) A recreational vehicle(s) may be parked or stored on property year-round, provided that said recreational vehicle(s) is owned by an owner or resident of the property on which it is parked or stored and all other provisions of this section are complied with. Any other recreational vehicle(s) may be parked or stored on property for a total of 30

days in any calendar year, and all other provisions of this section are complied with.

- (2) A recreational vehicle may be occupied for not more than 30 days in any calendar year, provided that all the following apply:
 - (a) The occupants of said recreational vehicle are using it for traveling purposes.
 - (b) The recreational vehicle is designed and intended for human occupation.
 - (c) The recreational vehicle has self-contained sanitary disposal facilities or the occupants use sanitary disposal facilities available in a dwelling on the property on which the recreational vehicle is parked or stored.
- F. Parking and storage of boats and/or recreational vehicles on vacant land zoned R1 Residential, R2 Residential, RR Rural Residential or AG Agricultural. No boat or recreational vehicle shall be parked or stored on any vacant property zoned R1 Residential, R2 Residential, RR Rural Residential or AG Agricultural unless all of the following conditions apply:
 - (1) The vacant property is owned, leased or exclusively occupied by an owner or resident of the abutting property.
 - (2) The boat and/or recreational vehicle is owned by an owner or resident of the abutting property.
- G. Repair of motor vehicles, boats and recreational vehicles. All repair, maintenance and mechanical work, including painting and exterior bodywork, on motor vehicles, boats and/or recreational vehicles not owned by the occupant or owner of real property on which such work is conducted, is prohibited in the R1 Residential, R2 Residential, RR Rural Residential and AG Agricultural districts.

Sec. 300-23. Off-street parking requirements.

- A. For each dwelling, business, commercial, industrial or similar building hereafter erected or altered and located adjacent to a public highway in the Township and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way that is, in general, adequate for the parking, loading and unloading of vehicles in proportions no less than shown on the following table. Such space shall be provided with safe exit to and entrance from the public thoroughfare. Exit and entrance may be combined or provided separately. Approval of the location of such exit and entrance shall be obtained in writing from the County Road Commission, which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.
- B. A minimum of 200 square feet, exclusive of drives, entrances and exits, shall comprise one automobile space. Adequate space shall be provided in the off-street parking area for turning the vehicle so that when a vehicle reenters a public highway it shall be driven in a forward manner and not backed into said highway.
 - (1) Churches and other places of public assembly: one parking space for each four seats of seating capacity.

- (2) Commercial establishments: one parking space for every two 200 square feet of floor area or part thereof.
- (3) Dwellings: two parking spaces.
- (4) Home occupations: two spaces for each dwelling unit, plus two additional spaces.
- (5) Manufacturing establishments: one parking space for every 350 square feet of floor space of that portion of the building patronized by the public and one parking space for every two persons regularly employed on any shift.
- (6) Restaurants and similar establishments serving food or drink: one parking space for every 100 square feet of floor area or part thereof.
- (7) For a use not specifically mentioned above, the requirements of off-street parking shall be determined by the Planning Commission based on the requirements of a similar use or the specific characteristics of the use in question.

Sec. 300-24. Performance standards.

- A. Requirement. All applications for land use permits and building permits for structures and uses located in industrial districts and all special land use applications shall be accompanied by a statement or assessment describing the environmental impact of the project and actions that will be taken to avoid adverse environmental effects. [Amended 10-23-1989]
 - (1) For industrial uses, the statement shall be prepared by personnel with applicable environmental expertise. Environmental impact statements required for special land uses, other than industrial, may be prepared by the applicant.
 - (2) The Zoning Administrator or Planning Commission may also require environmental impact statements for commercial and mobile home district applications and others when they determine that a prospective development may have a negative environmental impact upon the adjacent community.
- B. Contents of environmental impact statements. Environmental impact statements will, at a minimum, evaluate the structure(s) and/or use by the following performance standards:
 - (1) Smoke. Emission density shall not be greater than No. 1 of the Ringlemann Smoke Chart except that for an aggregate of not more than four minutes in any thirty-minute period an emission equal to but not darker than No. 2 of the Ringlemann Smoke Chart will be tolerated.
 - (2) Dust, dirt, and flyash. The quantity of gasborne or airborne solids or fumes emitted into the open air shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500° F. The foregoing conditions shall prevail when the percentage of excess air in the stack does not exceed 50% at full load. All other forms of dust, dirt, and flyash shall be completely eliminated in such a way as to prevent their emission into the open air.
 - (3) Odor. There shall be no emission of obnoxious odors.
 - (4) Gases. Emission of gases shall not exceed the following designated limits:

- (a) (SO₂) sulphur dioxide: an average of 0.3 ppm over a twenty-four-hour period; provided, however, that a maximum concentration of 0.5 ppm will be allowed for one hour out of every twenty-four-hour period.
 - (b) (H₂S) hydrogen sulfide shall not exceed 1.0 ppm.
 - (c) (F₁₂) fluorine shall not exceed 0.1 ppm.
 - (d) (NO₂) nitrous fumes shall not exceed 0.1 ppm.
 - (e) (CO) carbon monoxide shall not exceed 0.15 ppm.
- (5) Glare and heat. Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure such operation from direct view from any point along the property line, except during the period of construction of the facilities to be used and occupied.
- (6) Noise. Emitted noise shall be so muffled or otherwise controlled as not to become objectionable, due to intermittence, beat frequency, impulsive character (hammering, etc.) or shrillness. Sirens, bells, whistles, etc., which are utilized solely to serve a public purpose (such as fire, ambulance, police, civil warning alarms) shall be excluded from this regulation. The intensity of sounds shall not exceed the following decibel levels on land adjacent to the described uses:

Decibel Level	Adjacent Use	Measuring Site
55	Residential District	Common lot line
65	Commercial District	Common lot line
70	Industrial District	Common lot line
70	Maximum sound level	Lot line of street

- (7) Vibration. No operation shall cause a seismographic displacement exceeding 0.003 of one inch measured at the property line.
 - (8) Erosion. Plans for management of surface water shall be reviewed, evaluated and approved by the Zoning Administrator and the County Soil Erosion Inspector.
 - (9) Traffic. Traffic access and control patterns and devices shall be reviewed, evaluated and approved by the County Road Engineer.
 - (10) Water supply and consumption and wastewater pollution.
 - (11) Purpose. It is the intent of the foregoing standards to prevent injury, detriment, or nuisance to the public, persons, or property.
- C. Engineering evaluation of proposed development in commercial and industrial districts in relation to site development standards may be required at the owner's expense when required by the Planning Commission.
- D. Adequate greenbelts and/or screening barriers shall be established and maintained between

unlike district boundaries and between developed industrial sites. They may be required between developed commercial sites. (See Sec. 300-12.)

Sec. 300-25. Wind Energy Conversion Systems

- A. Intent. The purpose of this Section is to provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of an on-site wind energy conversion system (WECS) in Worth Township, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by on-site wind energy conversion systems.
- B. Temporary Anemometer Towers. A temporary anemometer tower, as defined in this Ordinance, may be allowed as an accessory use in all districts, subject to the following.
- (1) Prior to the installation of a temporary anemometer tower, a building permit from the Township must first be obtained after review and approval by the Building Official.
 - (2) Anemometer towers shall have a maximum height of one-hundred (100) feet.
 - (3) Anemometer towers shall only be allowed within the rear yard.
 - (4) The distance between an anemometer tower and any property line shall be not less than the height of the tower.
 - (5) The applicant shall be required to remove the temporary anemometer tower and restore the site after completion of the wind site assessment, which shall not exceed a six (6) month period from the date of building permit approval.
- C. On-Site Wind Energy Conversion Systems. On-Site Wind Energy Conversion Systems, as defined in this Ordinance, may be allowed as an accessory use in all districts, subject to the following.
- (1) Maximum Height. An on-site WECS shall have a maximum height of one-hundred forty (140) feet, measured from the base of the system to the top of the blade in its vertical position.
 - (2) Property Setbacks. The distance between an on-site WECS tower and any property line shall be not less than the height of the tower including the top of the blade in its vertical position.
 - (3) Location. An on-site WECS shall only be allowed within the rear yard.
 - (4) Sound Pressure Level Standards. An on-site WECS shall not exceed fifty-five (55) dBA at the property line closest to the on-site WECS. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds fifty-five (55) dBA, the standard shall be ambient dBA plus five (5) dBA.
 - (5) Construction Codes and Interconnection Standards.
 - (a) An on-site WECS shall comply with all applicable state construction and

electrical codes and local building permit requirements.

- (b) An on-site WECS shall comply with Federal Aviation Administration (FAA) requirements; the Michigan Airport Zoning Act (PA 23 of 1950); the Michigan Tall Structures Act (PA 259 of 1959); and any other State or Federal regulations.
 - (c) An interconnected on-site WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
- (6) Safety Standards.
- (a) An on-site WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over-speeding.
 - (b) An on-site WECS shall be equipped with lightning protection.
 - (c) The minimum vertical blade tip clearance from grade shall be twenty (20) feet for an on-site WECS employing a horizontal axis rotor.
 - (d) All on-site WECS towers must be unclimbable by design or protected by anti-climbing measures such as fences.
- (7) Visual Impact.
- (a) No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. However, appropriate warning signs and owner identification may be allowed on buildings or other structures associated with an on-site WECS.
 - (b) An on-site WECS tower may be a monopole, monotube, or lattice-style construction. Guy wires shall not be permitted as part of the on-site WECS.
 - (c) An on-site WECS shall be finished in a single, non-obtrusive, non-reflective matte color.
- (8) Illumination. No illumination of the turbine or tower shall be allowed unless required by the FAA.
- (9) Abandonment. An on-site WECS that has not been operated for a continuous period exceeding six (6) months shall be considered abandoned. The on-site WECS tower and all related facilities shall be removed by the property owner or lessee within six (6) months of being notified by the Township of such abandonment. Failure to remove the WECS tower and all related facilities within six (6) months shall be grounds to remove the WECS at the owner's expense.
- (10) Review Process. Prior to the establishment of an on-site WECS, a site plan shall be submitted for review and approval by the Planning Commission in accordance with the requirements of Article XV. In addition to the submittal of eight (8) copies of a site plan containing the required information outlined in Article XV, the following additional information shall be submitted:
- (a) Plans showing the location of proposed turbine towers, underground and

overhead wiring, access roads, and all new infrastructure above ground related to the project.

- (b) Standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer.
- (c) Line drawings of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to applicable electrical codes.
- (d) Certifications that the applicant has complied or will comply with all applicable Local, State and Federal laws and regulations.
- (e) Permit fee. The fee established by the Township Board, by resolution, shall accompany the application.

Sec. 300-26. Public utility distribution lines. [Amended 1-24-1990]

The installation, erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, communication, steam, water or waste transmission or distribution lines, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonable necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare, shall be permitted in every zoning district as authorized and regulated by other laws and ordinances. It being the intention thereof to exempt such equipment and devices from the application of this chapter, provided that such exemption shall not include buildings.

Sec. 300-27. Public utility building.

Any building, accessory structure (i.e., towers, etc.) or enclosures used to attach or house equipment or accessories in connection with such utilities as stated in Sec. 300-26 (Public utility distribution lines), except in Industrial Zones, must be approved by the Planning Commission as provided in Article XVI (Special land uses).

Sec. 300-28. Private roads. [Amended 12-5-1994]

- A. Intent. This section provides for regulation of the establishment of private roads to assure a permanent means of access to properties without frontage on a public street. A certificate of zoning compliance shall not be issued for placement of building/structures on any lot or parcel not having frontage on a public street until requirements of this section are met.
- B. Residential private roads. Private roads providing access to a lot(s) or parcel(s) in any residential or agricultural zoning district shall meet the following:
 - (1) A perpetual easement of not less than 24 feet in width shall be provided and recorded with the Sanilac County Register of Deeds when two lots or parcels are proposed to be served. Said easement shall be 66 feet in width whenever three lots or parcels are to be

served. A plan and proposed easement shall be provided at the time of making a lot split application to the Zoning Administrator.

- (2) Minimum lot area of a lot or parcel served by a private road shall be the same as that required in the zoning district within which said lot or parcel is located, except that each lot or parcel shall have a minimum width and a minimum depth which are each equal to the minimum frontage required in said district.
- (3) The Township assumes no responsibility for maintenance of any approved private road nor does it warrant adequate access for fire, emergency or postal vehicles.

C. Commercial/industrial district private roads. Properties within commercial or industrial zoning districts shall not use any means of access, except direct access from a public road under the jurisdiction of the Sanilac County Road Commission or the Michigan Department of Transportation, except for use of private service drives developed in accordance with the following standards:

- (1) A perpetual easement for the proposed service drive shall be recorded with the Sanilac County Register of Deeds; and
- (2) The easement/service drive shall parallel the public right-of-way; and
- (3) The easement/service drive shall be a minimum of 30 feet in width and be open to public use; and
- (4) The easement/service drive may serve two or more properties.

Sec. 300-29. Section and quarter section lines.

No building shall be erected within 108 feet of any section or quarter section line, it being the intent of this section to keep 66 feet clear for future road purpose and a set back on 108 feet from the center of the road.

Sec. 300-30. Advertising structures, signs and nameplates. [Amended 7-27-1987; 10-23-1989; 4-3-1991; 9-9-1991; 2-3-1992; 3-30-1992; 9-14-1999; 11-12-2001]

Signs, banners, billboards, name plates, marquees, or other advertising structures shall be permitted subject to the following restrictions. See sign definitions in Subsection D of this Sec. 300-30.

A. Prohibited signs. The following signs are prohibited in any district:

- (1) A sign displaying intermittent lights intended to attract attention or which resemble flashing lights customarily used in roadway traffic signals or by police, fire, ambulance or rescue vehicles.
- (2) A sign using the words "Stop," "Danger," or other word or phrase which interferes with, misleads, or confuses the driver of a motor vehicle.
- (3) A billboard located within 100 feet of any dwelling.
- (4) Any sign which obstructs ingress or egress from door, window, emergency exit, or

obstructs driver vision in any manner.

- (5) Signs located in a public street right-of-way or in a recorded private easement.
- (6) Any sign which rotates or contains blinking lights.
- (7) Any sign which interferes with the vision of persons on highways, streets or roads, or creates a nuisance on neighboring property because of intensity of illumination.

B. Permitted signs. The following signs are permitted in any district:

- (1) Signs advertising the property on which said signs are located as being for sale, rent or lease, provided that the total display area of all such signs does not exceed nine square feet in a residential or agricultural zoning district and 35 square feet in any other zoning district.
- (2) Signs advertising the construction of buildings or other improvements upon land upon which said signs are located, provided that the total display area of all such signs does not exceed 36 square feet and said signs remain on the property only during actual construction. In residential, agricultural/residential and platted subdivisions, no one sign may exceed nine square feet.
- (3) Political campaign signs not exceeding 35 square feet in total display area, provided that said signs are removed within 10 days after the election in which the election or issue advertised is decided.
- (4) Garage sale and noncommercial on-premises directional signs not exceeding nine square feet of display area.
- (5) Signs identifying a building address and/or name of occupant(s) not to exceed six square feet of display area.
- (6) Historic markers authorized by the State of Michigan.
- (7) Official public notices by any governmental agency not to exceed six square feet of display area.
- (8) Signs located on the same lot or parcel as farming operations which advertise on the name, owner's name, produce sold, and crop or livestock raised not exceeding 35 square feet of total display area, but excluding the sale of farm equipment and implements.
- (9) Any sign, flag or pennant owned by and placed by a local, county, state, or federal governmental agency or a nonprofit service club, not to exceed 35 square feet of display area.
- (10) "No Hunting" and "No Trespassing" signs not exceeding two square feet in total display area in any two-hundred-foot section of the perimeter of the premises.

C. Requirements for permanent signs.

- (1) R1, R2, MR, RR, and AG Districts. Any premises used for a permitted use in the R1, R2, MR, RR, or AG district may have one wall sign and one freestanding sign

identifying the use of the premises, each of which do not exceed six square feet total display area. Wall signs may not exceed two feet in height, and freestanding signs may not exceed three feet in height.

- (2) Mobile Home Districts. Any premises used for a mobile home subdivision or park may have one wall sign and one freestanding sign identifying the subdivision or park, each of which do not exceed 35 square feet in total display area and shall not exceed 12 feet in height.
- (3) Commercial and Industrial Districts. Any premises used for a permitted use in a commercial or industrial district other than a single- or two-family dwelling, mobile home or accessory building or structure may have one wall sign and one freestanding sign identifying the use of the premises, each of which do not exceed 40 square feet in the display area. Wall signs shall not exceed 12 feet in height. The total area of business identification on a canopy shall not exceed 40 square feet. Within six months of a business ceasing operation, all business identifying signs must be removed.
- (4) Off-premises signs and billboards. One off-premises sign or billboard will be allowed on any parcel or property in a commercial or industrial district, provided that the following requirements are met.
 - (a) A permit pursuant to PA 106 of 1972 is obtained.
 - (b) A special land use permit is obtained.
 - (c) The sign or billboard is not located closer than 500 feet to any other off-premises sign or billboard.
 - (d) The sign or billboard does not exceed 200 square feet in total display area and 20 feet in height.
 - (e) The sign or billboard meets all other requirements of this chapter.
- (5) Clear vision area. All signs must comply with Sec. 300-8, Clear vision area.

D. Sign definitions. Definitions of words and terms relating to signs, outdoor advertising and billboards are placed in this subsection for convenience. As used in this section, the following terms shall have the meanings indicated:

SIGN — Every individual announcement, declaration, demonstration, display, illustration, insignia, lettering, or flat plane used for, erected or maintained outdoors in view of the general public for purposes of identification, advertisement or promotion of any business of private interest.

SIGN, BANNER — Any advertisements on nonrigid material of products or services sold in the commercial establishment.

SIGN, BILLBOARD — An off-premises sign as regulated by Public Act 106 of 1972, as amended.

SIGN, CANOPY — Any awning type sign, either illuminated or nonilluminated.

SIGN, DISPLAY AREA — Displaying area means the entire area circumscribing letters, lighting illustration, emblems, or similar image, together with the frame or background material, excluding structural supports to the ground, if any. This definition shall not include signs providing purely information on time or temperature. If a sign has two faces, each of which can only be seen from different directions or, in the case of corner lots, and each face is the same, only the total displaying area on one face shall be counted.

SIGN, FREESTANDING — A permanently mounted sign which is not connected to a building for support in any manner.

SIGN HEIGHT — The maximum vertical distance from average grade below the sign and the uppermost portion of the sign structure.

SIGN, IDENTIFICATION — A sign giving information about a building, business, service, event, or product which is located on the same lot or parcel as that which is identified.

SIGN, OFF-PREMISES — A sign located on a different lot or parcel from that which is identified on such sign face.

SIGN, PORTABLE — Any sign that is not attached to a building, wall or to approved in-ground supports, or any sign mounted to a portable chassis or trailer, other than motor vehicles.

SIGN, PROJECTING — A sign which is attached directly to a wall of a building and which extends more than 18 inches from the wall to which it is attached.

SIGN, ROOF — Any sign which extends above the highest point of a roofline, excluding the height of structural appurtenances, such as chimneys, electrical or mechanical equipment and similar appurtenances.

SIGN, WALL — A sign that is attached to a building wall, mansard roof, or to the underside of a roof overhang, which extends not more than 18 inches from said wall, mansard roof or roof overhand.

Sec. 300-31. Storage yards. [Amended 7-27-1987]

Storage yards may be allowed only within the Commercial or Industrial Districts after approval by the Planning Commission as a special land use in accordance with the provisions of Article XVI.

Sec. 300-32. Subdivisions.

All lands situated in recorded plats or subdivisions shall be subject to the restrictions, conditions, and limitations of the zoning district where they are situated related to area, height, bulk, setback and accessory buildings and structures.

Sec. 300-33. Swimming pools and ponds. [Amended 9-13-2004]

- A. Permits. All in-ground and aboveground pools require a land use permit, and a site plan will be required. Exception: Pools that measure two feet or less in height, contain no more than 21 inches of water, are above ground, and require no electrical service shall not require a permit.
- B. Setbacks. All swimming pools shall be located in the rear yard, not less than 10 feet from any

existing structure or lot line. There will be no encroachment permitted on the easement or right-of-way for any utility company use. Swimming pools installed on lakefront property may be located in the front, side or rear yard, provided that all the appropriate permits are secured.

- C. Electrical. An electrical permit will be required and must conform to the Building and Electrical Code requirements of the State of Michigan. A pool cannot be located any closer than 13 feet to utility lines. If a service drop, conductors or other utility wires cross over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued.
- D. Fencing. If a pool is less than four feet above ground level, a minimum of a four-foot-high fence shall be constructed so as not to have openings, holes, or gaps larger than four inches in any dimension. The fence shall be equipped with gates having a self latching, closing device.
- E. Ladders. Pools that are four feet above ground or more shall be equipped with a retractable ladder with a safety latch.
- F. Penalty. Failure to apply for and secure the proper permits shall result in a penalty as set forth by the Worth Township.

Sec. 300-34. Ponds.

- A. Permit. All ponds shall require a land use permit and a site plan. Ponds being dug for the purpose of obtaining fill dirt for on-site construction shall be permitted in any district subject to the provisions below.
- B. Department of Natural Resources and soil erosion permits:
 - (1) No pond shall be constructed without first obtaining a permit from the Michigan Department of Natural Resources if such pond would be:
 - (a) Five acres of greater in area.
 - (b) Be connected to an existing lake or stream.
 - (c) Be located within 500 feet of the ordinary high-water mark of an existing inland lake or stream.
 - (2) A soil erosion permit is also required when the digging of a pond disturbs one acre of ground or more.
- C. All ponds constructed after the effective date of this amendment shall comply with the following regulations:
 - (1) Excavated earth material created by construction of a pond shall be used to the maximum extent feasible for on-site purposes. However, 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. Any excess excavated earth shall be removed within three 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 applicant may apply to the Planning Commission for one extension of three months.

- (2) Excavations undertaken primarily for the purpose of commercial soil, gravel, or mineral removal and not primarily for the purpose set forth in this section above shall not be considered as ponds but instead shall be considered as quarries and subject to a special land use permit.
- (3) The pond shall not be greater than 25 feet in depth.
- (4) The pond may occupy up to a maximum of 20% of the lot or property upon which it is placed.
- (5) The pond shall be a minimum of 50 feet from any dwelling, any septic field or any well. This requirement shall take precedence over the setback requirement specified below.
- (6) Ponds are not permitted in the front yards of parcels less than 2.5 acres. On parcels 2.5 acres and over, the ponds must be 100 feet from front property line.
- (7) The pond bed within 20 feet of the low-water line shall be constructed and maintain a grade of 25% (a slope of 1:4). Beyond 20 feet or the low-water line, the bed may be constructed to a maximum grade of 50% (a slope of 1:2).
- (8) The pond shall be constructed and maintained such that a minimum setback of 20 feet shall be provided between the high-water line and any property line. This shall not prevent a shared pond between properties, provided that the property owners enter into a written agreement to provide for the ponds construction and maintenance to meet the above requirements. A signed copy of this agreement shall be attached to the plan.
- (9) The pond shall be located so as to prevent sewage or runoff from barnyards from draining into the pond.
- (10) Failure to apply for and secure the proper permits shall result in a penalty as set forth by the Worth Township Board.

Sec. 300-35. Temporary dwellings. [Amended 7-18-1988]

No person may erect or occupy a temporary dwelling on any lot except as hereinafter provided:

- A. A building, including a basement home, which does not comply with the area requirements of its district may be occupied as a temporary dwelling for a period of not more than six months if construction of a permanent dwelling is actually under way and in active progress during occupancy of such temporary dwelling. One consecutive additional six-month period of occupancy may be granted at the discretion of the Zoning Administrator.
- B. The Zoning Administrator may permit the use of a house trailer as a temporary dwelling with dimensions less than 900 square feet for a period of six months when the occupant of said dwelling on said lot and when necessary and proper health, sanitation, plumbing, and fresh water facilities are provided. If substantial progress has been made toward completion of the building, the Zoning Administrator may grant one extension of six months. [Amended 11-1-1993]
- C. In the event that any person shall reside in any such temporary dwelling without the approval of the Zoning Administrator, the Planning Commission, the Township, any delegated official or any interested party may proceed to have such extended use abated as a nuisance

or may enforce this chapter by other means herein provided.

- D. The Zoning Administrator may permit the use of a house trailer or mobile home as a temporary accessory dwelling to a permanent dwelling for an initial period of six months. An additional six-month extension may be authorized by the Zoning Administrator at his/her discretion. No more than one trailer may be used and occupied as such accessory dwelling and then only if the occupants of such trailer have access to and the unlimited use of sanitary facilities of the permanent dwelling.
- E. The use of tents as a temporary dwelling may be permitted upon application to the Zoning Administrator showing that the necessary and proper health, sanitation, plumbing and fresh water facilities are provided.
- F. To insure removal of temporary structures, a performance guarantee shall be required as per Sec. 300-151B. [Amended 5-25-1992]

Sec. 300-36. Unused automobiles and vehicles. [Amended 11-1-1993; 5-2-1994]

No automobile, truck, van, motorcycle, trailer, wagon, semitrailer, or other highway vehicles which are dismantled, junked or not in good and safe operating condition shall be used for purposes such as storage, housing, livestock or any purpose other than that for which it was originally intended.

Sec. 300-37. Water supply and sewage disposal.

A land use permit shall be contingent upon the approval of the water supply and sewage disposal systems by Sanilac County Department of Health or other appropriate official governmental authority.

Sec. 300-38. Wireless Communication Towers and Antennas

- A. Purpose. It is the intent of this section to regulate those wireless communication towers and antennas in accordance with the Federal Telecommunications Act of 1996, the Sequestration Act of 2012 and the Michigan Zoning Enabling Act, PA 110 Of 2006, as amended. Within the general parameters of these laws, this Ordinance also intends to reduce the impact of these communication elements on adjacent land uses by reasonably regulating their location, height, safety, general appearance, and eventual removal. Additionally, this Section intends to promote and encourage the co-location of attached communication antennas on existing towers and support structures.

Amateur radio antennas operating under a license issued by the Federal Communications Commission which are proposed to be installed on a new wireless communications support structure shall be subject to the provisions of this section, unless such provisions would preclude or prevent the operation of the antenna, then such provisions shall not apply.

Wireless communication towers and antennas do not fall under the classification of essential services and may in no way be regulated as such.

- B. Wireless communication towers are permitted only in the R2 Residential District, MR Multiple Family Residential District, RR Rural Residential District, AG Agricultural District, C Commercial District, I Industrial District, and PUD Planned Unit Development Districts. Wireless communication towers shall not be permitted in the R1 Residential District, MH Mobile Home District or HRE Flood Hazard and High-Risk Erosion Overlay District.
- C. Exemptions for antennas only.
- (1) The following antennas which are installed on an existing wireless communications support structure are exempt from the requirements of this Section but are subject to the applicable building code requirements of Worth Township:
 - (a) Amateur radio antennas operating under a license issued by the Federal Communications Commission;
 - (b) Television reception antennas;
 - (c) Antennas used primarily for a farm operation;
 - (d) Citizen band radio antennas;
 - (e) Short wave antennas;
 - (f) Satellite dishes;
 - (g) Government wireless communications equipment and support structures which are subject to state and federal law or regulations that preempt municipal regulatory authority.
 - (2) Television antennas, ham radio antennas, citizens band radio antennas, short-wave radio antennas or towers shall not exceed 60 feet in height.
- D. Definitions. As used in this section:
- (1) "Collocate" means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.
 - (2) "Equipment compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
 - (3) "Wireless communications equipment" means 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 communications support structures.
 - (4) "Wireless communications support structure" means 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.

E. Co-location of New Wireless Communications Equipment and Modification of Existing Wireless Communications Support Structures Permitted By Right:

The co-location of new or the replacement of existing wireless communications equipment as defined herein and the modification of existing wireless communications support structures shall be permitted by the Zoning Administrator subject to compliance with all of the following requirements and the issuance of the applicable Township building and electrical permits.

- (1) Application and Submittal Information The applicant shall file with the Township an application for wireless communications equipment and wireless communications support structures that shall include the following information:
 - (a) A complete written and graphic description of the proposed wireless communications equipment and wireless communications support structure. This shall include an illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/ antenna will be anchored.
 - (b) A statement that the proposed wireless communications equipment and wireless communications support structure will be installed in accordance with the manufacturer's specifications and applicable Township codes. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and wireless communications support structure shall also be provided.
 - (c) A description of the tower maintenance program.
 - (d) A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used by a use permitted in that Zoning District.
 - (e) Security measures including emergency contact personnel.
 - (f) The applicant shall provide documentation that indemnity and insurance coverage exist for the wireless communications equipment and wireless communications support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the Township and the cancellation of such policy shall not be effective without the approval of the Township.
 - (g) All required fees shall be paid to the Township at the time of application.
- (2) Site Plan Requirements The applicant shall also file with the Township three copies of a site plan accurately drawn at a scale of not more than one inch equals 100 feet containing the following information unless specifically waived by the Zoning Administrator:
 - (a) The date on which the site plan was prepared as well as the name of the preparer.

- (b) A north arrow and legal description of the property.
 - (c) The area and dimensions of the parcel containing the tower and antenna including any area leased for the tower.
 - (d) A location map sufficient to show the character of the area surrounding the proposed antenna and the zoning and land use on adjacent properties.
 - (e) The height of the tower and antenna and its distance to all property lines.
 - (f) Any buildings or structures existing on the parcel.
 - (g) The distance to the closest building on adjacent property.
 - (h) The location of any overhead transmission lines on the site or on adjacent property which might be affected by the tower.
 - (i) Any tower supporting structures or devices.
 - (j) Type and height of fencing to be installed around the tower or an equipment building.
 - (k) Elevation drawings of any buildings designed to serve the tower.
 - (l) Access road, width and construction standards along with access easement.
 - (m) Any lighting proposed to be located on the tower.
 - (n) Visual impact - The applicant shall demonstrate how the visual impact of the proposed communication towers and attached communication antennas will be reduced through the use of color or other techniques. The Township shall encourage users of towers and antennas to configure them ("stealth" technology) in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques, so as to make them as unobtrusive as possible.
 - (o) Trade secrets. Any such information which is a trade secret and/or other confidential commercial information, which, if released, would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy [MCL § 15.243(1)(g)]. This section shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.
- (3) Procedures:
- (a) The application materials shall be reviewed for completeness by the Zoning Administrator or their agent. An application shall be considered complete if it contains all of the information contained in Sections 300-38 E. (1) and (2).
 - (b) Upon approval of the application, the applicant may proceed to obtain the applicable building and electrical permits.

- (4) Review Standards In order to approve the application, the Zoning Administrator must find that the proposed project meets all of the following requirements:
- (a) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - (b) The existing wireless communications support structure or existing equipment compound is in compliance with the Worth Township Zoning Ordinance and applicable building and electrical codes.
 - (c) The proposed collocation and any subsequent collocations will not do any of the following:
 - [1] Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater. The height shall be measured from the top of the antenna to the average ground grade within 25 feet of the base of the wireless communications support structure;
 - [2] Increase the width of the original wireless communications support structure by more than the minimum necessary to permit collocation; or
 - [3] Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - (d) The proposed collocation complies with the terms and conditions of any previous final approvals of the existing wireless communications support structure or wireless communications equipment as previously approved by the Worth Township officials; and
 - (e) Any wireless communications equipment which meets the requirements of subsection E. 4. (a) and (b) but does not meet the requirements of subsection E. 4. (c) or E. 4. (d) shall only be approved if the co-location complies with the requirements of Section 300-38 F.

F. Wireless Communications Equipment and Wireless Communications Support Structure Allowed By Special Use Permit:

Wireless communications equipment which is proposed to be mounted or attached to a newly installed wireless communications support structure may be allowed in the R2 Residential District, MF Multiple Family Residential District, RR Rural Residential District, AG Agricultural District, C Commercial District, I Industrial District, and PUD Planned Unit Development District if a Special Use Permit is approved by the Planning Commission subject to the regulations and requirements of this Section and also the general special land use review procedures and standards of Article XV Special Land Uses of this Zoning Ordinance.

(1) Procedures:

- (a) An application for a Special Use Permit for wireless communications equipment and wireless communications support structures shall be reviewed for

completeness by the Zoning Administrator or their agent. An application shall be considered complete if it contains all of the information contained in Sections 300-38 F. 2. and 3. following. Within 14 days of receiving the application the Zoning Administrator shall notify the applicant in writing of any missing items. Failure to do so shall mean that the Special Use Permit application is considered complete (but not approved).

- (b) Once a completed application is received, a public hearing shall be scheduled in accordance with the requirements of Section 156 of this Ordinance.
 - (c) The Planning Commission shall render a decision on a completed application within 90 days of its receipt or 60 days if the request is subject to 300-38 E. 4. (e). Failure to do so shall result in the approval of the application as submitted.
 - (d) Any conditions imposed upon the approval of the Special Use Permit must relate directly to the requirements of this Zoning Ordinance and any applicable Township ordinances as well as applicable State of Michigan and federal laws.
- (2) Application Requirements: In addition to normal application requirements as required by Section E. (1) and (2), an application for wireless communications equipment and wireless communications support structures which require a Special Use Permit shall include all of the following information. The fee paid by the applicant shall not exceed the actual cost to process the application or \$1000.00, whichever is less.
- (a) *Proposed Use* - A complete written and graphic description of the proposed wireless communications equipment and wireless communications support structure. This shall include an illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/ antenna will be anchored.
 - (b) *Location Justification* – Written materials which document the need for the proposed location.
 - (c) *Ownership Interest* -The nature and extent of the applicant's ownership or lease interest in the property, building or structure upon which the facilities are proposed for placement.
 - (d) *Other Tower Locations* - A map depicting other locations of wireless communications support structures within three miles of the proposed site.
 - (e) *Co-Locations* -Documentation that the applicant has investigated the potential of co-location with other wireless communication service providers or owners of wireless communications support structures located in Worth Township or neighboring communities and which may meet the coverage needs of the applicant. The documentation must include written evidence that the applicant has had direct communication and response regarding the potential for co-location with the owners/operators of such other wireless communications support structures.
 - (f) *Engineering Certification and Plans* – A statement that the proposed wireless communications equipment and wireless communications support structure will

be installed in accordance with the manufacturer's specifications, all applicable state and federal structural, electrical and safety requirements, and applicable Township codes. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and wireless communications support structure shall also be provided.

- (g) A description of the tower maintenance program.
 - (h) A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used by a use permitted in that zoning district.
 - (i) Security measures including emergency contact personnel.
 - (j) *Liability* - The applicant shall provide documentation that indemnity and insurance coverage exist for the wireless communications equipment and wireless communications support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the Township and the cancellation of such policy shall not be effective without the approval of the Township.
 - (k) *Land lease* - A copy of the lease contract between the tower company and landowner shall be required with the application for special land use. Any subsequent contracts with co-locators shall be furnished to the Township Assessment Department.
- (3) Site Plan Requirements Thirteen copies of a site plan accurately drawn at a scale of not more than one inch equals 100 feet. However, a larger scale may be accepted by the Planning Commission depending upon the size of the parcel. The plan shall be prepared and sealed by a professional engineer. The site plan shall contain at a minimum the information required by section 300-38 E. 2. and any information required by Article XV, Special Land Uses, of this Ordinance, or as may be required by the Planning Commission unless specifically waived by the Planning Commission.
- (4) Performance Standards Wireless communications equipment and wireless communications support structures shall comply with all of the following requirements:
- (a) A new wireless communications support structure containing an antenna shall be set back from all property lines a distance of not less than the 100% of the height of the tower from any property line or road right of way as measured from the tower base. At a minimum, towers shall be setback 150 feet from any property line, or 100% of the height of the tower, whichever is greater. Guy wires and accessory buildings shall satisfy the minimum setback of the zoning district in which the tower is located.

The separation of the tower from other uses shall be 200 feet or 300% of height of tower, whichever is greater, from single-family residences or residentially zoned land.

The Planning Commission may modify the required setback if the Township Engineer determines that the structural integrity of the structure will withstand high winds and impacts and that the likelihood of a structure failure is minimal and the Commission determines that a lesser setback will not threaten the safety of adjoining properties or roadways. The applicant shall incur all costs associated with the Township engineering review.

Further modification to setbacks may be considered when it is documented that the adjacent property is unbuildable due to wetlands, floodplains, or other significant limitations.

- (b) The tower and antenna shall comply with all applicable state construction and electrical codes and local building permit requirements as well as the manufacturer's installation requirements provided they do not conflict with the state and local requirements;
- (c) All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded;
- (d) The applicant shall provide written documentation of compliance with the Michigan Airport Zoning Act (Public Act 23 of 1950) and the Michigan Tall Structures Act (Public Act 259 of 1959);
- (e) FAA and FCC approval. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
- (f) A tower or similar structure which has been constructed to support an antenna which is unused or abandoned for six months shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the end of such 6-month period commencing upon written notice to the property owner by the zoning enforcement officer. Upon removal, the site shall be restored to its previous appearance and, where appropriate, re-vegetated.

A copy of relevant documents (including a signed lease, deed, or land contract restrictions) which requires the applicant to remove the tower and associated facilities upon cessation of the operations shall be submitted at the time of application. In the event that the tower is not removed within 90 days of the 6-month period of the cessation of operations at a site, the tower and associated facilities shall be removed by the Township. A bond shall be posted to cover the removal cost of any abandoned towers, the amount as determined by the Worth Township Board. The Township Clerk shall be notified of any change in the status of the tower, including a change in ownership, terms of the lease or removal of a carrier co-locating on that tower.

- (g) In removing the tower, the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the Planning Commission;
- (h) The antenna or tower shall be permanently secured to a stable foundation;
- (i) No part of the antenna or tower shall conduct or display any advertising, message or other graphic representation;
- (j) All antennas and towers must be grounded to protect against damage from lightning;
- (k) All towers shall be located so that they do not interfere with any reception in nearby residential areas. In the event a communication tower causes RF (radio frequency) interference, the communication company shall take all steps necessary to correct and eliminate such interference;
- (l) Tower structures and communication facilities shall incorporate a color scheme which reduces visual impact; metal towers shall be constructed of, or treated with, corrosive-resistant material. If possible, the antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
- (m) Towers shall be surrounded by a chain-link fence or wall not more than 8 feet in height or less than 6 feet in height. The chain-link fence shall be erected surrounding the tower and all supporting wire ground supports (anchors) on all sides to prevent unauthorized access. Wire ground supports and anchors may be fenced individually. If barbed wire is included in the fence, it shall be within the 8-foot height limit. All towers shall be equipped with anti-climbing devices.
- (n) Ground landscaping shall be required to soften the appearance of a tower and screen as much of the tower as possible, the fence surrounding the tower, and other ground level features such as a building. Any combination of existing vegetation, topography, walls, decorative fences, or other features, instead of landscaping, may be allowed if the same degree of screening as the required landscaping is achieved. Greenbelts or landscaped berms may also be required along access drives servicing the tower site. Existing vegetation on and around the site shall be preserved to the greatest extent possible.
- (o) To minimize the number of antenna or wireless sites in the community in the future, the proposed support structure shall be required to accommodate other users including other wireless communication companies and particularly local police, fire, and ambulance companies, unless it is determined to be technically unfeasible, and any tower approved hereunder shall be made available under commercially reasonable terms to others, including competing users.
- (p) All equipment and machinery shall be stored in a fully enclosed building, provided that only one building, not to exceed 300 square feet in size, shall be allowed. For each co-located antenna, one additional building shall be allowed.
- (q) All parking facilities shall be set back at least 50 feet from all lot lines.

- (r) No overnight parking of vehicles shall be allowed.
 - (s) All structures located adjacent to any residential district or dwelling must be screened from view by a fence or by evergreen trees or shrubs in accordance with the screening and fencing provisions of this Ordinance.
 - (t) No lights or illumination shall be allowed unless required by the FCC or FAA.
 - (u) Elevation drawing. A visual simulation (rendered drawing) may be required in a district that is within or abuts sensitive or extremely visible areas as deemed by the Planning Commission. This simulation should include existing structures and natural elements and the tower's relation to those elements.
- (5) Approval Standards In order to approve the application, the Planning Commission shall find that:
- (a) The proposed use and structure meet the Special Land Use approval standards of Section 157;
 - (b) The proposed use and structure meet requirements of this Section 300-38;
 - (c) Approval of the project will fill a significant gap in the service coverage of the applicant; and
 - (d) That alternate sites or facilities for the wireless communications equipment and wireless communications support structures are not available or feasible.
 - (e) The record of the Planning Commission and Township Board shall include findings of fact and evidence to support such decision. The written findings and conclusions shall be contained in the minutes of the Commission.
- (6) Conditions of Approval Any conditions imposed on an approval must relate directly to this Ordinance, other applicable Township ordinances and codes and applicable State and federal laws.
- (7) Enforcement. This section shall be enforced by the Township Ordinance Enforcement Officer.
- (8) Violations. The owner, if possible, and the occupant of any property upon which any violation set forth in this chapter is found to exist shall be notified in writing to remove, eliminate, or repair such violations within 10 days after service of notice upon him. Such notice may be personally delivered or by certified mail, return slip requested. Additional time may be granted at the discretion of the enforcement officer where bona fide efforts to remove, eliminate or repair any violations have been made.
- (9) Noncompliance with Section 300-38 F. Requirements
- If the Planning Commission determines to deny an application for Special Use Permit approval because the proposed project does not meet one or more of the requirements contained in Section 330-38 F. or any of the special use or site plan standards found elsewhere in this Ordinance the Planning Commission shall nevertheless approve the proposed project if no other alternative tower sites or facilities are available or feasible

and at least one of the following applies:

- (a) A denial would prohibit (or have the effect of prohibiting) the providing of personal wireless services to the area in question;
- (b) There is not substantial evidence on the record justifying a denial; or
- (c) A significant gap in the existing service coverage exists in the area and the proposed project would close that gap.

Pursuant to any such approval by the Planning Commission, the wireless communication support structure and equipment shall still comply with all of the requirements of Section 330-38 F. and other applicable provisions of this Ordinance except to the extent that the applicant demonstrates that compliance with a particular requirement or regulation would (a) prohibit or have the effect of prohibiting the providing of personal wireless services to the area, or (b) prohibit the applicant from closing a significant gap in existing service coverage to the area involved.

Sec. 300-39. Application of height regulations

- A. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located.
- B. Exception to height regulations. Roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar mechanical equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, and screens, flagpoles, chimneys, smokestacks, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure shall exceed by more than fifteen (15) feet the height limit of the district in which it is located.

Sec. 300-40. Setback on lots in commercial or industrial districts adjacent to residential zone. [Added 5-3-1993]

Where a lot in a commercial or industrial use district abuts a lot in a residential use district, there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential use district.

Sec. 300-41. Front yard transition. [Amended 5-3-1993]

Where the frontage on one side of a street between two intersecting streets is zoned partly as residential use and partly as commercial use or industrial use, the front yard depth in the commercial or industrial use district shall be equal to the required front depth of the residential use district.

Sec. 300-42. Side yards on corner lots. [Amended 5-3-1993]

On every corner lot in residential subdivisions created after the enactment of this chapter, there shall be provided on the side street a side yard equal in depth to the required front yard depth on said side street.

Sec. 300-43. Public garage entrances near residential use districts. [Amended 5-3-1993]

No public garage for more than five motor vehicles shall have an entrance or exit for motor vehicles within 40 feet of a residential use district.

Sec. 300-44. Parking lots and driveways abutting residential zones. [Amended 5-3-1993]

Whenever a parking lot or driveway to a parking lot is hereafter established in other than a residential district so as to abut the side or rear line of a lot in a residential district, a solid masonry wall, or a substantial view-obstructing fence of not less than three feet high and not more than eight feet high, shall be constructed and maintained along said side or rear lot line up to, but not beyond, the setback building line. In addition, in all use districts, the lighting, including any permitted illuminated sign, on any parking lot or driveway shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings or residential use districts.

ARTICLE IV
Establishment of Districts

Sec. 300-45. Designation of districts.

The unincorporated area of the Township of Worth, Sanilac County, Michigan, is hereby divided into the following districts:

- R1 Residential (Article V)
- R2 Residential (Article V)
- MR Multiple Family Residential District (Article VI)
- RR Rural Residential (Article VI)
- AG Agricultural (Article VI)
- MH Mobile Home (Article VII)
- C Commercial (Article VIII)
- I Industrial (Article IX)
- HRE High-Risk Erosion (or Flood) Overlay (Article X)
- PUD Planned Unit Development (Article XI)

Sec. 300- 46. Maps.

The boundaries of districts or zones are shown upon the Official Zoning Map (located in the Township Office) and maps attached hereto and designated as Zoning Maps. Zoning Maps and all notations, references and other information appearing thereon are hereby declared to be a part of this chapter and of the same force and effect as if the districts were fully set forth by metes and bounds description.

Sec. 300- 47. Boundaries of zoned districts.

For determination of the boundaries of districts shown on the Zoning Maps, the following rules shall apply:

- A. Where boundaries are indicated as following, or approximately following, street and alley lines, the street or alley center lines shall be construed to be the boundaries.
- B. Where boundaries are indicated as following, or approximately following, lot lines or plot lines, the lot line or plot line shall be construed to be the boundary.
- C. The Board of Appeals shall, upon application or upon its own motion, determine the location of boundaries in case where uncertainty exists.

ARTICLE V
Residential Districts (R1 and R2)

Sec. 300- 48. Purpose

The residential districts (R1 and R2) are established as districts in which the principal use of land is for one-family dwellings. The specific intent is to encourage the construction of, and the continued use of the land for one-family dwellings; to discourage business, commercial, or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of one-family dwellings in the district.

- A. There are two types of residential use districts:
- (1) R1: Parcels of land in this subdistrict shall consist primarily (but not exclusively) of previously platted subdivisions with lots of less than 100 feet of frontage
 - (2) R2: Parcels of land in this subdistrict shall have 100 feet or more of frontage. [Amended 9-13-2004]
- B. Unless otherwise specified, the following regulations shall apply for all residential use districts. [Amended 9-13-2004]

Sec. 300- 49. Use types. [Amended 7-27-1987; 7-18-1988; 12-5-1988; 3-30-1992; 5-25-1992; 7-5-1993; 3-2-2002; 9-13-2004]

- A. Permitted uses. The following are permitted uses in the Residential Districts:
- (1) Single-family dwellings and buildings accessory thereto, but excluding tents, recreation vehicles, trailer coaches and motor homes, except as otherwise provided in this chapter.
 - (2) A home occupation, subject to the provisions of Sec. 300-15.
 - (3) Accessory buildings and structures such as, for example, garages, properly fenced swimming pools, satellite antennas, etc., that are incidental to the principal use are permitted. No accessory buildings or structures, other than garages, shall be in the side yard. No accessory buildings or structures other than attached garages shall be in the front yard.
 - (4) Adult foster care family home.
 - (5) Adult day care home.
 - (6) Family day care home.
 - (7) Churches and schools.
 - (8) Playgrounds and recreational facilities.
- B. Special land uses. The following are special land uses requiring approval of the Planning Commission after public hearing:
- (1) Two family dwellings, only allowed in R2.

- (2) Public or community assembly buildings.
- (3) Tourist homes and rooming houses, only allowed in R2.
- (4) Private wastewater treatment lagoons and facilities, other than septic tanks and leach fields which are permitted, for treatment of septage emanating from the subject property.
- (5) Adult foster care small group home.
- (6) Adult foster care large group home.
- (7) Group day care home.
- (8) Accessory buildings and uses customarily incidental to any of the above special land uses.

C. Prohibited uses. The following uses are prohibited in the Residential Districts:

- (1) Keeping or maintaining of any combination of more than three (3) dogs or cats six (6) months old or older per dwelling in R1 Districts.
- (2) More than one dwelling unit on a parcel of land in the R1 District.
- (3) More than one dwelling units on one parcel in platted subdivisions.
- (4) Parking a commercial truck or other vehicle having a gross vehicle weight of 10,000 pounds or more.
- (5) Camps; adult and/or juvenile detention or correction facilities.
- (6) Any use not otherwise permitted as zoned.

Sec. 300-50. Minimum lot area. [Amended 7-18-1988]

Minimum lot area shall be 20,000 square feet with a minimum frontage and lot width of 100 feet in all new subdivisions or newly created parcels of land. For lots served by a public sewer supply system, the minimum lot area shall be 10,000 square feet with a minimum frontage and lot width of 80 feet in all new subdivisions or newly created parcels of land.

Sec. 300-51. Corner lot. [Amended 11-29-1995; 11-12-2001]

Side yards on corner lots shall not be less than the front yard setback on adjacent streets. See Sec. 300-8. No garage or accessory structure shall be located closer to the right-of-way of an abutting side street than the average setback on the abutting side street. In all cases, structures shall conform to Sec. 300-8, Clear vision area, so as not to obstruct a view of traffic on the intersecting street.

Sec. 300-52. Driveways and parking. [Amended 11-29-1995; 9-13-2004]

- A. Driveways shall have a minimum clearance of 12 feet of width, a minimum clearance of 12 feet in height and be at least three feet from the side lot line.
- B. All future subdivisions or developments shall provide driveways on the same side of the

house, which shall be determined by the developer at the time of the platting.

- C. No driveway common to two residences shall be permitted unless a perpetual easement providing for the same is duly executed and recorded with the Sanilac County Register of Deeds.
- D. Off-street vehicle parking ingress and egress shall be provided, which complies with Sec. 300-32.

Sec. 300-53. Yards. [Amended 7-7-1986]

Every dwelling hereafter erected, altered or moved upon a premises shall be provided with yards having no less than the following minimum sizes:

- A. Front yard. The front yard shall be at least 25 feet in depth from the adjacent road right-of-way. However, where there are existing dwellings within 200 feet of the side lot lines of the parcel of land in which the dwelling is located having lesser front yards, the front yard may be reduced to the average of such dwellings.
- B. Side yards (other than corner lots). [Amended 11-12-2002; 9-13-2004]
 - (1) For purposes of fire protection, containment and service access, as well as privacy and other concerns, side yard setbacks will be:
 - (a) R1: On lots less than 100 feet wide, side yards shall be 10%, on each side, of the total width of the lot; a minimum of five feet on each side on all lots 50 feet or less.
 - (b) R2: A minimum of 10 feet on each side for lots 100 feet wide or more.
 - (2) In all residential districts, garages or accessory structures shall be located no closer to the right-of-way of an abutting side street than the average setback on the abutting side street. In all cases, structures shall be far enough from each line so as not to obstruct a view of traffic on the intersecting street.
- C. Rear yards. Rear yards shall be a minimum of 10 feet in depth. For lots going from street to street, the rear yard shall be a minimum of 25% of the lot or conform with setbacks of existing structures on that block. [Amended 11-12-2001]

Sec. 300-54. Fences, walls and screens. [Amended 7-18-1988; 12-5-1988; 12-5-1994; 5-1-1995; 9-13-2004]

Fences, walls and screens shall be in conformance with Sec. 300-8, 300-9, and 300-10.

Sec. 300-55. Signs.

Signs shall be in conformance with Sec. 300-30.

Sec. 300-56. Building floor area and height.

- A. Building floor area. In no case shall minimum area include floor space in an attached garage, open porch or other attached structure. [Amended 5-3-1993; 9-13-2004]
- (1) Every one-family, one-story dwelling hereafter erected, altered or moved upon a premises shall contain:
 - (a) R1 District: not less than 750 square feet of floor area.
 - (b) R2 District: not less than 750 square feet of floor area.
 - (2) One family; two story:
 - (a) R1 District: Every one-family, two-story dwelling hereafter erected, altered or moved upon a premises shall contain not less than 750 square feet on total floor area and not less than 600 square feet of ground or first floor area.
 - (b) R2 District: Every single-family, two-story dwelling hereafter erected, altered or moved upon a premises shall contain not less than 750 square feet of floor area, of which not less than 600 square feet shall be at the ground or first floor level.
 - (3) Two-family units:
 - (a) R2 District: 750 square feet for each unit.
- B. Building height. Dwellings may be erected or structurally altered to a maximum height of 2 1/2 stories or 35 feet. However, churches (not including steeples), public and semipublic buildings may be erected to a greater height if the building is set back from each required yard line at least one foot for each foot of additional height above 35 feet. [Amended 9-13-2004]

Sec. 300-57. Accessory buildings and structures.

- A. Except as specifically provided below, where the accessory building or structure is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this ordinance applicable to the principal building.
- B. A detached accessory building or structure which is located entirely within the rear yard of a dwelling may be erected not closer than three feet to the side and rear lot lines, anything else contained in this chapter to the contrary notwithstanding. [Amended 11-11-1996]
- C. No detached accessory buildings or structures shall exceed 24 feet in height at its highest point.
- (1) R1 Districts: The total floor area of all private garages (whether attached or not) shall not exceed 1,000 square feet.
 - (2) R2 Districts: The total floor area of all private garages (whether attached or not) shall not exceed 1,250 square feet.

- D. The total floor area of all detached accessory buildings and structures (including private garages) shall not exceed 10% of the total lot area. No accessory building or structure shall be built prior to the establishment of the principal structure.
- E. All accessory buildings and structures shall meet applicable building code requirements.

ARTICLE VI
Multiple Family Residential Districts (MR)

Sec. 300-58. Purpose.

The MR, Multiple Family Residential Districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the lower density single-family district and the nonresidential districts. The Multiple Family Districts are further provided to serve the limited needs for the apartment type of unit in an otherwise low density, one-family community.

Sec. 300-59. Use types.

- A. Permitted uses. The following are permitted uses in the Multiple Family Residential Districts:
- (1) Any permitted use listed in the Residential Districts (R1 and R2)
 - (2) Two family dwellings
 - (3) Multiple family dwellings
 - (4) Accessory buildings and uses customarily incidental to any of the above permitted uses.
- B. Special land uses. The following are special land uses requiring approval of the Planning Commission after public hearing:
- (1) Any special land use listed in the Residential Districts (R1 and R2)
 - (2) Adult foster care congregate facilities
 - (3) Convalescent homes, nursing homes, homes for the aged and similar facilities
 - (4) Accessory buildings and uses customarily incidental to any of the above special land uses.

Sec. 300-60. Minimum lot area.

Minimum lot area for a two-family dwelling shall be 20,000 square feet with a minimum frontage and lot width of 100 feet.

A multiple family development shall maintain a minimum lot width of 150 feet and shall maintain a total lot size of not less than 8,712 square feet for each dwelling unit.

Sec. 300-61. Corner lot.

Side yards on corner lots shall not be less than the front yard setback on adjacent streets. Also refer to Sec. 300-8.

Sec. 300-62. Driveways and parking.

- A. Driveways shall have a minimum clearance of 12 feet of width, a minimum clearance of 12 feet in height and be at least three feet from the side lot line.
- B. All future subdivisions or developments shall provide driveways on the same side of the house, which shall be determined by the developer at the time of the platting.
- C. No driveway common to two residences shall be permitted unless a perpetual easement providing for the same is duly executed and recorded with the Sanilac County Register of Deeds.
- D. Off-street vehicle parking ingress and egress shall be provided, which complies with Sec. 300-32.

Sec. 300-63. Yards.

- A. The minimum front yard setback for multiple-family developments, congregate facilities, convalescent homes, nursing homes, homes for the aged and similar facilities shall be equal to the height of the structure, but in no instance shall any front yard setback be less than 50 feet. The required front yard setback for such development may be used for off-street parking provided a 25 foot landscape setback from the edge of the right-of-way is provided. The minimum front yard setback for all other development types shall be 35 feet.
- B. The minimum side yard setback for multiple-family developments, congregate facilities, convalescent homes, nursing homes, homes for the aged and similar facilities shall be equal to the height of the structure, but in no instance shall any side yard setback be less than 35 feet when abutting a Residential District. The minimum front yard setback for all other development types shall be 15 feet.
- C. The minimum rear yard setback for multiple-family developments, congregate facilities, convalescent homes, nursing homes, homes for the aged and similar facilities shall be equal to the height of the structure, but in no instance shall any yard setback be less than 50 feet when abutting a Residential District. The minimum rear yard setback for all other development types shall be 35 feet.
- D. In the MR District, the minimum distance between any two buildings on the same lot shall be regulated according to the length and height of such buildings and in no instance shall this distance be less than 25 feet. The formula regulating the required minimum distance between two buildings in the MR District is as follows:

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

Where:

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

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

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

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

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

Sec. 300-64. Fences, walls and screens.

Fences, walls and screens shall be in conformance with Sec. 300-8, 300-9, and 300-10

Sec. 300-65. Signs.

Signs shall be in conformance with Sec. 300-30.

Sec. 300-66. Building floor area and height.

A. Building floor area. The minimum residential floor area for one family and two family dwellings within the MR District shall comply with the minimum floor areas for one family and two family dwellings in the R2 District as stipulated in Section 300-56,(A). The minimum residential floor areas per unit for all multiple family structures shall be as follows:

Efficiency	450 square feet
One (1) Bedroom	600 square feet
Two (2) Bedroom	720 square feet
Three (3) Bedroom	850 square feet
Four (4) Bedroom	1,000 square feet

For the purpose of computing the minimum allowable floor area in a multiple-family residential structure, the horizontal areas of each dwelling unit shall be measured from the centerline of the exterior walls and walls separating two (2) dwelling units. The floor area measurement for multiple-family residential structures shall be exclusive of any common hallways, utility and storage areas, basements, garages, patios, porches, and balconies.

B. Building height. The maximum building height for multiple-family developments, congregate facilities, convalescent homes, nursing homes, homes for the aged and similar facilities shall be 3 stories or 40 feet. The maximum building height for all other development types shall be 2 1/2 stories or 35 feet. However, churches (not including steeples), public and semipublic buildings may be erected to a greater height if the building is set back from each required yard line at least one foot for each foot of additional height above 35 feet.

- C. Single-family dwellings within the MR District shall comply with the standards of Section 300-56,(C).

Sec. 300-67. Accessory buildings and structures.

Buildings accessory to multiple-family developments, congregate facilities, convalescent homes, nursing homes, homes for the aged and similar facilities shall comply with all setback (yard) requirements applicable to principal buildings and shall not exceed 24 feet in height. Buildings accessory to all other development types shall comply with the provisions of Section 300-57.

ARTICLE VII
Rural Residential and Agricultural Districts (RR and AG)

Sec. 300-68. Purpose. [Amended 9-13-2004]

These districts (RR and AG) are established to conserve, stabilize, enhance and develop farming and related resource utilization activities, to provide for non-farm development in a manner harmonious to the preservation of farming activities, to minimize conflicting uses of parcels, lots, buildings and structures detrimental to or incompatible with these farming and related resource utilization activities, and to prohibit uses of parcels, lots, buildings and structures which require public facilities and services of a different type and quantity than those normally required by these farming and related resource utilization activities. The district, while preserving areas primarily for agricultural uses, would also accommodate low density single-family housing as well as the preservation of natural open space lands.

The following shall apply to the Rural Residential and Agricultural Districts:

(RR) Rural Residential 1.25 acres to 5 acres

(AG) Agriculture 5+ acres

Sec. 300- 69. Use types. [Amended 7-27-1987; 7-18-1988; 2-3-1992; 3-2-1992; 3-30-1992; 5-7-1993; 11-11-1996; 11-12-2001; 5-30-2002; 9-13-2004]

A. Permitted uses. The following are permitted uses in the Agricultural-Residential Districts:

- (1) Single-family dwellings but excluding tents, recreational vehicles, trailer coaches and motor homes, except as otherwise provided in this chapter.
- (2) Farm operations and buildings
- (3) A home occupation under the conditions of Sec. 300-15.
- (4) Private garages, storage sheds, accessory structures and accessory buildings. Storage sheds and accessory buildings must be located in the rear yard. Garages may be located in side or rear yard.
- (5) Ponds will be allowed, but are subject to Sec. 300-34.
- (6) Adult foster care family home.
- (7) Adult day care home.
- (8) Family day care home.
- (9) Churches and schools.

B. Special land uses. The following are special land uses requiring approval of Planning Commission after a public hearing. The following uses may be permitted, provided that such use is not noxious, dangerous nor offensive by reason or odor, dust, smoke, gas, noise, fumes, flames or vibration or does not otherwise become a public nuisance, except for normal odors, dust, noise and vibrations necessary in agricultural activities.

- (1) Two family dwellings.
- (2) Libraries, cemeteries, hospitals, clinics (human and veterinary), sanatoriums, convalescent homes, funeral homes, nursing homes, community fallout shelters, tourist homes, rooming houses, boardinghomes and similar uses.
- (3) Parks and grounds for outdoor activities and recreation, recreational and community center buildings, campgrounds, airplane landing strips and helicopter landing pads, provided that all such activities are noncommercial and not operated for profit.
- (4) Migrant worker camps.
- (5) Motor vehicle repair shops.
- (6) Private wastewater treatment lagoons and facilities, other than septic tanks and seepage beds which are permitted, for treatment of septage emanation from the subject property only.
- (7) Juvenile detention facilities as defined in Article II or foster homes, provided that not more than 10 children reside and/or receive services on the premises and five or more of the juveniles receiving services are residents of Sanilac County Probate Court.
- (8) Adult foster care small group home.
- (9) Adult foster home large group home.
- (10) Group day care home.
- (11) Sport shooting ranges.
- (12) Any use of land or buildings not specifically mentioned but compatible with the agricultural-residential use environment may be conditionally permitted pursuant to Article XVI.
- (13) Kennels
- (14) Accessory buildings and uses customarily incidental to any of the above special land uses.

C. Prohibited uses. The following uses are prohibited in the Agricultural-Residential A-R District:

- (1) Adult and/or juvenile detention or correction facilities except as provided in Subsection B of this section.
- (2) More than one dwelling unit on a parcel of land lacking minimum lot area requirements.

Sec. 300-70. Minimum lot area. [Amended 7-18-1988; 5-30-2002; 9-13-2004]

Minimum lot area for the RR Districts shall be 1.25 acres with a minimum frontage of 165 feet and lot depth of 330 feet in all newly created parcels of land, 100 feet in width in all newly created subdivisions. Minimum lot area for the AG Districts shall be 5 acres with a minimum frontage of 200 feet.

Sec. 300-71. Corner lot. [Amended 11-29-1995]

Refer to Sec. 300-8.

Sec. 300-72. Driveways and parking. [Amended 11-29-1995; 9-13-2004]

Driveways shall be not less than 12 feet wide, 12 feet high clearance and no less than three feet from the side lot line. All future subdivisions or developments shall provide driveways on the same side of the house which shall be determined by the developer at the time of platting. A driveway common to two residents shall be permitted if a perpetual easement for the same is duly executed and recorded with the Sanilac County Register of Deeds. Off-street parking access and egress shall be provided which complies with Sec. 300-23.

Sec. 300-73. Yards.

Every dwelling hereafter erected, altered or moved upon a premises shall be provided with yards having no less than the following minimum sizes:

- A. The front yard shall be at least 75 feet in depth from the adjacent road right-of-way. However, where there are existing dwellings within 15 feet of the side lines of the parcel of land in which the dwelling is located having lesser front yards, the front yard may be reduced to the average of such dwellings.
- B. Side yards shall be at least 10 feet in width on each side. No garage or accessory structure shall be located closer to the right-of-way of an abutting side street than 25 feet. In all cases, buildings shall be far enough from each line as not to obstruct a view of traffic on the intersecting road. [Amended 9-13-2004]
- C. Rear yards shall be at least 35 feet in depth. The depth of the rear yard abutting upon a street shall be no less than the depth of a front yard required for a building of the same size and kind on the adjoining lot fronting on such rear road. [Amended 9-13-2004]

Sec. 300-74. Fences walls and screens. [Amended 11-29-1995; 9-13-2004]

Fences and buffers shall be in compliance with Sec. 300-8, 300-9, and 300-10.

Sec. 300-75. Signs.

Signs shall be in conformance with Sec. 300-30.

Sec. 300-76. Building floor area and height.

- A. Dwelling floor area. [Amended 5-3-1993; 9-13-2004]
 - (1) Every one-family, one-story building hereafter erected, altered or moved upon a premises shall contain not less than 750 square feet of floor area. However, every one-family, two-story dwelling hereafter erected, altered or moved upon a premises shall contain not less than 600 square feet of total ground floor area and not less than 750 square feet of total floor area. In no case shall minimum area include floor space in an attached garage, open porch or other attached structure.

(2) Minimum floor area.

- (a) Two-family units: Each unit shall have a minimum of 750 square feet of floor area.

B. Dwelling height. Dwellings may be erected or structurally altered to a maximum height of 2 1/2 stories or 35 feet; however, churches (not including steeple), public and semipublic buildings may be erected to a greater height if the building is set back from each required yard line at least one foot for each foot of additional height above 35 feet. [Amended 9-13-2004]

Sec. 300- 77. Accessory buildings and structures. [Amended 11-11-1996; 11-12-2001; 9-13-2004]

- A. Except as specifically provided below, where the accessory building or structure is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this ordinance applicable to the principal building.
- B. A detached accessory building or structure which is located entirely within the rear yard of a dwelling may be erected not closer than 10 feet to the side and rear lot lines, anything else in this chapter to be contrary notwithstanding.
- C. No detached accessory building or structure shall exceed 35 feet in height at its highest point. The total floor area of all private garages shall not exceed 1,250 square feet. The total floor area of all accessory buildings or structures shall not exceed 10% of the total lot area, excluding all agricultural use buildings.
- D. Failure to apply for and secure the proper permits shall result in a penalty as established by the Worth Township Board.
- E. Within the RR District, no detached accessory building or structure shall be built prior to the establishment of a principal structure. This provision shall not apply within the AG District.
- F. All accessory buildings and structures shall meet applicable building code requirements.

ARTICLE VIII
Mobile Home Districts (MH)

Sec. 300-78. Purpose and Applicability.

The purpose of the Mobile Home (MH) Districts are to encourage a suitable environment for persons and families that, by preference, choose to live in a manufactured home rather than a conventional single-family structure. In keeping with the occupancy characteristics of contemporary manufactured homes, this article establishes low-density standards and permitted uses that reflect the needs of residents in the district. Development is limited to manufactured homes when located in a subdivision designed for that purpose or a manufactured home park with recreational facilities, churches, schools, and necessary public utility buildings.

The following provisions shall apply to all mobile home subdivisions (wherein lots are individually platted and sold as private mobile home sites) or parks (wherein more than two mobile home sites are owned and managed by a lessor, licensed by the Michigan Department of Commerce).

Sec. 300-79. New mobile home parks and platted subdivisions requiring a zoning district change.

- A. An applicant who wishes to create a new mobile home subdivision or park shall apply to the Planning Commission to establish a Mobile Home District, when a change in zoning is required.
- B. An application for a mobile home park shall have the preliminary plan approved by the County Road Commission, County Drain Commissioner and the County Health Department before it will be considered by the Township Planning Commission. In considering an application for a new park, the Planning Commission shall be guided by and require compliance with Michigan Mobile Home Commission Rules as required by Act 96 of the Public Acts of Michigan of 1987 as amended (MCL 125.1301 et seq.).
- C. Persons wishing to create a new mobile home subdivision shall comply with the Michigan Land Division Act (Act 288 of 1967 as amended) before the Planning Commission shall consider creating such a new district. Further, the Planning Commission shall make any rezoning recommendations conditional upon compliance with the applicable provisions of this chapter, including yards, buffers, fences, screening, lot size, roadways, driveways, parking, etc., as restrictions on lot titles.
- D. The Planning Commission shall follow the requirements of Article XVII in recommending rezoning of any real estate to mobile home subdivisions, as well as the requirements of Article XVI for special land uses (public hearings and notices being required).

Sec. 300-80. Use types.

- A. Permitted uses. Land in Mobile Home Districts (MH) shall be used only for the following purposes:
 - (1) Single-family mobile home residential dwellings with not more than one such dwelling per lot.

- (2) Private garages, storage sheds, accessory structures and accessory buildings. Storage sheds and accessory buildings must be located in the rear yard. Garages may be located in the side or rear yard. [Amended 11-11-1996]
 - (3) Park or subdivision grounds maintenance buildings.
 - (4) Adult foster care family home.
 - (5) Adult day care home.
 - (6) Family day care home.
 - (7) Playgrounds and recreational facilities.
- B. Special land uses. The following are special land uses requiring approval of the Planning Commission after a public hearing: [Amended 7-27-1987]
- (1) Commercial operations ancillary to the operation of a mobile home park (but not subdivision).
 - (2) Public and community assembly buildings.
 - (3) Private wastewater treatment lagoons and facilities, other than septic tanks and seepage beds which are permitted, for treatment of septage emanating from the subject property only.
 - (4) Adult foster care small group home.
 - (5) Adult foster care large group home.
 - (6) Group day care home.
 - (7) Accessory buildings and uses customarily incidental to any of the above special land uses.

Sec. 300-81. Minimum lot area.

Minimum lot area shall be no less than 60 feet in width and 150 feet in length with a minimum area of 9,000 square feet.

Sec. 300-82. Corner lot. [Amended 11-29-1995]

Refer to Sec. 300-8.

Sec. 300-83. Driveways and parking.

- A. Mobile home park off-street parking, driveways access and egress shall be provided in accordance with the Michigan Mobile Home Commission Rules (125.1925).
- B. In mobile home subdivisions, driveways shall be not less than 12 feet wide, 12 feet high clearance and at least three feet from the lot line. All driveways shall be on the same side of the dwelling which shall be determined by the developer at the time of platting. No driveway common to two residences shall be permitted unless a perpetual easement providing for the

same is duly executed and recorded with the Sanilac County Register of Deeds. Off-street vehicle parking, access and egress shall be provided which complies with Sec. 300-23. [Amended 11-29-1995]

Sec. 300-84. Yards.

Mobile home subdivisions (excepting parks) shall provide yards with no less than the following minimum sizes:

- A. Front yards: 25 feet from the front lot line.
- B. Side yards: 10 feet in width on each side.
- C. Rear yards: 10 feet from the rear lot line.

Sec. 300-85. Fences walls and screens.

- A. Mobile home parks and subdivisions shall be completely screened by a view-obstructing fence, earthen berm, coniferous natural growth (or combination thereof) along the entire property line, including the line abutting a public thoroughfare, except at access points. The screen shall be at least six feet above the road grade level.
- B. Mobile home parks and subdivisions shall have open buffer areas at least 10 feet wide at all side and rear property lines.
- C. Fences, walls and shrubs of more than three feet in height above the road grade level are not allowed on an interior lot within 10 feet of the front property line where they will interfere with the traffic visibility from a drive.

Sec. 300-86. Signs.

Signs shall be in conformance with Sec. 300-30.

Sec. 300-87. Building floor area and height.

- A. Building floor area. Every mobile home in a mobile home subdivision or park shall contain not less than 900 square feet of living area. In no case shall minimum area include floor space in an attached garage, open porch or other attached structure. [Amended 5-25-1992; 7-5-1993]
- B. Building height. Buildings may be erected or structurally altered to a maximum height of 2 1/2 stories or 35 feet. However, public and semipublic buildings may be erected to a greater height if the building is set back from each required yard line at least one more foot for each foot of additional height above 35 feet.

Sec. 300-88. Accessory buildings and structures. [Amended 7-7-1986; 11-11-1996; 8-4-1997]

- A. Except as specifically provided below, where the accessory building or structure is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this ordinance applicable to the principal building.
- B. A detached accessory building or structure which is located entirely within the rear yard of a

dwelling may be erected not closer than three feet to the side and rear lot lines, anything else contained in this chapter to the contrary notwithstanding.

- C. No detached accessory building or structure shall exceed 15 feet at its highest point. The total floor area of all detached accessory buildings or structures shall not exceed 3% of the total lot area. No detached accessory building or structure shall be built prior to the establishment of a principal residence.
- D. All accessory buildings and structures shall meet applicable building code requirements.

ARTICLE IX
Commercial Districts (C)

Sec. 300-89. Purpose.

The intent of these districts are to provide for areas that are designed for the commercial needs that appeal to a wider community interest. The general character of these districts comprise a broad range of retail and service uses, entertainment uses, community facilities, and general office uses. The provisions of these districts are intended to encourage general commercial development to locate along major arteries particularly adjacent to major intersections where such development could most adequately serve the needs of the community's residents and those of the traveling public, without excessive quantities of strip development. These districts discourage encroachment by industrial, residential or other uses considered capable of adversely affecting the general business characteristics of these districts.

Sec. 300-90. Use types.

In Commercial Districts (C), land may be used and buildings or structures erected, altered or moved on and used, in whole or in part, for any one or more of the following specified uses, except as otherwise provided in this chapter. All uses shall comply with the performance standards listed in Sec. 300-24 of this chapter. Other than dwellings, structures shall comply with all state and local commercial building codes.

A. Permitted uses. The following are permitted uses in the Commercial C District:

- (1) Any use which is permitted in residential districts.
- (2) All generally recognized and accepted retail stores or outlets and their accessory service or production departments.
- (3) Business and professional offices.
- (4) Public and personal services direct to the customer (e.g., barbers and beauticians).
- (5) Greenhouses and nurseries.
- (6) Parking lots.
- (7) Publicly owned buildings not including storage yards.
- (8) Community clubs, fraternal organizations and similar civic social organizations.
- (9) Sale of alcoholic beverages for consumption off premises.
- (10) Outdoor advertising signs in conformance with Sec. 300-30 of this chapter.
- (11) Outside storage which is incidental and accessory to the permitted principal use of the business conducted thereon.
- (12) Businesses engaged in the sale of food and/or beverages for consumption, either on or off premises, provided that the use does not otherwise require a special land use permit and is not otherwise prohibited. This does not include drive-through facilities.
- (13) Churches, schools, public and community assembly buildings.

- (14) Adult foster care family home.
- (15) Adult foster care small group home.
- (16) Adult day care home.
- (17) Family day care home.
- (18) Group day care home.
- (19) Day care facility/child care center.
- (20) Accessory buildings and uses customarily incidental to any of the above permitted uses.

B. Special land uses. The following are special land uses requiring approval of the Planning Commission after public hearing:

- (1) Commercial District special land use permits shall include the condition that the regular course of business shall not emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which it is located, nor shall it be injurious to the surrounding neighborhood or contrary to the public interest or spirit of this chapter.
- (2) The following special land uses may be permitted upon approval of the Planning Commission after a public hearing:
 - (a) Small businesses engaging in the repair, finishing, alteration, assembling, fabrication or storage of goods.
 - (b) Gasoline and motor vehicle service stations.
 - (c) New and used car, boat, recreational vehicle, and similar sales lots.
 - (d) Motor vehicle repair shops.
 - (e) Processing or sale of used motor vehicle parts from within a building. However, if sold from vehicles on the premises (known as junk cars, trucks, tractors or trailers), the owner/or operator shall conform to the requirements of a junkyard as herein defined and obtain license(s) from the State of Michigan and the Township of Worth.
 - (f) Recreation and amusement facilities (e.g., pool halls, video arcades, games of skill, etc.) utilizing four or more devices.
 - (g) Food-processing plants.
 - (h) Camps, campgrounds, marinas or boat liveries.
 - (i) Open storage yards as principal use.
 - (j) Theaters, stadiums or arenas.
 - (k) Open air markets (e.g., flea markets, farmers' markets, etc.)
 - (l) Amusement and recreation parks and playgrounds.

- (m) Hospitals, clinics (human and veterinary) and sanatoriums.
- (n) Funeral homes, mortuaries and cemeteries.
- (o) Hotels, motels, tourist homes and rooming houses.
- (p) Multifamily dwellings.
- (q) Bars and taverns.
- (r) Combustible or toxic material storage structures or yards.
- (s) Private airports, aircraft land pads or strips.
- (t) Signs not in compliance with Sec. 300-30.
- (u) Any commercial or business use of land or buildings not specifically mentioned in this section may be conditionally permitted upon approval of the Planning Commission after a public hearing.
- (v) Private wastewater treatment lagoons and facilities, other than septic tanks and seepage beds which are permitted, for treatment of septage emanating from the subject property only.
- (w) Public utility buildings, telephone buildings, electronic transformers (stations and substations), gas regulator stations, water and sewage stations, and public utility electric power generation facilities. Refer to Sec. 300-26 and 300-27.
- (x) Kennels
- (y) Sport shooting ranges
- (z) Accessory buildings and uses customarily incidental to any of the above special land uses.

C. Prohibited uses. The following uses are prohibited in the Commercial C District:

- (1) Livestock yards and slaughterhouses.
- (2) Adult and/or juvenile detention or correction facilities.
- (3) More than one dwelling on a parcel of land lacking minimum lot area requirements.

Sec. 300-91. Minimum lot area. [Amended 12-5-1988]

Minimum lot area shall be 20,000 square feet with a minimum frontage and lot width of 100 feet in all newly divided parcels of property.

Sec. 300-92. Corner lot. [Amended 5-3-1993; 11-29-1995]

The main building and any accessory structures thereto shall not be constructed less than 30 feet from the property line adjacent to the side street.

Sec. 300- 93. Driveways and parking. [Amended 11-29-1995; 11-12-2001]

Driveways shall be not less than 12 feet wide, 12 feet high clearance and at least three feet from the side lot line. Off-street vehicle parking access and egress shall be provided which complies with Sec. 300-23.

Sec. 300-94. Yards.

A. Front yards.

- (1) Front yards shall be equal to the average depth of existing front yards in the block in which parcel is located.
- (2) In the event that there are no preexisting buildings on the block, then the front yard shall be equal to 25% of the total lot area, but not less than 50 feet. [Amended 7-27-1987]

B. Side yards. No side yards are required, except for dwellings which shall comply with residential district setbacks.

C. Rear yards. Rear yards shall be no less than 25% of the total lot depth. The depth of a rear yard abutting upon a street shall not be less than the depth of a front yard required for a building of the same size and kind on the adjoining lot fronting on such rear street.

Sec. 300-95. Fences, walls, and screens. [Amended 9-13-2004]

Refer to Sec. 300-8, 300-9, and 300-11.

Sec. 300- 96. Signs.

Signs shall be in conformance with Sec. 300-30.

Sec. 300- 97. Building floor area and height.

- A. Building floor area. Every building thereafter erected, altered or moved upon commercial premises shall contain no less than 900 square feet of ground floor area. [Amended 5-3-1993; 5-2-1994]
- B. Building height. No building shall thereafter be erected, altered or moved upon any premises exceeding a height of 35 feet or 2 1/2 stories unless a variance for greater height is approved by the Board of Appeals after a public hearing and taking into consideration the fire-fighting capabilities in the Township or available neighboring fire-fighting facilities.

Sec. 300- 98. Accessory buildings and structures. [Amended 5-3-1993; 11-11-1996]

Accessory buildings and structures which are located on a corner lot shall not be placed closer than 10 feet from a rear or interior side lot line and not closer than 30 feet to the exterior side lot line. All accessory buildings and structures shall meet applicable building code requirements.

ARTICLE X
Industrial Districts (I)

Sec. 300-99. Purpose.

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

Sec. 300- 100. Use types. [Amended 7-27-1987; 7-18-1988]

Land may be used or buildings or structures may be erected, altered or moved on and used, in whole or part, for any one of the following specified uses, except as otherwise provided in this chapter. All uses in Industrial Districts shall comply with the performance standards listed in Sec. 300-24 of this chapter as well as all state and local industrial building codes.

A. Permitted uses. The following are permitted uses in the Industrial I District:

- (1) Any industrial purposes as defined in Article II which, in the regular course of business, shall not emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which it is located.
- (2) Any commercial use or business use that is permitted in Commercial Districts.
- (3) Public utilities.
- (4) Outdoor advertising signs in conformance with Sec. 300-30 of this chapter.
- (5) Accessory buildings and uses customarily incidental to any of the above permitted uses.

B. Special land uses. The following are special land uses requiring Planning Commission approval after a public hearing:

- (1) An industrial use which, in the normal course of business may emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which it is located so long as performance standards, as outlined in Sec. 300-24, are not exceeded.
- (2) Reservoirs, catch basins, sewage disposal plants, aeration fields, or ponds used for the dumping or treatment of waste, chemicals, liquids or any other materials from any other commercial or industrial enterprise.
- (3) Signs not conforming with Sec. 300-30.
- (4) Fertilizer and other chemical plants.
- (5) Slaughterhouses, transfer stations and rendering plants.
- (6) Airports or aircraft launching and landing strips.

- (7) Open storage yards as principal or accessory use.
- (8) Truck terminals.
- (9) Gravel pits, sand mines and open pit mines.
- (10) Landfills and dumps.
- (11) Combustible or toxic material storage structures or yards.
- (12) Junkyards.
- (13) Private wastewater treatment lagoons and facilities, other than septic tanks and seepage beds which are permitted, for treatment of septage emanating from the subject property only.
- (14) Kennels
- (15) Sport shooting ranges
- (16) Any industrial use of land or buildings not specifically mentioned in this section may be conditionally permitted upon approval of the Planning Commission after a public hearing.
- (17) Accessory buildings and uses customarily incidental to any of the above special land uses.

C. Prohibited uses. The following uses are prohibited in the Industrial I District:

- (1) Residences.
- (2) Schools, churches, public and community assembly buildings.
- (3) Camps, adult and/or juvenile detention or correction facilities.
- (4) Foster care facilities for more than six patients/clients.

Sec. 300-101. Minimum lot area. [Amended 7-18-1988]

A lot site or parcel of land shall consist of not less than five acres and shall not have a lot frontage or lot width of less than 400 feet.

Sec. 300-102. Corner lot. [Amended 11-29-1995]

Refer to Sec. 300-8.

Sec. 300-103. Driveways and parking.

- A. Driveways. Driveways shall be not less than 12 feet wide, 12 feet high clearance and at least three feet from the side lot line. [Amended 11-29-1995]
- B. Parking. Off-street vehicle parking and loading space shall comply with the provisions of Sec. 300-23 of this chapter. However, vehicle parking shall be allowed only in side or rear yards of industrial zoned property.

- C. Fire lane. A clear and unobstructed drive, at least 14 feet wide and 12 feet high, shall be kept open in the side or rear yard for access by fire-fighting equipment. [Amended 11-29-1995]

Sec. 300-104. Yards.

Every building hereafter erected, altered or moved upon industrial-zoned premises shall be provided with yards having no less than the following minimum sizes:

- A. Front yards. Front yards shall include an open area of not less than 150 feet measured from the center line of the abutting highway, street or road. However, where there are existing buildings within 50 feet of the side lines of the parcel of land upon which the building is located, the front yard space may be reduced to the average of such buildings. Front yards shall be ornamentally landscaped.
- B. Side yards. There shall be two side yards, each of which shall not be less than 50 feet in width except where a side property line adjoins a railroad right-of-way, in which case no side yard will be required along such lot line.
- C. Rear yards. There shall be a rear yard of not less than 50 feet in depth except where the property line adjoins a railroad right-of-way, in which case no rear yard will be required.

Sec. 300-105. Fences, walls and screens. [Amended 9-13-1904]

Refer to Sec. 300-8, 300-9, and 300-11.

Sec. 300-106. Signs.

Signs shall be in conformance with Sec. 300-30.

Sec. 300-107. Building floor area and height.

- A. Building floor area. Every primary-use building hereafter erected, altered or move upon industrial premises shall contain not less than 2,000 square feet of ground floor area. [Amended 7-5-1993]
- B. Building heights. Buildings and structures shall not exceed a height of 35 feet or 2 1/2 stories except when a variance or a greater height is approved by the Board of Appeals after public hearing, and taking into consideration the fire-fighting capabilities of the Township or neighboring fire-fighting facilities.

Sec. 300-108. Accessory buildings and structures.

Accessory buildings and structures shall comply with all setback (yard) requirements. All accessory buildings and structures shall meet applicable building code requirements.

ARTICLE XI
Flood Hazard and High-Risk Erosion Overlay District (HRE)

Sec. 300-109. Purpose.

The purpose of this overlay zone is to prevent the placement of structures in areas of high-risk erosion and flood hazard consistent with the Natural Resources and Environmental Protection Act (1994 PA 451, as amended; MSA § 324.101 et seq.). It is furthermore the purpose of this zone to:

- A. Establish a minimum setback line for principal structures from the eroding bluff which, based on the erosion studies prepared by the Department of Natural Resources pursuant to the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended, is intended to provide a minimum of 30 years' protection from shoreland erosion.
- B. Minimize the economic hardships which individuals and Worth Township may face in the case of unanticipated property loss due to severe erosion or flood hazards, and protect individuals from buying lands which are unsuited for intended purposes because of flood or erosion hazards.
- C. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or erosion to bluffs and banks of drains, creeks, rivers or the Lake Huron shoreline.
- D. To facilitate qualification for flood insurance under the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, as amended and regulated by the Federal Insurance Administration, Department of Housing and Urban Development.
- E. The standards and requirements contained in this section, and on the Zoning Map, are intended to further the purposes of the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended.

Sec. 300-110. Area affected.

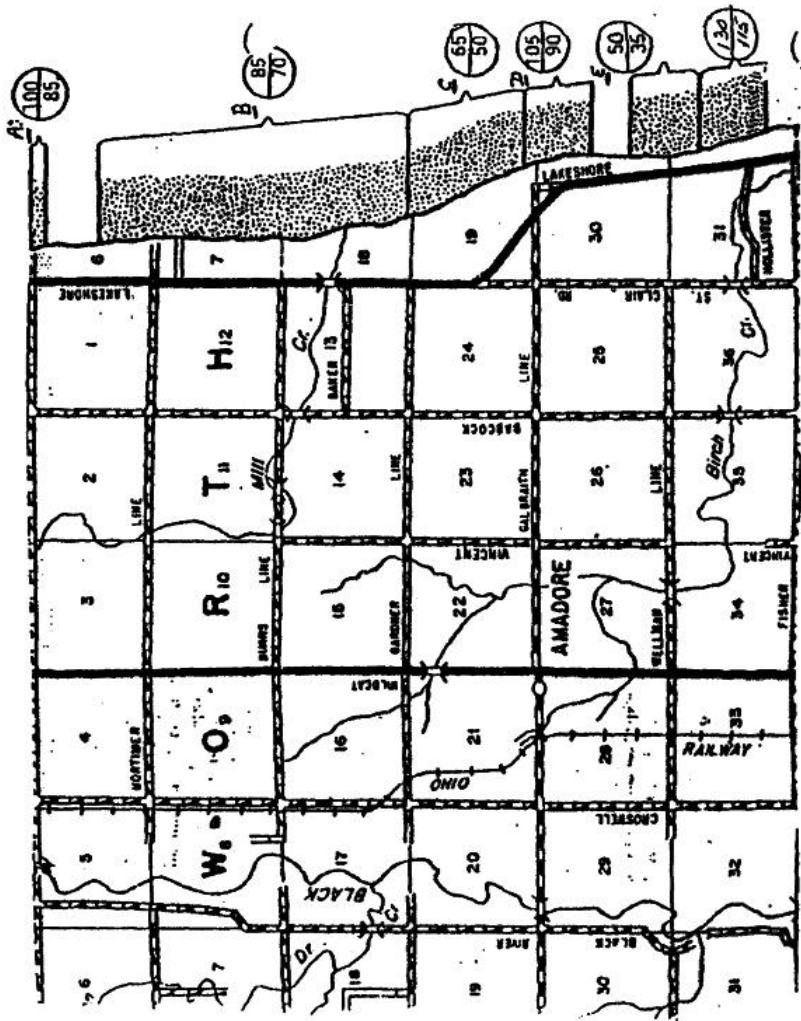
- A. Flood hazard areas. Generally, these lands are those bordering on or adjacent to Mason Drain, William Doan Drain, Birch Creek, Mill Creek, Seymour Creek, Black River and Lake Huron. Copies of the Flood Hazard Area Maps as issued by the Federal Insurance Administration shall be kept on file in the Worth Township Office for examination by interested parties.
- B. Shoreland erosion areas. The boundaries of those stretches of shoreland affected by the High-Risk Erosion Overlay Zone shall be consistent with the affected properties described in Appendum HRE of this article. This area is shown on the Official Worth Township Zoning Map, which is part of this chapter. This area extends landward from the ordinary high-water mark to the minimum setback line for principal structures. For the purpose of the High-Risk Erosion Overlay Zone, the minimum setback requirement shall be measured landward from the bluff line and shall be construed as running parallel to the bluff line. In the event the bluff line recedes (moves landward), the setback line of the high-risk erosion area shall also be construed to have moved landward a distance equal to the bluff line recession.

Sec. 300- 111. Setback distances.

Within the boundaries of the high-risk erosion area established by this article, no principal structure shall be located between the ordinary high-water mark and the line defining the minimum setback distance indicated on the map and Appendum HRE that follow. The setback requirement shall be measured in a landward direction at a distance horizontal from and perpendicular to Appendum HRE; the minimum setback for any principal structure shall be as follows:

Designated High-Risk Erosion Area	Required Setback From Bluff Line (feet)	Minimum Setback Permitted by Variance (feet)
Area A	100	85
Area B	85	70
Area C	65	50
Area D	105	90
Area E	50	35
Area F	130	115

Appendum HRE



Sec. 300-112. Accessory structures.

Accessory structures which can be easily and economically removed prior to erosion damage are exempted from the setback requirements. No accessory structures which are permanent in either construction or location may be placed in the High-Risk Erosion Overlay Zone.

Sec. 300-113. Land use permits.

No land use permit shall be issued in any zoning district for the erecting, constructing, enlarging, altering, repairing or locating of any building or structure on land located in flood hazard area or high-risk erosion area as described in Appendum HRE, supra, until the owner or applicant for said land use permit shall file with the Zoning Administrator plans or specifications with a statement or affidavit signed by a registered engineer or registered architect that precaution will be taken in the construction, erecting, enlarging, repairing or locating of the building or structure to provide adequate protection against floor or erosion damage, including:

- A. Elevation of the building or structure on the building site so that the lowest floor of said

building or structure, including basements, shall be two feet above the established flood level;

- B. Materials used in such building or structure to be such as to withstand the pressure of a flood and are water-resistant;
- C. The location of the building or structure to be such that it will not obstruct the flow of water and possibly cause flooding of other property;
- D. The building or structure when located on land with a bluff or bank that might be subject to erosion from the movement of water shall be set back a sufficient distance from the edge of said bluff or bank to avoid the risk of shifting or movement of the building or structure caused by erosion to said bluff or bank;
- E. In case of insufficient depth to the land for a safe setback of the building or structure, that a seawall, breakwater, levee or other support will be erected to prevent erosion or mud slides to the bluff or bank; and
- F. The water system is to be designed to minimize or eliminate filtration of floodwaters into the system, and the waste disposal system is to be located and designed to avoid impairment of or contamination from the system during flooding.

Sec. 300-114. Duties of Zoning Administrator.

In High-Risk Erosion and Flood Districts, the Zoning Administrator shall:

- A. Review all land use permit applications to determine if the site of the proposed construction is reasonably safe from flooding and make recommendations for construction in all locations which have flood hazards;
- B. Review all land use permit applications to determine if the proposed construction is consistent with the need to minimize flood damage;
- C. In reviewing applications and site plans for construction in flood hazard locations, require that any proposed construction must:
 - (1) Be designed and anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding or erosion;
 - (2) Use construction materials and utility equipment that are resistant to flood damage and erosion damage;
 - (3) Use construction methods and practices that will minimize flood or erosion damage;
 - (4) Provide adequate drainage in order to reduce exposure to flood and erosion hazards; and
 - (5) Locate public utilities and facilities on the site in such a manner as to be elevated and constructed to minimize or eliminate flood or erosion damage. (Utilities and facilities include sewer, gas, electrical and water systems.)
- D. Forward all subdivision applications to the Worth Township Planning Commission, which, in reviewing such applications, shall make finding of fact and determine if:

- (1) Proposed developments are consistent with the need to minimize flood and erosion damage;
- (2) Adequate drainage is provided so as not to increase the exposure to flood and erosion damage or hazards;
- (3) Adequate drainage is provided so as not to increase the exposure to flood and erosion hazards to adjacent land; and
- (4) All public utilities and facilities are located, elevated and constructed so as to minimize or eliminate flood and erosion damage.

ARTICLE XII
Planned Unit Developments (PUD)

Sec. 300-115. Purpose and applicability.

- A. The purpose of these regulations is to permit greater flexibility and, consequently, more creative and imaginative design in the development of residential areas than is generally possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing more harmonious housing choices, the integration of necessary commercial and community facilities, and the preservation of open space and recreational use.
- B. A planned unit development (PUD) is a distinctive use of property. A planned unit development shall, therefore, be governed only by the provisions of this article and not by any other provisions of this chapter, anything in this chapter to the contrary notwithstanding.

Sec. 300-116. General requirements; initial information.

- A. A planned unit development site shall not be less than 10 contiguous acres of land.
- B. A planned unit development shall be allowed only within residential, business, or agriculture districts and providing the application can demonstrate that the proposed character of development will meet the objectives of the planned unit development, the purposes and intent of the Master Plan and the objectives of this chapter.
- C. A request for a land use permit, building permit and/or a zoning compliance certificate for consideration of a planned unit development shall contain the following information:
 - (1) The name, address and telephone number of:
 - (a) All persons, firms or corporations with ownership interest in the land on which the planned unit development will be located, together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee).
 - (b) All engineers, attorneys, architects, planners or registered land surveyors associated with the project.
 - (c) The developer or proprietor of the planned unit development.
 - (2) The legal description of the land on which the planned unit development will be developed, together with the appropriate tax identification numbers.
 - (3) The total area of the planned unit development, as well as the size of the integral units of the PUD.
 - (4) The purpose of the development (for example, residential, commercial, industrial, etc.).
 - (5) Approximate number of dwelling units and other structures to be developed on the subject parcel.
 - (6) An affidavit of commitment to connect to the existing municipal water system.

- (7) Detailed plan and approval (by the County Health Department) for a wastewater system sufficient in size to accommodate the entire development upon its completion. At such a time as a municipal sewage system becomes available, the development will connect within one year.
 - (8) A detailed plan showing all electric, telephone, natural gas and cable transmission lines placed underground.
- D. All information shall be furnished to the Township Planning Commission and the Zoning Administrator for approval prior to the issuance of a permit and shall be kept updated until such time as a certificate of occupancy has been issued.

Sec. 300-117. Site plans for new projects, applications and review fees.

A. Site plan review.

- (1) Prior to recording of the master deed, required by Section 72 of the Condominium Act, 1978 Public Act 59, as amended (MCLA § 559.172), the planned unit development shall undergo site plan review and approval.
- (2) In addition to initial documents, the Township of Worth shall require appropriate engineering plans (including as-built drawings) and inspection, prior to the issuance of any certificate of occupancy.

B. Fees.

- (1) Application and review fees for the planned unit development shall be established by resolution of the Township Board.
- (2) In addition to the application fee, and prior to plan review, the applicant shall deposit with the Township Clerk an amount sufficient to cover the estimated cost of reasonable engineering and legal reviews and other professional expenses.
- (3) If the actual cost of the reviews exceeds the amount initially deposited, the applicant shall reimburse the Township for the balance of the cost prior to the issuance of any permits for the project.
- (4) Any unused deposits shall be returned to the applicant upon final completion and inspection of the project.

Sec. 300-118. Site plan review required for expansion or conversion.

Prior to expansion or conversion of a planned unit development with additional land, the new phase of the project shall undergo site plan review and approval by the Planning Commission.

Sec. 300-119. Master deed, restrictive covenants and as-built survey to be furnished.

- A. The condominium development developer or proprietor shall furnish the Zoning Administrator with the following:
- (1) One copy of the recorded master deed;

- (2) One copy of all restrictive covenants; and
 - (3) Two copies of an as-built survey.
- B. The as-built survey shall be reviewed by the Township Engineer for compliance with all Township ordinances.

Sec. 300-120. Monuments required.

All planned unit development projects shall be marked at their boundaries with monuments meeting the requirements of this chapter.

- A. All monuments used shall be made of solid iron or steel bars at least 1/2 inch in diameter and 36 inches long. They are to be completely encased in concrete at least four inches in diameter.
- B. Monuments shall be located in the ground at all angles in the boundaries of the planned unit development and at the intersection lines of streets.
- C. Monuments need not be placed within the traveled portion of a street. If the required location of a monument is in an inaccessible place or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location be clearly indicated on the plans and referenced to the true point.
- D. All monuments shall be placed flush with the ground where practicable.
- E. The Planning Commission may waive, for a reasonable time, not to exceed one year, the placing of the required monuments and markers on the condition that the proprietor deposits, with the Township Clerk, an amount to be established by the Township Board, by resolution, cash, certified check, or irrevocable bank letter of credit to the Township of Worth, whichever the proprietor selects. Said deposit shall be returned to the proprietor upon receipt of a certificate, issued by a surveyor, that the monuments and markers have been placed as required and within the time specified. If the proprietor fails to install the monuments within the specified time, the Township may do so and charge the costs thereof to the deposited funds. The proprietor shall be responsible for any amounts exceeding said funds.

Sec. 300-121. Compliance with federal, state and local laws.

All planned unit developments shall comply with federal and state statutes and local ordinances.

Sec. 300-122. Permitted uses in planned unit developments.

- A. Residential.
 - (1) Single-family detached dwellings, excluding mobile homes.
 - (2) Two-family dwellings.
 - (3) Apartments.
 - (4) Townhouses.
 - (5) Condominiums.

- (6) Other multifamily dwellings.
- B. Commercial. The following uses, designed and intended to serve the convenience needs of the planned unit development residents, are permitted:
- (1) Food stores.
 - (2) Bakeries (retail only).
 - (3) Barber or beauty shops.
 - (4) Banks and financial institutions.
 - (5) Shoe sale and repair.
 - (6) Florist and garden shops.
 - (7) Hardware stores.
 - (8) Book and stationary stores.
 - (9) Dry cleaning (pickup or coin-operated only).
 - (10) Offices.
 - (11) Drugstores.
 - (12) Wearing apparel shops.
 - (13) Post office.
 - (14) Restaurants with full course menu. Table top, indoor restaurants conforming in appearance to a residence that provide no drive-in, short-order, or car-service food or drink facility. Alcoholic beverages may be served incidental to the sale of food.
 - (15) Private clubs, excepting those of which the chief activity is service customarily carried on as a business.
- C. Accessory. The following uses, designed and intended to serve the convenience of the planned unit development residents, are permitted:
- (1) Private garages.
 - (2) Storage sheds.
 - (3) Recreational play areas.
 - (4) Churches.
 - (5) Elementary and secondary schools, including day-care facilities.

Sec. 300-123. Design requirements.

Within the planned unit development approved under this article, the requirements hereinafter set forth shall apply in lieu of any conflicting regulations applicable to the district in which the development is located.

- A. The maximum number of dwelling units permitted within the project shall be determined by dividing the net planned unit development area by the minimum lot area per dwelling unit required by the district in which the project is located. In the event the project lies in more than one district, the number of dwelling units shall be computed for each district.
- B. The minimum lot area shall not be reduced by any permitted use more than 20% below that required in the district in which the project is located.
- C. The minimum setback and yard or open space requirement for buildings and structures may be reduced or increased at the discretion of the Planning Commission to avoid any unnecessary disruption of the environment where reasonable equivalent open space is provided elsewhere upon the site.
- D. The minimum lot frontage and width for any lot designation for a single-family dwelling may be reduced 20% below the requirements of the district in which the development is located.
- E. The screening area may be required by the Planning Commission along the perimeter of the development if deemed necessary to protect values of adjoining property under separate ownership.
- F. Within every planned unit development there shall be planned and set aside permanently as part of the total development an amount of open space equal to but not less than the aggregate accumulation of lot size reduction below the minimum lot area for the development as a whole. Before accepting the open space as meeting the requirements of this provision, the Planning Commission must find the land thus designated to be sufficient in size and suitably located with adequate access; written evidence must be given that satisfactory arrangement will be made for the maintenance of such designated land to relieve the Township of any future maintenance thereof.
- G. All required open space within a planned unit development shall be arranged so as to provide access and benefit to the maximum number of lots and/or dwelling units. Separate tracts of open space shall have adequate access from at least one point along a public street.

Sec. 300-124. Streets, sidewalks, driveways and easements.

- A. Streets.
 - (1) The street layout shall provide for continuation of collector streets in any adjoining subdivision and conform to a plan for a neighborhood unit drawn up and adopted by the Planning Commission.
 - (2) The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.

- (3) Should the proposed development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
- (4) Should the proposed development border on or contain a railroad, expressway or other limited-access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a suitable distance for the development of an appropriate use of intervening land. Such distance shall be determined with due consideration to the minimum distance required for approach grades to future grade separation.
- (5) Half-width streets shall be prohibited, except where essential to the reasonable development of the subdivision. The Planning Commission retains the right to require the dedication of the other half of the street when/if the adjoining property is developed. Where there exists adjacent to the tract to be developed a dedicated or platted and recorded half street, the other half shall be platted or otherwise included in the planned unit development.
- (6) Should a proposed planned unit development border upon or contain an existing or proposed canal, channel, ditch or drainageway, the Planning Commission may require the location of a bridge suitable to permit the unimpeded flow of water.
- (7) Should a proposed planned unit development border upon a public road for which the exiting right-of-way is less than the planned right-of-way shown on the County Road Plan (or the Township Plan, if one has been adopted), additional right-of-way in the amount necessary to conform to the county or local plan shall be dedicated as a condition of approval.
- (8) For projects in which private roads are proposed, the proposed planned unit development shall have fee simple ownership of all means of ingress and egress by which the proposed planned unit development is to be connected to a public road or street.
- (9) All streets shall be properly maintained. The road surface shall be kept in good repair. Accumulation of snow and ice shall be promptly removed. The master deed shall contain adequate mechanisms to ensure that streets will be properly maintained.
- (10) Dimensional requirements for all streets:
 - (a) Shall have a minimum sixty-six-foot right-of-way.
 - (b) Shall have a minimum pavement width of 24 feet.
 - (c) Shall have curbs and gutters with adequate drainage.
 - (d) Shall meet Road Commission engineering standards.
 - (e) Dead-end shall have a cul-de-sac turnaround with a radius of not less than 50 feet or meet Road Commission standards, whichever is greater.

B. Driveways.

- (1) No on-street parking shall be allowed unless the street has been designed to accommodate parking in a manner approved by the Planning Commission.
- (2) All driveway openings onto streets shall be as specified by the County Road Commission.

C. Sidewalks.

- (1) Except as otherwise provided herein, the developer shall install concrete sidewalks in all site planned unit developments.
- (2) Sidewalks shall be a minimum of five feet in width along both sides of minor streets and six feet along all collector or major thoroughfares.
- (3) Sidewalks may increase to eight feet in width and be constructed of asphalt in order to safely accommodate bicycle traffic. Such additional width will only be accepted by the Planning Commission after review by the Township Engineer.
- (4) Sidewalks shall be placed within the street right-of-way and shall be constructed within one foot from the edge of the right-of-way.
- (5) Upon review of the site plan, the Planning Commission may approve alternate locations for the sidewalks or may waive the sidewalk requirement if it would not serve the purpose of providing adequate pedestrian circulation.

D. Easements.

- (1) Location of utility easements shall be provided as necessary for utilities. Such easements shall be a total of not less than 12 feet wide, six feet from each proposed dwelling unit site, and must be unobstructed.
- (2) Recommendations on the proposed underground placement of telephone, television, natural gas, and electric company easements must be obtained from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of all proposed development to all the appropriate utility companies.

E. Street names and signs. For the purpose of insuring proper response by emergency vehicles, road name signs and traffic control signs shall be installed in accordance with the standards of the Sanilac County Road Commission. Street names shall be designated in a manner so as not to duplicate or be confused with preexisting streets within the Township or postal zone.

F. Streetlighting. For the purpose of protecting public safety, streetlights meeting the standards of the Sanilac County Road Commission and the public utility providing such lighting shall be installed and maintained within the planned unit development at all street intersections. The association of co-owners shall be responsible for the full cost of the operation of the streetlights.

Sec. 300-125. Natural resources.

The natural features and character of the lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, wetlands, watercourses and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the provision of adequate barriers, where appropriate, shall be required.

Sec. 300- 126. Public sites.

Where a proposed park, playground, school, recreational area, public access to water frontage or other public use is located in whole or part within a planned unit development, the Township Board may request, but not require, that a suitable area for this purpose be dedicated to the public or reserved for public purchase. If within two years of the master deed recording, the purchase is not agreed on, the reservation may be canceled or shall automatically cease to exist.

Sec. 300-127. Greenbelts.

Greenbelts or landscaped plants, the configuration and design of which is subject to the review of the Planning Commission, shall be required to be located between residential site dwelling units and adjacent major streets.

Sec. 300-128. Storm drainage.

- A. Adequate storm drainage systems, including necessary storm sewers, catch basins, manholes, culverts, bridges, and other appurtenances, as approved by the Township Engineer, shall be required in all developments.
- B. Provision shall be made for the proper drainage of stormwater from the rear yards of the dwelling units.
- C. In no event shall the natural flow of surface water runoff be increased to contiguous parcels.
- D. Drainage of each yard shall be self-contained and shall be drained from rear to front except where topography or other natural features require otherwise.
- E. The Planning Commission may require that all storm sewers be installed within the public rights-of-way or within the common elements of the development.

Sec. 300-129. Procedure.

Before any permits are granted for a proposed planned unit development, the developer shall apply for and secure approval from the Planning Commission in accordance with the following procedure:

- A. Submission of initial design plan. In order to allow the Planning Commission and the developer to reach an understanding of basic design requirements prior to detailed site design investment, the developer shall submit a design plan of his/her proposal to the Planning Commission with the application information:
 - (1) Boundaries of the property.

- (2) Location and height of all buildings and structures.
 - (3) Interior roadway systems, parking facilities and all existing rights-of-way and easements, whether public or private.
 - (4) Delineation of the various residential and/or commercial areas indicating for each such area its size, number of buildings, structures and composition in terms of total number of dwelling units, approximated percentage allocation by dwelling unit type, plus a calculation of the net residential density and commercial density.
 - (5) The interior open space system.
 - (6) The overall stormwater drainage system.
 - (7) If grades exceed 30% a on portion of the site, have a moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding and/or ponding an overlay outlining the above susceptible soil shall be provided.
 - (8) Principal ties to the neighborhood and community with respect to transportation, water supply and sewage disposal.
 - (9) General description of the provision of other community facilities, such as schools, recreational facilities, fire-protection services, and cultural facilities, and how it is proposed that these needs be accommodated.
- B. Supporting documentation. In addition, the following documentation shall accompany the design plan:
- (1) Evidence that the proposal is compatible with objectives of the Township Master Plan.
 - (2) A general statement as to how common open space is to be owned and maintained.
 - (3) If the development will be constructed in phases, a plan indicating the sequences of the phases to completion of the total project shall be identified.
- C. Hearing(s). The Planning Commission shall hold a hearing or hearings on the application for a planned unit development in accordance with the procedures of Section 300-156.
- D. Determination. Following the public hearing, the Planning Commission shall, within 60 days, approve or disapprove the design plan or make modifications thereto and so notify the applicant of its decision.
- E. Effect of preliminary approval. Approval of a design plan shall not constitute approval of the detailed site plan but shall be deemed a preliminary expression of approval of the layout as a guide to the preparation of the detailed plan.
- F. Design plan changes. If it becomes apparent that certain elements of the design plan, as it has been approved by the Planning Commission, become unfeasible and in need of modification, the applicant shall then resubmit his/her entire design plan, as amended, to the Planning Commission pursuant to the above procedure.
- G. Submission of site plan. After receiving approval from the Planning Commission of a design plan, the applicant may prepare his/her detailed site plan and submit it to the Planning

Commission for approval.

- H. Delay in submission of site plan. However, if more than six months have elapsed since the time of the design plan approval, the Planning Commission may require a resubmission of the design plan for further review and possible revision.
- I. Site plan contents.
 - (1) The detailed site plan shall conform to the design plan that has been given approval.
 - (2) It shall incorporate any revisions or other features that may have been recommended by the Planning Commission at the preliminary review. All such compliance shall be clearly indicated by the applicant on the appropriate submission.
 - (3) The detailed site plan shall include the following information:
 - (a) An area map showing the entire portion of the applicant's property under consideration for planned unit development and all properties, subdivisions, streets, utilities and easements within 300 feet of the applicant's property.
 - (b) Topographic map showing contour intervals of not more than four feet of elevation.
 - (c) A plan showing:
 - [1] Location, proposed use, number and height of all buildings or structures; location of all parking areas, with ingress and egress drives thereto; location of outdoor storage, if any
 - [2] Location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
 - [3] The amount of building area proposed for nonresidential uses, if any.
 - [4] Description of method of water supply and sewage disposal and location of such facilities.
 - [5] Location and size of all signs.
 - [6] Location and design of lighting facilities.
 - (d) A tracing overlay showing all soil types, their location, and those areas, if any, with moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.

Sec. 300-130. Standards for approval.

The Planning Commission's review of the detailed site plan shall include, but shall not be limited to, the following:

- A. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, canalization, traffic controls, and pedestrian movements.

- B. Location, arrangement, appearance and sufficiency of off-street parking.
- C. Location, arrangement, size and entrances of buildings, walkways and lighting.
- D. Relationship of the various uses to one another.
- E. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or a noise-deterring screen between adjacent uses and adjoining lands.

Sec. 300-131. Building permits and zoning compliance certificates.

- A. Upon approval of the planned unit development, the Chairman of the Planning Commission shall direct the Zoning Administrator to issue the appropriate permits.
- B. In any case where the construction of the planned unit development has not commenced within one year from the date of approval, the permits, both land use and building, are null and void.
- C. After a planned unit development has been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval by the Planning Commission following the procedures deemed necessary and appropriate at that time. This limitation shall apply to successive owners.
- D. If construction and development does not conform to the approval of the Planning Commission, the building permit and/or zoning compliance certificate shall be forthwith revoked by the Zoning Administrator by written notice of such revocation posted upon the site and mailed to the developer at his known address. Upon revocation, all further construction activities shall cease upon the site, other than for the purpose of correcting the violations.

ARTICLE XIII
Administration and Enforcement

Sec. 300-132. Zoning Administrator.

The provisions of this chapter shall be administrated and enforced by the Township Zoning Administrator. He/She shall be appointed by the Worth Township Board for such term and subject to such conditions and at such compensation as the Township Board shall determine as reasonable.

- A. The Township Zoning Administrator shall:
- (1) Process applications for land use permits and review related site plans. (See Article III.)
 - (2) Issue permits when proper.
 - (3) Inspect parcels of land for which permits are requested, including high-risk erosion and floor hazard districts. (See Article XI.)
 - (4) Send written notification of any violation of this chapter to the owner of the property at issue.
 - (5) Initiate stop-work orders on violating construction project(s).
 - (6) Advise the various Township Boards on matters of land use.
 - (7) Maintain the Official Township Zoning Map and compile a list of legal descriptions (by use district) of all parcels of realty rezoned pursuant to actions of the Township Board.
 - (8) Testify at any legal proceedings regarding this chapter.
- B. The Zoning Administrator shall not make changes in this chapter or vary its terms in carrying out his/her duties.
- C. In the absence of the Zoning Administrator, the Township Supervisor, assistant of the Zoning Administrator, or a designated member of the Planning Commission shall have the authority and power to process applications for land use permits and to issue such permits, if the application meets ordinance requirements.

Sec. 300- 133. Fees.

The Worth Township Board shall, by resolution, set all fees concerned with administration and enforcement of this chapter.

Sec. 300-134. Violations as nuisance per se. [Amended 8-4-1997]

Any building or structure which is erected, altered, demolished, maintained or used, and any use of land which is begun, maintained or changed in violation of any provisions of this chapter is hereby declared to be a nuisance per se. This chapter may be enforced by one or more of the applicable provisions below.

Sec. 300-135. Civil infraction. [Amended 8-4-1997]

Unless otherwise specified, violations of this chapter are first-degree civil infractions as provided in Worth Township Code, Chapter 30, Municipal Civil Infractions, as amended.

- A. Civil infraction procedure. The Zoning Administrator or any other authorized Worth Township Ordinance Enforcement Officer may present or issue a civil infraction notice or civil infraction citation to an alleged offender. As provided in Chapter 30 of the Township Code, the civil infraction notice shall require acceptance of responsibility and payment of penalty to the Worth Township. Nonacceptance of responsibility and payment of civil infraction citation shall require an appearance before the District Court Magistrate or Judge to answer to the complainant's allegations of offense.
- B. Civil infraction penalty. An admission or finding of responsibility shall subject a violator to a daily civil penalty as provided in Chapter 30 of the Township Code.
- C. Daily violation. Each and every day during which an illegal construction, alteration, demolition, maintenance, use or other violation continues shall be deemed as a separate offense.
- D. Compliance after prosecution. The imposition of any civil fine or penalty shall not exempt the offender from compliance with the provisions of this chapter.

Sec. 300-136. Misdemeanor violations.

- A. Criminal procedure. The Zoning Administrator or any other authorized Worth Township Ordinance Enforcement Officer may issue criminal citations for violations of those sections of the ordinance designated as misdemeanors. [Amended 8-4-1997]
- B. Misdemeanor penalty. Any person, firm, corporation or other organization which violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any provision designated as a misdemeanor shall be fined, upon conviction, up to \$500 together with the costs of prosecution, or shall be punished by imprisonment in the county jail for not more than 90 days for each offense, or may be both fined and imprisoned as provided herein in the discretion of the court. [Amended 8-4-1997]
- C. Daily violation. Each and every day during which an illegal construction, alteration, demolition, maintenance, use or other violation continues shall be deemed as a separate offense.
- D. Compliance after prosecution. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this chapter.
- E. Circuit Court remedies. Separately or in conjunction with a civil infraction or misdemeanor prosecution, the Zoning Administrator or any Worth Township Ordinance Enforcement Officer may, with the authority of the Worth Township Board, commence an action on behalf of the Township in the Circuit Court or other appropriate court, requesting an injunction mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, remove or otherwise abate any unlawful construction, alteration, demolition, excavation, maintenance, use or other nuisance. The action may also seek and the court may impose a civil fine of up to \$100 for any violation of this chapter and each, and every day that

a violation continues shall be deemed as a separate offense. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.
[Amended 11-29-1995; 8-4-1997]

Sec. 300-137. Late permit charged. [Amended 8-4-1997]

Land use permits issued after the commencement of construction shall require appropriate fees.

Sec. 300-138. Cost and attorney fees. [Amended 7-7-1986]

The culpable defendant in any civil or criminal action shall be responsible for all actual court costs, attorney fees, expert witness fees and other expenditures by the Township in the prosecution of a violation or this chapter.

ARTICLE XIV
Board of Appeals

Sec. 300- 139. Creation.

There is hereby created a Board of Appeals which shall perform its duties and exercise its power as provided by Act 110 of the Public Acts of 2006 as amended, the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.* and by the provisions of this chapter, to the end that the objectives of this chapter are observed, public safety, health, morals and general welfare secured, and substantial justice done.

Sec. 300- 140. Membership.

The Board of Appeals shall consist of three members, with the Township Board's option of not more than two alternate members who would serve in the absence of the regular Board member or if a regular Board member has a conflict of interest in any scheduled meeting. Members of the Board of Appeals shall be a member of the Township Planning Commission, a member of the Township Board and one person appointed by the Township Board from among the electors residing in the Township. No elected officer of the Township, nor any employee thereof, shall serve as a member or as an employee of the Board of Appeals, with the exception of the Township Board member.

Sec. 300- 141. Terms of members and officers.

- A. The members shall be appointed for a term of three years, in the manner provided by Act 110 of the Public Acts of 2006 as amended, the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.* The Board of Appeals shall elect from its membership a Chairperson, a Secretary and such other officers or committees deemed necessary. However, neither the chairperson of the Planning Commission nor the Township Board member may serve as Chairperson of the Board of Appeals.
- B. Members of the Board of Appeals shall be removable by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

Sec. 300- 142. Jurisdiction.

- A. The Board of Appeals shall not alter or amend the Zoning District Map and classifications or the provisions of this chapter.
- B. The Board of Appeals shall:
 - (1) Maintain a separate record and issue written opinions on all actions taken in its capacity.
 - (2) Hear and decide appeals where it is alleged by the applicant that there is an error in any requirement relative to or refusal of the issuance of a compliance or building permit by the Building Inspector or Zoning Administrator.

- (3) Permit modification of off-street parking and off-street loading requirements only in so far as area and number of spaces are concerned and where it can be clearly demonstrated that no useful purpose would be served or that land required cannot be obtained.
- (4) Permit non-use variances to the area, height and setback requirements where practical difficulties exist because of topography or where substantial rights enjoyed by other property owners in the same zone and vicinity, provided that such rights are of a conforming nature. The Board of Appeals shall not have the authority to grant use variances.
- (5) Vary or modify any of its rules or provisions relating to the construction or structural changes in, equipment or alteration of buildings or structures where there are practical difficulties in the way of carrying out the strict letter of the ordinance.
- (6) Have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the presentation of records and other evidence pertaining to matters being considered.

Sec. 300- 143. Meetings.

A. Notice.

- (1) Public notice of a hearing on any appeal shall be published at least once in a newspaper of general circulation within the Township not less than 15 days before the hearing. If an appeal involves a specific parcel of property, notice shall be given in accordance with Section 300-147.
- (2) Written notice by personal delivery or by first-class mail at least 15 days in advance to all property owners reflected by the current tax rolls as owning property located within 300 feet of any point of the property on which the appeal is based.
- (3) The notice shall contain a brief description of the location of the property, the basis of the appeal and the time and place where the hearing will be conducted.

B. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as the Board may determine as necessary.

C. Meetings shall be subject to the provisions of the Open Meetings Act, open to the general public and conducted pursuant to and consistent with such rules of order as have been adopted by the Board of Appeals.

Sec. 300-144. Appeals

A. An appeal may be taken to the Board of Appeals by:

- (1) Any person seeking clarification or interpretation of this chapter; or
- (2) Any person seeking or opposing a special land use as provided for by this chapter; or
- (3) Any person aggrieved by a decision of the Building Inspector or Zoning Administrator pursuant to or in conjunction with a compliance, building permit, or land removal and

filing permit; or

- (4) By any person seeking a variance.
- B. All appeals shall be submitted in writing to the Township Clerk and accompanied by a nonrefundable filing fee set by Township Board resolution.
- C. Upon receipt of a proper application, the Board of Appeals shall set a reasonable time and place for a hearing on the appeal and give proper notice thereof to the public and all affected parties, and render a decision without unreasonable delay.
- D. Appeals made from a determination of the Building Inspector or Zoning Administrator shall be made within 30 days following such determination. Appeals from any other determination shall be made within 60 days of such determination.

Sec. 300-145. Variance application and fee. [Amended 7-27-1987]

Application for a variance shall be made to the Zoning Board of Appeals and shall be accompanied by the fee annually established by the Worth Township Board.

Sec. 300-146. Application contents.

An application for variance shall at a minimum contain:

- A. A statement that the applicant(s) is/are the owner(s) of the property involved or is/are acting in the owner's behalf with the owner's written authorization.
- B. A legal description of the property involved.
- C. An accurate diagram of said property showing the existing and proposed location of all buildings and structures thereon (site plan).
- D. The design and uses of the existing and proposed buildings and structures.
- E. A statement in support of the request for the variance regarding the specifics of the undue hardship or unique circumstances which are the basis of the request.

Sec. 300-147. Variance hearing and notice.

Upon receipt of an application for a variance, a public hearing shall be held by the Planning Commission in accordance with the requirements of the Michigan Zoning Enabling Act (MCL 125.3101, as amended). In not less than 15 days before the hearing:

- A. Notice that such a request has been received shall be published in a newspaper which circulates in the Township; and
- B. Notice shall be posted, sent by mail or delivered personally as follows:
 - (1) To the owners of property for which the variance is being considered; and
 - (2) To all persons to whom real property is assessed within 300 feet of the boundary of the property in question; and

(3) To the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure; and

(4) Posted on the property at least 15 days before public hearing.

C. The notice shall:

(1) Indicate the property which is the subject or the variance request.

(2) Describe the nature of the variance request.

(3) State when and where the variance request will be considered at a public hearing.

(4) Indicate when and where written comments will be received concerning the request.

Sec. 300-148. Decision of Board of Appeals.

The ZBA, after public hearing, may approve, approve with conditions or deny applications for variances from the provisions or requirements of this Ordinance providing it finds from reasonable evidence that all of the following facts and conditions exist as follows:

A. Where the literal enforcement of this Ordinance would involve practical difficulties by reason of the exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary situation of the premises or of the use of the premises immediately adjoining the premises in question.

B. Where there is practical difficulty in meeting the strict letter of the Ordinance so that the spirit of the Ordinance may be observed, public safety secured, and substantial justice done.

C. Where the condition or situation of the property or the intended use of the property is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of the Ordinance.

D. Where there is reasonable evidence that such variance will not be detrimental to adjacent property and will not impair the intent and purposes of the Ordinance or the public health, safety, and general welfare.

E. Where there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the zoning district affected.

F. Where such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zoning district. Financial

gain alone shall not be deemed sufficient to warrant the granting of a variance.

Sec. 300-149. High-risk variances.

Any variance granted for land located in a flood hazard or high-risk erosion area shall, before it becomes effective, be submitted to and receive the approval of the Michigan Department of Natural Resources under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451.

Sec. 300- 150. Exercising authority.

- A. In exercising the authority granted to it by this chapter, the Board of Appeals may reverse or affirm wholly or partly or modify requirements appealed from and may make such determination and attach such conditions as need to be made.
- B. The Board of Appeals shall reduce its findings of fact and determination to writing, which determination shall:
 - (1) Comply with the constitution and laws of this state;
 - (2) Recite the procedure followed;
 - (3) Recite sufficient competent material and substantial evidence in its support; and
 - (4) Represent the reasonable exercise of discretion.
- C. Approval determinations made by the Board of Appeals shall become null and void one year after being filed with the Township Clerk if a building permit has not been issued and construction is not being actively pursued or if other applicable action has not been taken by the applicant. Determinations once voided shall become the subject of a new appeal, and an application subject to all the requirements of the original application, including a new filing fee, must be resubmitted.
- D. No appeal rejected by the Board of Appeals may be resubmitted for a period of six months following such rejection, unless it can be demonstrated that new evidence bearing on the matter can be presented.

ARTICLE XV
Site Plan Review

Sec. 300-151. Permit and site plan required.

- A. Land use permit. No land shall be used (including a new use, change of use, addition to an existing use, or reoccupancy of an existing use), nor shall any building, structure or mobile home be erected, altered, expanded, demolished or moved upon or off any premises until the owner of said premises has made written application to the Zoning Administrator for a land use permit. If the Zoning Administrator finds from the application that the provisions of this chapter and other legal requirements are met, including provisions for a safe water supply and safe drainage disposal, then a permit shall be issued, otherwise it shall be denied.

- B. Performance guarantee.
 - (1) To ensure compliance with the provisions of this chapter and any conditions which may be imposed by administrative action, the Planning Commission, the Board of Appeals or the Township Board may require that a reasonable amount of value in the form of cash, certified check, property or surety bond, irrevocable bank letter of credit or some other acceptable performance guarantee be deposited with the Township Clerk whenever a special land use or variance is granted or when a permit is issued for nonresidential improvements to property.
 - (2) The cash deposit, along with accrued interest, shall be rebated bimonthly, with the Township retaining an amount estimated to be 10% greater than the remaining project completion costs, the entire deposit to be determined by Zoning Administrator approval.

- C. Site plan Review or Sketch Plan Review Required. Every application for a land use permit shall require either site plan review or sketch plan review in accordance with the following requirements.
 - (1) Site Plan Review. Except as provided in subsection (2) below, site plan review by the Planning Commission shall be required for all permitted principal uses and structures in all zoning districts. Site plan review shall be required for all special land uses in all zoning districts.
 - (2) Sketch Plan Review. The following projects are eligible for sketch plan review by the Zoning Administrator:
 - (a) Single-family detached dwellings and their accessory structures or uses, and two-family dwellings and their accessory structures or uses.
 - (b) Accessory structures or uses incidental to a conforming existing use where said accessory structure or use does not require any variance or further site modifications.
 - (c) Use reoccupancies or a change from one permitted use to another permitted use within an existing structure.
 - (d) Expansion and/or addition of a structure or use not more than 10% of the size of an existing conforming structure or use.

- (e) Establishment of a home occupation.
- (f) The Zoning Administrator retains the option to require site plan review by the Planning Commission for any of the above listed projects particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts or sites experiencing problems with drainage, traffic, noise, aesthetics or other general health and safety issues.

D. Sketch Plan Review.

- (1) Every application for sketch plan review shall be accompanied by a sketch plan showing the location of existing and proposed buildings, structures, water supply and septic system and the distance of each from property lines. The Zoning Administrator shall review all sketch plan applications and approve those requests which comply with the requirements of this Ordinance.

E. Site Plan Review.

- (1) Every application for site plan review shall initially be submitted to the Zoning Administrator along with a completed application form and site plan. The Zoning Administrator, upon receipt of the application, shall transmit only complete submittals to the Planning Commission.
- (2) At a minimum, each site plan submitted for review shall include the following information:
 - (a) Property owner and applicant name and address
 - (b) Scale, north arrow, and date of plan
 - (c) Location, description, dimensions, and area of the site; zoning classification; and, demonstration of compliance with lot area, width, coverage and setback requirements
 - (d) General topography and soils information and existing natural and man-made features to be retained or removed
 - (e) Use, location and dimensions of proposed buildings/structures; including floor area, number of floors, height, number and type of dwelling units (where applicable)
 - (f) Proposed streets/drives; including general alignment, right of way, surface type, and width, based on ordinance requirements for proposed use
 - (g) Proposed parking; including location and dimensions of spaces and aisles, and surface type
 - (h) Demonstration that all barrier free requirements have been met
 - (i) Adjacent land uses, property owners, and zoning and location of adjacent buildings and drives/streets
 - (j) Existing and proposed utilities, above and below the ground, including water

supply, sanitary sewage, and storm water facilities, including the location and width of any easements on the site

- (k) Proposed phasing, if applicable
 - (l) The Planning Commission may waive site plan information, when such concerns are not pertinent to the proposed development.
- (3) In reviewing the site plan, the Planning Commission shall determine whether the plan meets the following specifications and standards:
- (a) The plan complies with all Zoning Ordinance regulations.
 - (b) All required information is provided.
 - (c) The proposed use will not be injurious to the surrounding neighborhood and protects the general health, safety, welfare and character of the township.
 - (d) A proper relationship exists between major thoroughfares and proposed service drives, driveways and parking areas. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
 - (e) The location of buildings is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.
 - (f) Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, soils, groundwater and woodlands.
 - (g) Storm water management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or water course, or cause alterations which could increase flooding or water pollution on or off site.
 - (h) Wastewater treatment systems, including on-site septic systems, will be located to minimize any potential degradation of surface water or groundwater quality and meet county and state standards.
 - (i) Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies in accordance with county and state standards.
 - (j) Landscaping, including grass, trees, shrubs and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.
- (4) Based on the standards outlined in subsection (3) above, the Planning Commission shall approve, approve with conditions, or deny the site plan. The Planning Commission may

suggest and/or require modifications to the site plan as are needed to gain approval.

- F. Record of Approval. The sketch plan or site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity shall be consistent with the approved sketch plan or site plan, unless a change conforming to this chapter receives the mutual agreement of the landowner and the individual or body which approved the sketch plan or site plan.
- G Amendment of Approved Site Plan. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved site plan. A site plan may be amended upon application and in accordance with the procedure for site plan review by the Planning Commission. The Zoning Administrator may approve minor changes in an approved site plan, provided that a revised site plan drawing be submitted showing such minor changes, for purposes of record.
- H. Fees. Sketch plan and site plan review fees, as established by the Township Board, by resolution, shall accompany the application.
- I. Consultant Review. The Planning Commission, as part of the site plan review process, may seek input from the Township's planner and engineer prior to approving, approving with conditions, or disapproving the site plan.
- J Commencement. Upon issuance of a land use permit, the applicant shall commence and diligently pursue the activity described in the application and shown on the sketch plan or site plan. If the activity is not commenced within three months of the date of issuance of a land use permit, a new permit shall be obtained before work is commenced.
- K Completion. If the activity described in a land use permit issued is commenced within the time limit set forth in Subsection I, the exterior structure (i.e., roof, conventional siding, doors, windows, etc.) shall be completed within one year of the issuance of the permit. If the exterior structure is not completed within said time period, no further construction work shall take place, and the partially completed structure shall be completely dismantled and all construction material and debris removed within 30 days unless a second land use permit is issued. A second permit shall be issued only upon the payment of an application fee, to be set by the Township Board. The exterior of the structure must be completed within six months of the issuance of the second permit. If the exterior of the structure is not completed within six months of the issuance of the second permit, all construction work shall cease, and the partially completed structure shall be dismantled and all construction material and debris removed within 30 days. No further permits shall be issued to the same owner for the same project. No permit shall be issued for any other use on the same property until a structure for which a previous permit is issued is completed or completely dismantled and all construction material and debris is removed. It is the intent of this chapter to ensure the prompt completion of the exterior of structures.

ARTICLE XVI
Special Land Uses

Sec. 300-152. Special land uses.

Special land uses are activities which require review and approval of the Township Planning Commission before the use is permissible. They are unique because of peculiar characteristics which require detailed study in order to determine their effect on the public welfare and possible injury to adjacent property, even though the use will take place in an otherwise appropriately zoned district.

Sec. 300-153. Authority of Planning Commission.

The Planning Commission, as hereinafter provided, shall have the authority to grant special land use permits subject to such conditions of design, operation, safeguards, time limitations and any other contingencies reasonably related to the use that it deems necessary. When issued, the special land use permit shall run with the land.

Sec. 300-154. Special land use application and fee.

Application for a special land use permit shall be made to the Planning Commission and shall be accompanied by the fee established by the Worth Township Board.

Sec. 300-155. Application contents.

An application for a special land use permit shall at a minimum contain:

- A. A statement that the applicant(s) is/are the owner(s) of the property involved or is/are acting in the owner's behalf with the owner's written authorization.
- B. A legal description of the property involved.
- C. An accurate diagram of said property showing the existing and proposed location of all buildings and structures thereon (site plan), prepared in accordance with Article XV.
- D. The design and uses of the existing and proposed buildings and structures.
- E. A statement in support of the request for the special land use permit regarding the factors outlined in Sec. 300-157.

Sec. 300-156. Special land use hearing and notice.

Upon receipt of an application for a special land use, a public hearing shall be held by the Planning Commission in accordance with the requirements of the Michigan Zoning Enabling Act (MCL 125.3101, as amended). In not less than 15 days before the hearing:

- A. Notice that such a request has been received shall be published in a newspaper which circulates in the Township; and
- B. Notice shall be posted, sent by mail or delivered personally as follows:

- (1) To the owners of property for which the special land use is being considered; and
- (2) To all persons to whom real property is assessed within 300 feet of the boundary of the property in question; and
- (3) To the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct special areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure; and
- (4) Posted on the property at least 15 days before public hearing.

C. The notice shall:

- (1) Describe the nature of the special land use request.
- (2) Indicate the property which is the subject of the special land use request.
- (3) State when and where the special land use request will be considered at a public hearing.
- (4) Indicate when and where written comments will be received concerning the request.

Sec. 300-157. Special land use guidelines.

The Planning Commission shall review the particular circumstances and facts of the proposed special land use in the light of the provisions of this chapter, health and sanitation, common welfare and safety of the community, as well as the uses prevalent in the area. Factors which must be considered in relation to the intent and purpose of this chapter include conditions of operation, design, site plan, equipment employed, performance standards, size and frequency of use, traffic volume and flow, population density, parking processes, environmental impact, drainage, service to and compatibility with the community, as well as the considerations outlined by Sec. 300-149 of this chapter.

Sec. 300-158. Approval or denial of request for special land use; resubmittal of denied application.

- A. The Planning Commission may approve, approve with conditions, or deny a request for a special land use. The Planning Commission shall issue a statement describing the decision, the basis for the decision and any conditions imposed on the special land use.
- B. No application for a special land use permit which has been denied in whole or part shall be resubmitted to the Planning Commission, except on the grounds of changed conditions relating to all the reasons noted for the grounds of changed for the denial. [Amended 5-2-1994]

Sec. 300-159. [Reserved for Future Use]

Sec. 300-160. Validity of special land use permit.

- A. In cases where actual and substantial physical construction to accommodate the use(s) permitted under a special land use permit has not commenced within 18 months following the date of issue, and written application for extension has not been filed, the special land use permit shall automatically become null and void and all rights thereunder shall cease.
- B. Upon written application filed during the initial eighteen-month period for any special land use permit, the Township Planning Commission may grant an additional twelve-month period. An extension may be granted only when there is a reasonable likelihood of commencement of construction during the extension period.
- C. Any use permitted by a special land use permit which ceases to continuously operate for a period of 300 days shall be considered abandoned, and the special land use permit shall become null and void and all rights thereunder shall cease.

ARTICLE XVII
Adult Entertainment Facilities

Sec. 300-161. Purpose.

- A. Purpose. It is the purpose of this ordinance to establish reasonable and uniform regulations governing adult entertainment facilities in order to promote the health, safety, and general welfare of the citizens of the Township. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

Sec. 300-162. Definitions.

A. Definitions.

- (1) Specified Anatomical Areas means:
 - (a) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - (b) Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
- (2) Specified Anatomical Activities means:
 - (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 - (c) Excretory functions as part of or in connection with any of the activities set forth in (1) through (2) above.
- (3) An Adult Book Store is a use which has a display containing books, magazines, periodicals, newspapers, slides, pictures, cassettes, videotapes, videodiscs, motion picture films, or other printed, recorded, or electronic material which has as a significant portion of its content or exhibit matter or actions depicting, describing, or relating to substantial segment or section devoted to the sale or display of such material. Retail establishments which display, sell, distribute, provide, or rent such material within an enclosed area not greater than five (5) percent of the total usable retail space, which is limited to persons eighteen (18) years of age or older, shall not be included in this definition. "Usable Retail Space" is defined as 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. The portion of the 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 the computation of “Usable Retail Space.”

- (4) An Adult Cabaret is a nightclub, theater, or other establishment which feature live performances by one or more topless and/or bottomless dancers, “go-go” dancers, exotic dancers, strippers, or similar entertainers, wait staff, or other persons, where a significant portion of such performances show, depict, or describe “Specified Sexual Activities” or “Specified Anatomical Areas.”
- (5) An Adult Mini-Motion Picture Theatre is an enclosed building with a capacity for less than fifty (50) persons used for presenting motion picture films, video cassettes or tapes, cable television, or other visual display depicting, describing, or presenting “Specified Sexual Activities” or “Specified Anatomical Areas.”
- (6) An Adult Model Studio is any place where, for any form of consideration or gratuity, figure models who display “Specified Anatomical Areas” are provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar educational institutions.
- (7) An Adult Model is a model wherein matter, actions, or other displays are presented which contain a significant portion depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas.”
- (8) An Adult Motion Picture Arcade is any place to which the public is permitted or invited wherein credit card or other payment method, or coin operated or electronically or mechanically controlled still or motion picture machines, projectors, video machines, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe, or relate to “Specified Sexual Activities” or “Specified Anatomical Areas.”
- (9) An Adult Motion Picture Theatre is an enclosed building with the capacity of fifty (50) or more persons used for presenting motion picture films, videotapes or cassettes, cable television, or other visual display depicting or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” for observation by patrons therein.
- (10) An Adult Novelty Business is any establishment that offers for sale devices that stimulate human genitals or devices designed for sexual stimulation. In addition, any novelties that are sexual in nature or are characterized by an emphasis on depicting or describing specific sexual conduct.
- (11) An Adult Personal Service Establishment is any business, agency, or service which arranges, solicits, or provides for the benefit of its customers or clients, escorts, dates, models, unlicensed therapists, companions, or entertainers, either on or off the premises, for the purpose of engaging in “Specified Sexual Activities” or displaying “Specified Anatomical Areas” as defined herein. These establishments may include, but are not limited to: escort services, exotic rubs, modeling, body

painting studios, wrestling studios, baths, and theatrical performances.

- (12) An Adult Physical Culture Establishment is any establishment, club, or business by whatever name designated, which provides, offers, or advertises, or is equipped or arranged so as to provide as part of its services, either on or off the premises, massages, body rubs, physical stimulation, baths, tattoos, or other similar treatment by any person. The following uses shall not be included within the definition of an adult physical culture establishment:
- (a) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed or certified physical or massage therapist, a licensed practical nurse, or any other similarly licensed medical professional;
 - (b) Electrolysis treatment by a licensed operator of electrolysis equipment;
 - (c) Continuing instruction in martial or performing arts or in organized athletic activities;
 - (d) Hospitals, nursing homes, medical clinics, or medical offices; and,
 - (e) Barbershops or beauty parlors, health spas and/or salons that offer massage to the scalp, face, the neck, or shoulders only.
- (13) An Adult Sexual Encounter Center is any business, agency, or person who, for any form of consideration or gratuity, provides a place where two or more persons, not all members of the same family, may congregate, assemble, or associate for the purpose of engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas."
- (14) A Restricted Adult Business is any of the defined adult entertainment uses, which are not customarily open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

Sec. 300-163. Regulations.

A. Regulations.

- (1) Uses subject to the conditions contained herein shall be referred to as regulated land uses. Regulated land uses shall include all adult entertainment facilities defined in Section B above.
- (2) Locational Requirements: Regulated land uses shall be permitted by special land use permit in the I, Industrial District subject to the following locational requirements. Further, no more than one (1) regulated land use shall be permitted in a single structure.
 - (a) No regulated land use shall be established within five hundred (500) feet of any residential dwelling that is zoned AG, RR, R1, R2, MR or MH District. The required separation distance shall be measured from the property line of the regulated use to the protected residential dwelling, using the closest

points along the property line and the residential dwelling involved.

- (b) No regulated land use shall be established within one thousand five hundred (1,500) feet of a public or private school, child care facility, place of worship, public building or park. The required separation distance shall be measured from property line to property line, using the closest points along the property lines involved.
 - (c) No regulated land use shall be established within five hundred (500) feet of another regulated land use nor within five hundred (500) feet of any establishment licensed by the Michigan Liquor Control Commission for an on premise retail license (i.e., restaurants, hotels, bars or clubs). The required separation distance shall be measured from property line to property line, using the closest points along the property lines involved.
- (3) Application: Because regulated land uses possess unique characteristics and because minors are excluded from such facilities by virtue of age, these facilities shall be permitted only upon approval of the Planning Commission, after a public hearing and review of the proposed site plan by the Planning Commission, subject to the procedure as specified in Article XV, Site Plan Review and Article XVI, Special Land Uses.
- (4) Approval Criteria: Prior to granting approval to any regulated land use, the Planning Commission may impose additional conditions or limitations upon the establishment, location, construction, maintenance or operation of the regulated land use as it deems necessary for the protection of the public interest and to secure compliance with the standards specified above. The Planning Commission may require such evidence and guarantees as it deems necessary as proof that the conditions stipulated in connection therewith are being and will be fulfilled. No regulated land use shall be approved by the Planning Commission unless all the following criteria are fulfilled:
- (a) The establishment, location, maintenance, and operation of the regulated land use will not be detrimental to or endanger the public, health, safety, morals, comfort or general welfare; and
 - (b) The regulated land use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted nor substantially diminish or impair property values within the neighborhood; and
 - (c) The establishment of the regulated land use will not impede the normal and orderly development and improvement of surrounding property for uses permitted within the zoning district; and
 - (d) The regulated land use will not be conducted in any manner that permits the observation of any material depicting or describing “specified sexual activities” and “specified anatomical areas” from any public right-of-way or from any other property. This provision shall apply to any display, decoration, sign, show window, or other opening; and

- (e) The regulated land use will conform to all other requirements of the zoning district in which it is located.

ARTICLE XVIII
Amendments

Sec. 300-164. Initiation of amendments.

Amendments to this chapter may originate through:

- A. The Township Board; or
- B. The Township Planning Commission by resolution of the majority of its respective members; or
- C. Written petitions signed by no less than 60% of the owners of property located in the unincorporated portion of the Township and within 1,500 feet of all boundaries of property to be rezoned and filed with the Township Clerk. Such petition shall include the address of each signer and the location of his property in the Township; or
- D. Written petition signed by all owners of property for which rezoning is requested.

Sec. 300-165. Procedure.

- A. Each proposed amendment not originating with the Planning Commission shall be referred to said Board for its consideration and recommendations.
- B. The Planning Commission shall hold at least one public hearing on its recommendations, as required by the Michigan Zoning Enabling Act (MCL 125.3101, as amended). In the case of a rezoning, a sign shall be posted on the property to be rezoned for at least 15 days prior to the date of the public hearing. For any group of adjacent properties proposed for rezoning, only one sign shall be required to be posted for that group of adjacent properties.
 - (1) During and as a result of the Zoning Ordinance amendment hearing(s), the Planning Commission shall:
 - (a) Review the proposed amendment.
 - (b) Hear and summarize comments from the public.
 - (c) Consider the amendment (and changes thereto).
 - (d) Submit copies of the summary, text, maps and the Planning Commission's recommendations to the County Planning Commission and file affidavit of mailing.
 - (e) Submit copies of the summary, affidavits, text, maps and the Planning Commission's recommendations to the Township Board.
- C. Upon receipt of the summary, text, maps, affidavits and the Planning Commission's recommendations, the Township Board:
 - (1) Shall wait 30 days after the County Planning Commission's receipt of the amendment(s) for its recommendations. If no response is received in 30 days, then the Board may proceed without the County Planning Commission's recommendations.

- (2) May hold additional hearing(s) for comments, if deemed necessary, in which case notice shall be published in accordance with the requirements of the Michigan Zoning Enabling Act (MCL 125.3101, as amended).
- (3) Shall refer the proposed text back to the Planning Commission for a report on any suggested amendments, changes, additions or departures from the text as originally presented.
- (4) May adopt the amendment(s) by a vote of a majority of its membership, after a hearing at a regular meeting (or a special meeting called for the purpose), to be effective upon publication or on any date thereafter.

Sec. 300-166. Finality.

Any decision made by the Planning Commission or the Board of Appeals pertaining to a particular parcel of land prior to the adoption of any amendment to this chapter shall be final and not affected by any subsequent amendment unless that parcel of land is the subject of the amendment.

Sec. 300-167. Consideration of amendments.

Any amendments to this chapter shall be made with reasonable consideration, among other things, to:

- A. The character of each district.
- B. Its peculiar suitability for particular purposes.
- C. Conservation of property values.
- D. General trend and character of land, building and population development.
- E. Master Plan for general trend and character of land, building and population development.
- F. Conservation of natural resources and energy.
- G. Prevention of improper uses of land.
- H. Appropriate locations and relations of various uses.
- I. Hazards to life and property.
- J. Population and traffic density.
- K. Environmental impact.
- L. County Planning Commission recommendations.
- M. Effect of amendment upon adjacent municipalities.

Sec. 300-168. Conditional rezoning.

Intent: The Township recognizes that certain instances exist where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning classification for property, if certain conditions could be proposed by the property

owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3101, as amended) by which a landowner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

A. Application and Offer of Conditions:

- (1) An owner of land, or land owner's representative, may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
- (2) The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, according to the requirements of Article XVII of this Ordinance, except as modified by the requirements of this Section. The application shall be accompanied by a fee as established by resolution of the Township Board, an addition to any fees already established for an application for a rezoning.
- (3) The land owner's offer of conditions may not purport to authorize uses or development not allowed in the requested new zoning district.
- (4) Any use or development proposed as part of an offer of conditions for a rezoning that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted (after a conditional rezoning occurs) in accordance with the provisions of this Ordinance.
- (5) Any use or development proposed as part of an offer of conditions for a rezoning that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals (after a conditional rezoning occurs) in accordance with the provisions of this Ordinance.
- (6) Any use or development proposed as part of an offer of conditions for a rezoning that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted (after a conditional rezoning occurs) in accordance with the provisions of this Ordinance.
- (7) The offer of conditions for a rezoning may be altered during the process of rezoning consideration provided that any amended or additional conditions are entered into voluntarily by the land owner. A land owner may withdraw all or part of its offer of conditions at any time prior to final rezoning action by the Township Board, provided that if such withdrawal occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation by the Planning Commission.

B. Planning Commission Review: The Planning Commission, after a public hearing and according to the procedures for a rezoning set forth in Article XVII of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning request

to the Township Board; provided, however, that any recommended changes to the offer of conditions must be acceptable to and thereafter offered in writing by the land owner.

C. Township Board Review: After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. Should the Township Board consider changes to the proposed conditions and if such contemplated changes to the offer of conditions are acceptable to and thereafter offered in writing by the land owner, then the Township Board shall, in accordance with the Michigan Zoning Enabling Act (MCL 125.3101, as amended), refer such changes back to the Planning Commission for a report thereon within a time specified by the Township Board and the Township Board may proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without changes.

D. Approval:

(1) If the Township Board approves the rezoning request and offer of conditions, the offered conditions shall be incorporated into a formal written Statement of Conditions and it shall conform in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the rezoning approved by the Township Board.

(2) The Statement of Conditions shall:

(a) Be in a form recordable with the Sanilac County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the land owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.

(b) Contain a legal description of the land to which it pertains.

(c) Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

(d) Incorporate by attachment or reference any diagram, site plan or other documents submitted by the land owner (and approved by the Township) 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 original document may be examined.

(e) Contain a statement acknowledging that the Statement of Conditions (or an Affidavit or Memorandum giving notice thereof) may be recorded by the Township with the Sanilac County Register of Deeds.

(f) Contain the notarized signatures of all of the owners of the land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

(3) Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was conditionally rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands conditionally rezoned with a Statement of Conditions.

- (4) The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Sanilac County Register of Deeds.
- (5) Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

E. Compliance with Conditions:

- (1) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use of the land in full compliance with all of the conditions set forth in the Statement of Conditions. Any land subject to a conditional rezoning shall comply at all times with the Statement of Conditions. Any failure to comply with a condition or conditions contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- (2) No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

F. Time Period for Establishing Development or Use: Unless another time period is specified in the rezoning approval for the land involved, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning takes effect and shall 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 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 its Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

G. Reversion of Zoning: If development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of 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 rezoning requests according to the requirements of Article XVII of this Ordinance.

H. 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 Statement of Conditions (or no Statement of Conditions), whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the land owner's written request, the Township Clerk shall record with the Sanilac County Register of Deeds a notice that the Statement of Conditions is no longer in effect or has been modified.

I. Amendment of Conditions:

- (1) During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any time extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
- (2) The Statement of Conditions may be amended thereafter in the same manner as was applicable for the original rezoning and Statement of Conditions.

J. 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 any 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 (MCL 125.3101, *et seq.*)

K. Failure to Offer Conditions: The Township shall not require a land owner to offer conditions as a requirement for a rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

SECTION 2. Effective Date. This Ordinance shall become effective seven (7) days after its publication.

Enacted at a regular meeting of the Worth Township Board held on the 18th day of January, A.D., 2017.