

ARTICLE 12 - GENERAL PROVISIONS

SECTION 1200. CONFLICTING REGULATIONS

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

SECTION 1201 SCOPE

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

SECTION 1202 NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES

A. Intent

It is the intent of this Ordinance to permit legal nonconforming lots, structures or uses to continue until they are removed.

It is recognized that there exist within the districts established by this Ordinance uses which were lawful before this Ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible permitted uses in the Districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

B. Nonconforming Lots

- 1) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area, or width or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.
- 2) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

C. Nonconforming Uses of Land

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

- 1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- 2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- 3) If such nonconforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

D. Nonconforming Structures

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

- 1) No such structure may be enlarged or altered in a way which increases its nonconformity; for example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.

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- 2) Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- 3) Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

E. Nonconforming Uses of Structures and Land

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

- 1) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- 2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- 3) In any district, if no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.
- 4) Any structure, or structures and land combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- 5) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

F. Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

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

G. Uses Allowed as Special Land Uses Not Nonconforming Uses

Any use which is permitted as a special land use as provided in this Ordinance shall not be deemed a nonconforming use in such district.

H. Change of Tenancy or Ownership

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

SECTION 1203. ACCESSORY BUILDINGS

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

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to main building.
- B. Accessory buildings in any district shall only be used for permitted uses or activities customarily incidental to the permitted principal use(s) in the district.
- C. All accessory buildings must be located on the same lot as the principal structure to which it is necessary.
- D. Accessory buildings that are accessory to any residential building or use shall not be erected in any required setback.
- E. The walls of a building that is accessory to any residential building or use shall not exceed sixteen (16) feet in height.
- F. The combined floor area of all detached accessory buildings shall not occupy more than twenty-five (25) percent of a non-required rear yard.
- G. Detached accessory buildings shall be located a minimum of ten (10) feet from all other structures. In no instance shall an accessory building be located within a dedicated easement or right-of-way.

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- H. The building walls of a detached accessory building in the B-1 and B-2 districts shall not exceed sixteen (16) feet in height.
- I. When a building accessory to a residential building is located on a corner lot, the side lot of which is substantially a continuation of a front line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in the rear of such corner lot. A building accessory to a residential building shall in no case be located nearer than ten (10) feet to a street right-of-way line.
- J. No accessory building shall be constructed prior to construction of the principal building on the same lot or parcel, except in accordance with one of the following:
 - 1. For principal permitted uses that do not require structures, an accessory building may be constructed following Township approval of the principal use and issuance of required building permits.
 - 2. A building permit for a pole barn may be issued following the issuance of any other applicable permits and submittal of a complete application with supporting materials for the proposed principal structure.
 - 3. A temporary recreational vehicle or trailer may be permitted on a parcel in order to temporarily house the owner and secure tools and materials for the principal single-family dwelling under construction, subject to the standards of Section 1223.

SECTION 1204. OFF-STREET PARKING REQUIREMENTS

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

- A. Off-street parking may be located within any nonrequired yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted in a required front or side yard setback unless otherwise provided in this Ordinance.
- B. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- C. Residential off-street parking shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of Section 1203, Accessory Buildings, of this Ordinance.
- D. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.

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- E. Off-Street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- F. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- G. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
- H. The storage of merchandise, motor vehicles for sale, trucks, or repair of vehicles is prohibited within or on any off-street parking area.
- I. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
- J. When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, the fraction shall require one parking space.
- K. For the purpose of computing the number of parking spaces required, the definition of Usable Floor Area shall govern.
- L. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
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1) RESIDENTIAL

a. Residential, One-Family & Two Family	Two (2) for each dwelling unit.
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b. Residential, Multiple-Family:

Efficiency Unit	Two (2) for each dwelling unit
1 Bedroom Unit	Two (2) for each dwelling unit
2 Bedroom Unit	Two (2) for each dwelling unit
3 or more Bedroom Unit	Two and one-half (2½) for each dwelling unit

In addition to the above minimum parking requirements for 1, 2, and 3 or more bedroom units, one-half (½) space per unit shall be provided for visitor parking.

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| c. Housing for the Elderly | One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then one and one-half (1½) spaces per unit shall be provided. |
| d. Mobile Home Park | Two (2) for each mobile home plus one (1) for each employee of the mobile home park plus one (1) for each three (3) mobile home sites for visitor parking |

2) INSTITUTIONAL

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| a. Churches or temples | One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship |
| b. Hospitals | One (1) for each (1) bed. |
| c. Homes for the Aged and Convalescent Homes | One (1) for each two (2) beds. |
| d. Elementary and Junior High Schools | One (1) for each one (1) teacher, employee, or administrator, in addition to the requirements of the auditorium. |
| e. Senior High Schools | One (1) for each one (1) teacher, employee, or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium. |
| f. Private Clubs or Lodge Halls | One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes. |
| g. Private golf clubs, tennis clubs, or other similar uses | One (1) for each two (2) member families or individuals. |
| h. Golf courses open to the general public, except miniature or "par-3" courses | Six (6) for each one (1) golf hole and one (1) for each one (1) employee. |
| i. Fraternity or sorority | One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater |

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j. Stadium, sports arenas, or similar place of outdoor assembly One (1) for each three (3) seats or six (6) feet of benches.

k. Theatres and auditoriums One (1) for each three (3) seats plus one (1) for each two (2) employees.

3) BUSINESS AND COMMERCIAL

a. Planned Commercial or Shopping Center located in a B District One (1) for each hundred (100) square feet of usable floor area.

b. Auto Wash One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash for automobiles awaiting entrance to the auto wash shall be provided. Maximum capacity of the auto wash for the purpose of determining the required reservoir parking shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet in each wash line by twenty (20).

c. Beauty parlor or barber shop Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1½) spaces for each additional chair.

d. Bowling alleys Five (5) for each one (1) bowling lane.

e. Dance halls, pool or billiard parlors, pinball arcades and similar game rooms, roller or skating rinks, exhibition halls, and assembly halls without fixed seats. One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.

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f. Establishments for sale and consumption on the premises of beverages, food, or refreshments	One (1) for each one hundred (100) square feet of usable floor space.
g. Furniture and appliance, household equipment repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses.	One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.)
h. Automobile service stations	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.
i. Laundromats and coin operated dry cleaners	One (1) for each two (2) machines.
j. Miniature "par-3" golf courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
k. Mortuary establishments	One (1) for each fifty (50) square feet of assembly room usable floor space, parlors, and slumber rooms.
l. Motel, hotel or other commercial lodging establishment	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.
m. Motor vehicle sales and service establishments	One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room.
n. Retail stores except as otherwise specified herein	One (1) for each one hundred and fifty (150) square feet of usable floor space.
o. Drive-in restaurants	One (1) for each twenty-five (25) square feet of floor area plus one (1) for each employee

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4) OFFICES

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| a. Banks | One (1) for each one hundred (100) square feet of usable floor space. |
| b. Business offices or professional offices except as indicated in the following item (c) | One (1) for each two hundred (200) square feet of usable floor space. |
| c. Professional offices of doctors, dentists or similar professions | One (1) for each one hundred (100) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair, or similar use area. |

5) INDUSTRIAL

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| a. Industrial or research establishments | Five (5) plus one (1) for every one and one-half (1½) employees in the largest working shift, or one (1) for every five hundred and fifty (550) square feet of usable floor space, whichever is determined to the greater. Space on site shall also be provided for all construction workers during periods of plant construction. |
| b. Wholesale establishments | Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater. |

SECTION 1205. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

Wherever the off-street parking requirements in Section 1204. above require the building of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- A. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector or Official. Applications for a permit shall be submitted in such form as may be determined by the Building Inspector or Official, and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
- B. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° parallel parking	12'	8'	23'	20'	28'
30° to 53°	12'	8'6"	20'	32'	52'
54° to 74°	15'	8'6"	20'	36'6"	58'
75° to 90°	24'	9'	20'	44'	64'

- C. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- D. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

- E. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
- F. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distance from any adjacent property located in any single-family residential district.
- G. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4'6") in height, measured from the surface of the parking area, on all sides where the next zoning district is designated as a residential district. Variations from the requirement of a masonry wall may be permitted by the Planning Commission in accordance with Section 1212.

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

- H. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Township Board. The parking area shall be surfaced within one (1) year of the date the permit is issued.

Off-Street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the Township Board.

- I. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
- J. In all cases where a wall extends to any alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
- K. The Board of Appeals, after recommendation of the Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements were, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

SECTION 1206. OFF-STREET LOADING AND UNLOADING

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated right-of-way. Such space shall be provided as follows:

- A. All spaces shall be provided as required in Article 11, Schedule of Regulations, noted after minimum rear yards, except as hereinafter provided for "I" Districts.
- B. All spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in "I" District shall be provided in the following ratio of space to floor area:

<u>GROSS FLOOR AREA (IN SQUARE FEET)</u>	<u>LOADING AND UNLOADING SPACE REQUIRED IN TERMS OF SQUARE FEET OF USABLE FLOOR AREA</u>
0 - 1,400	None
1,401 – 20,000	One (1) space
20,001 – 100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001 square feet.
100,001 and over	Five (5) spaces

SECTION 1207. PERFORMANCE STANDARDS

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

- A. Smoke, Dust, Dirt and Fly Ash.

It shall be unlawful for any person, firm or corporation to engage in any use or operation which causes the emission of smoke, fumes, airborne solids and the like in excess of the maximum allowable limit as regulated by all applicable State and Federal laws.

B. Open Storage.

The open storage of any industrial or commercial equipment, industrial or commercial vehicles and all industrial or commercial materials including wastes, except new merchandise for sale and/or display, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of an obscuring wall or obscuring fence not less than the height of the equipment, vehicles and all materials to be stored. Whenever such open storage is adjacent to a residential zone or mobile home park in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring wall or obscuring fence of at least six (6) feet in height.

C. Glare and Radioactive Materials.

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

D. Fire and Explosive Hazards.

The storage and handling of flammable liquids, liquefied petroleum, gasses, and explosives shall comply with all applicable State laws.

E. Noise.

Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

F. Odors.

Creation of offensive odors shall be prohibited.

G. Wastes.

No waste shall be discharged in the public sewer system or any public or private storm drainage facilities which is dangerous to the public health and safety.

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SECTION 1208. PLANT MATERIALS

Whenever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of the issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. All required greenbelts shall be at least ten (10) feet in width and no plant materials shall be located closer than four (4) feet to the property line. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

A. Plant Material Spacing

- 1) Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
- 2) Where plant materials are placed in two or more rows plantings shall be staggered in rows.
- 3) Evergreen trees shall be planted not more than thirty (30) feet on centers.
- 4) Narrow evergreens shall be planted not more than six (6) feet on centers.
- 5) Deciduous trees shall be planted not more than thirty (30) feet on centers.
- 6) Tree-like shrubs shall be planted not more than ten (10) feet on centers.
- 7) Large deciduous shrubs shall be planted not more than four (4) feet on centers.

B. Suggested Plant Materials

Minimum Size

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| 1) Evergreen trees | Five (5) feet in height |
| <ul style="list-style-type: none">a. Juniperb. Hemlockc. Fird. Pinee. Sprucef. Douglas Fir | |
| 2) Narrow Evergreens | Three (3) feet in height |
| <ul style="list-style-type: none">a. Column Hinoki Cypressb. Blue Columnar Chinese Juniperc. Pyramidal Red Cedard. Swiss Stone Pinee. Pyramidal White Pinef. Irish Yewg. Douglas Arbor Vitae | |

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h. Columnar Giant Arbor Vitae

3) Tree-like Shrubs Four (4) feet in height

- a. Flowering Crabs
- b. Russian Olives
- c. Mountain Ash
- d. Dogwood
- e. Redbud
- f. Rose of Sharon
- g. Hornbeam
- h. Hawthorn
- i. Magnolia

4) Large Deciduous Shrubs Six (6) feet in height

- a. Honeysuckle
- b. Viburnum
- c. Mock Orange
- d. Forsythia
- e. Lilac
- f. Ninebark
- g. Cotoneaster
- h. Hazelnuts
- i. Evonymus
- j. Privet
- k. Buckthorn
- l. Sumac

5) Large Deciduous Trees Eight (8) feet in height

- a. Oaks
- b. Hard Maples
- c. Hackberry
- d. Planetree (Sycamore)
- e. Birch
- f. Beech
- g. Ginko
- h. Honeylocust
- i. Hop Hornbeam
- j. Sweet Gum
- k. Linden

C. Trees Not Permitted

- 1) Box Elder
- 2) Soft Maple (Red, Silver)

- 3) Elms
- 4) Poplars
- 5) Willows
- 6) Horse Chestnut (Nut Bearing)
- 7) Tree of Heaven
- 8) Catalpa

SECTION 1209. SIGNS

A. The following conditions shall apply to all signs erected or located in any use district.

- 1) All signs shall conform to all codes and ordinances of the Township, and where required, shall be approved by the Building Inspector or Official and a permit issued.
- 2) No sign, except those established and maintained by the Township, County, State or Federal governments, shall be located in, project into, or overhaul a public right-of-way or dedicated public easement.
- 3) No signs otherwise permitted shall project above or beyond the maximum heights limitation of the use district in which located, except that for a planned commercial or shopping center development involving three (3) acres or more under one (1) ownership, the Board of Appeals may modify the height limitation.
- 4) All directional signs required for the purpose of orientation, when established by the Township, County, State or Federal government, shall be permitted in all use districts.
- 5) Accessory signs shall be permitted in any use district.
- 6) Non-accessory signs shall be permitted only in "I" Districts; except that non-accessory signs pertaining to real estate development located within the Township and designed to promote the sale of lots or homes within a subdivision located within the Township may be permitted on a temporary basis in any district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all codes and ordinances of the Township and approved by the Building Inspector.
- 7) Signs used for advertising land or building for rent, lease, and/or for sale shall be permitted when located on the land or building intended to be rented, leased and/or sold.
- 8) Accessory freestanding signs may be located in the required front yard except as otherwise provided herein.
- 9) No flashing or intermittent illumination of any kind shall be used on any sign in order to eliminate possible hazard for drivers of motor vehicles.

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B. In addition to the above, the following requirements shall apply to signs in the various use districts as follows:

USE DISTRICTS	REQUIREMENTS
R District	For each dwelling unit, one name plate not exceeding two (2) square feet in area, indicating name of occupant
R and RM Districts	For structures other than dwelling units, one (1) identification sign not exceeding ten (10) square feet, except a church bulletin board, not exceeding eighteen (18) square feet.
R and RM Districts	For rental and/or management offices, one (1) identification sign not exceeding six (6) square feet.
RM Districts	Signs indicating the name of multiple housing projects shall be permitted provided that no such sign shall be located closer than one hundred (100) feet to any property line in any adjacent single-family district.
B Districts	No sign shall project beyond or overhang the wall, or any permanent architectural features, by more than one (1) foot, and shall not project above or beyond the highest point of the roof or parapet.
B Districts	Freestanding, accessory signs or advertising pylons shall not be placed closer than one hundred (100) feet to any adjacent residential district.

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B Districts	Freestanding, accessory signs or advertising pylons shall not be over one hundred (100) square feet in area.
B and I Districts	Freestanding, accessory signs may be located in the required front yard.
I Districts	Freestanding, accessory signs or advertising pylons shall not be placed closer than two hundred (200) feet to any adjacent residential district.
I Districts	Non-accessory signs shall be permitted but shall be spaced no closer than one thousand (1,000) feet between signs on the same side of the right-of-way.
I Districts0	Freestanding, non-accessory signs, not to exceed three hundred (300) square feet in area, are allowed but shall comply with all requirements of Article 15, "Schedule of Regulations" of this Ordinance.

SECTION 1210. EXTERIOR LIGHTING

All lighting for parking areas or for the external illumination of buildings and uses shall be directed from and shall be shielded from adjacent residential districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.

SECTION 1211. CORNER CLEARANCE

In all districts, no fence, wall shrubbery, sign or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed by the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

SECTION 1212. WALLS

A. Those districts and uses listed below shall be required by the Township Board upon the recommendation of the Planning Commission to construct and maintain on those sides abutting or adjacent to a residential district as specified below one (1) or a combination of the following:

- a. An obscuring masonry wall
- b. An obscuring fence
- c. Fence together with a landscaped greenbelt
- d. An obscuring landscaped greenbelt
- e. Fencing

USES	MINIMUM DIMENSION REQUIREMENTS
1) Off-street Parking Areas	Walls: 4'6" high
2) B-1, B-2 and RM Districts	Fences: 4'6" high
3) I-1 and I-2 Districts	Obscuring Fences: 4'6" high
4) Utility buildings, stations and/or substations, except that in cases where all equipment is contained within a building or structure constructed so as to be similar in appearance to the residential building in the surrounding area, the Board of Appeals may waive the wall requirements.	Fence and Greenbelt: 4'6" high and 10' wide Landscaped greenbelt: 4'6" high and 10' wide

B. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts. Required walls may, upon approval of the Board of Appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Board of Appeals in reviewing such request.

C. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Building Inspector. All walls herein required shall be constructed of materials approved by the Building Inspector to be durable, weather resistant, rust proof and easily maintained.

Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the Building Inspector and shall not be less than four (4) inches wider than the wall to be erected.

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- D. The Board of Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches (4'6") in height.

SECTION 1213. USE RESTRICTION

No portion of a lot or parcel once used in complying with the provisions of this Ordinance for yards, lot area per family, density as for a development in the multiple-family district, or percentage of lot occupancy, in connection with an existing or proposed building or structure, shall again be used as part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time.

SECTION 1214. ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In the AG, SF, and R-1 Districts, there shall not be more than one (1) principal residential dwelling on a recorded lot or parcel. In these districts, every principal residential dwelling shall be in conformance with this ordinance and the Mussey Township Property Division Ordinance. In all other districts the number, location and size of principal structures shall be in conformance with Article 11 (Schedule of District Regulations) and Section 1215 (Site Plan Review).

SECTION 1215. SITE PLAN REVIEW

- A. Developments, Uses or Activities Requiring Submittal of a Site Plan.
A site plan shall be submitted to the Township in accordance with the procedures in this section for any of the following activities, uses or developments except single-family and two-family dwellings constructed on a single lot or parcel.
1. All new construction, structural alteration, or substantial change in use, for all principal permitted uses in B-1, B-2, I-1 and I-2 Districts.
 2. All site condominium developments in any district.
 3. All special land uses in any district.
 4. Any use that requires a new, modified, or expanded parking lot.
 5. All multiple family residential developments and mobile home parks.
 6. The improvement, expansion, extension, or abandonment of any public or private overhead or underground utility or utility lines or easement.
 7. All public buildings, structures and parks.
 8. Private Roads, in accordance with the Mussey Township Private Road Ordinance.
- B. Site plan review process. Site plans shall be reviewed in conformance with the following process:
1. Applicant applies to Township Clerk for pre-application conference with Township planning consultant, to discuss the proposed site plan, review procedures, design elements, and ordinance requirements. (Optional, but strongly recommended).
 2. Applicant initiates site plan review process by submitting the following information to the Township Clerk:

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- a. Twelve (12) copies of the completed site plan application form. Note: Incomplete applications, including insufficient plans, will not be processed until required information is submitted.
 - b. Twelve (12) copies of the site plan. A site plan submitted to the Township for preliminary site plan review must contain all of the information set forth in subsection C below.
 - c. Twelve (12) copies of the "Hazardous Substance Reporting Form" and "Environmental Permits Checklist" (provided by Township)
 - d. Payment of all applicable fees.
3. Township Clerk, or designee, distributes complete application and site plan to Planning Commission, engineering consultant and planning consultant for their review. The Planning Commission may require review by other agencies to insure compliance with applicable standards and requirements.
4. When the completed application and site plan has been reviewed by the planning and engineering consultants, the application will be placed on the agenda of a meeting of the Planning Commission. The applicant will be notified of the date, time and place of the meeting at which the Planning Commission will consider the application.

NOTE: The applicant or a representative should attend all meetings at which their development is scheduled for discussion or action. Failure to appear at the meeting may cause the item to be tabled to the next meeting. The Planning Commission may take action on a scheduled agenda item regardless of the attendance of the applicant or a representative.

5. The Planning Commission conducts preliminary site plan review to determine compliance with applicable ordinance requirements. The Planning Commission will consider all review letters and reports from the planning and engineering consultants and, where necessary, other agencies, together with such information as the applicant may present concerning the application.
6. Upon determination by the Planning Commission that a preliminary site plan is in compliance with the Zoning Ordinance, as amended, and other applicable standards and requirements, the applicant may then proceed to the final site plan review process. Where a preliminary site plan is in compliance except for minor required revisions, or if extensive revisions to the preliminary site plan are necessary to meet applicable standards and requirements, the required changes shall be stated in writing and the applicant shall revise the site plan and resubmit the site plan for final site plan review.
7. The applicant initiates final site plan review by submitting the following information to the Township Clerk:
 - a. Twelve (12) copies of the site plan revised to address all preliminary plan review comments.
 - b. Submission of any additional required information to address preliminary site plan review comments.

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8. After submission of the above plans and information, and completion of review and recommendation by the Township planning and engineering consultants (if required), and other agencies, the application will be placed on the agenda of a meeting of the Planning Commission to consider final site plan approval. The applicant shall be notified of the date, time, and place of the meeting.
9. The Planning Commission shall approve, approve with conditions, or deny the final site plan after the Planning Commission has received the review and recommendation of the Township's consultants and other reviewing agencies, together with information the applicant may present concerning the application.
10. Upon approval of the final site plan by the Planning Commission, such approval shall be indicated on the plan.
11. If revisions to the final site plan are necessary to meet conditions of approval, ordinance requirements or standards, the final site plan shall be revised by the applicant and resubmitted to the Township Clerk for verification of compliance with necessary plan revisions. The Township Clerk may request assistance in verifying compliance with required plan revisions from the Planning Commission, Township consultants, or other applicable agencies.
12. All denials, along with the reasons for denial, shall be indicated in writing. If the applicant desires to prepare an alternative plan, the same procedure as outlined above beginning with submittal of final site plans for Planning Commission review shall be followed.
13. When all conditions of approval are met by the applicant the Township Planning Commission Chair shall stamp the final site plans "APPROVED" and shall transmit copies in accordance with the following:

Copy of Approved Plan Sent To:	Number of Copies of Approved Plan
Applicant	1
Township Clerk	2
Planning Commission Chair	1

14. Applicant applies for building permits.

C. Submission Requirements

1. Site Plan Application Form Contents
 - a. Applicant's name, address and phone number.
 - b. Name of proposed development.
 - c. Common description of property and complete legal description.
 - d. Gross and net acreage.
 - e. Existing zoning of subject property and adjacent properties.
 - f. Detailed description of the proposed use of the land.
 - g. Name, address, and phone number of:

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1. Firm(s) or individual(s) who prepared site plan(s)
 2. Legal owner(s) of property
 - h. Signature of applicant and legal owner of property.
2. Preliminary Site Plan Submission / Data Requirements. The following information shall be detailed on the preliminary site plan:
- a. Name of development and title block.
 - b. Location map showing site location, major roads, and railroads.
 - c. The site plan shall be drawn to scale not less than one (1) inch equals fifty (50) feet.
 - d. Date, north arrow, and scale
 - e. Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - f. Location of all existing and proposed structures and uses on the subject property.
 - g. Required and proposed setback lines and distances between existing and proposed structures on the subject property.
 - h. All existing and proposed aisles, drives, roads, parking areas and number of parking spaces and location of loading areas on the subject property.
 - i. All existing and proposed roadways, structures, drives, parking areas, and pedestrian paths within two hundred (200) feet of the subject property.
 - j. Location and height of all walls, fences, and landscaping.
 - k. Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavement.
 - l. Types of existing and proposed surfacing of all roads, such as asphalt or concrete paving.
 - m. Types of facing materials to be used on structures.
 - n. Elevations (front, sides, and rear views) of all sides of the building(s).
 - o. A floor plan drawing showing the specific use areas of all existing and proposed buildings.
 - p. Seal of registered architect, landscape architect, land surveyor, or civil engineer who prepared the plan.
 - q. Density calculations (for multiple family projects).
 - r. Landscape plan showing species, spacing, and size of each tree and plant material and ground cover.
 - s. Designation of units by type of buildings.
 - t. Interior walks and pedestrian or bicycle paths within rights-of-way.
 - u. Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties.
 - v. Trash receptacle and transformer locations and method of screening.
 - w. Drive or street approaches including acceleration, deceleration and passing lanes, where appropriate.
 - x. All utilities located on or serving the site, including water lines / wells and septic / sanitary sewer lines.
 - y. Designation of fire lanes.

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- z. Location and boundaries of wetlands, 100-year flood plains, lakes, streams, rivers, detention basins, drainageways, or other bodies of water, with water elevation levels indicated.
 - aa. Soil types and characteristics using the US Soil Conservation Service "Soil Survey of St. Clair County, Michigan" or more detailed surveys if available.
 - bb. Location, size and types of all proposed signs.
 - cc. Preliminary storm system layout and flow arrows demonstrating that storm flow connections and disposal methods are feasible.
 - dd. Typical existing and proposed cross-sections for streets, roads, alleys, parking lots, etc., as applicable, including right of way.
 - ee. Existing and proposed ground contours at intervals of two (2) feet, or spot elevations sufficient to review the proposed grading and drainage plan, as determined by the Township's consulting engineer.
 - ff. Location of all tree stands and measures to be taken to protect existing on-site trees not proposed for removal as part of the development.
 - gg. Such other reasonable and relevant information as may be required by the Township to assist in the review of the proposed development.
3. Final Site Plan Submission / Data Requirements In addition to the preliminary site plan data specified above, the following minimum information must be submitted for final site plan review and approval:
- a. Site engineering plans prepared by a registered civil engineer. Such plans shall be submitted for the Township engineering consultant's review and recommendation prior to Planning Commission consideration of final site plan approval. Plans shall include the following:
 - 2. A proposed grading and drainage plan. The plan shall show proposed finished floor elevations, finished grades at structures, proposed storm water collection system, storm outlet(s), ultimate downstream outlet, and, when required, retention/detention basin design calculations. Any areas of filled or reclaimed land shall be identified and all development shall detain stormwater so that the runoff from the property does not negatively impact upon adjacent properties or public and private rights-of-way. Compliance with engineering standards shall be determined by the Township Engineering consultant. The Planning Commission shall require compliance with engineering standards, subject to the Township consulting engineer's final approval, as a condition of final site plan approval.
 - 3. All utilities located on or serving the site, including sizes of water and sewer lines, wells, proposed hydrants, and proposed method of fire suppression where applicable. Proposed sanitary leads, proposed sanitary sewers or on-site disposal systems must also be shown, as applicable.

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4. Proposed streets and drives showing types of surfacing, whether public or private, and grade elevations.
 5. Modifications to the site plan demonstrating compliance with all preliminary site plan review conditions of approval.
- D. Site plan review criteria. In reviewing site plans, the Planning Commission shall consider and require compliance with the following:
 1. All application and site plan review submittal criteria have been met.
 2. The final site plan is in full conformance with all applicable zoning ordinance requirements.
 3. The location of development features, including principal and accessory buildings, open spaces, parking areas, driveways, and sidewalks minimize possible adverse effects on adjacent properties and promote pedestrian and vehicular traffic safety.
 4. On-site circulation of both vehicular and pedestrian traffic will achieve both safety and convenience of persons and vehicles using the site.
 5. Landscaping, earth berms, fencing, signs, and obscuring walls are of such a design and location that the proposed development is aesthetically pleasing and is harmonious with nearby existing or proposed developments.
 6. Utility service, including proposed water, sanitary sewer / septic and stormwater runoff systems are sufficient to fulfill the projected needs of the development and the recommendation of the Township consulting engineer. Approval by a state or county department having jurisdiction, such as the Department of Health, Drain Commission or Road Commission, may also be a prerequisite to approval.
 7. Notwithstanding any other provisions of this ordinance, the Township may require as a condition of final site plan approval, landscaping, berming, fencing, construction of walls, marginal access drives or other appurtenances as necessary or desirable to promote the health, safety, and welfare of the community, to provide adequate protection to surrounding properties, to preserve and promote the character of the district and the intent of this chapter, and to achieve a lasting and desirable improvement to the community.
 8. For developments which include a private road, demonstrated conformance with the Mussey Township Private Road Ordinance.
- E. Site Plan Review Standards for Groundwater Protection. The following provisions shall apply to all uses and facilities which require site plan review under the provisions of this ordinance.
 1. Hazardous Substances and Polluting Materials are defined as a chemical or other material which is or may be injurious to the public health, safety, or welfare or the environment.
 2. Site Plan Review Information Requirements

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- a. The applicant for site plan review shall complete and submit the "Hazardous Substances Reporting Form for Site Plan Review" and the "Environmental Permits Checklist" at the time of application for site plan review (forms provided by Township).
- b. The Township may require a listing of the type and quantity of all hazardous substances and polluting materials which will be used, generated, produced or stored on the site.
- c. The site plan shall detail the location of the following:
 1. Public or private wells on-site and on adjacent sites.
 2. Septic systems and other wastewater treatment systems, including the location of all sub-components of the system.
 3. Interior and exterior areas to be used for the storage, use, loading, recycling, production or disposal of any hazardous substances and polluting materials.
 4. Underground storage tanks. (Note material to be stored)
 5. Above-ground storage tanks. (Note material to be stored)
 6. Exterior and interior drains, dry wells, catch basins, retention / detention areas, sumps, and other facilities designed or intended to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
 7. Areas on the site which are known or suspected to be contaminated, along with a report on the status of clean-up efforts, if applicable.

3. Groundwater Protection Standards

a. General

1. The project shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains and groundwater, and to insure the absence of an impairment, pollution, and/or destruction of the air, water, or other natural resources.
2. Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface water or groundwater, on-site or off-site.
3. Floor drains shall be connected to a public sewer system, an on-site holding tank without an outlet, or a system authorized by through a state groundwater discharge permit.
4. Sites shall be designed to prevent spills and discharges of hazardous substances and polluting materials to the air, surface of the ground, groundwater, or surface water.

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5. State and Federal agency requirements for storage, spill prevention, recordkeeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, whether direct or indirect, shall be allowed without required permits and approvals.
 6. In determining compliance with the standards in this ordinance, the Township may utilize appropriate and applicable reference standards regarding best management practices for groundwater protection.
- b. Above-ground Storage and Use Areas for Hazardous Substances and Polluting Materials
2. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 3. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage and vandalism.
 4. Secondary containment structures shall not have floor drains or other outlets, except as necessary for connection to pumping trucks for removal of spilled product.
 5. Areas and facilities for loading, handling, production, use or disposal of hazardous substances and polluting materials shall be designed and constructed to prevent discharge or run-off to floor drains, rivers, lakes, ponds, wetlands, groundwater or soils.
- c. Underground Storage Tanks for the Storage of Hazardous Substances and Polluting Materials
1. Existing and proposed underground storage tanks shall be registered with the authorized state agency in accordance with applicable state and federal law.
 2. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the authorized state agencies. Leak detection, corrosion protection, spill prevention, and secondary containment requirements shall be met. Records of monthly monitoring and inventory control shall be retained and available for review by government officials in the event of a product release or spill.

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3. Out-of service or abandoned underground tanks shall be emptied and removed from the ground in accordance with requirements of the authorized state and federal agencies.
- d. Sites With Contaminated Soils and / or Groundwater
1. Site plans shall detail the location and extent of any contaminated soils or groundwater on the site.
 2. Written verification from the authorized state agencies shall be provided as a part of site plan review application that indicates their approval of the proposed use or activity in relation to the contamination on-site and clean-up efforts underway or anticipated.
- F. Expiration of site plan approval. The approval of any preliminary site plan under the provisions of this ordinance shall expire and be void one (1) year after the date of such approval unless final site approval has been granted, or is in an active stage of review. Approval of any final site plan under the provisions of the ordinance shall expire and be void one (1) year after the date of such approval unless actual construction has commenced in accordance with the issuance of a valid building permit. Upon expiration of a final site plan approval, all preliminary site plan approvals shall expire.
- G. Fees. Any application for site plan approval, preliminary or final, shall be accompanied by a fee as determined from time to time by resolution of the Township Board.
- H. Performance bond for utility connections. An application for final site plan approval that requires the installation of, modification of, or connection to public utilities, such as water, storm sewer, or sanitary sewer lines, shall be accompanied by appropriate performance bonds for utility connections. The amount of such bonds shall be established by resolution of the Township Board.
- I. Approval and Issuance of Building Permits. Building permits shall not be issued until site plan approval has been granted by the Planning Commission and, where applicable, the Township engineering consultant has approved the final engineering plans for the site.
- J. Amendments of Approved Site Plans
1. An approved site plan may be amended by written application to the Township Clerk in accordance with the submittal and review procedures for site plan review detailed in Section 1215B. Where the changes are minor, the Planning Commission may waive the Preliminary Site Plan Review process and review and act upon the proposed amendment during final site plan review.
 2. Any actual construction or plan changes made during construction which are not approved by the Planning Commission and which differ from an approved site plan shall be made at the applicant's own risk without any assurances that the Planning Commission will approve such changes. It shall be the responsibility of the developer and / or applicant to apply for and receive site plan approval for any modifications to approved site plans.

- K. Inspection. Inspections of all construction shall be conducted by the building inspector and administrative official. Inspections for private roads shall conform with the Mussey Township Private Road Ordinance.
- L. Staging or Phasing of Development. Whenever a project is proposed to be developed in stages, each stage shall be clearly denoted on the preliminary and final site plan. Site plan review and approval shall be required for each subsequent stage which is proposed to begin later than one (1) year after the original approval.
- M. Violations and Enforcement. Violations and enforcement of the provisions of this Section shall be addressed in accordance with the provisions in Section 1512.

SECTION 1216. ACCESS REQUIREMENTS

- A. All uses in every use district shall abut and have direct access to a public street with a minimum right-of-way width of sixty-six (66) feet, except as modified by subsection 1216-B below.
- B. All uses in a business or industrial district which fronts upon Capac Road between the south Township Limits near Capac and the I-69 Freeway shall be designed to minimize the number of driveways with access onto Capac Road. In order to facilitate this goal, the site plan for all such uses shall include an easement dedicated to the Township Board for the purpose of establishing a service drive for the joint use of nearby businesses. Beginning at the proposed 120-foot right-of-way line which shall be measured 60 feet either side of the existing centerline, the front 25 feet of the required front yard, except necessary entrance drives, shall be landscaped as a greenbelt for the full width of the property. The next 25 feet, for the full width of the property, shall be the area dedicated as an easement to the Township. The easement shall permit the establishment of a service drive for the purpose of reducing direct access onto Capac Road. The Township Planning Commission shall have the right to require use of the service drive easement in lieu of an individual driveway entrance onto Capac Road.

SECTION 1217. SWIMMING POOLS, PRIVATE

Private swimming pools may be permitted provided a building permit is obtained. Plans and construction shall meet the requirements of the State Health Department. Swimming pools shall not be constructed or placed nearer to the street than the established front line. In-ground pools shall be securely fenced with a chain link or other non-climbable fence and have self-closing fence gates which shall be kept locked when the pool is not in use. Above-ground pools shall have swing-up steps or a similar method of controlling entry to the pool which shall be kept locked when the pool is not in use.

All electrical installation or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement of right-of-way which has been granted for public utility use.

SECTION 1218. PERFORMANCE GUARANTEE

Whenever improvements such as paving of parking areas, greenbelt, screen walls, or other improvements are required by this Ordinance they shall be shown on a site plan for the proposed use. In addition, the owner of the subject property shall deposit with the Township Clerk a performance guarantee in the amount of 10% of the estimated cost of the required improvements. The entire sum shall be returned to the owner upon satisfactory completion of the required improvements within the time limits specified herein.

SECITON 1219. BASEMENT AND/OR GARAGE DWELLING PROHIBITED

Buildings erected after the effective date of this Ordinance as garages or accessory buildings, with the exception of a caretaker's residence, shall not be occupied for dwelling purposes. No basement or cellar shall be used or occupied for dwelling purposes at any time.

SECTION 1220. PONDS

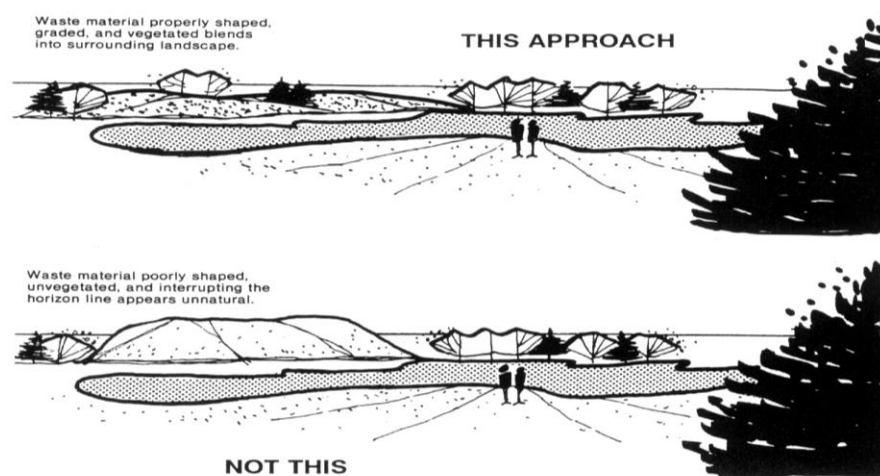
Private residential ponds, and agricultural or farm ponds may be permitted on a minimum of ~~five (5) acres~~ three (3) acres (**amended August 13, 2025**) in certain districts specified in this Ordinance, subject to the following special standards:

- A. A zoning compliance permit shall be required for the construction, enlargement, or cleaning of all private residential, agricultural, or farm ponds. The property owner shall submit an application to the Township Clerk, for review by the Township Building Official. The application shall be accompanied by a site plan that demonstrates compliance with subsections B – V below.
- B. There shall be a side and rear yard setback of at least fifty (50) feet from the edge of the excavation to the property lines. There shall be no excavation within the required front yard setback.
- C. A minimum setback of fifty (50) feet shall be maintained from the edge of excavation to the nearest point of any single-family home, or accessory building and twenty-five (25) feet from any driveway.
- D. There shall be a minimum setback from any well, any septic tank and tile disposal field of at least one hundred (100) feet.
- E. The pond may occupy up to a maximum of twenty percent (20%) of the lot or property upon which it is placed.
- F. At least one side of all ponds shall be constructed with a maximum slope of 5:1 (five feet horizontal to one foot vertical). In no case shall any other slope exceed 3:1.
- G. Natural drainage courses encountered during the construction, enlargement, or cleaning of a pond shall not be altered in any way that would cause them to no longer function. If necessary, natural drainage courses shall be rerouted around the pond by the owner and the contractor constructing the pond.

- H. No pond shall be constructed, enlarged, cleaned or otherwise altered in a manner that causes pond overflow water to run off onto adjacent lots or parcels. Discharge of water from a natural or artificial pond shall be controlled through the engineering of an outlet to an appropriate natural waterway or County Drain.
- I. Use of any residential, agricultural or farm pond by the public for swimming, fishing or the like, is prohibited.
- J. No pond shall be located directly beneath an overhead electrical line, wire or conductor, nor within ten (10) feet horizontally of any overhead electrical line.
- K. Excavated materials, in excess of 1,000 cubic yards, may not be hauled off the site unless a mining permit is obtained pursuant to Section 1310 of this Ordinance.
- L. Ponds that will disturb over one (1) acre of land shall obtain a Soil Erosion Control Permit from the St. Clair County Drain Commissioner and all work shall be done in a manner that strives to protect the property and adjoining properties against soil erosion. Ponds of five (5) acres or more in size, or connected to an existing lake or stream, or located within five hundred (500) feet of the ordinary high water of an existing inland lake or stream, shall obtain a permit from the Michigan Department of Natural Resources.
- M. The pond shall be located and the property graded so as to prevent sewage or run-off from barnyards from draining into the pond.
- N. All work shall be done in a manner that prevents soil erosion on the subject property and on adjoining properties.
- O. If requested by the building inspector or the zoning administrator, the applicant shall submit written verification from the Michigan Department of Environmental Quality that the proposed pond will not impact a wetland as regulated by the MDEQ under Act 203 of 1979, as amended.
- P. It is strongly recommended that Deep Water Signs (available from Natural Resources Conservation Service) be posted and a minimum of one (1) life ring be at the site on a length of rope at least $\frac{1}{2}$ the width of the pond.
- Q. The Building Inspector may require a detailed drainage plan, prepared by a professional registered civil engineer, where the Building Inspector determines such a plan is necessary to insure that the proposed pond and associated placement of spoils on-site will not negatively impact drainage patterns both on and off the site.
- R. On-site dispersal of excavated material shall be in accordance with the following guidelines:
 - 1. Excavated materials shall be contoured or used to create berms with a maximum slope of 1:3. The berm shall not exceed thirty-six inches in height and shall be located a minimum of twelve (12) feet from the edge of the pond.

2. Where excavated materials are bermed or otherwise will result in an increase in grade, the materials shall be contoured to avoid interruption of the horizon by with the top layer of the redistributed materials. The following graphic illustrates the desired visual effect of this subsection.
3. All excavated material shall be suitably graded and seeded or otherwise covered with grass or other living groundcover so as to prevent erosion and to visually incorporate redistributed excavated materials into the surrounding landscape.

PROPER USE OF OVERBURDEN FOR PRIVATE RESIDENTIAL PONDS



- S. All applications for pond approval shall be accompanied by a permit fee, in an amount established by resolution of the Township Board.
- T. A performance bond, in an amount established by resolution of the Township Board, shall be posted by the applicant prior to issuance of a permit to insure completion of all required improvements.
- U. All approved ponds shall be completed within six (6) months of issuance of the permit. The Building Inspector may grant one six (6) month extension of the permit where the applicant shows that substantial progress is being made.
- V. To discourage ponds from becoming a breeding ground for mosquitoes, all ponds shall be designed to maintain a minimum depth of 10 feet, combined with the safe slope requirements of subsection F above.

SECTION 1221. TRAFFIC IMPACT STUDY REQUIREMENTS

A. Intent

Mussey Township recognizes the direct correlation between land use decisions and traffic operations. The intent is to permit accurate evaluation of expected impacts of proposed projects to assist in decision-making. This Section is further intended to help achieve the following objectives:

1. Provide a standard set of analytic tools and format for preparing traffic impact studies.
2. Allow the community to assess the effects that a proposed project may have on the community by outlining information needed and evaluation procedures to be used.
3. Help ensure safe and reasonable traffic operating conditions on streets and intersections after development of the proposed use.
4. Reduce the negative traffic impacts created by individual developments, and which may negatively impact such developments, by helping to ensure the transportation system can accommodate the expected traffic safely and efficiently.
5. For rezoning, the traffic impact study is intended to evaluate if the rezoning is timely and, if inconsistent with the master plan, if the rezoning would be a logical alternative to the master plan, from a traffic perspective.
6. Realize a comprehensive approach to the overall impacts of developments along a corridor or within part of a community rather than a piecemeal approach.
7. Provide direction to community decision makers, road agencies and developers of expected impacts of a project.
8. Alert the community, transportation agencies, and developers of improvements or modifications needed to the roadway, access or site design.
9. Protect the substantial public investment in the existing street system.

B. Definitions

The following terms used in this ordinance shall be defined as follows:

1. **Development:** A site plan, subdivision tentative preliminary plat, condominium project, mobile home park, redevelopment, reuse or expansion of a use or building.
2. **Average Day:** A Tuesday, Wednesday, or Thursday for most uses. The average day may be a Saturday for uses that have higher peak-hour traffic volumes on a Saturday rather than mid-week.

3. **Gap (Critical Gap):** The median time headway (in seconds) between vehicles in a major traffic stream which will permit side-street vehicles at STOP or YIELD controlled approach to cross through or merge with the major traffic stream under prevailing traffic and roadway conditions.
4. **Level of Service:** A qualitative measure describing operational conditions within a traffic stream, generally described in terms of such factors as speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.
5. **Master Plan:** The Master Plan for Land Use adopted by Mussey Township Planning Commission which illustrates the intended future land use pattern and may also describe road functional classifications and intended improvements to the transportation system (i.e., Comprehensive Plan, Future Land Use Plan, Thoroughfare Plan, etc.).
6. **Peak Hour:** A one hour period representing the highest hourly volume of traffic flow on the adjacent street system during the morning (a.m. peak hour), during the afternoon or evening (p.m. peak hour); or representing the hour of highest volume of traffic entering or exiting a site (peak hour or generator).
7. **Study Area:** The geographic area containing those critical arterial intersections (and connecting roadway segments) which are expected to be affected by the site-traffic generated by a development.
8. **Traffic Impact Study:** The analysis of the potential traffic impacts generated by a proposed project. This type of study and level of analysis will vary dependent upon the type and size of the project - Abbreviated Traffic Impact Assessment, Rezoning Traffic Impact Study, and Traffic Impact Statement.
9. **Trip:** A single or one-direction vehicle movement with either the origin or the destination (exiting or entering) inside a study site.

C. Applicability

A traffic impact study shall be required and shall be submitted by a petitioner for a rezoning, preliminary site plan, concept plan or subdivision plan (tentative preliminary plat) under any of the situations listed below. The type of study required shall be dependent upon the type and scale of the proposed use and existing traffic conditions.

1. A "Rezoning Traffic Impact Study" for the following Rezoning amendment requests:
 - a. Any proposed change of zoning from residential to a non-residential category.
 - b. Any proposed change of zoning from single family residential to multiple family residential.
 - c. Any other proposed zoning that would likely increase trips generated per day to and from the subject site by 1,000 or more over one or more principal uses permitted in the existing zoning district, as determined by the Planning Commission following a traffic analysis and recommendation by the Township's Planning Consultant.

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2. Development Proposals: site plans, plats, mobile home park plans and condominium projects:

- a. A Traffic Impact Statement shall be required for any proposed development which would be expected to generate over one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day. The following table shall be used by the Planning Consultant as a guideline in making a recommendation to the Planning Commission. The Township Planning Commission shall determine if a traffic impact statement is required.

Examples of Land Use Size Thresholds Based on Trip Generation Characteristics ⁽¹⁾⁽²⁾		
Land Use	100 Peak Hr - Peak Direction	750 Trips Daily
Single Family	150 units	70 units
Apartments	245 units	120 units
Condominiums/Townhouses	295 units	120 units
Mobile Home Park	305 units	150 units
Shopping Center/Retail (GLA) ⁽³⁾	15,500 sq. ft.	2,700 sq. ft.
Fast Food Rest. w/drive-in (GFA)	5,200 sq. ft.	1,200 sq. ft.
Convenience Store w/gas (GFA) ^{(3) (5)}	1,300 sq. ft. or 5 pumps	1,000 sq. ft.
Banks w/drive-in (GFA)	4,400 sq. ft.	2,800 sq. ft.
Hotel/Motel	250 rooms	90 rooms
General Office	55,000 sq. ft.	45,000 sq. ft.
Medical/Dental Office	37,000 sq. ft.	26,000 sq. ft.
Research & Development	85,000 sq. ft. / 4.5 acres	70,000 sq. ft. / of 4 acres
Light Industrial	115,000 sq. ft./ 8 acres	115,000 sq. ft./ or 11.5 acres
Manufacturing	250,000 sq. ft.	195,000 sq. ft.
Church ⁽⁷⁾	17,300 sq. ft.	20,500 sq. ft.
Day Care Centers	220 students	160 students

1. Rates/equations used to calculate the above thresholds are the Trip Generation, 5th Editions, 1991, by the Institute of Transportation Engineers
2. For example, a full traffic impact study should be completed (100 peak hour, peak direction trips generated) if 150 or more single family units are proposed for a site.
3. GLA = Gross Leaseable Area; GFA Gross Floor Area.
4. Using AM peak-hour/equations would produce a lower threshold. However, adjacent roadway volumes are usually higher during the PM peak hour.
5. Uses both "Service Station with Market" and "Convenience Market with Pumps" data.
6. Uses Convenience Market (24-hour) data (ITE 851).
7. Based on Sunday data

For further trip generation characteristics of the above land uses, or of other uses not illustrated above, refer to the latest version of Trip Generation.

- b. An Abbreviated Traffic Impact Assessment shall be required for the following projects: sit-down restaurants with more than 150 seats, fast-food restaurants, banks and savings institutions, and convenience/party stores; provided, however, that if one or more threshold in Table 1 is met, then a complete Traffic Impact Statement shall be prepared.

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- c. A Traffic Impact Statement or Assessment, based on the threshold in C,1 and C,2 above, shall be required for new phases or substantial changes to a development where a traffic study is more than two (2) years old and roadway conditions have changed significantly.
- d. Special land uses, shall be required to provide a traffic impact statement based on the thresholds in items C,1 and C,2.

D. Traffic Impact Study Contents:

1. Description of the site, surroundings, and study area: Illustrations and a narrative should describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features and a description of any committed roadway improvements. The study should define and justify the study area selected for analysis.
2. Description of the requested zoning or use.
 - a. Traffic study for a rezoning shall include: a description of the potential uses which would be allowed, compared to those allowed under current zoning. If the use is not consistent with the community's master plan, an explanation of the difference should be provided.
 - b. Traffic study for a site plan review, mobile home park, condominium project or subdivision tentative preliminary plat, or Special Land Uses shall include a description of factors such as the number and types of dwelling units, the gross and useable floor area, the number of employees and shift change factors. Intended phasing or future expansion should also be noted.
3. Description of existing traffic conditions.
 - a. Traffic counts: Existing conditions including existing peak-hour traffic volumes (and daily volumes if applicable) on street(s) adjacent to the site. Existing counts and levels of service for intersections in the vicinity which are expected to be impacted, as identified by the Planning Consultant at a pre-application conference or discussion, should be provided for projects requiring a Traffic Impact Statement. Traffic count data shall not be over (2) years old, except the Township count data shall not be over two (2) years old, except the Township may permit counts up to three (3) years old to be increased by a factor supported by documentation or a finding that traffic has increased at a rate less than two percent (2%) annually in the past three to five years.
 - b. Traffic counts shall be taken on a Tuesday, Wednesday, or Thursday of non-holiday weeks. Additional counts (e.g., on a Saturday for a proposed commercial development) may also be required in some cases. The individual or firm performing average or higher than average volume conditions (i.e. regarding weather or seasonal variations and in consideration of any construction or special events) for the area under study.

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- c. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include lane configuration, geometrics, signal timing, traffic control devices, posted speed limits, and any sight distance limitations. Except for Rezoning Traffic Studies, existing levels of service shall be calculated for intersections included within the study area.
- d. Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described (not required for Rezoning Traffic Study).
- e. The existing and proposed right-of-way shall be identified (not required for Rezoning Traffic Study).

4. Background Traffic Growth.

For any project requiring a Traffic Impact Statement with a completion date beyond one (1) year at the time of the traffic study, the analysis shall also include a scenario analyzing forecast traffic at date of completion along the adjacent street network using historic annual percentage increases and/or future development in the area which has been approved. This component is not part of an Abbreviated Traffic Impact Assessment or Rezoning Traffic Study.

5. Trip Generation.

- a. Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan.
- b. For rezoning requests where a traffic study is required, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the Planning Commission or Planning Consultant. For Traffic Impact Assessments or Statements, the rates for the specific use(s) proposed shall be used.
- c. Any trip reduction for pass-by trips, transit, ridesharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the Township. The community may elect to reduce the trip reduction rates used.
- d. For projects intended to be developed in phases, the trip generation by phase shall be described.

6. Trip Distribution (for Assessments and Statements only; not for Rezonings)

The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site access points and, for Traffic Impact Statements, at nearby intersections. Projected turning movements shall be illustrated in the report. A description of the application of standard engineering procedures for determining the

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distribution should also be attached (trip distribution model, market studies, counts at existing driveways, etc.).

7. Impact Analysis (for Traffic Impact Statements only)

Level of service or "capacity" analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. Before and after capacity analysis shall also be performed at the closest signalized intersection for all street intersections where the expected traffic generated at the site will comprise at least five percent (5%) of the existing intersection capacity, and/or for roadway sections and intersections experiencing congestion, as determined by the Township.

8. Access design/Access management standards. (Not required for a Rezoning Traffic Study).

The report shall include a map and description of the location and design of proposed access (driveway or new street intersections) including: any sight distance limitations, dimensions from adjacent driveways and intersections within 200 feet on either side of the main roadway, data to demonstrate the number of driveways proposed in the fewest necessary, support that the access points will provide safe and efficient traffic operation and be in accordance with the standards of Mussey Township and the applicable road agency.

9. Other study items.

The traffic impact study (Assessment or Statement) shall include:

- a. Need for, or provision of, any additional right-of-way where planned or desired by the Township or applicable road agency.
- b. Changes which should be considered to the plat or site plan layout.
- c. Description of any needed non-motorized facilities.
- d. If the use involves a drive-through facility, the adequacy of the (queuing or stacking) area should be evaluated.
- e. If a median crossover is desired, separate analysis should be provided.
- f. If a traffic signal is being requested, the relationship of anticipated traffic to traffic signal warrants in the Michigan Manual of Uniform Traffic Control Devices. Analysis should also be provided on the impacts to traffic progression along the roadway through coordination timing, etc.
- g. Description of site circulation and available sight distances at site driveways.

10. Mitigation/Alternatives.

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The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers / lanes, changes to signalization, use of access management techniques or a reduction in the proposed intensity of use. Proposed mitigation measures shall be discussed with the applicable road agency. The responsibility and timing of roadway improvements shall be described.

11. Qualifications.

Preparer. The preparation of a thorough traffic impact study requires extensive background and experience in traffic-related analysis. Therefore, the experience of the preparer best defines his or her ability to provide a technically sound analysis. Preparer requirements are outlined below.

a. The person responsible for the preparation of the study shall meet the following requirements:

- (1) Three or more years of recent experience in the preparation of traffic impact studies.
- (2) The development of impact studies (and similar intersections and/or corridor analysis) comprise a major component of the preparer's recent professional experience. This requires ongoing experience and familiarity with the Highway Capacity Manual techniques as well as the computer software (Highway Capacity software and others) that provide level of service results and other analysis findings needed to fully assess potential impacts.
- (3) Specific education, training, and/or professional coursework in traffic impact analysis from an accredited college or university or other professional transportation training organization (i.e. National Highway Institute, Northwestern University Traffic Institute, etc.).
- (4) The study preparer shall be an associate (or higher) member of one or more professional transportation-related organizations, i.e., the Institute of Transportation Engineers (ITE) or the Transportation Research Board (TRB). This helps ensure that the preparer is maintaining their knowledge as new research is published and analysis techniques are changed or refined.

b. In addition, the preparer should have one of the following professional qualifications:

- (1) A registered engineer (PE).
- (2) A community planner with AICP or PCP certification.
- (3) A trained professional transportation planner.

c. Any study involving roadway or traffic signal design work shall be prepared by or under the supervision of a registered engineer (PE) with specific training in traffic engineering.

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- d. The study should include a resume of the preparer responsible for the report. The study may also include relevant experience of the preparer's firm. The study should also be signed by the preparer with full recognition of potential liability for the results and recommendations outlined in the report.

Reviewer. Review of the study is important to ensure that the analysis and recommendations are based on accepted practices. The traffic impact study shall be reviewed by a trained traffic engineer or transportation planner. The qualifications of the reviewer should parallel those of the preparer's as outlined above.

E. Procedures

1. The applicant shall discuss or meet with the Township Planner to determine if a study is needed, what type of study is needed and specific items to be addressed.
2. The applicant submits traffic impact study to the community, with the request for rezoning or preliminary development proposal. A revised study may be required as the scope and details of the request change.
3. The Township distributes the traffic impact study to the appropriate reviewers. A copy may also be submitted to the metropolitan planning organization, transit agency, etc. as appropriate for projects or regional significance or along critical corridors.
4. Reviewers provide community with comments prior to any action on the project.

F. Waiver of Study Requirements

The requirement for a traffic impact study, or the study elements listed in Section D. "Traffic Impact Study Contents" may be waived/modified by the Planning Commission, after a traffic analysis and recommendation by the Township's Planning Consultant. Reasons for the waiver or modifications shall be documented. Factors to be considered include:

1. The existing level of service along the roadway is not expected to drop below LOS "C" due to the proposed project.
2. The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location.
3. A similar traffic study was previously prepared for the site and is still considered applicable.

SECTION 1222. STANDARDS FOR CONDOMINIUM SUBDIVISION REVIEW

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the Planning Commission. In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Township Attorney, Township Engineer and Township Planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with requirements of

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the Condominium Act and applicable Mussey Township ordinances, including the Zoning Ordinance, Subdivision Regulations Ordinance, and the Private Road Ordinance.

A. Definitions.

The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and the Subdivision Regulations Ordinance with the Condominium Act.

1. "Condominium Act" means Act 59 of 1978, as amended.
2. "Condominium subdivision" shall be equivalent to the term "subdivision" as used in this Zoning Ordinance and the Subdivision Regulations Ordinance.
3. "Condominium subdivision plan" , per the Condominium Act, means the site, survey and utility plans; floor plan; floodplains plans; and building sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common elements, and provisions for the maintenance of common areas.
4. "Condominium unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
5. "Consolidating master deed" means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
6. "Contractible condominium" means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
7. "Conversion condominium" means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
8. "Convertible area" means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
9. "Expandable condominium" means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

10. "Front yard setback" shall be equal to the distance between the front yard area line and the condominium dwelling.
11. "Lot" shall mean the same as "Homesite" and "Condominium Unit".
12. "Mobile home condominium project" means a condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.
13. "Master deed" means the condominium document recording the condominium project as approved by the zoning administrator and Mussey Township Planning Commission to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
14. "Rear yard setback" shall be equal to the distance between the rear yard area line and the condominium dwelling.
15. "Side yard setback" shall be equal to the distance between the side yard area line and the condominium dwelling.

B. Condominium Subdivision Plan - Required Content.

All condominium subdivision plans shall include the information required by Section 66 of the Condominium Act and the following:

1. A survey plan of the condominium subdivision.
2. A floodplain plan, if the condominium project lies within or abuts a floodplain area.
3. A site plan showing the location, size, shape, area and width of all condominium units.
4. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township for installation, repair and maintenance of all utilities.
5. A street construction, paving (if applicable), and maintenance plan for private streets within the proposed condominium subdivision.
6. A storm drainage and stormwater management plan, including all lines, swells, drains, basins, and other facilities.

C. Easements For Utilities

The condominium subdivision plan shall include all necessary easements granted to Mussey Township for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewer, water and storm water run-off across, through and under the property subject to said

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easement, and excavating and refilling ditches and trenches necessary for the location of said structures.

D. Private Streets

If a condominium subdivision is proposed to have private streets, they shall be developed to the minimum design, construction, inspection, approval, and maintenance requirements of the Mussey Township Private Road Ordinance. In addition, all private streets in a condominium subdivision which are proposed to have a paved driving surface of asphalt or concrete shall meet the minimum design and construction standards of the St. Claire County Road Commission.

E. Encroachment Prohibited

Encroachment of one condominium unit upon another, as described in Section 48 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.

F. Relocation of Boundaries

The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this ordinance for the district in which the project is located, shall be approved by the Planning Commission, and this requirement shall be made part of the bylaws and recorded as part of the master deed.

G. Subdivision of Condominium Units

All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and building setback requirements, shall be made part of the bylaws and recorded as part of the master deed.

H. Mobile Home Condominium Project

Mobile Home condominium projects shall conform all requirements of this ordinance and shall be located only in a MHP Mobile Home Park District.

I. Condominium Subdivision Layout, Design and Approval

All Condominium Subdivision Plans shall conform to the plan preparation requirements, review and approval procedures; design, layout and improvements standards of the Mussey Township Subdivision Regulations Ordinance as amended. The requirements for final plat approval in the Subdivision Regulations Ordinance shall not apply to condominium subdivision plans, except that a deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Township to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities, within a length of time agreed upon from the date of final approval of the condominium subdivision plan by the Planning Commission. Nothing in this section shall be construed as a requiring a condominium subdivision to obtain plat approval under the Subdivision Regulations Ordinance or the Subdivision Control Act.

SECTION 1223. TEMPORARY TRAILERS

A temporary recreational vehicle or trailer holding a valid road license may be permitted in the Agricultural (AG), Single-Family Rural Residential (SF), and Single-Family (R-1) Districts, in order to temporarily house the owner and secure tools and materials for the principal single-family dwelling under construction. Prior to issuance of a building permit to locate the temporary recreational vehicle or trailer on the parcel, the Building Inspector shall find that the following standards are met:

- A. A temporary recreational vehicle or trailer may be erected on a parcel after issuance of a building permit for the principal single-family dwelling and after installation, inspection and approval of the foundation for the principal single-family dwelling by the Building Inspection.
- B. The temporary recreational vehicle or trailer shall be permitted for a period not to exceed six months from the date of issuance of a building permit for the temporary recreational vehicle or trailer during the actual construction on the property of the owner's principal single-family dwelling. A single six (6) month extension may be granted by the Building Inspector, provided that substantial progress has been made toward completion of the principal single-family dwelling in accordance with the building permit.
- C. The temporary recreational vehicle or trailer shall contain only those tools and materials that will be used to construct the principal single-family dwelling on the site. It may not serve as a storage facility for materials being used off-site.
- D. The temporary recreational vehicle or trailer shall be properly connected to approved sanitary facilities prior to issuance of the building permit for the temporary recreational vehicle or trailer. Permits shall be secured from the County Health Department and any other applicable approving authorities prior to issuance of the building permit. This shall be construed to require the installation of an approved septic system and domestic water supply well prior to occupancy as a temporary dwelling. The temporary recreational vehicle or trailer may house only the owner and immediate family members.
- E. A maximum of one temporary recreational vehicle or trailer may be permitted per parcel.
- F. The temporary recreational vehicle or trailer shall hold a valid road license for the duration of time in which the temporary permit is valid.
- G. The temporary recreational vehicle or trailer shall meet the setback standards of Article 11 and shall not be permitted within a dedicated easement or right-of-way.
- H. The temporary recreational vehicle or trailer shall not be located closer than 10 feet to any other structures or lot line.
- I. The temporary recreational vehicle or trailer shall not exceed the ground-floor area of the principal single-family dwelling.
- J. The temporary recreational vehicle or trailer shall be removed within two (2) weeks of issuance of a certificate of occupancy for the principal single-family dwelling. Prior to the issuance of a permit for

the temporary recreational vehicle or trailer, the property owner shall deposit with the Township a performance guarantee as established by the Township Board to ensure removal of the temporary recreational vehicle or trailer in the time period specified above.

SECTION 1224. SINGLE-FAMILY DWELLING UNIT STANDARDS

All single-family dwelling units in the agriculture (AG) District and Single-Family Rural Residential (SF and R-1) Districts, and any additions or alterations thereto, whether site-built or factory-built, other than manufactured homes located in a licensed manufactured home park approved under the provisions of Section 601.D, shall comply with the following regulations:

- A. All such dwelling units must meet the current construction standards of the State of Michigan and Mussey Township prior to being brought into the Township and prior to issuance of a building permit. The minimum acceptable standard for factory-built homes shall be the Department of Housing and Urban Development "Mobile Home Construction and Safety Standards" being 24 CFR 3280, and as from time to time such standards may be amended.
- B. All such dwelling units shall comply with all pertinent zoning, subdivision and other ordinances regulating use, floor area, lot size, setback, and yards in the district in which they are located, including Section 1100 of this ordinance.
- C. All additions shall be constructed with similar quality materials as the original structure and shall be permanently supported by the anchored to an approval foundation.
- D. All such dwelling units shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code in effect in the Township. The foundation shall have a wall of the same perimeter dimensions as the dwelling, and constructed of such materials and type as required in the building code for single family dwellings. In the event that the dwelling is a manufactured home, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
- E. All such dwellings shall be connected to a public sewer and water system or private facilities approved by the St. Clair County Health Department.
- F. All such dwellings shall be compatible in design and appearance to homes in the neighborhood in which they are located. The determination of compatibility shall be based upon compliance with the following standards:
 - 1. Hip, gable, shed, gambrel, or similar types of roofs shall have a minimum pitch of 3/12. Flat roof styles shall comply with the Building Code.
 - 2. The dwelling shall have steps and/or porches which provide access to exterior doors, and which are comparable to steps and/or porches to homes typically found in the neighborhood in which it is to be located.

3. There shall be at least two (2) exterior doors to the living portion, and these doors shall be located on two (2) different sides of the dwelling.